

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 3033

By: Ross

AS INTRODUCED

An Act relating to prisons and reformatories;  
authorizing persons sentenced to death to make  
application for commutation of sentence for  
donation of body organ or other body tissue;  
providing time for making application; providing  
procedure for review of application by the Pardon  
and Parole Board; requiring a hearing; authorizing  
persons denied commutation to volunteer to donate  
body organ or other body tissue; requiring a  
hearing; requiring that the person be given certain  
information; providing reasons for denial of  
authorization; providing for codification; and  
providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 332.31 of Title 57, unless there  
is created a duplication in numbering, reads as follows:

A. Any person sentenced to death may make application for  
commutation of the sentence to life imprisonment without parole if  
the person agrees to donate a body organ or other body tissue, not  
essential for sustaining the life of the person, for transplantation

into the body of another human being. The application shall be made to the Pardon and Parole Board. The application shall be made at least sixty (60) days prior to the scheduled execution date.

B. The Pardon and Parole Board shall review the application and forward its recommendation to the Governor. In conducting the review of the application, the Board shall require a medical examination of the applicant to determine the suitability of the applicant to become an organ or tissue donor. In addition, the Board may review any other information concerning the applicant and the crime for which the applicant has been sentenced that the Board deems relevant. A hearing on the application shall be held in accordance with Section 332.2 of Title 57 of the Oklahoma Statutes. The person shall be allowed to be present at the hearing and to have legal counsel present if the person so desires. Final determination of whether or not to commute the sentence shall be made by the Governor.

C. Any person denied commutation of the sentence may volunteer to donate a body organ or other body tissue, not essential for sustaining life, for transplantation into the body of another human being. Any such person shall inform the Department of Corrections of the person's desire to be a donor. The Department of Corrections shall conduct a hearing on the person's request. The person wishing to be a donor and, if requested by the person, legal counsel, shall be present at the hearing. The person shall be informed at the hearing that the donation of the organ or other bodily tissue shall not result in commutation of the sentence and that, upon discharge from the hospital where the procedure is performed, the person shall be executed on the date set for execution. The Department shall not authorize the procedure if the person is not medically eligible to be a donor or if the time required for the procedure and recuperation from the procedure could not be completed prior to the scheduled execution date.

D. Any removal of an organ or tissue shall be conducted at Griffin Memorial Hospital, Norman, Oklahoma unless the Department of Mental Health and Substance Abuse Services determines that the procedure is beyond the professional or facility capabilities of Griffin Memorial Hospital. In such case, the Department of Mental Health and Substance Abuse shall refer the person to Oklahoma Memorial Hospital. Oklahoma Memorial Hospital shall accept any such person and perform the procedure.

E. During the time of the person's stay at a hospital provided for in subsection D of this section, the legal status of the person as an inmate in the custody of the Department of Corrections shall remain unchanged. The Department of Corrections shall be responsible for the transportation of the person to and from the hospital and between hospitals and for providing security required beyond the normal security provided by the hospital. The Department of Corrections shall immediately remove from the hospital any inmate upon discharge from the hospital. The hospital services provided by Griffin Memorial Hospital and Oklahoma Memorial Hospital shall be without cost to the Department of Corrections. The cost may be charged to the person or persons receiving the donated organ or tissue.

F. As used in this section "body organ or other body tissue" shall include, but not be limited to an eye, cornea, lens, bone marrow, skin and kidney. It shall not include blood, a blood derivative, or plasma.

SECTION 2. This act shall become effective November 1, 1996.

45-2-9048

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