

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1818

By: Bryant (John)

AS INTRODUCED

An Act relating to crime victims; creating the Rights of Victims Act; providing short title; providing for certain orders and for civil actions; providing penalties; amending 31 O.S. 1991, Sections 1 and 1.1, which relate to property exempt from attachment, execution or forced sale; modifying scope of exemption to exclude certain actions; amending 21 O.S. 1991, Sections 142.1, 142.3, as amended by Section 3, Chapter 136, O.S.L. 1992, 142.5, 142.9, 142.10, 142.13, 142.18 and 142.20, as amended by Section 1, Chapter 348, O.S.L. 1992 (21 O.S. Supp. 1992, Sections 142.3 and 142.20), which relate to the Oklahoma Crime Victims Compensation Act; modifying terminology; modifying definitions; authorizing delegation of certain authority to the Administrator; providing for destruction of certain files; authorizing request for assistance for claims for mental health expenses; authorizing the establishment of certain limits of compensation; authorizing the Board to require that certain treatment providers be licensed; modifying time for reconsideration of claims; modifying provisions relating to lump sum awards; requiring municipal courts to levy certain victims compensation

assessment and establishing amount of assessment; changing agency to determine qualified licensed health care professional; amending 19 O.S. 1991, Section 215.33, as amended by Section 1, Chapter 136, O.S.L. 1992 (19 O.S. Supp. 1992, Section 215.33), which relates to victims and witnesses services; removing requirement of written judicial consent to providing certain information to victims and witnesses; clarifying statutory references; repealing 21 O.S. 1991, Section 142.14, which relates to advancements of awards; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 4 of this act shall be known and may be cited as the "Rights of Victims Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20.2 of Title 22, unless there is created a duplication in numbering, reads as follows:

The court shall enter such orders as are necessary to protect witnesses of crimes from abusive and intimidating examination by counsel for the defendant. The witness shall have a right of civil action against the attorney who violates these orders.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20.3 of Title 22, unless there is created a duplication in numbering, reads as follows:

For five (5) years after conviction of an offense involving violence, the threat of violence, or sexual assault, it shall be unlawful for the convicted offender to contact the victim of the offense. Violation of this section shall constitute a misdemeanor. Nothing herein shall prohibit the court, the Department of Corrections, or any other agency in state government from providing more stringent prohibitions on the conduct of the offender than stated in this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20.4 of Title 22, unless there is created a duplication in numbering, reads as follows:

In any civil action for damages by a victim of a crime against the offender in which said crime involves violence, the threat of violence, or sexual assault, the court shall award a victim who prevails in said civil action attorney's fees and other costs of litigation. The court granting judgment in such a civil action may reduce or limit the exemptions from execution of judgment provided in Section 1 of Title 31 of the Oklahoma Statutes, and the hardship exemption from garnishment provided in Section 1.1 of Title 31 of the Oklahoma Statutes, when such action would be in the interests of justice.

SECTION 5. AMENDATORY 31 O.S. 1991, Section 1, is amended to read as follows:

Section 1. A. Except as otherwise provided in this title or in Section 4 of this act, and notwithstanding subsection B of this section, the following property shall be reserved to every person residing in the state, exempt from attachment or execution and every other species of forced sale for the payment of debts, except as herein provided:

1. The home of such person, provided that such home is the principal residence of such person;

2. A manufactured home, provided that such manufactured home is the principal residence of such person;

3. All household and kitchen furniture held primarily for the personal, family or household use of such person or a dependent of such person;

4. Any lot or lots in a cemetery held for the purpose of sepulcher;

5. Implements of husbandry necessary to farm the homestead;

6. Tools, apparatus and books used in any trade or profession of such person or a dependent of such person;

7. All books, portraits and pictures that are held primarily for the personal, family or household use of such person or a dependent of such person;

8. The person's interest, not to exceed Four Thousand Dollars (\$4,000.00) in aggregate value, in wearing apparel that is held primarily for the personal, family or household use of such person or a dependent of such person;

9. All professionally prescribed health aids for such person or a dependent of such person;

10. Five milk cows and their calves under six (6) months old, that are held primarily for the personal, family or household use of such person or a dependent of such person;

11. One hundred chickens, that are held primarily for the personal, family or household use of such person or a dependent of such person;

