

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 612

By: Anderson

4
5 AS INTRODUCED

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

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

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

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

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

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

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