

1 ENGROSSED SENATE
2 BILL NO. 612

By: Anderson of the Senate

and

Duncan of the House

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7 An Act relating to criminal procedure; amending 22
8 O.S. 2001, Section 1176, which relates to mental
9 illness or insanity; modifying certain notice
10 requirements; modifying requirements for compensation
11 for certain services; and providing an effective
12 date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2001, Section 1176, is
15 amended to read as follows:

16 Section 1176. A. If the defendant intends to raise the
17 question of mental illness or insanity at the time of the offense,
18 the defendant shall file notice with the court no later than thirty
19 (30) days after formal arraignment. Additionally, if the defendant
20 is financially unable to obtain the services of a qualified mental
21 health professional, the defendant shall file an application with
22 the court at least twenty (20) days before trial at the time of the
23 filing of notice of insanity defense. The procedure to be followed
24 for review of such an application will be the same as provided in
Section 1175.3 of ~~Title 22 of the Oklahoma Statutes~~ this title.

1 B. ~~If~~ In cases not involving the appointment of the Oklahoma
2 Indigent Defense System pursuant to Sections 1355 through 1370.1 of
3 this title, if the court finds that the defendant's sanity at the
4 time of the offense is to be a significant factor in his defense at
5 trial and that the defendant is financially unable to obtain the
6 services of a qualified mental health professional, ~~the Oklahoma~~
7 ~~Indigent Defense System Board, or in counties subject to the~~
8 ~~provisions of Section 138.1 of Title 19 of the Oklahoma Statutes,~~
9 the court shall provide the defendant with access to a qualified
10 mental health professional by authorizing counsel to obtain the
11 services of a qualified mental health professional to conduct an
12 appropriate examination and assist in evaluation, preparation and
13 presentation of the defense. Compensation for such services shall
14 be paid ~~by the Indigent Defense System Board, except that in~~
15 ~~counties subject to the provisions of Section 138.1 of Title 19 of~~
16 ~~the Oklahoma Statutes, the compensation shall be paid by the court~~
17 fund, as authorized by Section 1304 of Title 20 of the Oklahoma
18 Statutes.

19 C. As used in this section, "qualified mental health
20 professional" means an individual certified or licensed in this
21 state to practice psychiatry, psychology, professional counseling,
22 or social work.

23 SECTION 2. This act shall become effective November 1, 2009.

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1 Passed the Senate the 24th day of February, 2009.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2009.

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9 Presiding Officer of the House
10 of Representatives