Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2009

By: Mize of the House and Coleman of the Senate

Title: Crimes and punishments; providing separate penalties for persons previously convicted of certain offenses; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House concurs in the Senate Amendment.

Respectfully submitted,
HB2009 CCR (A)

HOUSE CONFEREES

Baker, Rhonda

Frix, Avery

Kannady, Chris

Loring, Ben

Lowe, Jason

Manger, Robert

O'Donnell, Terry

Olsen, Jim

Osburn, Mike

Perryman, David

Roberts, Dustin

Sterling, Danny

Strom, Judd

Tadlock, Johnny

Townley, Tammy

Walke, Collin

Worthen, Rande
SENATE CONFEREES

Coleman
Daniels
Bice
Jech
Brooks
Floyd
Shaw
Matthews

House Action _________________ Date _______  Senate Action _________________ Date _______
ENGROSSED SENATE AMENDMENT  
TO  
ENGROSSED HOUSE  
BILL NO. 2009 

By: Mize of the House  

and  

Coleman of the Senate  

[ crimes and punishments - providing separate  

penalties for persons previously convicted of  

certain offenses - effective date ]  

AUTHOR:  Add the following House Coauthor:  Dunnington  

AMENDMENT NO. 1.  Page 1, restore the title  

Passed the Senate the 25th day of April, 2019.  

Passed the House of Representatives the ___ day of __________, 2019.  

Presiding Officer of the Senate  

Presiding Officer of the House of Representatives
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

Section 51.1 A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program and Section 51.1a of this title, every person who, having been convicted of any felony, commits any crime after such conviction, within ten (10) years of the date following the completion of the execution of the sentence, and against whom the district attorney seeks to enhance punishment pursuant to this section of law, is punishable therefor as follows:
1. If the offense for which the person is subsequently convicted is an offense enumerated in Section 571 of Title 57 of the Oklahoma Statutes and the offense is punishable by imprisonment in the custody of the Department of Corrections for a term exceeding five (5) years, such person is punishable by imprisonment in the custody of the Department of Corrections for a term in the range of ten (10) years to life imprisonment;

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

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

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

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

E. Every person who, having previously been convicted of a felony other than a felony enumerated in Section 571 of Title 57 of the Oklahoma Statutes, subsection E of Section 138 of Title 57 of the Oklahoma Statutes or any sex offense that would require the person to register as a sex offender pursuant to the Sex Offenders Registration Act, is convicted of a second or subsequent felony for:

1. Uttering a subscription on instrument as that of one with the same name, as provided in Section 1592 of this title;
2. Receiving or concealing stolen property, as provided in Section 1713 of this title;
3. False personation of another, as provided in Section 1531 of this title;
4. Unauthorized use of a motor vehicle, as provided in Section 4-102 of Title 47 of the Oklahoma Statutes;

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

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

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

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

9. Larceny of merchandise from a retailer, as provided in Section 1731 of this title, other than a felony enumerated in Section 571 of Title 57 of the Oklahoma Statutes, subsection E of Section 138 of Title 57 of the Oklahoma Statutes or sex offense that would require the person to register as a sex offender pursuant to the Sex Offenders Registration Act, is punishable by imprisonment in the custody of the Department of Corrections for a term of not more than twice the maximum sentence plus one-fourth (1/4) of the maximum sentence that could have been imposed for a first conviction of the current offense.

SECTION 2. This act shall become effective November 1, 2019.
Passed the House of Representatives the 13th day of March, 2019.

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _________, 2019.

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Presiding Officer of the Senate