

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB649 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Terry ODonnell

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 649

By: Treat and Pittman of the
Senate

and

O'Donnell of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to crimes and punishment; amending 21 O.S. 2011, Sections 51.1 and 51.2, which relate to second or subsequent offenses; providing statutory reference and updating language; deleting certain enhancement provision; prohibiting enhancement for certain convictions; adding enhancement requirements for certain convictions; updating statutory reference; deleting certain conviction from exception; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 51.1, is amended to read as follows:

Section 51.1 A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program and Section ~~3 of this act~~ 51.1a of this title, every person who, having been convicted of

1 any offense punishable by imprisonment in the State Penitentiary
2 felony, commits any crime after such conviction, within ten (10)
3 years of the date following the completion of the execution of the
4 sentence, and against whom the ~~District Attorney~~ district attorney
5 seeks to enhance punishment pursuant to this section of law, is
6 punishable therefor as follows:

7 1. If the offense for which the person is subsequently
8 convicted is an offense enumerated in Section 571 of Title 57 of the
9 Oklahoma Statutes and the offense is punishable by imprisonment in
10 the ~~State Penitentiary~~ custody of the Department of Corrections for
11 a term exceeding five (5) years, such person is punishable by
12 imprisonment in the ~~State Penitentiary~~ custody of the Department of
13 Corrections for a term in the range of ten (10) years to life
14 imprisonment.

15 2. If the offense of which such person is subsequently
16 convicted is such that upon a first conviction an offender would be
17 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
18 Department of Corrections for any term exceeding five (5) years,
19 such person is punishable by imprisonment in the ~~State Penitentiary~~
20 custody of the Department of Corrections for a term in the range of
21 twice the minimum term for a first time offender to life
22 imprisonment. If the subsequent felony offense does not carry a
23 minimum sentence as a first time offender, such person is punishable
24 by imprisonment in the ~~State Penitentiary~~ custody of the Department

1 of Corrections for a term in the range of two (2) years to life
2 imprisonment.

3 3. If such subsequent offense is such that upon a first
4 conviction the offender would be punishable by imprisonment in the
5 ~~State Penitentiary~~ custody of the Department of Corrections for five
6 (5) years, or any less term, then the person convicted of such
7 subsequent offense is punishable by imprisonment in the ~~State~~
8 ~~Penitentiary~~ custody of the Department of Corrections for a term not
9 exceeding ten (10) years.

10 ~~4. If such subsequent conviction is for petit larceny, the~~
11 ~~person convicted of such subsequent offense is punishable by~~
12 ~~imprisonment in the State Penitentiary for a term not exceeding five~~
13 ~~(5) years.~~

14 B. Every person who, having been twice convicted of felony
15 offenses, commits a subsequent felony offense which is an offense
16 enumerated in Section 571 of Title 57 of the Oklahoma Statutes,
17 within ten (10) years of the date following the completion of the
18 execution of the sentence, and against whom the ~~District Attorney~~
19 district attorney seeks to enhance punishment pursuant to this
20 section of law, is punishable by imprisonment in the ~~State~~
21 ~~Penitentiary~~ custody of the Department of Corrections for a term in
22 the range of twenty (20) years to life imprisonment. Felony
23 offenses relied upon shall not have arisen out of the same
24 transaction or occurrence or series of events closely related in

1 time and location. Nothing in this section shall abrogate or affect
2 the punishment by death in all crimes now or hereafter made
3 punishable by death.

4 C. Every person who, having been twice convicted of felony
5 offenses, commits a subsequent felony offense within ten (10) years
6 of the date following the completion of the execution of the
7 sentence, and against whom the ~~District Attorney~~ district attorney
8 seeks to enhance punishment pursuant to this section of law, is
9 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
10 Department of Corrections for a term in the range of three times the
11 minimum term for a first time offender to life imprisonment. If the
12 subsequent felony offense does not carry a minimum sentence as a
13 first time offender, the person is punishable by imprisonment in the
14 ~~State Penitentiary~~ custody of the Department of Corrections for a
15 term in the range of four (4) years to life imprisonment. Felony
16 offenses relied upon shall not have arisen out of the same
17 transaction or occurrence or series of events closely related in
18 time and location. Nothing in this section shall abrogate or affect
19 the punishment by death in all crimes now or hereafter made
20 punishable by death.

21 D. A previous conviction for possession of a controlled
22 dangerous substance pursuant to Section 2-402 of Title 63 of the
23 Oklahoma Statutes, or the equivalent law for possession of a
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1 controlled dangerous substance from any other jurisdiction, may not
2 be used to enhance punishment pursuant to this section of law.

3 E. Notwithstanding subsections A, B and C of this section,
4 every person who, having previously been convicted of a felony other
5 than a felony enumerated in Section 571 and subsection E of Section
6 138 of Title 57 of the Oklahoma Statutes, subsections C, D, E, F, G
7 and J of Section 644 of Title 21 of the Oklahoma Statutes, Section
8 644.1 of Title 21 of the Oklahoma Statutes, or any sex offense that
9 would require the person to register as a sex offender pursuant to
10 the Sex Offenders Registration Act, is convicted of a second or
11 subsequent felony other than a felony enumerated in Section 571 and
12 subsection E of Section 138 of Title 57 of the Oklahoma Statutes,
13 subsections C, D, E, F, G and J of Section 644 of Title 21 of the
14 Oklahoma Statutes, Section 644.1 of Title 21 of the Oklahoma
15 Statutes, or any sex offense that would require the person to
16 register as a sex offender pursuant to the Sex Offenders
17 Registration Act, is punishable by imprisonment in the custody of
18 the Department of Corrections for a term of not more than the
19 maximum sentence plus one-fourth (1/4) of the sentence that could
20 have been imposed for a first conviction of the current offense.

21 SECTION 2. AMENDATORY 21 O.S. 2011, Section 51.2, is
22 amended to read as follows:

23 Section 51.2 Except as provided in Section ~~3 of this act~~ 51.1a
24 of this title, no person shall be sentenced as a second and

1 subsequent offender under Section 51.1 of this title, or any other
2 section of the Oklahoma Statutes, when a period of ten (10) years
3 has elapsed since the completion of the sentence imposed on the
4 former conviction; provided, ~~said~~ the person has not, in the
5 meantime, been convicted of a ~~misdemeanor involving moral turpitude~~
6 ~~or a~~ felony. Nothing in this section shall prohibit the use of a
7 prior conviction for physical or sexually related child abuse as a
8 prior conviction for second and subsequent offender purposes if the
9 person is presently charged with a felony crime involving physical
10 or sexually related child abuse.

11 SECTION 3. This act shall become effective November 1, 2017.

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13 56-1-7528 GRS 04/11/17

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