

SHORT TITLE: Criminal procedure; habeas corpus for person to testify; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 555

By: Dickerson

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 1151, which relates to habeas corpus for person to testify or be surrendered on bail; modifying language; deleting language; modifying references; specifying procedure for bringing prisoner before the court; specifying certain provisions of writ; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1151, is amended to read as follows:

Section 1151. A. The supreme court, ~~and criminal~~ court of criminal appeals and district ~~and superior~~ courts within this state, ~~or the judges thereof in vacation,~~ shall have power to issue writs of habeas corpus, for the purpose of bringing the body of any person confined in any prison or jail of this state before ~~them~~ the court, to either testify in a criminal matter, be prosecuted in a criminal matter, or be surrendered in discharge of bail appear as an appellant in a postconviction evidentiary hearing.

B. When a writ of habeas corpus ~~shall be~~ is issued for the purpose of ~~bringing into court any person to testify, or the principal, to be surrendered in discharge of bail, and such principal or witness, shall be confined in any prison in this state, out of the county in which such principal or witness is required to~~

~~be surrendered, or to any county in this state, and there be executed and returned by any officer to whom it shall be directed, and the principal, after being surrendered, or his bail discharged, or a~~ this section, it shall be issued to the county sheriff at the county in which the court issuing the writ is physically located and shall command the sheriff to execute the writ and deliver to the court the body of the person testifying as aforesaid, shall by the officer executing such writ, be returned by virtue of an order of the court, for the purpose aforesaid, an attested copy of which, lodged with named in the writ.

C. When a writ of habeas corpus is issued for the purposes of this section, it shall command the custodian, of the prisoner to surrender the prisoner named in the writ into the custody of the sheriff executing the writ. The sheriff shall leave a certified copy of the writ with the custodian, which shall exonerate the custodian such prison keeper from being liable for an escape.

D. The party praying out such for a writ of habeas corpus for the purposes of this section shall pay to the officer sheriff executing the same writ, such reasonable sum for his services transportation of the prisoner as shall be adjudged determined by the courts respectively court issuing the writ.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-0503

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