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February 13, 2018

By: Sykes

An Act relating to the Post-Conviction Procedure Act; amending 22 O.S. 2011, Section 1080, which relates to right to challenge conviction or sentence; authorizing use of forensic scientific evidence to institute certain proceedings; updating statutory references; and providing an effective date.

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

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

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

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

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

(c) that the sentence exceeds the maximum authorized by law;

(d) that there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice. Such evidence may include forensic scientific evidence that was not available to be offered by

1 a defendant at trial or that disputes forensic scientific evidence
2 relied on by the state at trial;

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

6 (f) that the conviction or sentence is otherwise subject to
7 collateral attack upon any ground of alleged error heretofore
8 available under any common law, statutory or other writ, motion,
9 petition, proceeding or remedy;

10 may institute a proceeding under ~~this act~~ the Post-Conviction
11 Procedure Act in the court in which the judgment and sentence on
12 conviction was imposed to secure the appropriate relief. Excluding
13 a timely appeal, ~~this act~~ the Post-Conviction Procedure Act
14 encompasses and replaces all common law and statutory methods of
15 challenging a conviction or sentence.

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

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
18 February 13, 2018 - DO PASS
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