12. Two horses and two bridles and two saddles, that are held primarily for the personal, family or household use of such person or a dependent of such person;

13. Such person's interest, not to exceed Three Thousand Dollars (\$3,000.00) in value, in one motor vehicle;

14. One gun, that is held primarily for the personal, family or household use of such person or a dependent of such person;

15. Ten hogs, that are held primarily for the personal, family or household use of such person or a dependent of such person;

16. Twenty head of sheep, that are held primarily for the personal, family or household use of such person or a dependent of such person;

17. All provisions and forage on hand, or growing for home consumption, and for the use of exempt stock for one (1) year;

18. Seventy-five percent (75%) of all current wages or earnings for personal or professional services earned during the last ninety (90) days, except as provided in Title 12 of the Oklahoma Statutes in garnishment proceedings for collection of child support;

19. Such person's right to receive alimony, support, separate maintenance or child support payments to the extent reasonably necessary for the support of such person and any dependent of such person;

20. Subject to the Uniform Fraudulent Transfer Act, Section 112 et seq. of Title 24 of the Oklahoma Statutes, any interest in a retirement plan or arrangement qualified for tax exemption purposes under present or future Acts of Congress; provided, such interest shall be exempt only to the extent that contributions by or on behalf of a participant were not subject to federal income taxation to such participant at the time of such contributions, plus earnings and other additions thereon; provided further, any transfer or rollover contribution between retirement plans or arrangements which avoids current federal income taxation shall not be deemed a transfer which is fraudulent as to a creditor under the Uniform Fraudulent Transfer Act. "Retirement plan or arrangement qualified for tax exemption purposes" shall include without limitation, trusts, custodial accounts, insurance, annuity contracts and other properties and rights constituting a part thereof. By way of example and not by limitation, retirement plans or arrangements qualified for tax exemption purposes permitted under present Acts of

Congress include defined contribution plans and defined benefit plans as defined under the Internal Revenue Code ("IRC"), individual retirement accounts, individual retirement annuities, simplified employee pension plans, Keogh plans, IRC Section 403(a) annuity plans, IRC Section 403(b) annuities, and eligible state deferred compensation plans governed under IRC Section 457. This provision shall be in addition to and not a limitation of any other provision of the Oklahoma Statutes which grants an exemption from attachment or execution and every other species of forced sale for the payment of debts. This provision shall be effective for retirement plans and arrangements in existence on, or created after the effective date of this act; and

21. Such person's interest in a claim for personal bodily injury, death or workers' compensation claim, for a net amount not in excess of Fifty Thousand Dollars (\$50,000.00), but not including any claim for exemplary or punitive damages.

B. No natural person residing in this state may exempt from the property of the estate in any bankruptcy proceeding the property specified in subsection (d) of Section 522 of the Bankruptcy Reform Act of 1978, Public Law 95-598, 11 U.S.C.A. 101 et seq., except as may otherwise be expressly permitted under this title or other statutes of this state.

C. In no event shall any property under paragraph 5 or 6 of subsection A of this section, the total value of which exceeds Five Thousand Dollars (\$5,000.00), of any person residing in this state be deemed exempt.

SECTION 6. AMENDATORY 31 O.S. 1991, Section 1.1, is amended to read as follows:

Section 1.1 A. Following the issuing of an execution, attachment or garnishment process, except process to collect judgment or order for child support or maintenance of children or cases in which the court has limited or reduced the application of

this section pursuant to Section 4 of this act, the debtor may file with the court an application requesting a hearing to exempt from such process by reason of undue hardship that portion of his earnings from personal services necessary for the maintenance of a family supported wholly or partially by the labor of the debtor. A hearing on the application shall be set and conducted in the manner provided by Section 1172.2 of Title 12 of the Oklahoma Statutes and subsection D of Section 1174 of Title 12 of the Oklahoma Statutes.

B. In determining the existence of an undue hardship, the court should consider the family income, and expenses, and the standard of living created by the income and expenses. The court should also consider the standard of living in relationship to the minimal subsistence needs of the debtor, with comparison to the minimal subsistence standards in the community, in regard to basic shelter, food, clothing, personal property and transportation. The court should then determine if the lack of the funds sought to be exempt would be an undue hardship by creating less than a minimal subsistence level of family living. If deprivation of said earnings would create an undue hardship on the debtor and the family the debtor supports, the court may:

1. Order all or a portion of the personal wages exempt; or
2. In the case of a continuing wage garnishment pursuant to Section 1173.4 of Title 12 of the Oklahoma Statutes, modify or stay the garnishment.

