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STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1173

By: Fields

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 1005, which relates to certain prisoners becoming insane; modifying time period for taking certain action by the district attorney; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1005, is amended to read as follows:

Section 1005. If, after ~~his delivery to the warden for execution,~~ a defendant under judgment of death has exhausted all state and federal appeals there is good reason to believe that ~~a~~ the defendant ~~under judgment of death~~ has become insane, the warden must call such fact to the attention of the district attorney of the county in which the prison is situated, whose duty is to immediately file in the district ~~or superior~~ court of such county a petition stating the conviction and judgment and the fact that the defendant is believed to be insane and asking that the question of ~~his~~ the sanity of the defendant be inquired into. Thereupon, the court must at once cause to be summoned and impaneled from the regular jury list a jury of twelve persons to hear such inquiry.

SECTION 2. This act shall become effective November 1, 1995.

45-1-6264

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