

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2505

By: Kannady of the House

5 and

6 **Weaver** of the Senate

7 AS INTRODUCED

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10 An Act relating to criminal procedure; directing
11 courts to conduct evidentiary hearing for certain
12 criminal matters; placing burden of proof upon the
13 state; stating time limitation for conducting
14 evidentiary hearing; providing for dismissal of the
15 case under certain circumstances; providing for
16 codification; and providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 212 of Title 22, unless there is
20 created a duplication in numbering, reads as follows:

21 Following the return and filing of an indictment or an
22 information where the named defendant is a law enforcement officer
23 accused of murder in the first or second degree or manslaughter in
24 the first or second degree, and prior to a preliminary hearing
conference or preliminary hearing in the matter, the court shall

1 conduct an evidentiary hearing to determine whether the trial of the
2 offense shall proceed. At the hearing, the burden shall be upon the
3 state to prove by a preponderance of the evidence that the law
4 enforcement officer was neither acting in self-defense or in the
5 defense of others at the time of the alleged offense. The
6 evidentiary hearing shall be scheduled within sixty (60) days after
7 the return and filing of the indictment or information. If, after
8 hearing the evidence and arguments submitted, the court finds that
9 the state has failed to meet its burden, the court shall dismiss the
10 case.

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

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13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
14 02/17/2021 - DO PASS, As Coauthored.
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