

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2278

By: West (Josh)

4
5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 51.1, as amended by Section 1,
Chapter 126, O.S.L. 2018 (21 O.S. Supp. 2018, Section
9 51.1), which relates to penalties for second and
subsequent offenses; providing separate penalties for
10 persons previously convicted of certain offenses;
deleting list of offenses subject to separate
11 penalties; and providing an effective date.

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

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

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

1 1. If the offense for which the person is subsequently
2 convicted is an offense enumerated in Section 571 of Title 57 of the
3 Oklahoma Statutes and the offense is punishable by imprisonment in
4 the custody of the Department of Corrections for a term exceeding
5 five (5) years, such person is punishable by imprisonment in the
6 custody of the Department of Corrections for a term in the range of
7 ten (10) years to life imprisonment;

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

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

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

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

1 to life imprisonment. Felony offenses relied upon shall not have
2 arisen out of the same transaction or occurrence or series of events
3 closely related in time and location. Nothing in this section shall
4 abrogate or affect the punishment by death in all crimes now or
5 hereafter made punishable by death.

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

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

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

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

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

1 4. ~~Unauthorized use of a motor vehicle, as provided in Section~~
2 ~~4-102 of Title 47 of the Oklahoma Statutes;~~
3 5. ~~Grand larceny, as provided in Section 1705 of this title;~~
4 6. ~~False declaration of ownership to a pawnbroker, as provided~~
5 ~~in Section 1512 of Title 59 of the Oklahoma Statutes;~~
6 7. ~~Forgery in the second degree, as provided in Section 1577 of~~
7 ~~this title;~~
8 8. ~~Receiving, possessing or concealing a stolen vehicle, as~~
9 ~~provided in Section 4-103 of Title 47 of the Oklahoma Statutes; or~~
10 9. ~~Larceny of merchandise from a retailer, as provided in~~
11 ~~Section 1731 of this title,~~
12 other than a felony enumerated in Section 571 of Title 57 of the
13 Oklahoma Statutes, subsection E of Section 138 of Title 57 of the
14 Oklahoma Statutes or sex offense that would require the person to
15 register as a sex offender pursuant to the Sex Offenders
16 Registration Act, is punishable by imprisonment in the custody of
17 the Department of Corrections for a term of not more than ~~twice~~ the
18 maximum sentence plus one-fourth (1/4) of the maximum sentence that
19 could have been imposed for a first conviction of the current
20 offense.

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

22
23 57-1-5255 GRS 01/15/19
24