

ESB 612

THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 2009

ENGROSSED

Senate Bill No. 612

As Amended

ENGROSSED SENATE BILL NO. 612 - By: ANDERSON of the Senate and DUNCAN of the House.

(criminal procedure - mental illness or insanity - modifying requirements - effective date)

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

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

11 B. ~~If~~ In cases not involving the appointment of the Oklahoma Indigent Defense
12 System pursuant to Sections 1355 through 1370.1 of this title, if the court finds that the

1 defendant's sanity at the time of the offense is to be a significant factor in his defense at
2 trial and that the defendant is financially unable to obtain the services of a qualified
3 mental health professional, ~~the Oklahoma Indigent Defense System Board, or in counties~~
4 ~~subject to the provisions of Section 138.1 of Title 19 of the Oklahoma Statutes,~~ the court
5 shall provide the defendant with access to a qualified mental health professional by
6 authorizing counsel to obtain the services of a qualified mental health professional to
7 conduct an appropriate examination and assist in evaluation, preparation and
8 presentation of the defense. Compensation for such services shall be paid ~~by the~~
9 ~~Indigent Defense System Board, except that in counties subject to the provisions of~~
10 ~~Section 138.1 of Title 19 of the Oklahoma Statutes, the compensation shall be paid by the~~
11 court fund, as authorized by Section 1304 of Title 20 of the Oklahoma Statutes.

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04-07-09 - DO PASS,
17 As Amended.