

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 3138

By: McDugle

COMMITTEE SUBSTITUTE

An Act relating to the death penalty; creating the Death Penalty Moratorium Act; staying the execution of judgments in all death penalty cases; prohibiting the Court of Criminal Appeals from ordering the execution of judgments in death penalty cases; prohibiting the setting of execution dates; vacating all current execution dates; suspending all statutes related to death penalty sentences; returning death penalty statutes to full force and effect upon repeal of the Death Penalty Moratorium Act; providing construing provision; creating the Death Penalty Reform Task Force; providing purpose of the Task Force; providing for membership; establishing date for appointing members; setting organizational meetings; providing for the selection of a chair and vice chair; stating primary function of the Task Force; authorizing the Task Force to collaborate with other agencies, organizations, entities, and educational institutions; providing quorum requirements; making meetings of the Task Force subject to the Oklahoma Open Meeting Act; prohibiting compensation or travel reimbursement; directing the Oklahoma Department of Corrections to provide staffing and administrative support; requiring the submission of certain report to the Legislature and Governor; providing for noncodification; providing for codification; and declaring an emergency.

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

1       SECTION 1.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 701.7-1 of Title 21, unless  
3 there is created a duplication in numbering, reads as follows:

4       This act shall be known and may be cited as the "Death Penalty  
5 Moratorium Act".

6       SECTION 2.       NEW LAW       A new section of law to be codified  
7 in the Oklahoma Statutes as Section 701.7-2 of Title 21, unless  
8 there is created a duplication in numbering, reads as follows:

9       A.   The execution of the judgment in all cases where a sentence  
10 of death has been imposed is hereby stayed until further act of the  
11 Legislature.

12       B.   The Court of Criminal Appeals shall not order execution of  
13 the judgment in cases where a sentence of death has been imposed.

14       C.   No further execution dates shall be set by the Court of  
15 Criminal Appeals or by the Governor of Oklahoma.

16       D.   All execution dates currently in place at the time of the  
17 effective date of this act shall be vacated.

18       SECTION 3.       NEW LAW       A new section of law to be codified  
19 in the Oklahoma Statutes as Section 701.7-3 of Title 21, unless  
20 there is created a duplication in numbering, reads as follows:

21       A.   All statutes governing the execution of the penalty of death  
22 in this state are hereby suspended. Upon repeal of this act by the  
23 Legislature, any such statute that has not otherwise been repealed  
24 shall return to full force and effect.

1 B. The provisions of this act shall not be construed to vacate  
2 the individual judgments in cases where a sentence of death has been  
3 imposed.

4 SECTION 4. NEW LAW A new section of law not to be  
5 codified in the Oklahoma Statutes reads as follows:

6 A. There is hereby created until November 30, 2029, the Death  
7 Penalty Reform Task Force to study and report on the progress of  
8 implementing reforms to the use of the death penalty in this state.

9 B. The Task Force shall be comprised of five (5) members to be  
10 appointed as follows:

11 1. One member to be appointed by the Speaker of the Oklahoma  
12 House of Representatives;

13 2. One member to be appointed by the Minority Leader of the  
14 Oklahoma House of Representatives;

15 3. One member to be appointed by the President Pro Tempore of  
16 the Oklahoma State Senate;

17 4. One member to be appointed by the Minority Leader of the  
18 Oklahoma State Senate; and

19 5. One member to be appointed by the Governor.

20 C. Appointments to the Task Force shall be made within sixty  
21 (60) days after the effective date of this act.

22 D. The Task Force shall conduct an organizational meeting no  
23 later than November 1, 2024. A chair and vice-chair shall be  
24 selected to serve by the membership of the Task Force at the

1 organizational meeting. The Task Force may meet as often as may be  
2 required to perform the duties imposed upon the Task Force.

3 E. The primary function of the Task Force shall be to create  
4 reports describing in detail the degree to which the recommendations  
5 contained in the 2017 Report of the Oklahoma Death Penalty Review  
6 Commission have been put into effect in this state. The Task Force  
7 may coordinate, communicate, and collaborate with state and federal  
8 agencies, nonprofit organizations, public and private health care  
9 entities, and state educational institutions regarding issues  
10 associated with the death penalty.

11 F. A quorum of the Task Force members shall be required to  
12 approve any final action of the Task Force. For purposes of this  
13 subsection, three members of the Task Force shall constitute a  
14 quorum.

15 G. The meetings of the Task Force shall be subject to the  
16 Oklahoma Open Meeting Act.

17 H. Members of the Task Force shall receive no compensation or  
18 travel reimbursement.

19 I. The Oklahoma Department of Corrections shall provide staff  
20 and administrative support for the Task Force.

21 J. The Task Force shall submit a report of its findings no  
22 later than November 30, 2025, to the Speaker of the Oklahoma House  
23 of Representatives, the President Pro Tempore of the Oklahoma State  
24 Senate, and the Governor, such report to be supplemented and updated

1 on November 30th of each year thereafter until the termination of  
2 the Task Force.

3 SECTION 5. It being immediately necessary for the preservation  
4 of the public peace, health or safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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