

1 **SENATE FLOOR VERSION**

2 February 27, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 287

5 By: Coleman and Young of the  
6 Senate

7 and

8 Mize of the House

9 **[ crimes and punishments - second and subsequent  
10 offenses - maximum sentences - effective date ]**

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

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

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

22 1. If the offense for which the person is subsequently  
23 convicted is an offense enumerated in Section 571 of Title 57 of the  
24 Oklahoma Statutes and the offense is punishable by imprisonment in

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

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

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

22 B. Every person who, having been twice convicted of felony  
23 offenses, commits a subsequent felony offense which is an offense  
24 enumerated in Section 571 of Title 57 of the Oklahoma Statutes,

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

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

1 abrogate or affect the punishment by death in all crimes now or  
2 hereafter made punishable by death.

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

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

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

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

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

18 4. ~~Unauthorized use of a motor vehicle, as provided in Section~~  
19 ~~4-102 of Title 47 of the Oklahoma Statutes;~~

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

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

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

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

3       ~~9. Larceny of merchandise from a retailer, as provided in~~  
4 ~~Section 1731 of this title,~~

5 ~~is punishable by imprisonment in the custody of the Department of~~  
6 ~~Corrections for a term of not more than twice the maximum sentence~~  
7 ~~that could have been imposed for a first conviction of the current~~  
8 ~~offense~~

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

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

2 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
3 February 27, 2019 - DO PASS AS AMENDED  
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