

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 858

By: Jech of the Senate

and

Kannady of the House

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9 An Act relating to conviction of criminal offenses;
10 amending 21 O.S. 2011, Section 11, which relates to
11 punishable acts; prohibiting imprisonment for certain
12 acts; updating statutory reference; repealing 22 O.S.
13 2011, Section 16, which relates to jury trials and
14 exceptions; and providing an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 11, is
17 amended to read as follows:

18 Section 11. ~~A.~~ If there be in any other provision of the laws
19 of this state a provision making any specific act or omission
20 criminal and providing the punishment therefor, and there be in this
21 title any provision or section making the same act or omission a
22 criminal offense or prescribing the punishment therefor, that
23 offense and the punishment thereof, shall be governed by the special
24 provisions made in relation thereto, and not by the provisions of
this title. But an act or omission which is made punishable in

1 different ways by different provisions of this title may be punished
2 under any of such provisions, except that in cases specified in
3 ~~Section 434 of this act or Section~~ Sections 51.1 and 54 of this
4 title, the punishments therein prescribed are substituted for those
5 prescribed for a first offense, but in no case can a criminal act or
6 omission be punished under more than one section of law; and an
7 acquittal or conviction and sentence under one section of law, bars
8 the prosecution for the same act or omission under any other section
9 of law.

10 ~~B. Provided, however, notwithstanding any provision of law to~~
11 ~~the contrary, any offense, including traffic offenses, in violation~~
12 ~~of the laws of this state which is not otherwise punishable by a~~
13 ~~term of imprisonment or confinement shall be punishable by a term of~~
14 ~~imprisonment not to exceed one day in the discretion of the court,~~
15 ~~in addition to any fine prescribed by law.~~

16 SECTION 2. REPEALER 22 O.S. 2011, Section 16, is hereby
17 repealed.

18 SECTION 3. This act shall become effective November 1, 2019.

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20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03/27/2019 - DO
21 PASS.
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