

1                                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3   1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1329

By: Coody (Ann) of the House

and

Barrington of the Senate

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10   COMMITTEE SUBSTITUTE

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

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

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

23                   Section 142A-3. A. Upon the preliminary investigation of a  
24                   violent crime, it shall be the duty of the officer who interviews  
                  the victim of such crime to inform the victim, or a responsible

1 adult if the victim is a minor child or an incompetent person, or  
2 the family member who receives death notification in the case of a  
3 homicide, in writing, of their rights as a crime victim. Written  
4 notification shall consist of handing the victim, responsible adult,  
5 if the victim is a minor child or an incompetent person, or family  
6 member receiving death notification, a preprinted card or brochure  
7 that, at a minimum, includes the following information:

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

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

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

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

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

23 1. The right to request that charges be pressed against your  
24 assailant;

1           2. The right to request protection from any harm or threat of  
2 harm arising out of your cooperation with law enforcement and  
3 prosecution efforts as far as facilities are available and to be  
4 provided with information on the level of protection available;

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

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

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

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

23           1. The right to request that charges be pressed against your  
24 assailant;

1           2. The right to request protection from any harm or threat of  
2 harm arising out of your cooperation with law enforcement and  
3 prosecution efforts as far as facilities are available and to be  
4 provided with information on the level of protection available;

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

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

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

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

18           1. Has the person ever used a weapon against the victim or  
19 threatened the victim with a weapon?

20           2. Has the person threatened to kill the victim or children of  
21 the victim?

22           3. Does the victim think the person will try to kill the  
23 victim?

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

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

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

5 7. Is the person unemployed?

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

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

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

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

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

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

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

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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,  
6 dated 02/25/2015 - DO PASS, As Amended and Coauthored.  
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