

3 **Senate Bill No. 1471**
4 **As Amended**

5 SENATE BILL NO. 1471 - By: PADDACK of the Senate and HILLIARD of the
6 House.

7 [**criminal procedure - Oklahoma Innocence Commission -**
8 **composition - duties and powers - codification -**
9 **effective date**]

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1381 of Title 22, unless there
13 is created a duplication in numbering, reads as follows:

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

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

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

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

4 2. Two members shall be appointed by the Attorney General, one
5 of whom shall be an attorney who represents the state in the
6 prosecution of felonies and one of whom shall be a victim's
7 advocate;

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

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

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

16 B. The President Pro Tempore of the Senate and the Speaker of
17 the House of Representatives shall each designate one member of
18 their respective houses of the Legislature to consult for the
19 Commission. Each member of the Commission shall serve a two-year
20 term. The Governor shall designate a member of the Commission to
21 serve as the presiding officer. Appointments to this Commission
22 shall be made no later than sixty (60) days after the effective date
23 of this act. Members of the Commission shall not be compensated

1 except for reimbursement as provided in the State Travel
2 Reimbursement Act. Staff of the Senate and the House of
3 Representatives shall assist the Commission in the performance of
4 its duties.

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

8 The Oklahoma Innocence Commission:

- 9 1. Shall investigate thoroughly all post-conviction
10 exonerations, including convictions vacated based on a plea to time
11 served, to:
- 12 a. ascertain errors and defects in the criminal procedure
 - 13 used to prosecute the defendant's case at issue,
 - 14 b. identify errors and defects in the criminal justice
 - 15 process in this state generally,
 - 16 c. develop solutions and methods to correct the
 - 17 identified errors and defects, and
 - 18 d. identify procedures and programs to prevent future
 - 19 wrongful convictions;
- 20 2. May enter into contracts for research services as considered
21 necessary to complete the investigation of a particular case,
22 including but not limited to forensic testing and autopsies; and

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

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

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

1 the report may not be used as evidence in a subsequent civil or
2 criminal proceeding.

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO
5 PASS, As Amended and Coauthored.