

ENROLLED SENATE  
RESOLUTION NO. 99

By: Johnson (Constance),  
Adelson, Ballenger, Bass,  
Burrage, Corn, Crutchfield,  
Easley, Eason McIntyre,  
Ellis, Garrison, Gumm,  
Ivester, Laster, Leftwich,  
Lerblance, Paddack, Rice,  
Sparks, Sweeden, Wilson and  
Wyrick

A Resolution acknowledging obligation to review convictions; urging a review of questionable convictions; supporting judicial review; urging use of NFPA 921; and directing distribution.

WHEREAS, the crime of arson takes hundreds of lives and causes billions of dollars in property damage every year; and

WHEREAS, the fire investigation community now generally accepts that the only appropriate means for identifying arson is to use the scientific method; and

WHEREAS, the National Fire Protection Association (NFPA) 921 publication has been generally accepted as the standard of care for fire investigation; and

WHEREAS, many of the previously accepted methods for identifying incendiary fires have been proven to be unreliable and resulted in fires being improperly classified as incendiary when they were, in fact, accidental; and

WHEREAS, it is not clear when or if NFPA 921 has been adopted by law enforcement and other relevant investigative agencies in Oklahoma as the proper method of investigating fires; and

WHEREAS, some of those convicted of arson in Oklahoma have never abandoned their claim of innocence and may, in fact, be innocent.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

THAT the Oklahoma State Senate acknowledges that the government has an obligation to review arson convictions obtained using evidence that is now known to be unreliable.

THAT the Oklahoma State Senate urges that government attorneys and private attorneys and fire investigators review questionable arson convictions.

THAT the Oklahoma State Senate supports judicial review of any cases where the attorneys submit that a conviction is questionable due to faulty science having been used.

THAT the Oklahoma State Senate urges the judicial branch, law enforcement agencies, and other relevant government entities in Oklahoma to employ NFPA 921 when conducting fire investigations.

THAT a copy of this resolution be distributed to the Innocence Project.

Adopted by the Senate the 23rd day of March, 2010.

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Presiding Officer of the Senate