

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1551

6 By: McDugle

7 COMMITTEE SUBSTITUTE

8 An Act relating to prisons and reformatories;
9 directing the Pardon and Parole Board to establish a
10 Conviction Integrity Review Unit; stating purpose of
11 the Unit; providing for the employment of an attorney
12 and investigator; stating qualifications; authorizing
13 inmates to submit petitions to review their
14 convictions; specifying requirements for reviewing
15 convictions; authorizing the Unit to initiate certain
16 investigations; directing the Unit to present its
17 findings and recommendations to the Pardon and Parole
18 Board; directing the Unit to provide copies of its
19 report to certain agencies and persons; providing for
20 codification; and providing an effective date.

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

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

25 A. The Pardon and Parole Board is hereby authorized to
26 establish a Conviction Integrity Review Unit for purposes of
27 reviewing convictions of those inmates who have received death
28 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 requesting review.

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; and
- 19 2. The inmate has presented in his or her petition for review,
20 a 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

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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 its findings and
9 recommendations to the Pardon and Parole Board. Copies of the
10 report shall also be delivered to the Attorney General, the office
11 of the district attorney that prosecuted the criminal case, the
12 attorney who represented the inmate in the criminal case and the
13 inmate.

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

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