

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 56th Legislature (2018)

4   ENGROSSED SENATE  
5   BILL NO. 1464

By: Sykes of the Senate

and

Downing of the House

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9                   **[ Post-Conviction Procedure Act - authorizing use of**  
10                   **forensic scientific evidence to institute certain**  
11                   **proceedings - effective date ]**

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

15           SECTION 1.           AMENDATORY           22 O.S. 2011, Section 1080, is  
16 amended to read as follows:

17           Section 1080. Any person who has been convicted of, or  
18 sentenced for, a crime and who claims:

19           (a) that the conviction or the sentence was in violation of the  
20 Constitution of the United States or the Constitution or laws of  
21 this state;

22           (b) that the court was without jurisdiction to impose sentence;

23           (c) that the sentence exceeds the maximum authorized by law;  
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1 (d) that there exists evidence of material facts, not previously  
2 presented and heard, that requires vacation of the conviction or  
3 sentence in the interest of justice. Such evidence may include  
4 forensic scientific evidence that was not available to be offered by  
5 a defendant at trial or that disputes forensic scientific evidence  
6 relied on by the state at trial;

7 (e) that his sentence has expired, his suspended sentence,  
8 probation, parole, or conditional release unlawfully revoked, or he  
9 is otherwise unlawfully held in custody or other restraint; or

10 (f) that the conviction or sentence is otherwise subject to  
11 collateral attack upon any ground of alleged error heretofore  
12 available under any common law, statutory or other writ, motion,  
13 petition, proceeding or remedy;  
14 may institute a proceeding under ~~this act~~ the Post-Conviction  
15 Procedure Act in the court in which the judgment and sentence on  
16 conviction was imposed to secure the appropriate relief. Excluding  
17 a timely appeal, ~~this act~~ the Post-Conviction Procedure Act  
18 encompasses and replaces all common law and statutory methods of  
19 challenging a conviction or sentence.

20 SECTION 2. This act shall become effective November 1, 2018.

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22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/16/2018 - DO  
23 PASS, As Amended.  
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