SECTION 7. AMENDATORY 21 O.S. 1991, Section 142.1, is amended to read as follows:

Section 142.1 It is the intent of the Legislature to provide a method of compensating and assisting those persons who become victims of criminal acts and who suffer ~~bodily~~ physical injury or death who are either within this state or who are residents of this state who become victims, as defined in Section 142.3 of this title, in states that have no crime victims compensation program. To this

end, it is the further intent of the Legislature to provide compensation in the amount of expenses actually incurred as a direct result of the criminal acts of other persons.

SECTION 8. AMENDATORY 21 O.S. 1991, Section 142.3, as amended by Section 3, Chapter 136, O.S.L. 1992 (21 O.S. Supp. 1992, Section 142.3), is amended to read as follows:

Section 142.3 As used in the Oklahoma Crime Victims Compensation Act:

1. "Allowance expense" means charges incurred for needed products, services and accommodations, including, but not limited to, medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care. It also includes a total charge not in excess of Two Thousand Five Hundred Dollars (\$2,500.00) for expenses related to funeral, cremation or burial;

2. "Board" means the Crime Victims Compensation Board created by Section 142.4 of this title;

3. "Claimant" means any of the following persons applying for compensation under this act:

- a. a victim,
- b. a dependent of a victim who has died because of criminally injurious conduct, or
- c. a person authorized to act on behalf of any of the persons enumerated in subparagraphs a and b of this paragraph;

4. "Collateral source" means a source of benefits or advantages for economic loss for which the claimant would otherwise be eligible to receive compensation under this act which the claimant has received, or which is readily available to the claimant, from any one or more of the following:

- a. the offender,
- b. the government of the United States or any agency thereof, in the form of benefits, such as social

security, medicare and medicaid, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to benefits under this act,

- c. state-required temporary nonoccupational disability insurance,
- d. workers' compensation,
- e. wage continuation programs of any employer,
- f. proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct, or
- g. a contract providing prepaid hospital and other health care services or benefits for disability.

Should life insurance proceeds paid to the claimant be less than Twenty Thousand Dollars (\$20,000.00), such proceeds shall not be considered a collateral source when determining net loss for burial expenses. However, burial insurance proceeds shall be considered a collateral source;

5. "Criminally injurious conduct" means an act which occurs or is attempted in this state, or against a resident of this state in a state that does not have an eligible crime victims compensation program as such term is defined in the federal Victims of Crime Act of 1984, Public Law 98-473, that results in personal injury, threat of personal injury, or death to a victim which:

- a. ~~is~~ may be punishable by fine, imprisonment or death, or
- b. if the act is committed by a child, ~~results~~ could result in such child being adjudicated a delinquent child.

Such term shall not include acts arising out of the negligent maintenance or use of a motor vehicle unless the vehicle was

operated or driven by the offender while under the influence of alcohol or any other intoxicating substance or, unless the vehicle was operated or driven by the offender with the intent to injure or kill the victim or in a manner imminently dangerous to another person and evincing a depraved mind, although without any premeditated design to injure or effect the death of any particular person.

The act of failing to stop at the scene of an accident resulting in personal injury or death shall be considered criminally injurious conduct for the purposes of this act, provided the offense is punishable by fine or imprisonment;

6. "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct;

7. "Economic loss of a dependent" means loss after death of the victim of contributions of things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim;

8. "Replacement services loss of dependent" means the loss reasonably incurred by dependents after death of the victim in obtaining ordinary and necessary services in lieu of those the deceased victim would have performed for their benefit had the deceased victim not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim and not subtracted in calculating the economic loss of the dependent;

9. "Economic loss" means monetary detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, economic loss and replacement services loss of a dependent, but shall not include noneconomic loss;

10. "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage;

11. "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for the benefit of self or family, if the victim had not been injured or died;

