

SHORT TITLE: County officers; requiring district attorney to notify victims and witnesses of certain services and rights; effective date.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1015

By: Herbert

AS INTRODUCED

An Act relating to county officers; amending 19 O.S. 1991, Section 215.33, as last amended by Section 7, Chapter 2, O.S.L. 1994 (19 O.S. Supp. 1995, Section 215.33), which relates to victim-witness coordinators; requiring the district attorney's office to notify victims and witnesses of certain services and rights; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 215.33, as last amended by Section 7, Chapter 2, O.S.L. 1994 (19 O.S. Supp. 1995, Section 215.33), is amended to read as follows:

Section 215.33 A. The district attorney's office shall notify and inform the victims and witnesses of crimes of their entitlement to the following services:

1. ~~To be notified~~ Notification 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~~ 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~~ Information regarding 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~~ Information regarding 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~~ 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~~ The expeditious return of any stolen or other personal property ~~expeditiously returned by~~ in the custody of any law enforcement agencies or the district attorney or court 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~~ 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;

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;~~

9. ~~To be informed of~~ Information regarding any plea bargain and ~~to have procedures for filing~~ victim impact statements ~~filed with the judgment and sentence; and~~

10. ~~To be informed if~~ 9. Notification that a sentence is overturned, remanded for a new trial, or otherwise modified by the Oklahoma Court of Criminal Appeals; and

10. Information regarding other victims' rights, including the potential right to file a civil action for damages; provided,

however, a victim-witness coordinator shall not give legal advice concerning civil matters.

B. The family members of all homicide victims shall be afforded all of the services under subsection A of this section, whether or not they are witnesses in any criminal proceedings.

C. 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, and shall notify the victim of a crime listed in Section ~~1104.2~~ 7306-1.1 of Title 10 of the Oklahoma Statutes of all court hearings involving that particular juvenile act. If the victim is not available, the victim-witness coordinator shall notify an adult relative of the victim ~~of said hearings.~~

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

~~D.~~ E. 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.~~ F. All victim-witness coordinators appointed to perform the services specified in subsection A of this section shall complete a minimum of fifteen (15) hours of in-service training annually. ~~Said training~~ Training shall be conducted pursuant to the direction of the District Attorneys Council and the Crime Victims Compensation Board.

SECTION 2. This act shall become effective November 1, 1996.

45-2-1723 NP