

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 325

By: Daniels of the Senate  
  
and  
  
Duel of the House

COMMITTEE SUBSTITUTE

An Act relating to criminal prosecutions; amending 22 O.S. 2021, Sections 812.1 and 812.2, which relate to the right to speedy trial; modifying time limits for conducting certain criminal proceedings; updating statutory references; providing time limitation for setting trial date; adding and modifying permissible grounds for the delay of certain proceedings; decreasing time limitation for setting certain cases for review; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 812.1, is amended to read as follows:

Section 812.1 A. If any person charged with a crime and held in jail solely by reason thereof is not brought to trial within ~~one~~ (1) year after arrest nine (9) months after the initial appearance by the person on the charge, the court shall set the case for immediate review as provided in Section ~~2~~ 812.2 of this ~~act~~ title,

1 to determine if the right of the accused to a speedy trial, as  
2 provided in this section and in Section 812.2 of this title, is  
3 being protected.

4 B. If any person charged with a felony crime who is held to  
5 answer on an appearance bond is not brought to trial within eighteen  
6 (18) months after ~~arrest~~ the initial appearance, the court shall set  
7 the case for immediate review as provided in Section ~~2~~ 812.2 of this  
8 ~~act~~, title to determine if the right of the accused to a speedy  
9 trial is being protected.

10 C. In the event a mistrial is declared or a conviction is  
11 reversed on appeal, the time limitations provided for in this  
12 section shall commence to run from the date the mistrial is declared  
13 or the date of the mandate of the Court of Criminal Appeals.

14 SECTION 2. AMENDATORY 22 O.S. 2021, Section 812.2, is  
15 amended to read as follows:

16 Section 812.2 A. Whenever the court finds that a case should  
17 be reviewed to determine if the right of an accused to a speedy  
18 trial is being protected, the court shall:

19 1. Issue notice to the ~~District Attorney~~ district attorney, the  
20 accused, and the attorney for the accused that the case will be  
21 reviewed by the court at a date and time which is not less than ten  
22 (10) days nor more than twenty (20) days from the date of the  
23 notice. Each party shall have the opportunity to present evidence  
24 or legal authority in support of its position; and

1        2. Take evidence from both parties regarding the  
2 appropriateness of the cause for the delay. At the hearing, the  
3 court shall consider whether the delay has occurred for any of the  
4 following reasons:

- 5            a. the extent to which the delay is the result of the  
6                    application of the accused or an attorney on behalf of  
7                    the accused,
- 8            b. the extent to which the delay is the result of the  
9                    fault of the accused or the attorney for the accused,
- 10           c. the accused is incompetent to stand trial,
- 11           d. a proceeding to determine the competency of the accused  
12                   to stand trial is pending and a determination cannot be  
13                   completed within the time limitations fixed for trial,
- 14           e. there is material evidence or a material witness which  
15                   is unavailable and that reasonable efforts have been  
16                   made to procure such evidence or witness, and there are  
17                   reasonable grounds to believe that such evidence or  
18                   witness can be obtained and trial commenced within a  
19                   reasonable time,
- 20           f. the accused is charged as a codefendant or  
21                   coconspirator and the court has determined that the  
22                   codefendants or coconspirators must be tried before  
23                   separate juries taken from separate jury panels,

- 1           g. the court has other cases pending for trial that are  
2           for persons incarcerated prior to the case in question,  
3           and the court does not have sufficient time to commence  
4           the trial of the case within the time limitation fixed  
5           for trial; provided, the case shall be commenced as  
6           soon as practicable,
- 7           h. the court, state, accused, or the attorney for the  
8           accused is incapable of proceeding to trial due to  
9           illness or other exigent reason and it is unreasonable  
10          to reassign the case, ~~and~~
- 11          i. no court reporter is available for the trial of the  
12          case; provided, if the delay is pursuant to this  
13          subparagraph, a court reporter shall be assigned within  
14          sixty (60) days of the hearing, and
- 15          j. due to other reasonable grounds the court does not have  
16          sufficient time to commence the trial of the case  
17          within the time limit fixed for trial; provided, the  
18          court shall commence the trial case as soon thereafter  
19          as practicable.

20          B. ~~If, after~~ After hearing all the evidence and the legal  
21 arguments properly submitted, if the court finds by a preponderance  
22 of the evidence ~~that the state is not proceeding with due diligence,~~  
23 that none of the exceptions set out in paragraph 2 of subsection A  
24 of this section justify additional delay and the right of the

1 accused to a speedy trial as provided in this section and Section  
2 812.1 of this title has been violated, the court shall dismiss the  
3 case.

4 C. If a preliminary hearing has been held, the case may be  
5 refiled, ~~unless the applicable statute of limitations has expired,~~  
6 upon a showing of newly discovered evidence which could not have  
7 been discovered prior to trial, unless the applicable statute of  
8 limitations has expired.

9 D. If a preliminary hearing has not been held, the case may be  
10 refiled, upon good cause shown, unless any applicable statute of  
11 limitations has expired.

12 E. ~~If, after~~ After hearing all the evidence and the legal  
13 arguments properly submitted, if the court finds that the right of  
14 the accused to a speedy trial has not been violated, the court shall  
15 set the case for review ~~in four (4)~~ within three (3) months. If the  
16 case is still pending after the ~~four-month~~ three-month period, the  
17 court shall conduct another review. The ~~four-month~~ review of  
18 pending cases shall be a continuing responsibility of the court  
19 until final disposition of the case.

20 SECTION 3. This act shall become effective November 1, 2024.

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22 59-2-10935 GRS 04/10/24  
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