12. "Traffic offense" means violation of a law relating to the operation of vehicles, but shall not mean negligent homicide due to operation of a motor vehicle, reckless driving, tampering with or damaging a motor vehicle, failure of a driver of a motor vehicle involved in an accident resulting in death or personal injury to stop at the scene of the accident, leaving the scene of an accident resulting in death or personal injury, operating or being in actual physical control of a motor vehicle while intoxicated or impaired due to alcohol or other intoxicating substance, or combination thereof, or operating a motor vehicle with a blood alcohol content in excess of ten-hundredths (0.10);

13. "Work loss" means loss of income from work the victim would have performed if such person had not been injured or died, reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work that he or she was capable of performing but unreasonably failed to undertake; and

14. "Victim" means a person who suffers personal injury or death as a result of criminally injurious conduct.

SECTION 9. AMENDATORY 21 O.S. 1991, Section 142.5, is amended to read as follows:

Section 142.5 A. The Board shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met. For claims under Two Thousand Five

Hundred Dollars (\$2,500.00), the Board may delegate this determination to the Administrator of the Crime Victims Compensation Board. For claims of any amount, the Board may delegate the initial determination of the claim to the Administrator of the Crime Victims Compensation Board, provided that the claimant shall have a right of appeal to the Board for all claims in excess of Two Thousand Five Hundred Dollars (\$2,500.00).

B. The Board shall hear and determine all matters relating to claims for compensation, and shall be able to reinvestigate or reopen claims without regard to statutes of limitation. However, claims that have been inactive for a period of more than three (3) years from the date of the last action by the Board shall be deemed closed and any further action forever barred. Claim files may be destroyed after a claim is closed. Destruction of such files may begin immediately after November 1, 1990, for claims that have remained inactive for more than three (3) years from the date of the last action by the Board. Files for claims which have been declined may be destroyed after nine (9) months following last Board action, provided the claimant has not notified the Board of any intentions to request reconsideration of the claim. Destruction of such files may begin on or after July 1, 1993.

C. The Board shall have the power to subpoena witnesses, compel their attendance, require the production of records and other evidence, administer oaths or affirmations, conduct hearings and receive relevant evidence.

D. The Board shall be provided such office, support, staff and secretarial services as necessary by the District Attorneys Council.

SECTION 10. AMENDATORY 21 O.S. 1991, Section 142.9, is amended to read as follows:

Section 142.9 A. Any person filing a claim under the provisions of this act shall be deemed to have waived any physician-patient privilege as to communications or records relevant

to an issue of the physical, mental or emotional conditions of the claimant.

B. If the mental, physical or emotional condition of a claimant is material to a claim, the Board upon good cause shown may order the claimant to submit to a mental or physical examination and may order an autopsy of a deceased victim. The order shall specify the time, place, manner, conditions and scope of the examination or autopsy and the person by whom it is to be made. The order shall also require the person to file with the Board a detailed written report of the examination or autopsy. The report shall set out the findings of the person making the report, including results of all tests made, diagnoses, prognoses and other conclusions and reports of earlier examinations of the same conditions.

C. The Board shall furnish a copy of the report examined. If the victim is deceased, the Board, on request, shall furnish a copy of the report to the claimant.

D. The Board may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.

E. In certain cases wherein mental health expenses are being claimed, the Board and/or the Administrator may request assistance from a panel of professionals in the mental health field. The panel of professionals may act only in an advisory capacity to the Board and Administrator.

F. The Board shall have the authority to set limits of compensation on any medical or mental health treatment and require that providers or medical or mental health treatment be licensed prior to compensating for said treatment.

SECTION 11. AMENDATORY 21 O.S. 1991, Section 142.10, is amended to read as follows:

Section 142.10 A. Compensation shall not be awarded:

1. Unless the claim has been filed with the Board within one (1) year after the injury or death upon which the claim is based. The Board may, at its discretion, waive this requirement, if the Board finds there was good cause for failure to file the claim within one (1) year, but in no event shall the filing of a claim be permitted after two (2) years from the date of the injury or death upon which the claim is based. The good cause exception shall be permitted only for injury or death occurring on or after November 1, 1989. If the victim is mentally handicapped or is a child under eighteen (18) years of age, the Board may use the date the criminal incident was disclosed to a responsible adult, when establishing whether or not the claim was timely filed;

2. To a claimant who was the offender, or an accomplice of the offender;

3. To another person if the award would unjustly benefit the offender or accomplice; or

4. Unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or the Board finds there was good cause for the failure to report within that time.

