

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3142

By: Dunnington

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; authorizing
8 courts to grant writs of habeas corpus for convicted
9 persons under certain circumstances; providing
10 procedures and specifications for making application;
11 directing courts to make certain considerations
12 relating to changing scientific data and methods;
13 providing for codification; and providing an
14 effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1152 of Title 22, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The court may grant a convicted person relief on an
20 application for a writ of habeas corpus if:

21 1. The convicted person files an application, in the manner
22 provided for in Sections 1331 through 1355 of Title 12 of the
23 Oklahoma Statutes, containing specific facts indicating that:

- 24 a. relevant scientific evidence is currently available
and was not available at the time of the trial of the
convicted person because the evidence was not

1 ascertainable through the exercise of reasonable
2 diligence by the convicted person before the date of
3 or during the trial of the convicted person, and

4 b. the scientific evidence would be admissible under the
5 rules of evidence at a trial held on the date of the
6 application; and

7 2. The court makes a finding described in subparagraphs a and b
8 of paragraph 1 of this subsection and further finds that had the
9 scientific evidence been presented at trial, on the preponderance of
10 the evidence, the person would not have been convicted.

11 B. In making a finding as to whether relevant scientific
12 evidence was not ascertainable through the exercise of reasonable
13 diligence on or before a specific date, the court shall consider
14 whether the field of scientific knowledge, the scientific knowledge
15 of a testifying expert or a scientific method on which the relevant
16 scientific evidence is based has changed since:

17 1. The applicable trial date or dates, for a determination made
18 with respect to an original application; or

19 2. The date on which the original application or a previously
20 considered application was filed, for a determination made with
21 respect to a subsequent application.

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

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24 56-2-9131 GRS 01/08/18