

By: Paddack of the Senate
and
Hilliard of the House

[criminal procedure - Oklahoma Innocence Commission
- composition - duties and powers - codification -
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 1381 of Title 22, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Oklahoma Innocence Commission which shall be responsible for reviewing cases in which innocent people were mistakenly convicted and later exonerated, identifying causes of mistaken conviction, and recommending remedial steps to avoid future mistaken convictions.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1382 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Innocence Commission shall be composed of eight (8) members as follows:

1. Two members shall be appointed by the Governor, one of whom shall be a Dean of a law school and one of whom shall be a law enforcement officer;

2. One member shall be appointed by the District Attorneys Council, who shall be an attorney who represents the state in the prosecution of felonies;

3. One member shall be appointed by the Attorney General, who shall be a victim's advocate;

4. One member shall be appointed by the Chief Justice of the Supreme Court, who shall be a member of the judiciary;

5. Two members shall be appointed by the president of a university designated by the Governor, one of whom shall be a law professor and one of whom shall work in the forensic science field; and

6. One member shall be appointed by the Oklahoma Criminal Defense Lawyers Association, who shall be a criminal defense lawyer.

B. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate one member of their respective houses of the Legislature to consult for the Commission. Each member of the Commission shall serve a two-year term. The Governor shall designate a member of the Commission to serve as the presiding officer. Appointments to this Commission shall be made no later than sixty (60) days after the effective date of this act. Members of the Commission shall not be compensated except for reimbursement as provided in the State Travel Reimbursement Act. Staff of the Senate and the House of Representatives shall assist the Commission in the performance of its duties.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1383 of Title 22, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Innocence Commission:

1. Shall investigate thoroughly all post-conviction exonerations, including convictions vacated based on a plea to time served, to:

- a. ascertain errors and defects in the criminal procedure used to prosecute the defendant's case at issue,
- b. identify errors and defects in the criminal justice process in this state generally,

- c. develop solutions and methods to correct the identified errors and defects, and
- d. identify procedures and programs to prevent future wrongful convictions;

2. May enter into contracts for research services as considered necessary to complete the investigation of a particular case, including, but not limited to, forensic testing and autopsies; and

3. May administer oaths and issue subpoenas, signed by the presiding officer, to compel the production of documents and the attendance of witnesses as considered necessary to conduct a thorough investigation. A subpoena of the Commission shall be served by a peace officer in the manner in which district court subpoenas are served. On application of the Commission, a district court of Oklahoma County shall compel compliance with the subpoena in the same manner as for district court subpoenas.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1384 of Title 22, unless there is created a duplication in numbering, reads as follows:

The Commission shall compile a detailed annual report of its findings and recommendations, including but not limited to, any proposed legislation to implement procedures and programs to prevent future wrongful convictions. The Commission shall submit the report to the Governor, the Lieutenant Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Attorney General no later than December 1 of each even-numbered year, to which such officials shall, singly or jointly, issue a written response no later than sixty (60) days after the date of receipt of the report. The report shall be made available to the public upon request. The findings and recommendations contained in the report may not be used as evidence in a subsequent civil or criminal proceeding.

SECTION 5. This act shall become effective November 1, 2006.

Passed the Senate the 1st day of March, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives