

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1835

By: Gollihare

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6 AS INTRODUCED

7 An Act relating to postconviction relief; authorizing
8 motion to vacate judgment of conviction under certain
9 circumstances; granting jurisdiction to consider
10 certain motion; providing for appeal of determination
of certain motion; granting authority to prosecute
certain appeal; providing for codification; and
declaring an emergency.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1381 of Title 22, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Notwithstanding any other provision of law concerning
18 postconviction relief, a district attorney in the jurisdiction in
19 which a person was convicted of an offense may file a motion in the
20 district court to vacate or set aside a judgment of conviction at
21 any time if clear and convincing evidence exists establishing that
22 the defendant was convicted of an offense that the defendant did not
23 commit. The district court shall have jurisdiction and authority to
24 consider, hear, and decide the motion.

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

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

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