

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2310

By: Frix of the House and Bice of the Senate

Title: Criminal procedure; directing judge to provide certain instructions to jury; repealer; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendments No.1, No. 2 and No. 3; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Bice	_____
Daniels	_____
Jech	_____
Coleman	_____
Brooks	_____
Floyd	_____
Shaw	_____

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2310

By: Frix of the House

and

Bice of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 926.1, which relates to punishments assessed and declared by juries; establishing sentencing procedures for juries that assess and declare punishment in criminal cases; providing for consideration of aggravating and mitigating circumstances unless waived by the state and defendant; directing court to follow specific sentencing procedure under certain circumstances; directing court to instruct juries on laws relating to punishment and sentencing alternatives; and providing an effective date.

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

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

Section 926.1 A. In all cases of a verdict of conviction for any offense against any of the laws of the State of Oklahoma, the

1 jury may~~7~~ and shall~~7~~, upon the request of the defendant~~7~~, assess and
2 declare the punishment in their verdict within the limitations fixed
3 by law, and the court shall render a judgment according to such
4 verdict, except as ~~hereinafter~~ provided.

5 B. In all cases in which a jury may assess and declare
6 punishment:

7 1. At the conclusion of the evidence, the judge shall instruct
8 the jury on the offense charged. The jury shall be further
9 instructed to determine only the guilt or innocence of the defendant
10 on the offense charged and that punishment shall not be determined
11 by the jury at this time; and

12 2. If the jury reaches a verdict that the defendant is guilty
13 of the offense charged or guilty of a lesser included offense, the
14 court shall proceed to a second stage in which the jury shall assess
15 punishment within the limitations fixed by law including sentencing
16 alternatives available to the court pursuant to the provisions of
17 Section 991a, 991a-3 or 991c of this title as applicable to the
18 case.

19 C. If the defendant is not prosecuted for a second or
20 subsequent offense, evidence of aggravating and mitigating
21 circumstances and argument on punishment shall be received by the
22 jury unless waived by the state and the defendant. The court shall
23 instruct the jury on the penalty fixed by law for the offense and
24 the jury may assess and declare in its punishment any such

1 sentencing alternatives available to the court including the
2 provisions of Section 991a, 991a-3 or 991c of this title as
3 applicable to the case.

4 D. If the defendant is prosecuted for a second or subsequent
5 offense, except in those cases in which the former conviction is an
6 element of the offense, the court shall follow the procedure set
7 forth in Section 860.1 of this title. In addition to the evidence
8 of prior convictions, evidence of aggravating and mitigating
9 circumstances and argument on punishment shall be received by the
10 jury unless waived by the state and the defendant. The court shall
11 instruct the jury on the penalty fixed by law for the offense
12 including sentencing alternatives available to the court pursuant to
13 the provisions of Section 991a, 991a-3 or 991c of this title as
14 applicable to the case. The jury may assess and declare in its
15 punishment any such sentencing alternatives available to the court.

16 SECTION 2. This act shall become effective November 1, 2019.

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18 57-1-8900 GRS 05/02/19
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