

1 ENGROSSED SENATE AMENDMENT  
TO  
2 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 ]

12 AUTHOR: Add the following House Coauthor: Dunnington  
13 AMENDMENT NO. 1. Page 1, restore the title

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

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2019.

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Presiding Officer of the House  
of Representatives

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8 penalties for persons previously convicted of  
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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:  
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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.  
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1 Passed the House of Representatives the 13th day of March, 2019.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

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9 Presiding Officer of the Senate