

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3033

By: McMullen

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5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; creating the  
8 Oklahoma Innocence Protection Commission; stating  
9 purpose of Commission; stating composition of  
10 Commission; designating length of terms; providing  
11 for travel reimbursement; directing certain staff to  
12 assist Commission; establishing duties and powers of  
13 Commission; requiring certain report; requiring  
14 response to report within specified time period;  
15 prohibiting use of report as evidence in certain  
16 proceedings; providing for codification; and  
17 providing an effective date.

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

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

22 There is hereby created the Oklahoma Innocence Protection  
23 Commission which shall be responsible for reviewing cases in which  
24 innocent people were mistakenly convicted as a result of fabricated  
evidence and later exonerated, identifying causes of mistaken  
convictions, and recommending remedial steps to avoid future  
mistaken convictions.

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

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

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

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

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

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

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

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

22           B.   The President Pro Tempore of the Senate and the Speaker of  
23 the House of Representatives shall each designate one member of  
24 their respective houses of the Legislature to consult for the

1 Commission. Each member of the Commission shall serve a two-year  
2 term. The Governor shall designate a member of the Commission to  
3 serve as the presiding officer. Appointments to this Commission  
4 shall be made no later than sixty (60) days after the effective date  
5 of this act. Members of the Commission shall not be compensated  
6 except for reimbursement as provided in the State Travel  
7 Reimbursement Act. Staff of the Senate and the House of  
8 Representatives shall assist the Commission in the performance of  
9 its duties.

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

13 The Oklahoma Innocence Protection Commission:

14 1. Shall investigate thoroughly all postconviction  
15 exonerations, including convictions vacated based on a plea to time  
16 served, to:

- 17 a. ascertain errors and defects in the criminal procedure  
18 used to prosecute the defendant's case at issue,
- 19 b. identify errors and defects in the criminal justice  
20 process in this state generally,
- 21 c. develop solutions and methods to correct the  
22 identified errors and defects, and
- 23 d. identify procedures and programs to prevent future  
24 wrongful convictions;

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

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

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

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

1 public upon request. The findings and recommendations contained in  
2 the report may not be used as evidence in a subsequent civil or  
3 criminal proceeding.

4 SECTION 5. This act shall become effective November 1, 2008.

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