

Bill Summary
2nd Session of the 58th Legislature

Bill No.:	SB 1120
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Request No.:	2534
Author:	Sen. Dahm
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Bill Analysis

SB 1120 provides that the state shall reimburse any defendant charged with murder who is found not guilty due to justifiable homicide for all reasonable costs and expenses involved in their defense. Awards shall be granted after the trier of fact finds that the defendant's claim that the homicide was justified was sustained by a preponderance of the evidence. Establishing this claim requires the defendant to establish certain findings outlined in the measure, including that the prosecution was malicious as defined in the measure. If a prosecution was found to be malicious, the presiding judge is required to refer the matter to the Oklahoma Bar Association for a disciplinary investigation of both the prosecutor and the elected district attorney. The trier shall determine the amount awarded. If the trier finds that a preponderance of evidence does not exist, the defendant may appeal the decision. Reimbursements may be reduced or denied if the defendant was engaged in criminal conduct substantially related to the events giving rise to the charges filed against the defendant. The provisions of this measure shall apply to all pending prosecutions prior to the measure's effective date.

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