

ENGROSSED HOUSE
BILL NO. 2271

By: Bryant, Tyler, Sullivan
(John), Miller and
Breckinridge of the
House

and

Douglass of the Senate

(Oklahoma Crime Victims Compensation Act - amending 21
O.S., Sections 142.18 and 142.20 - sexual assault
examination fund - effective date)

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 142.18, as amended by Section 10, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1995, 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)~~ Forty Dollars (\$40.00), but not to exceed Ten Thousand Dollars (\$10,000.00), for each crime for which ~~he~~ the person was convicted or for which ~~he~~ the person 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)~~ Thirty-five Dollars (\$35.00), but not to exceed One Thousand Dollars (\$1,000.00) for each felony and at least ~~Ten Dollars (\$10.00)~~ Twenty Dollars (\$20.00), 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 of record in which the defendant is convicted of a crime involving violence, the threat of violence, or sexual assault, the court shall levy and collect a victims compensation assessment of ~~Twenty-five Dollars (\$25.00)~~ Thirty-five Dollars (\$35.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount

collected from said ~~Twenty-five Dollars (\$25.00)~~ Thirty-five Dollars (\$35.00) for administrative costs. In any municipal court of record in which the defendant is convicted of driving under the influence of alcohol or other intoxicating substance, or both alcohol and other intoxicating substance, the court shall levy and collect a victims compensation assessment of ~~Fifteen Dollars (\$15.00)~~ Twenty-five Dollars (\$25.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected from said ~~Fifteen Dollars (\$15.00)~~ Twenty-five Dollars (\$25.00) for administrative costs. All victims compensation assessments collected by the municipal court clerk shall be forwarded to the Crime Victims Compensation Fund on a quarterly basis.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 142.20, as last amended by Section 11, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1995, Section 142.20), is amended to read as follows:

Section 142.20 A. A Sexual Assault Examination and Counseling 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~~ the health care professional, and to provide that adequate counseling services are available to victims throughout the state. Pursuant to this subsection, medications provided to the victim by ~~said~~ the health care professional shall only be provided to ~~said~~ the 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 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.

E. The Crime Victims Compensation Board is authorized to contract with nonprofit organizations throughout the state to provide for counseling services to sexual assault victims and to pay those organizations with funds collected pursuant to Section 142.18 of this title.

F. Effective July 1, 1993, the District Attorneys Council is hereby authorized to transfer up to One Hundred Fifty Thousand Dollars (\$150,000.00) from the Crime Victims Compensation Fund to

the Sexual Assault Examination Fund for the payment of sexual assault forensic examinations and medications, pursuant to this section.

SECTION 3. This act shall become effective November 1, 1996.

Passed the House of Representatives the 4th day of March, 1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate