

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2505

By: Kannady

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6 AS INTRODUCED

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

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

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

18 Following the return and filing of an indictment or an
19 information where the named defendant is a law enforcement officer
20 accused of murder in the first or second degree or manslaughter in
21 the first or second degree, and prior to a preliminary hearing
22 conference or preliminary hearing in the matter, the court shall
23 conduct an evidentiary hearing to determine whether the trial of the
24 offense shall proceed. At the hearing, the burden shall be upon the
state to prove by a preponderance of the evidence that the law

1 enforcement officer was neither acting in self-defense or in the
2 defense of others at the time of the alleged offense. The
3 evidentiary hearing shall be scheduled within sixty (60) days after
4 the return and filing of the indictment or information. If, after
5 hearing the evidence and arguments submitted, the court finds that
6 the state has failed to meet its burden, the court shall dismiss the
7 case.

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

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10 58-1-5010 GRS 01/16/21

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