

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 1329

By: Coody (Ann)

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending  
9 21 O.S. 2011, Section 142A-3, as amended by Section  
10 1, Chapter 196, O.S.L. 2014 (21 O.S. Supp. 2014,  
11 Section 142A-3), which relates to the Oklahoma  
12 Victim's Rights Act; directing law enforcement to  
13 seek court intervention under certain circumstances;  
14 providing for the use of ankle monitors; and  
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 142A-3, as  
18 amended by Section 1, Chapter 196, O.S.L. 2014 (21 O.S. Supp. 2014,  
19 Section 142A-3), is amended to read as follows:

20 Section 142A-3. A. Upon the preliminary investigation of a  
21 violent crime, it shall be the duty of the officer who interviews  
22 the victim of such crime to inform the victim, or a responsible  
23 adult if the victim is a minor child or an incompetent person, or  
24 the family member who receives death notification in the case of a  
homicide, in writing, of their rights as a crime victim. Written

1 notification shall consist of handing the victim, responsible adult,  
2 if the victim is a minor child or an incompetent person, or family  
3 member receiving death notification, a preprinted card or brochure  
4 that, at a minimum, includes the following information:

5 1. A statement that reads, "As a victim of crime, you have  
6 certain rights";

7 2. Telephone and address information for the local District  
8 Attorney Victim-Witness Coordinator; and

9 3. The website address where victims can access a full list of  
10 their rights, additional information, and how to apply for crime  
11 victim compensation assistance.

12 B. A victim of domestic abuse has the right to be informed by  
13 the first peace officer who interviews the victim of domestic abuse  
14 of the twenty-four-hour statewide telephone communication service  
15 established by Section 18p-5 of Title 74 of the Oklahoma Statutes  
16 and to give notice to the victim of certain rights. The notice  
17 shall consist of handing such victim the following statement:

18 "As a victim of domestic abuse, you have certain rights. These  
19 rights are as follows:

20 1. The right to request that charges be pressed against your  
21 assailant;

22 2. The right to request protection from any harm or threat of  
23 harm arising out of your cooperation with law enforcement and  
24

1 prosecution efforts as far as facilities are available and to be  
2 provided with information on the level of protection available;

3 3. The right to be informed of financial assistance and other  
4 social services available as a result of being a victim, including  
5 information on how to apply for the assistance and services; and

6 4. The right to file a petition for a protective order or, when  
7 the domestic abuse occurs when the court is not open for business,  
8 to request an emergency temporary protective order."

9 C. The victim of rape or forcible sodomy has the right to be  
10 informed by the officer who interviews the victim of the rape or  
11 forcible sodomy, or a responsible adult if the victim is a minor  
12 child or an incompetent person, of the twenty-four-hour statewide  
13 telephone communication service established by the Office of the  
14 Attorney General for victims of sexual assault pursuant to Section  
15 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the  
16 victim or such responsible adult of certain rights of the victim.  
17 The notice shall consist of handing such victim or responsible adult  
18 a written statement in substantially the following form:

19 "As a victim of the crime of rape or forcible sodomy, you have  
20 certain rights. These rights are as follows:

21 1. The right to request that charges be pressed against your  
22 assailant;

23 2. The right to request protection from any harm or threat of  
24 harm arising out of your cooperation with law enforcement and

1 prosecution efforts as far as facilities are available and to be  
2 provided with information on the level of protection available;

3 3. The right to be informed of financial assistance and other  
4 social services available to victims, including information on how  
5 to apply for the assistance and services;

6 4. The right to a free forensic medical examination; and

7 5. The right to be informed by the district attorney of other  
8 victim's rights available pursuant to Section 142A-2 of Title 21 of  
9 the Oklahoma Statutes."

10 D. Upon the preliminary investigation of a domestic violence  
11 crime involving intimate partner violence, the first peace officer  
12 who interviews the victim of domestic abuse shall assess the  
13 potential for danger by asking a series of questions provided on a  
14 lethality assessment form. The lethality assessment form shall  
15 include, but not be limited to, the following questions:

16 1. Has the person ever used a weapon against the victim or  
17 threatened the victim with a weapon?

18 2. Has the person threatened to kill the victim or children of  
19 the victim?

20 3. Does the victim think the person will try to kill the  
21 victim?

22 4. Has the person ever tried to choke the victim?

23 5. Is the person violently or constantly jealous or does the  
24 person control most of the daily activities of the victim?

1           6. Has the victim left or separated from the person after  
2 living together or being married?

3           7. Is the person unemployed?

4           8. Has the person ever tried to kill himself or herself?

5           9. Does the victim have a child that the person knows is not  
6 his or her own child?

7           10. Does the person follow or spy on the victim or leave the  
8 victim threatening messages?

9           11. Is there anything else that worries the victim about his or  
10 her safety and if so, what worries the victim?

11           Based upon the results of the lethality assessment, referrals to  
12 shelters, domestic violence intervention programs and other social  
13 services shall be provided to the victim.

14           E. In the event the lethality assessment required in subsection  
15 D of this section establishes probable cause for the peace officer  
16 to believe the victim is in imminent risk of death or serious bodily  
17 harm, the peace officer shall contact a district court judge or  
18 magistrate and seek intervention of the court. Upon ample  
19 opportunity for review of the determination of probable cause by the  
20 peace officer, the court, in its sound discretion, may order the  
21 person to appear within forty-eight (48) hours to show cause as to  
22 whether an ankle monitor should be installed until such time as the  
23 hearing on the temporary victim protective order is held.

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SECTION 2. This act shall become effective November 1, 2015.

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