

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 325

By: Daniels of the Senate

and

Duel of the House

8
9 COMMITTEE SUBSTITUTE

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

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

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

25 Section 812.1 A. If any person charged with a crime and held
26 in jail solely by reason thereof is not brought to trial within ~~one~~
27 ~~(1) year after arrest~~ nine (9) months after the initial appearance
28 by the person on the charge, the court shall set the case for
29 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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
23 04/10/2024 - DO PASS, As Amended.
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