

ENGROSSED HOUSE
CONCURRENT
RESOLUTION NO. 1050

By: Benson, Widener, Adkins,
Askins, Boyd (Betty),
Breckinridge, Bryant,
Claunch, Cotner, Dank,
Deutschendorf, Dunlap,
Ferguson, Glover,
Greenwood, Hager, Hiett,
Hutchison, Kirby,
Mitchell, O'Neal, Paulk,
Perry, Pettigrew,
Phillips, Pope (Tim),
Ramsey, Roach, Sadler,
Smith (Bill), Smith
(Dale), Staggs, Stites,
Sullivan (John),
Thornbrugh, Vaughn,
Weaver, Webb and Weese

A Concurrent Resolution memorializing the Congress of the United States to enact legislation that will eliminate abuses of the habeas corpus doctrine in death penalty cases; and directing distribution.

WHEREAS, the lengthy appellate process currently in place for death penalty cases has angered the American public and has caused the citizens of this nation to question whether justice for heinous murders is reality or fantasy; and

WHEREAS, state legislatures are besieged by requests from concerned constituents for legislation to shorten the time period for such appeals; and

WHEREAS, in 1992, the Oklahoma Legislature responded to these urgent pleas by enacting legislation embodied in Section 1001.1 of Title 22 of the Oklahoma Statutes that sets time limits for various procedures related to capital cases and for execution of judgment; and

WHEREAS, the Oklahoma Legislature continues to search for means of reducing the outrageous amount of time involved in the appellate process for capital cases and has, this session, approved legislation to reduce time spent in the post-conviction relief process; and

WHEREAS, the Oklahoma Legislature is acutely aware that any attempts by the various states to streamline the capital appellate process on the state level will not achieve the desired results unless the Congress of the United States enacts federal legislation to remedy the abuses of federal habeas corpus review.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 45TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Oklahoma Legislature hereby memorializes the Congress of the United States to enact legislation that will eliminate abuses of the habeas corpus doctrine and provide greater finality in the criminal justice system.

THAT the Oklahoma Legislature specifically memorializes Congress to enact legislation to provide that all issues reasonably determined by final order of the state appellate courts are without exception presumed correct, establish time limitations for filing capital habeas corpus petitions in federal court and consideration of such petitions, limit conditions under which stays of execution can be granted, protect current case law on retroactivity of application of decisions pertaining to habeas corpus review, give states wide latitude to establish their own standards for competency of counsel, provide federal funding to states to defend upholding capital convictions on appeal in an amount equal to that provided to state capital resource centers, and allow federal courts discretion to waive requirement for exhaustion of remedy through state courts for purpose of denying habeas corpus relief.

THAT the Oklahoma Legislature further memorializes Congress to include habeas corpus reform in the anti-terrorism measures under consideration; this habeas corpus reform being the only action Congress can take to bring swift justice to those responsible for the murders of Oklahomans that resulted from the April 19, 1995, bombing of the Alfred P. Murrah Federal Building.

THAT copies of this resolution be dispatched to the Oklahoma Congressional Delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

Adopted by the House of Representatives the 22nd day of May, 1995.

of _____ Speaker _____ of the House
Representative
s

Adopted by the Senate the ____ day of _____, 1995.

Senate _____ President _____ of the