

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 969

By: Thompson

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5
6 AS INTRODUCED

7 An Act relating to the Post-Conviction Procedure Act;
8 amending 22 O.S. 2011, Section 1080, which relates to
9 right to challenge conviction or sentence; adding
10 grounds for challenge of conviction or sentence;
11 making language gender neutral; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2011, Section 1080, is
15 amended to read as follows:

16 Section 1080. Any person who has been convicted of, or
17 sentenced for, a crime and who claims:

18 (a) that the conviction or the sentence was in violation of the
19 Constitution of the United States or the Constitution or laws of
20 this state;

21 (b) that the court was without jurisdiction to impose sentence;

22 (c) that the sentence exceeds the maximum authorized by law;

23 (d) that there exists evidence of material facts, not previously
24 presented and heard, that requires vacation of the conviction or
sentence in the interest of justice;

1 (e) that ~~his~~ the defendant's sentence has expired, ~~his~~ the
2 suspended sentence, probation, parole, or conditional release
3 unlawfully revoked, or ~~he~~ the defendant is otherwise unlawfully held
4 in custody or other restraint; ~~or~~

5 (f) that the conviction or sentence is otherwise subject to
6 collateral attack upon any ground of alleged error heretofore
7 available under any common law, statutory or other writ, motion,
8 petition, proceeding or remedy;

9 (g) that the conviction or sentence was for a felony offense for
10 which the same act or acts that resulted in the felony conviction
11 have been changed by law to a misdemeanor;

12 (h) that the maximum penalty for the offense of which the
13 defendant was convicted has been lowered, and the defendant was
14 sentenced to a penalty that exceeds the maximum sentence currently
15 authorized by law for the offense; or

16 (i) that the offense on which the defendant was sentenced
17 required a mandatory minimum sentence at the time of sentencing, and
18 such minimum sentence is no longer required by law;

19 may institute a proceeding under this act in the court in which the
20 judgment and sentence on conviction was imposed to secure the
21 appropriate relief. Excluding a timely appeal, this act encompasses
22 and replaces all common law and statutory methods of challenging a
23 conviction or sentence.

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SECTION 2. This act shall become effective November 1, 2018.

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