

# An Act

ENROLLED SENATE  
BILL NO. 325

By: Daniels of the Senate

and

Duel, Deck, Lepak, and Lowe  
(Jason) of the House

An Act relating to criminal prosecutions; amending 22 O.S. 2021, Sections 812.1 and 812.2, which relate to the right to speedy trial; modifying time limits for conducting certain criminal proceedings; updating statutory references; providing time limitation for setting trial date; adding and modifying permissible grounds for the delay of certain proceedings; decreasing time limitation for setting certain cases for review; updating statutory language; and providing an effective date.

SUBJECT: Criminal prosecutions

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 812.1, is amended to read as follows:

Section 812.1. A. If any person charged with a crime and held in jail solely by reason thereof is not brought to trial within ~~one (1) year after arrest~~ nine (9) months after the initial appearance by the person on the charge, the court shall set the case for immediate review as provided in Section ~~2~~ 812.2 of this ~~act~~ title, to determine if the right of the accused to a speedy trial, as

provided in this section and in Section 812.2 of this title, is being protected.

B. If any person charged with a felony crime who is held to answer on an appearance bond is not brought to trial within eighteen (18) months after ~~arrest~~ the initial appearance, the court shall set the case for immediate review as provided in Section ~~2~~ 812.2 of this ~~act~~, title to determine if the right of the accused to a speedy trial is being protected.

C. In the event a mistrial is declared or a conviction is reversed on appeal, the time limitations provided for in this section shall commence to run from the date the mistrial is declared or the date of the mandate of the Court of Criminal Appeals.

SECTION 2. AMENDATORY 22 O.S. 2021, Section 812.2, is amended to read as follows:

Section 812.2. A. Whenever the court finds that a case should be reviewed to determine if the right of an accused to a speedy trial is being protected, the court shall:

1. Issue notice to the ~~District Attorney~~ district attorney, the accused, and the attorney for the accused that the case will be reviewed by the court at a date and time which is not less than ten (10) days nor more than twenty (20) days from the date of the notice. Each party shall have the opportunity to present evidence or legal authority in support of its position; and

2. Take evidence from both parties regarding the appropriateness of the cause for the delay. At the hearing, the court shall consider whether the delay has occurred for any of the following reasons:

- a. the extent to which the delay is the result of the application of the accused or an attorney on behalf of the accused,
- b. the extent to which the delay is the result of the fault of the accused or the attorney for the accused,
- c. the accused is incompetent to stand trial,

- d. a proceeding to determine the competency of the accused to stand trial is pending and a determination cannot be completed within the time limitations fixed for trial,
- e. there is material evidence or a material witness which is unavailable and that reasonable efforts have been made to procure such evidence or witness, and there are reasonable grounds to believe that such evidence or witness can be obtained and trial commenced within a reasonable time,
- f. the accused is charged as a codefendant or coconspirator and the court has determined that the codefendants or coconspirators must be tried before separate juries taken from separate jury panels,
- g. the court has other cases pending for trial that are for persons incarcerated prior to the case in question, and the court does not have sufficient time to commence the trial of the case within the time limitation fixed for trial; provided, the case shall be commenced as soon as practicable,
- h. the court, state, accused, or the attorney for the accused is incapable of proceeding to trial due to illness or other exigent reason and it is unreasonable to reassign the case, ~~and~~
- i. no court reporter is available for the trial of the case; provided, if the delay is pursuant to this subparagraph, a court reporter shall be assigned within sixty (60) days of the hearing, and
- j. due to other reasonable grounds the court does not have sufficient time to commence the trial of the case within the time limit fixed for trial; provided, the court shall commence the trial case as soon thereafter as practicable.

B. ~~If, after~~ After hearing all the evidence and the legal arguments properly submitted, if the court finds by a preponderance

of the evidence ~~that the state is not proceeding with due diligence,~~ that none of the exceptions set out in paragraph 2 of subsection A of this section justify additional delay and the right of the accused to a speedy trial as provided in this section and Section 812.1 of this title has been violated, the court shall dismiss the case.

C. If a preliminary hearing has been held, the case may be refiled, ~~unless the applicable statute of limitations has expired,~~ upon a showing of newly discovered evidence which could not have been discovered prior to trial, unless the applicable statute of limitations has expired.

D. If a preliminary hearing has not been held, the case may be refiled, upon good cause shown, ~~unless any applicable statute of limitations has expired.~~

E. ~~If, after~~ After hearing all the evidence and the legal arguments properly submitted, if the court finds that the right of the accused to a speedy trial has not been violated, the court shall set the case for review ~~in four (4)~~ within three (3) months. If the case is still pending after the ~~four-month~~ three-month period, the court shall conduct another review. The ~~four-month~~ review of pending cases shall be a continuing responsibility of the court until final disposition of the case.

SECTION 3. This act shall become effective November 1, 2024.

Passed the Senate the 21st day of May, 2024.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2024.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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: \_\_\_\_\_