

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 369

By: Holt

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5
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; authorizing combination of
10 certain punishments; authorizing imposition of
11 certain alternative sentences; requiring jury
12 instructions on certain matters; and providing an
13 effective date.

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

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

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

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

1 discretion, any punishment authorized under Sections 991a, 991a-3
2 and 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 this time; and

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

19 SECTION 2. This act shall become effective November 1, 2017.

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