

1 **SENATE FLOOR VERSION**

2 April 10, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2009

6 By: Mize of the House

7 and

8 Coleman of the Senate

9 [crimes and punishments - providing separate
10 penalties for persons previously convicted of certain
11 offenses - effective date]

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

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

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

23 1. If the offense for which the person is subsequently
24 convicted is an offense enumerated in Section 571 of Title 57 of the

1 Oklahoma Statutes and the offense is punishable by imprisonment in
2 the custody of the Department of Corrections for a term exceeding
3 five (5) years, such person is punishable by imprisonment in the
4 custody of the Department of Corrections for a term in the range of
5 ten (10) years to life imprisonment;

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

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

23 B. Every person who, having been twice convicted of felony
24 offenses, commits a subsequent felony offense which is an offense

1 enumerated in Section 571 of Title 57 of the Oklahoma Statutes,
2 within ten (10) years of the date following the completion of the
3 execution of the sentence, and against whom the district attorney
4 seeks to enhance punishment pursuant to this section of law, is
5 punishable by imprisonment in the custody of the Department of
6 Corrections for a term in the range of twenty (20) years to life
7 imprisonment. Felony offenses relied upon shall not have arisen out
8 of the same transaction or occurrence or series of events closely
9 related in time and location. Nothing in this section shall
10 abrogate or affect the punishment by death in all crimes now or
11 hereafter made punishable by death.

12 C. Every person who, having been twice convicted of felony
13 offenses, commits a subsequent felony offense within ten (10) years
14 of the date following the completion of the execution of the
15 sentence, and against whom the district attorney seeks to enhance
16 punishment pursuant to this section of law, is punishable by
17 imprisonment in the custody of the Department of Corrections for a
18 term in the range of threetimes the minimum term for a first time
19 offender to life imprisonment. If the subsequent felony offense
20 does not carry a minimum sentence as a first time offender, the
21 person is punishable by imprisonment in the custody of the
22 Department of Corrections for a term in the range of four (4) years
23 to life imprisonment. Felony offenses relied upon shall not have
24 arisen out of the same transaction or occurrence or series of events

1 closely related in time and location. Nothing in this section shall
2 abrogate or affect the punishment by death in all crimes now or
3 hereafter made punishable by death.

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

9 E. Every Notwithstanding the provisions of subsections A, B and
10 C of this section, every person who, having previously been
11 convicted of a felony other than a felony enumerated in Section 571
12 of Title 57 of the Oklahoma Statutes, subsection E of Section 138 of
13 Title 57 of the Oklahoma Statutes or any sex offense that would
14 require the person to register as a sex offender pursuant to the Sex
15 Offenders Registration Act, is convicted of a second or subsequent
16 felony for:

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

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

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

23 ~~4. Unauthorized use of a motor vehicle, as provided in Section~~
24 ~~4-102 of Title 47 of the Oklahoma Statutes;~~

1 ~~5. Grand larceny, as provided in Section 1705 of this title;~~
2 ~~6. False declaration of ownership to a pawnbroker, as provided~~
3 ~~in Section 1512 of Title 59 of the Oklahoma Statutes;~~
4 ~~7. Forgery in the second degree, as provided in Section 1577 of~~
5 ~~this title;~~
6 ~~8. Receiving, possessing or concealing a stolen vehicle, as~~
7 ~~provided in Section 4-103 of Title 47 of the Oklahoma Statutes; or~~
8 ~~9. Larceny of merchandise from a retailer, as provided in~~
9 ~~Section 1731 of this title,~~
10 other than a felony enumerated in Section 571 of Title 57 of the
11 Oklahoma Statutes, subsection E of Section 138 of Title 57 of the
12 Oklahoma Statutes or sex offense that would require the person to
13 register as a sex offender pursuant to the Sex Offenders
14 Registration Act, is punishable by imprisonment in the custody of
15 the Department of Corrections for a term of not more than ~~twice~~ the
16 maximum sentence plus one-fourth (1/4) of the maximum sentence that
17 could have been imposed for a first conviction of the current
18 offense.

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

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
21 April 10, 2019 - DO PASS AS AMENDED
22
23
24