

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3637 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kevin McDugle

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3637

By: McDugle

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; authorizing district attorneys to file motions vacating or setting aside convictions under certain circumstances; establishing jurisdiction for motions; requiring the filing of appeals in the Oklahoma Supreme Court in cases previously ruled upon; granting district attorneys the power to prosecute appeals; providing for codification; and declaring an emergency.

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 1374 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law concerning postconviction relief, a district attorney in the jurisdiction in which a person was convicted of an offense may file a motion in the district court to vacate or set aside a judgment of conviction at any time if clear and convincing evidence exists establishing that the defendant was convicted of an offense that the defendant did not

1 commit. The district court shall have jurisdiction and authority to
2 consider, hear, and decide the motion.

3 B. If the case has previously been ruled upon by the Court of
4 Criminal Appeals at any stage, then any appeal of the resolution of
5 such motion shall be filed in the Oklahoma Supreme Court, which
6 shall have jurisdiction to decide the appeal. The district attorney
7 shall have the power to prosecute such an appeal.

8 SECTION 2. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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13 59-2-9877 GRS 01/25/24

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