

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2149 \_\_\_\_\_  
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

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2149

By: McDugle

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to criminal procedure; authorizing  
10 district attorneys to file motions to vacate or set  
11 aside judgments of convictions under certain  
12 circumstances; granting district courts jurisdiction  
13 to consider, hear, and decide motions; directing  
14 district courts to include findings of fact and  
15 conclusions of law; requiring the filing of certain  
16 appeals in the Oklahoma Supreme Court; authorizing  
17 district attorneys to prosecute appeals; providing  
18 for codification; and declaring an emergency.

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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 1090 of Title 22, unless there  
24 is created a duplication in numbering, reads as follows:

A. Notwithstanding the provisions of the Post-Conviction  
Procedure Act, a district attorney, in the jurisdiction in which a  
person was convicted of an offense, may file a motion in district  
court to vacate or set aside a judgment of conviction at any time if  
clear and convincing evidence exists establishing that the defendant

1 was convicted of an offense that the defendant did not commit. The  
2 district court shall have jurisdiction and authority to consider,  
3 hear, and decide the motion. Any such determination made by the  
4 district court shall include findings of fact and conclusions of  
5 law.

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

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

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16 59-1-7241 GRS 02/06/23

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