

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB1835</b>
<b>Version:</b>	<b>FA1</b>
<b>Request Number:</b>	<b>10985</b>
<b>Author:</b>	<b>Rep. Echols</b>
<b>Date:</b>	<b>4/18/2024</b>
<b>Impact:</b>	<b>DOC: Unknown cost savings resulting from reduced sentence lengths State Budget: No material impact</b>

**Research Analysis**

SB 1835 allows a district attorney to file a motion to vacate or set aside a judgement of conviction at any time if clear and convincing evidence exists that the defendant was convicted of an offense that the defendant did not commit. The district court is to consider and decide the motion.

**Changes made in the Floor Substitute:**

Adds new provisions creating the Oklahoma Survivors' Act. The provisions direct the courts to consider as a mitigating factor that the person is a survivor of domestic violence when being sentenced for the commission of a crime. The survivor must produce documentary evidence to the court. If the court finds clear and convincing evidence that the defendant was a survivor of domestic violence or subjected to physical, sexual, or psychological abuse, the court is to depart from applicable sentence ranges. Certain criminal offenses are not eligible for reduction. The measure provides the applicable sentence ranges to which the court is to sentence. Persons previously sentenced are eligible for a hearing to determine if the defendant is a survivor of domestic violence and eligible for resentencing.

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**Fiscal Analysis**

The FA1 directs the courts to consider mitigating factors in certain cases. This creates potential cost savings to the Department of Corrections (DOC) resulting from reduced sentences, but is not anticipated to have a material impact on state budget or appropriations.

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**Other Considerations**

None.