

OKLAHOMA

STATISTICAL INFORMATION

Current Governor: Brad Henry
Term of Office: Jan. 2003 - Jan. 2007

Legislative Term: Feb. - May

Total Inmate Pop.
(As of 2/28/05): 23,549 **White: 57.9%** **Black: 28.1%** **Latino/a: 4.8%** **Other: 9.3%**

Death Row Pop.
(As of 4/1/05): 98 **White: 52** **Black: 39** **Latino/a: 1** **Other: 6**

EXECUTIONS:
Since 1976: 77 **White: 47** **Black: 20** **Latino/a: 0** **Other: 8**
(As of 6/28/05)

Carried out in 2003: 14

Carried out in 2004: 6

Carried out in 2005: 2 **Scheduled for 20 2**
(As of 6/28/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2004
(does not include those executed by the state or those who died of natural causes) :

Total Number: 136

Sentence/Conviction
overturned (minus
exoneration): 128

Sentence reduced: 1

Exoneration: 7

Other: 0

RELATED STATUTORY PROVISIONS:

Life without Parole: yes

Prohibits the execution of juvenile offenders: yes

Prohibits the execution of mentally retarded offenders: yes

Prohibits the execution of mentally ill offenders: no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: no

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study: Current: 2005: One Joint Resolution failed relating to a moratorium on the death penalty in Oklahoma; creating a special committee to study access to justice and death penalty trials; providing for membership; providing for appointment of chair and vice-chair; providing for travel reimbursement; providing for administrative support; providing for duties; requiring certain report to Governor and Legislature; requesting establishment of moratorium on death penalty for certain period of time; and declaring an emergency (HJR1027).

Previous Years: 2004: One bill which failed sine die would have established the Execution Task Force; provides guidance as to the makeup of the Task Force; proscribed that the Task Force will study and determine if any individual who was convicted of first degree murder and sentenced to death was innocent for the crime s/he was executed (HB2709). 2001-02: One bill introduced would place a one-year moratorium on execution and require the OK Sentencing Commission to do a study on the death penalty (HB2648); One bill introduced would place a moratorium on executions and create a study commission (HB1013); One bill introduced would provide for a legislative referendum relating to time limits on appeals, issuance of stays of execution, and a study by the OK Sentencing Commission (SJR28); 2000: One bill introduced would have placed a one year moratorium on executions and created a commission to study the state's death penalty system.

Capital Offenses and Procedures:

Current: None.

Previous Years: None.

Aggravating and Mitigating Circumstances:

Current: None.

Previous Years: None.

DNA Testing and Preservation of Material Evidence:

Current: 2005: One bill failed relating to criminal procedure; which relates to powers of the court; requiring all felony offenses to provide DNA sample; providing for persons in custody on certain date to give DNA sample (SB675).

Previous Years: 2004: One bill signed into effect by the governor authorizes the County sheriff to collect DNA samples (SB1374). One bill introduced required DNA samples from all felons and adjudicated juveniles (SB1362). One bill introduced stated that DNA samples be required from all felony arrests (SB1417). Governor vetoed a bill which would have required mandatory DNA tests for violent offenders-Specify offenses to be tested (SB1447). The governor signed into effect one bill which pertains to the Oklahoma Indigent Defense System and the Indigent Defense System DNA Forensic Testing Program; removes certain procedures requiring attorneys to provide certain documentation of costs for courts; provides a minimum fee schedule; requires that certain fees be assessed unless waived or another amount is approved by the court; authorizes the Oklahoma Indigent Defense System to obtain copies of laboratory examination reports from certain laboratories for a certain purpose; declares certain reports confidential (SB1399).

Crime Labs and Medical Examiner Offices:

Current: None

Previous Years: None.

**Counsel
Qualifications,
Training and
Competency:**

Current: None.

Previous Years: 2004: The Governor signed into effect one bill which modifies procedures related to post-conviction relief and stays of execution. Requires Governor to set new execution dates under certain circumstances. Clarifies grounds for ineffective assistance of counsel (SB1220). 2003: The Governor recently approved a bill providing that if the court determines that there is a conflict of interest between the defendant and the county indigent defender, the case may be assigned by the court to another county indigent defender, an attorney who represents indigent defenders pursuant to a contract with the county, or a private attorney who has agreed to accept such appointments. (SB772) 2001-02 : One bill signed into law establishing an office of the public defender in each county with over 3,000 residents (Chapter No. 129 of 2001); One bill signed into law created an Oklahoma Indigent Defense System (Chapter No. 210 of 2001).

**Counsel
Compensation:**

Current: None.

Previous Years: None.

Judges and Juries:

Current: 2005: One bill failed relating to crimes and punishments; defining terms; prohibiting death penalty for certain defendant; placing burden of proof on defendant to show certain disability; requiring certain notice within specified time period; stating contents of certain notice; requiring certain jury instructions; stating result of certain jury determinations; requiring findings of fact and conclusions of law under certain circumstances; authorizing certain appeal; providing for codification; and providing an effective date (SB878). *See also Mental issues, (HB1904).*

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Previous Years: None

**Racial and Ethnic
Minorities:**

Current: None.

Previous Years: None.

Juvenile Offenders: Current: None.

Previous Years: 2003: One bill defeated in the Appropriations and Budget Committee bans the execution of offenders under the age of 18 (HB1405).

**Mental Retardation,
Mental Disability
and Mental
Competency:**

Current: 2005: One bill failed relating to criminal procedure; defining terms; prohibiting execution of mentally retarded persons if onset of mental retardation was manifested before a certain age; placing burden of production and persuasion; establishing procedures to be followed; providing for an evidentiary hearing; providing for submission of special issue to the jury; providing procedure to be followed by the jury; providing for appeals; requiring appropriate jury instructions; providing for codification; providing an effective date; and declaring an emergency (HB1904). *See also Judges and Juries, (SB878).*

Previous Years: 2004: One bill died in conference which would have prohibited the execution of persons with "severe developmental disabilities" (HB2710). 2001-02 : One bill vetoed by the Governor which would have prohibited the execution of mentally retarded offenders (HB2635).

Special Notes-

Research on

Innocence Cases:

Current: None

Previous Years: 2004 : One bill failed which would have established the Execution Task Force; provided guidance as to the makeup of the Task Force; proscribed that the Task Force will study and determine if any individual who was convicted of first degree murder and sentenced to death was innocent for the crime s/he was executed (HB2709).

Special Notes-Post-Conviction Relief:

Previous Years: 2004 : One bill signed into effect by the Governor modifies procedures related to post-conviction relief and stays of execution. Requires Governor to set new execution dates under certain circumstances. Clarifies grounds for ineffective assistance of counsel (SB1220).

Special Notes-

Execution Reprieve:

Current: 2005: One failed bill would create an Act relating to criminal procedure. 22 O.S. 2001, Section 1004, which relates to execution reprieve, suspension of death sentence, updating statutory reference, and providing an effective date (SB1004).

Special Notes-Witnessing Executions:

Previous Years: 2004 : One bill signed by Governor expands the list of individuals who are authorized to witness an execution (HB2383).

**LOCAL
GOVERNMENT**

Defense Trial

**Last Updated on June 28, 2005