

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3305

By: Humphrey

AS INTRODUCED

An Act relating to prisons and reformatories; directing the Pardon and Parole Board to establish Conviction Integrity Review Unit; stating purpose of Review Unit; providing for the employment of an attorney and investigator; stating qualifications; authorizing inmates to submit certain petitions; specifying requirements for reviewing convictions; authorizing Review Unit to initiate certain investigations; directing the Review Unit to present its findings and recommendations to the Pardon and Parole Board; directing the Review Unit to provide copies of its report to certain agencies and persons; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 371 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Pardon and Parole Board is hereby authorized to establish a Conviction Integrity Review Unit for the purpose of reviewing convictions of those inmates who have received death sentences.

1       B. The Pardon and Parole Board shall employ and fix the duties  
2 and compensation of an attorney, who shall be licensed to practice  
3 law in this state and who shall have experience in criminal cases.  
4 The Pardon and Parole Board shall also employ and fix the duties and  
5 compensation of an investigator, who shall be certified by the  
6 Council on Law Enforcement Education and Training. The attorney and  
7 investigator hired by the Board shall not be a current employee of  
8 the Office of the Attorney General or the office of any district  
9 attorney in this state.

10       C. Any inmate who has received a sentence of death in this  
11 state shall be authorized to submit a petition to the Conviction  
12 Integrity Review Unit requesting the review of his or her  
13 conviction. The Pardon and Parole Board shall determine the manner  
14 and form of the petition.

15       D. The Conviction Integrity Review Unit shall be authorized to  
16 review any capital murder conviction that occurred within this state  
17 under the following circumstances:

- 18       1. The inmate received a sentence of death;
  - 19       2. The inmate has presented in his or her petition for review a  
20 plausible claim of actual innocence of the crime which is:
    - 21           a. supported by information or evidence not previously  
22 presented, and
    - 23           b. capable of being investigated and resolved; and
- 24

1        3. The direct appeal of the inmate has become final, a mandate  
2 has been issued, and there is no pending litigation relating to the  
3 conviction.

4        E. The Conviction Integrity Review Unit shall also be  
5 authorized to initiate an investigation to determine whether an  
6 inmate was convicted of an offense that he or she did not commit.

7        F. Once an investigation has been completed by the Conviction  
8 Integrity Review Unit, the Unit shall present a report with its  
9 findings and recommendations to the Pardon and Parole Board. Copies  
10 of the report shall also be delivered to the Attorney General, the  
11 office of the district attorney who prosecuted the criminal case,  
12 the attorney who represented the inmate in the criminal case, and  
13 the inmate.

14        SECTION 2. This act shall become effective November 1, 2022.

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