

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3120

By: Humphrey

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2021, Section 952, which relates to grounds for granting new trials; providing gender-neutral language; modifying circumstances for granting new trials; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 952, is amended to read as follows:

Section 952. A court in which a trial has been had upon an issue of fact has power to grant a new trial when a verdict has been rendered against a defendant by which his or her substantial rights have been prejudiced, upon ~~his~~ application by the defendant in the following cases only:

First. When the trial has been in his or her absence, if the charge is for a felony.

Second. When the jury have received any evidence out of court, other than that resulting from a view of the premises.

1 Third. When the jury have separated without leave of the court,
2 after retiring to deliberate on their verdict, and before delivering
3 or sealing the same, if it be sealed, or have been guilty of any
4 misconduct by which a fair and due consideration of the case has
5 been prevented.

6 Fourth. When the verdict has been decided by lot, or by any
7 means other than a fair expression of opinion on the part of the
8 jury.

9 Fifth. When the court has misdirected the jury in a matter of
10 law, or has erred in the decision of any question of law arising
11 during the course of the trial.

12 Sixth. When the verdict is contrary to law or evidence.

13 Seventh. When new evidence is discovered, material to the
14 defendant, and which he or she could not with reasonable diligence
15 have discovered before the trial, or when it can be shown that the
16 grand jury was not drawn summoned or impaneled as provided by law,
17 and that the facts in relation thereto were unknown to the defendant
18 or ~~his~~ the attorney for the defendant until after the trial jury in
19 the case was sworn and were not of record. When a motion for a new
20 trial is made on the ground of newly discovered evidence, the
21 defendant must produce at the hearing in support thereof affidavits
22 of witnesses, or he or she may take testimony in support thereof as
23 provided in Section ~~5781~~ 494 of this title, and if time is required
24 by the defendant to procure such affidavits or testimony, the court

1 may postpone the hearing of the motion for such length of time as
2 under all the circumstances of the case may seem reasonable. The
3 application for a new trial on the ground that the grand jury was
4 not drawn summoned or impaneled as provided by law may be shown in
5 like manner.

6 Eighth. When fraudulent evidence is submitted in the
7 proceedings by the court or the state or when misconduct or an abuse
8 of discretion occurs during the proceedings by the court or the
9 state by which the defendant was prevented from having a fair trial.

10 SECTION 2. This act shall become effective November 1, 2026.

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