B. Compensation otherwise payable to a claimant shall be diminished to the extent:

1. That the economic loss is recouped from collateral sources; or

2. Of the degree of responsibility for the cause of the injury or death attributable to the victim as determined by the Board.

C. The Board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation.

D. The Board, on its own motion or on request of the claimant, may reconsider a decision granting ~~or denying~~ an award or determining its amount. The motion or request to reconsider a

decision shall be made within ~~three (3) years~~ six (6) months from the date of the last action by the Board on the claim at issue. An order on reconsideration of an award shall not require a refund of amounts previously paid, unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a Board decision for the purpose of judicial review. Claims which are declined by the Board, may be granted reconsideration only within six (6) months of the last Board action.

SECTION 12. AMENDATORY 21 O.S. 1991, Section 142.13, is amended to read as follows:

Section 142.13 A. Compensation for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss may not exceed Two Hundred Dollars (\$200.00) per week.

B. Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Ten Thousand Dollars (\$10,000.00) in the aggregate.

C. The Board may provide for the payment to a claimant in a lump sum or in installments. At the request of the claimant, the Board may convert future economic loss, other than allowable expense, to a lump sum, ~~but only upon a finding by the Board of either of the following:~~

~~1. That the award in a lump sum will promote the interests of the claimant; or~~

~~2. That the present value of all future economic loss, other than allowable expense, does not exceed One Thousand Dollars (\$1,000.00).~~

D. An award payable in a lump sum or installments for ~~future economic loss of support~~ may be made only for a period as to which the Board can reasonably determine ~~future economic loss of support~~. An award payable in installments for ~~future economic loss of support~~

may be modified by the Board upon its findings that a material and substantial change of circumstances has occurred.

E. An award shall not be subject to execution, attachment, garnishment or other process, except for child support and further except that an award for allowable expense shall not be exempt from a claim of a creditor to the extent that such creditor has provided products, services or accommodations, the costs of which are included in the award.

F. An assignment by the claimant to any future award under the provisions of this act is unenforceable, except:

1. An assignment of any award for work loss to assure payment of court ordered alimony, maintenance or child support; or

2. An assignment of any award for allowable expense to the extent that the benefits are for the cost of products, services or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

SECTION 13. AMENDATORY 21 O.S. 1991, Section 142.18, is amended to read as follows:

Section 142.18 A. In addition to the imposition of any costs, penalties or fines imposed pursuant to law, any person convicted of, pleading guilty to or agreeing to a deferred judgment procedure under the provisions of Section 991c of Title 22 of the Oklahoma Statutes for a felony involving criminally injurious conduct shall be ordered to pay a victim compensation assessment of at least Thirty Dollars (\$30.00), but not to exceed Ten Thousand Dollars (\$10,000.00), for each crime for which he was convicted or for which he agreed to a deferred judgment procedure. In imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant.

B. In addition to the imposition of any costs, penalties or fines imposed pursuant to law, any person convicted of, pleading guilty to or agreeing to a deferred judgment procedure under the provisions of Section 991c of Title 22 of the Oklahoma Statutes for a felony or misdemeanor offense, not including traffic offenses and not including misdemeanor offenses of the Oklahoma Wildlife Conservation Code or statutes relating to water safety, not described in subsection A of this section, the court shall levy a victim compensation assessment of at least Twenty-five Dollars (\$25.00), but not to exceed One Thousand Dollars (\$1,000.00) for each felony and at least Ten Dollars (\$10.00), but not to exceed Three Hundred Dollars (\$300.00) for each misdemeanor upon every fine, penalty, and forfeiture imposed and collected. When a cash bond is posted for any offense included in this subsection, the bond shall also include a sufficient amount to cover the minimum amount for victim compensation assessment.

C. The victim compensation assessment levied by the court pursuant to Section 1116 of Title 10 of the Oklahoma Statutes shall not exceed Two Thousand Dollars (\$2,000.00) for each criminally injurious act committed on a victim by the delinquent child.

D. All monies collected pursuant to this section shall be forwarded monthly by the court clerk to the Victims Compensation Revolving Fund.

