

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2067 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Preston Stinson _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2067

By: Stinson

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8 PROPOSED POLICY COMMITTEE SUBSTITUTE

9 An Act relating to criminal procedure; defining
10 terms; making provisions of statute applicable to
11 forensic scientific evidence previously unavailable;
12 allowing district courts to grant relief to convicted
13 persons under certain circumstances; directing courts
14 to consider relevant scientific evidence that has
15 changed; providing liability declaration; providing
16 procedures for filing petitions relating to forensic
17 scientific evidence; providing list of potential
18 eligible applicants; requiring the service of
19 petitions to state attorneys; establishing response
20 and hearing timelines; providing for the dismissal of
21 petitions; directing courts to hold hearings under
22 certain circumstances; providing for the issuance of
23 certain orders; providing for codification; and
24 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 1391 of Title 22, unless there
is created a duplication in numbering, reads as follows:

A. As used in this act:

1 1. "Favorable" means that there is a reasonable probability
2 that the outcome of the proceeding would have been different;

3 2. "Forensic science" is the application of scientific or
4 technical practices to the recognition, collection, analysis, and
5 interpretation of evidence for criminal and civil law or regulatory
6 issues;

7 3. "Forensic scientific evidence" shall include:

- 8 a. scientific or technical knowledge,
- 9 b. scientific or technical knowledge or opinion by a
10 testifying forensic analyst or expert,
- 11 c. reports or testimony offered by experts or forensic
12 analysts,
- 13 d. scientific standards, or
- 14 e. a scientific method or technique upon which the
15 relevant forensic scientific evidence is based; and

16 4. "Scientific knowledge" shall include the knowledge of the
17 general scientific community and all fields of scientific knowledge
18 on which those fields or disciplines rely.

19 B. The provisions of this section applies to relevant forensic
20 scientific evidence that:

21 1. Was not available to be offered by a convicted person at the
22 trial of the convicted person; or

23 2. Undermines forensic scientific evidence presented at trial.

24

1 C. The district court in which a person was convicted may grant
2 a convicted person relief if:

3 1. The convicted person files an application under the
4 provisions of this section asserting that relevant forensic
5 scientific evidence is currently available and either:

6 a. was not ascertainable through the exercise of
7 reasonable diligence by the convicted person before or
8 during trial, or

9 b. undermines forensic scientific evidence presented at
10 trial; and

11 2. The court makes the findings described by subdivision (1) of
12 paragraph 1 of this section and finds that, had the evidence been
13 presented at trial, there is a reasonable likelihood there would
14 have been a different outcome at the trial.

15 D. In determining whether relevant forensic scientific evidence
16 was not ascertainable through the exercise of reasonable diligence
17 on or before a specific date, the court shall consider whether the
18 relevant scientific evidence has changed since:

19 1. The applicable trial date or dates, or date of entry of a
20 guilty plea or nolo contendere plea, for a determination made with
21 respect to an original application; or

22 2. The date on which an original application or a previously
23 considered application, as applicable, was filed, for a
24 determination made with respect to a subsequent application.

1 E. The provisions of this section shall not create additional
2 liabilities for an expert who repudiates his or her original opinion
3 provided at a hearing or trial or whose opinion has been undermined
4 by later scientific research or technological advancements.

5 F. A person convicted of a crime who asserts that he or she did
6 not commit that crime may file a petition relating to forensic
7 scientific evidence that was not available at trial or that
8 contradicts forensic scientific evidence presented at trial.

9 Eligible applicants shall include any and all of the following:

10 1. Persons currently incarcerated, persons civilly committed,
11 persons on parole or probation, or persons subject to sex offender
12 registration;

13 2. Persons convicted on a plea of not guilty, guilty or nolo
14 contendere;

15 3. Persons deemed to have provided a confession or admission
16 related to the crime, either before or after conviction; and

17 4. Persons who have completed their sentences.

18 G. Upon the filing of a motion under the provisions of this
19 act, the petitioner shall serve a copy of such motion upon the
20 attorney for the state. The state shall respond within sixty (60)
21 days of the receipt of service. The court shall hear the motion no
22 sooner than thirty (30) days and no later than ninety (90) days
23 after the filing of the motion.

1 H. If the court determines that the new forensic scientific
2 evidence offered by the petitioner is not favorable to the
3 petitioner, the court shall dismiss the petition.

4 I. If the new evidence is favorable to the petitioner, the
5 court shall hold a hearing to determine the appropriate relief to be
6 granted and enter any order that serves the interest of justice,
7 including:

8 1. An order setting aside or vacating the judgment of
9 conviction of the petitioner, judgment of not guilty by reason of
10 mental disease or defect, or adjudication of delinquency;

11 2. An order granting the petitioner a new trial or fact-finding
12 hearing;

13 3. An order granting the petitioner a new sentencing hearing,
14 commitment hearing, or dispositional hearing;

15 4. An order discharging the petitioner from custody; or

16 5. An order granting the petitioner additional discovery on
17 matters related to forensic evidence used to obtain the conviction
18 or sentence under attack including, but not limited to, documents
19 pertaining to the original criminal investigation or the identities
20 of other suspects.

21 SECTION 2. This act shall become effective November 1, 2025.

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23 60-1-12416 GRS 02/06/25
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