

ENROLLED SENATE
BILL NO. 612

By: Anderson of the Senate

and

Duncan, Tibbs, Johnson,
Martin (Steve), Reynolds,
Sullivan, Cooksey, Kern,
Joyner, Peterson, Coody and
Wright (John) of the House

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

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

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

Section 1176. A. If the defendant intends to raise the question of mental illness or insanity at the time of the offense, the defendant shall file notice with the court no later than thirty (30) days after formal arraignment. Additionally, if the defendant is financially unable to obtain the services of a qualified mental health professional, the defendant shall file an application with the court at least twenty (20) days before trial at the time of the filing of notice of insanity defense. The procedure to be followed 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.

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

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

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

Passed the Senate the 12th day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 14th day of May, 2009.

Presiding Officer of the House
of Representatives