

1 ENGROSSED SENATE
2 BILL NO. 287

By: Coleman and Young of the
Senate

3 and

4 Mize of the House

5
6 [crimes and punishments - second and subsequent
7 offenses - maximum sentences - effective date]
8

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

10 SECTION 1. AMENDATORY 21 O.S. 2011, Section 51.1, as
11 amended by Section 1, Chapter 126, O.S.L. 2018 (21 O.S. Supp. 2018,
12 Section 51.1), is amended to read as follows:

13 Section 51.1. A. Except as otherwise provided in the Elderly
14 and Incapacitated Victim's Protection Program and Section 51.1a of
15 this title, every person who, having been convicted of any felony,
16 commits any crime after such conviction, within ten (10) years of
17 the date following the completion of the execution of the sentence,
18 and against whom the district attorney seeks to enhance punishment
19 pursuant to this section of law, is punishable therefor as follows:

20 1. If the offense for which the person is subsequently
21 convicted is an offense enumerated in Section 571 of Title 57 of the
22 Oklahoma Statutes and the offense is punishable by imprisonment in
23 the custody of the Department of Corrections for a term exceeding
24 five (5) years, such person is punishable by imprisonment in the

1 custody of the Department of Corrections for a term in the range of
2 ten (10) years to life imprisonment;

3 2. If the offense of which such person is subsequently
4 convicted is such that upon a first conviction an offender would be
5 punishable by imprisonment in the custody of the Department of
6 Corrections for any term exceeding five (5) years, such person is
7 punishable by imprisonment in the custody of the Department of
8 Corrections for a term in the range of twice the minimum term for a
9 first time offender to life imprisonment. If the subsequent felony
10 offense does not carry a minimum sentence as a first time offender,
11 such person is punishable by imprisonment in the custody of the
12 Department of Corrections for a term in the range of two (2) years
13 to life imprisonment; and

14 3. If such subsequent offense is such that upon a first
15 conviction the offender would be punishable by imprisonment in the
16 custody of the Department of Corrections for five (5) years, or any
17 less term, then the person convicted of such subsequent offense is
18 punishable by imprisonment in the custody of the Department of
19 Corrections for a term not exceeding ten (10) years.

20 B. Every person who, having been twice convicted of felony
21 offenses, commits a subsequent felony offense which is an offense
22 enumerated in Section 571 of Title 57 of the Oklahoma Statutes,
23 within ten (10) years of the date following the completion of the
24 execution of the sentence, and against whom the district attorney

1 seeks to enhance punishment pursuant to this section of law, is
2 punishable by imprisonment in the custody of the Department of
3 Corrections for a term in the range of twenty (20) years to life
4 imprisonment. Felony offenses relied upon shall not have arisen out
5 of the same transaction or occurrence or series of events closely
6 related in time and location. Nothing in this section shall
7 abrogate or affect the punishment by death in all crimes now or
8 hereafter made punishable by death.

9 C. Every person who, having been twice convicted of felony
10 offenses, commits a subsequent felony offense within ten (10) years
11 of the date following the completion of the execution of the
12 sentence, and against whom the district attorney seeks to enhance
13 punishment pursuant to this section of law, is punishable by
14 imprisonment in the custody of the Department of Corrections for a
15 term in the range of three times the minimum term for a first time
16 offender to life imprisonment. If the subsequent felony offense
17 does not carry a minimum sentence as a first time offender, the
18 person is punishable by imprisonment in the custody of the
19 Department of Corrections for a term in the range of four (4) years
20 to life imprisonment. Felony offenses relied upon shall not have
21 arisen out of the same transaction or occurrence or series of events
22 closely related in time and location. Nothing in this section shall
23 abrogate or affect the punishment by death in all crimes now or
24 hereafter made punishable by death.

1 D. A previous conviction for possession of a controlled
2 dangerous substance pursuant to Section 2-402 of Title 63 of the
3 Oklahoma Statutes, or the equivalent law for possession of a
4 controlled dangerous substance from any other jurisdiction, may not
5 be used to enhance punishment pursuant to this section of law.

6 E. ~~Every person who, having previously been convicted of a~~
7 ~~felony other than a felony enumerated in Section 571 of Title 57 of~~
8 ~~the Oklahoma Statutes, is convicted of a second or subsequent felony~~
9 ~~for:~~

10 1. ~~Uttering a subscription on instrument as that of one with~~
11 ~~the same name, as provided in Section 1592 of this title;~~

12 2. ~~Receiving or concealing stolen property, as provided in~~
13 ~~Section 1713 of this title;~~

14 3. ~~False personation of another, as provided in Section 1531 of~~
15 ~~this title;~~

16 4. ~~Unauthorized use of a motor vehicle, as provided in Section~~
17 ~~4-102 of Title 47 of the Oklahoma Statutes;~~

18 5. ~~Grand larceny, as provided in Section 1705 of this title;~~

19 6. ~~False declaration of ownership to a pawnbroker, as provided~~
20 ~~in Section 1512 of Title 59 of the Oklahoma Statutes;~~

21 7. ~~Forgery in the second degree, as provided in Section 1577 of~~
22 ~~this title;~~

23 8. ~~Receiving, possessing or concealing a stolen vehicle, as~~
24 ~~provided in Section 4-103 of Title 47 of the Oklahoma Statutes; or~~

1 ~~9. Larceny of merchandise from a retailer, as provided in~~
2 ~~Section 1731 of this title,~~
3 ~~is punishable by imprisonment in the custody of the Department of~~
4 ~~Corrections for a term of not more than twice the maximum sentence~~
5 ~~that could have been imposed for a first conviction of the current~~
6 ~~offense~~
7 Notwithstanding subsections A, B and C of this section, every person
8 who, having previously been convicted of a felony other than a
9 felony enumerated in Section 571 or subsection E of Section 138 of
10 Title 57 of the Oklahoma Statutes or any sex offense that would
11 require the person to register as a sex offender pursuant to the Sex
12 Offenders Registration Act, is convicted of a second or subsequent
13 felony, other than a felony enumerated in Section 571 or subsection
14 E of Section 138 of Title 57 of the Oklahoma State Statutes or any
15 sex offense that would require the person to register as a sex
16 offender pursuant to the Sex Offenders Registration Act, and is
17 punishable by imprisonment in the custody of the Department of
18 Corrections for a term of not more than the maximum sentence plus
19 one-fourth (1/4) of the sentence that could have been imposed for a
20 first conviction of the current offense.

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