E. In any municipal court in which a defendant is convicted of a crime involving violence, the threat of violence, or sexual assault, the court shall levy a victims compensation assessment of Twenty-five Dollars (\$25.00).

SECTION 14. AMENDATORY 21 O.S. 1991, Section 142.20, as amended by Section 1, Chapter 348, O.S.L. 1992 (21 O.S. Supp. 1992, Section 142.20), is amended to read as follows:

Section 142.20 A. A Sexual Assault Examination Fund shall be established for the purpose of providing to a victim of a sexual

assault a medical examination by a qualified licensed health care professional for the procurement of evidence to aid in the investigation and prosecution of a sexual assault offense and to provide to the victim medications as directed by said health care professional. Pursuant to this subsection, medications provided to the victim by said health care professional shall only be provided to said victim on a one-time basis for the immediate trauma and medical examination of the victim.

B. As used in this section:

1. "Sexual assault" means:

- a. rape, or rape by instrumentation, as defined in Sections 1111, 1111.1 and 1114 of this title, or
- b. forcible sodomy, as defined in Section 888 of this title; and

2. "Qualified licensed health care professional" means a physician, registered nurse, or other licensed health care professional qualified by training and experience, as determined by the ~~Crime Victims Compensation Board~~ Department of Mental Health and Substance Abuse Services, to perform sexual assault examinations.

C. The Crime Victims Compensation Board is authorized to pay for this examination and the medications directed by the qualified licensed health care professional upon application submitted by the victim of a sexual assault and approved by the district attorney who has jurisdiction over the prosecution of the sexual assault offense.

D. The Crime Victims Compensation Board shall establish the procedures for disbursement of the Sexual Assault Examination Fund, but in no event shall the Crime Victims Compensation Board pay an amount to exceed:

1. One Hundred Fifty Dollars (\$150.00) for a sexual assault examination; and

2. Twenty-five Dollars (\$25.00) for medications which are related to the sexual assault and directed and deemed necessary by said health care professional.

Such payments shall not exceed the amounts specified by this subsection regardless of the amount of any individual bills comprising the claim. Payments shall be made only upon claims submitted by the victim and approved by the district attorney.

SECTION 15. AMENDATORY 19 O.S. 1991, Section 215.33, as amended by Section 1, Chapter 136, O.S.L. 1992 (19 O.S. Supp. 1992, Section 215.33), is amended to read as follows:

Section 215.33 A. The district attorney's office shall inform as far as practical that victims and witnesses of crimes have the following services subject to the discretion of the district attorney ~~with the consent in writing of the presiding judge of the judicial district:~~

1. To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled, in order to save the person an unnecessary trip to court;

2. To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

3. To be informed of financial assistance and other social services available as a result of being a witness or a victim of a crime, including information on how to apply for the assistance and services;

4. To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled;

5. To be provided, whenever possible, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants;

6. To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis and property the ownership of which is disputed, shall be returned to the person;

7. To be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances; and

8. To have the family members of all homicide victims afforded all of the services under this section, whether or not they are witnesses in any criminal proceedings.

B. Victim-witness coordinators may inform the victim of a crime committed by a juvenile of the name and address of the juvenile found to have committed the crime.

C. Victim-witness coordinators shall inform victims of violent crimes, as defined in Section 7 984 of ~~this act~~ Title 22 of the Oklahoma Statutes, and members of the immediate family of such victims of their rights under Sections ~~8 and 9 of this act~~ 984.1 and 984.2 of Title 22 of the Oklahoma Statutes and Section 332.2 of Title 57 of the Oklahoma Statutes.

D. In any felony case involving a violent crime or a sex offense, the victim-witness coordinator shall inform the victim, as soon as practicable, or an adult member of the immediate family of the victim if the victim is deceased, incapacitated, or incompetent, of the progress of pretrial proceedings which could substantially delay the prosecution of the case.

E. All victim-witness coordinators appointed to perform the services specified in subsection A of this section shall complete a minimum of fifteen (15) hours in-service training annually. Said

training shall be conducted pursuant to the direction of the District Attorneys Council and the Crime Victims Compensation Board.

SECTION 16. REPEALER 21 O.S. 1991, Section 142.14, is hereby repealed.

SECTION 17. This act shall become effective July 1, 1993.

SECTION 18. 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.

44-1-6039 SD