

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

SENATE BILL NO. 717

By: Johnson (Constance)

AS INTRODUCED

An Act relating to capital punishment; creating a **task force to study capital punishment**; directing **study** of certain task force; requiring certain **moratorium**; providing expiration date; setting **duties** of certain task force; setting **membership** of certain task force; directing **selection of chair and vice chair** of certain task force; permitting certain **meetings**; directing certain **compensation**; requiring certain **report**; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby created until January 1, 2014, **the Task Force on the Investigation of Capital Punishment in Oklahoma**. The task force shall study the extent to which Oklahoma's system of capital punishment, as presently administered, **meets the constitutional standards** set forth in Supreme Court decisions and whether Oklahoma's utilization of the death penalty is **imposed in ways that are arbitrary, unfair, or discriminatory** in any way. The task force shall study whether the death penalty rationally **serves a legitimate penological intent such as deterrence**, whether there is a significant **difference in the crimes** of those selected for the punishment of death as opposed to those who receive life in prison and the **costs of prosecution** of such trials, whether the penological interest in executing a person convicted of murder is sufficiently compelling that it justifies the **risk of an irreversible mistake**, and whether **alternatives exist** that would sufficiently **ensure public safety** and address other legitimate **social and penological interests, including the interests of families of victims**. The State of Oklahoma shall observe a *moratorium* on the death penalty during the time period of the study, which shall be from the date of enactment of this legislation until no later than December 31, 2013.

B. The task force shall *reflect the diversity* of this state and shall be composed of fifteen **(15) members** as follows:

1. Two members of the **Senate**, one from each political party, appointed by the President Pro Tempore;

- 1 2. Two members of the **House of Representatives**, one from each
2 political party, appointed by the Speaker of the House of
3 Representatives;
- 4 3. The **Attorney General** or designee;
- 5 4. A **public defender**, appointed by the Oklahoma Bar Association;
- 6 5. The president of the **Oklahoma Bar Association** or designee;
- 7 6. One representative of the **District Attorneys' Council**,
8 appointed by the Council;
- 9 7. One representative of the **Oklahoma Association of Criminal
10 Defense Lawyers**, appointed by such Association;
- 11 8. One representative of the **Oklahoma Association of Chiefs of
12 Police**, appointed by such Association;
- 13 9. One representative of the **Oklahoma Coalition to Abolish the
14 Death Penalty**, appointed by such Coalition; and
- 15 10. **Four public members** appointed by the Governor, representing
16 **families of murder victims, families of persons serving on
17 death row, religious and ethical organizations.**

18 C. The **President Pro Tempore of the Senate and the Speaker of the
19 House Representatives shall set the first meeting** of the task force
20 no later than forty-five (45) days of the effective date of this act.
21 The **chair and vice chair of the task force shall be selected by the
22 task force** from among the members of the task force. The task force
23 may **meet as often as necessary** to perform the duties imposed upon it.
24 Members of the task force shall be **reimbursed for necessary travel
expenses** incurred in the performance of their duties in accordance
with the provisions of Sections 456 and 500.2 of Title 74 of the
Oklahoma Statutes.

D. **Staff support** for the task force shall be **provided by the
staffs of the Senate and the House of Representatives**. A **quorum** of
the task force shall be **required** for any final action, and shall
report its findings and recommendations to the President Pro Tempore
of the Senate, the Speaker of the House of Representatives and the
Governor by **November 1, 2013**.

SECTION 2. It being immediately necessary for the preservation
of the public peace, health and 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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