

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 2ND CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL 649

By: Treat, Pittman and Sharp of  
the Senate

and

O'Donnell and Cleveland of  
the House

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10 2ND CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to crime and punishment; amending 21  
12 O.S. 2011, Section 51.1, which relates to second or  
13 subsequent offenses; clarifying language; modifying  
14 certain convictions; listing certain offenses for  
15 inclusion; modifying certain maximum sentences;  
16 amending 21 O.S. 2011, Section 51.2, which relates to  
17 second and subsequent offenses; modifying offenses;  
18 updating language; and providing an effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 51.1, is  
21 amended to read as follows:

22 Section 51.1. A. Except as otherwise provided in the Elderly  
23 and Incapacitated Victim's Protection Program and Section ~~3 of this~~  
24 ~~act~~ 51.1a of this title, every person who, having been convicted of  
any ~~offense punishable by imprisonment in the State Penitentiary~~  
felony, commits any crime after such conviction, within ten (10)

1 years of the date following the completion of the execution of the  
2 sentence, and against whom the ~~District Attorney~~ district attorney  
3 seeks to enhance punishment pursuant to this section of law, is  
4 punishable therefor as follows:

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

13 2. If the offense of which such person is subsequently  
14 convicted is such that upon a first conviction an offender would be  
15 punishable by imprisonment in the ~~State Penitentiary~~ custody of the  
16 Department of Corrections for any term exceeding five (5) years,  
17 such person is punishable by imprisonment in the ~~State Penitentiary~~  
18 custody of the Department of Corrections for a term in the range of  
19 twice the minimum term for a first time offender to life  
20 imprisonment. If the subsequent felony offense does not carry a  
21 minimum sentence as a first time offender, such person is punishable  
22 by imprisonment in the ~~State Penitentiary~~ custody of the Department  
23 of Corrections for a term in the range of two (2) years to life  
24 imprisonment.;

1           3. If such subsequent offense is such that upon a first  
2 conviction the offender would be punishable by imprisonment in the  
3 ~~State Penitentiary~~ custody of the Department of Corrections for five  
4 (5) years, or any less term, then the person convicted of such  
5 subsequent offense is punishable by imprisonment in the ~~State~~  
6 ~~Penitentiary~~ custody of the Department of Corrections for a term not  
7 exceeding ten (10) years.

8           ~~4. If such subsequent conviction is for petit larceny, the~~  
9 ~~person convicted of such subsequent offense is punishable by~~  
10 ~~imprisonment in the State Penitentiary for a term not exceeding five~~  
11 ~~(5) years.~~

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

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

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

1       E. Every person who, having previously been convicted of a  
2 felony other than a felony enumerated in Section 571 of Title 57 of  
3 the Oklahoma Statutes, is convicted of a second or subsequent felony  
4 for:

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

7       2. Receiving or concealing stolen property, as provided in  
8 Section 1713 of this title;

9       3. False personation of another, as provided in Section 1531 of  
10 this title;

11       4. Unauthorized use of a motor vehicle, as provided in Section  
12 4-102 of Title 47 of the Oklahoma Statutes;

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

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

16       7. Forgery in the second degree, as provided in Section 1577 of  
17 this title;

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

20       9. Larceny of merchandise from a retailer, as provided in  
21 Section 1731 of this title, is punishable by imprisonment in the  
22 custody of the Department of Corrections for a term of not more than  
23 twice the maximum sentence that could have been imposed for a first  
24 conviction of the current offense.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 51.2, is  
2 amended to read as follows:

3 Section 51.2. Except as provided in Section ~~3 of this act~~ 51.1a  
4 of this title, no person shall be sentenced as a second and  
5 subsequent offender under Section 51.1 of this title, or any other  
6 section of the Oklahoma Statutes, when a period of ten (10) years  
7 has elapsed since the completion of the sentence imposed on the  
8 former conviction; provided, ~~said~~ the person has not, in the  
9 meantime, been convicted of a ~~misdemeanor involving moral turpitude~~  
10 ~~or a~~ felony. Nothing in this section shall prohibit the use of a  
11 prior conviction for physical or sexually related child abuse as a  
12 prior conviction for second and subsequent offender purposes if the  
13 person is presently charged with a felony crime involving physical  
14 or sexually related child abuse.

15 SECTION 3. This act shall become effective November 1, 2018.

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