

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 868

By: Sykes

4  
5  
6 AS INTRODUCED

7 An Act relating to the Indigent Defense System;  
8 amending 22 O.S. 2001, Section 1355.6, which relates  
9 to responsibility of System to indigent defendant;  
10 modifying scope of responsibilities of the Indigent  
Defense System; authorizing court to appoint legal  
representation for persons not in custody; and  
providing an effective date.

11  
12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 22 O.S. 2001, Section 1355.6, is  
15 amended to read as follows:

16 Section 1355.6. A. The Indigent Defense System shall have the  
17 responsibility of defending all indigents who are in custody, as  
18 determined in accordance with the provisions of the Indigent Defense  
19 Act in all capital and felony cases and in all misdemeanor and  
20 traffic cases punishable by incarceration. A court may appoint  
21 legal representation for an indigent who is not in custody, in which  
22 case costs for such representation shall be paid from the local  
23 court fund. In addition, the System shall have the responsibility  
24 of defending all indigent juveniles, as determined in accordance

1 with the provisions of the Indigent Defense Act, in juvenile  
2 delinquency proceedings, adult certification proceedings, reverse  
3 certification proceedings, youthful offender proceedings, and any  
4 other cases pursuant to the Oklahoma Juvenile Code, other than  
5 mental health cases, in-need-of-supervision proceedings, and any  
6 other juvenile proceedings that are civil in nature.

7 B. Upon prior approval by the Executive Director, the System  
8 may also represent indigents in other state proceedings, if such  
9 representation is related to the case for which the original  
10 appointment of the System was made and if not otherwise prohibited  
11 by the Indigent Defense Act.

12 C. The Executive Director may select attorneys to handle  
13 indigent criminal cases from a list of attorneys who have agreed to  
14 accept assignments of such cases, who provide proof of professional  
15 liability insurance coverage, and who meet the qualifications  
16 established by the System for such assignments. Payment to such  
17 attorneys shall be made from the budget of the System.

18 D. The Board shall have the authority to provide for  
19 representation for indigent criminal defendants and others for whom  
20 representation is required by either the Constitution or laws of  
21 this state by attorneys employed by the System.

22 SECTION 2. This act shall become effective November 1, 2011.

23

24 53-1-747 TEK 1/20/2011 3:12:30 PM