

An Act

ENROLLED HOUSE
BILL NO. 2934

By: McCullough of the House

and

Sykes of the Senate

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 815, which relates to the dismissal of an action or indictment; authorizing the dismissal of prosecutions by district attorneys; providing for payment of costs upon agreement; and providing an effective date.

SUBJECT: Dismissal of an action or indictment

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 815, is amended to read as follows:

Section 815. A. The court may either of its own motion or upon the application of the district attorney, ~~and~~ upon the furtherance of justice, order an action or indictment to be dismissed; but in that case the reasons of the dismissal must be set forth in the order, which must be entered upon the minutes.

B. The district attorney may dismiss an action or indictment by filing a notice of dismissal at any time prior to commencement of the preliminary hearing in the case of a felony or, in the case of a misdemeanor, prior to the matter being set for trial. Any subsequent request for dismissal of an action or indictment by the district attorney must be made pursuant to the provisions of subsection A of this section. A defendant named in such action or indictment shall only be required to pay the costs of that action if agreed upon by the parties.

SECTION 2. This act shall become effective November 1, 2016.

Passed the House of Representatives the 2nd day of March, 2016.

Presiding Officer of the House
of Representatives

Passed the Senate the 20th day of April, 2016.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____