

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1551 _____
 _____ 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

Adopted: _____

Amendment submitted by: Kevin McDugle _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1551

By: McCall

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to prisons and reformatories; directing the Pardon and Parole Board to establish a Conviction Integrity Review Unit; stating purpose of the Unit; providing for the employment of an attorney and investigator; stating qualifications; authorizing inmates to submit petitions to review their convictions; specifying requirements for reviewing convictions; authorizing the Unit to initiate certain investigations; directing the Unit to present its findings and recommendations to the Pardon and Parole Board; directing the 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 purposes of

1 reviewing convictions of those inmates who have received death
2 sentences.

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

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

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

20 1. The inmate received a sentence of death; and

21 2. The inmate has presented in his or her petition for review,
22 a plausible claim of actual innocence of the crime which is:

23 a. supported by information or evidence not previously
24 presented, and

1 b. capable of being investigated and resolved; and

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

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

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

15 SECTION 2. This act shall become effective November 1, 2021.

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