

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1047

By: Bice

6 AS INTRODUCED

7 An Act relating to juries; amending 22 O.S. 2011,
8 Section 926.1, which relates to assessment of
9 punishment by jury; adding punishments or alternative
10 sentences allowed to be assessed by juries; requiring
11 jury instructions on certain matters; and providing
12 an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2011, Section 926.1, is
14 amended to read as follows:

15 Section 926.1. A. In all cases of a verdict of conviction for
16 any offense against any of the laws of the State of Oklahoma, the
17 jury may, and shall upon the request of the defendant assess and
18 declare the punishment in their verdict within the limitations fixed
19 by law, and the court shall render a judgment according to such
20 verdict, except as ~~hereinafter~~ otherwise provided by law.

21 B. Following a verdict of guilty, a jury may assess and declare
22 as punishment any combination of incarceration and fines within the
23 limitations fixed by law for the offense, or at the jury's
24

1 discretion, any punishment authorized under Sections 991a, 991a-3 or
2 991c of this title within the limitations fixed by law.

3 C. In all cases in which a jury assesses and declares
4 punishment:

5 1. At the conclusion of the trial, the judge shall instruct the
6 jury on the offense charged. The jury shall be further instructed
7 to determine only the defendant's guilt or innocence on the offense
8 charged and that punishment shall not be determined by the jury at
9 such time; and

10 2. If the jury returns a verdict of guilty of the offense
11 charged or of a lesser included offense, evidence and argument on
12 punishment shall be received. The court shall instruct the jury on
13 the law relating to punishment for the offense or offenses on which
14 the verdict was guilty. Additionally, the court shall instruct the
15 jury on the alternatives available to the court under Sections 991a,
16 991a-3 and 991c of this title as applicable to the case, and the
17 jury may assess and declare in its verdict any such alternatives
18 available to the court.

19 SECTION 2. This act shall become effective November 1, 2018.

20
21 56-2-2249 TEK 1/17/2018 8:40:09 AM
22
23
24