

SHORT TITLE: Sheriffs; requiring certain facilities to allow certain civil process to be served; codification; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1118

By: Long (Lewis) of the Senate

and

Thornbrugh of the House

AS INTRODUCED

An Act relating to sheriffs; amending 19 O.S. 1991, Section 545, which relates to service of district court work; clarifying language; modifying certain grounds for removal from office; requiring prompt attempt to serve all work; requiring hospitals, victim protection centers, and certain treatment facilities to allow sheriff to serve protective orders; specifying mental capacity necessary for defendant; construing provisions; prohibiting disclosure of certain information; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 545, is amended to read as follows:

Section 545. All work issued out of the district court, except in the case of civil process which may be served by a private process server pursuant to Section 158.1 of Title 12 of the Oklahoma Statutes, shall be ~~served by the responsibility of~~ the sheriff or ~~his salaried deputies, together with such other~~ a deputy sheriff. Other work as which may be placed in the hands of the sheriff or ~~salaried deputies,~~ a deputy sheriff by any court in ~~his or their~~ the jurisdiction of the county ~~except as provided in Section 158.1 of Title 12 of the Oklahoma Statutes~~ may be served by the sheriff or a deputy sheriff. All process, including civil process, placed in the hands of the ~~said~~ sheriff shall ~~be served~~ have service attempted promptly and the return thereof shall be made without delay and filed in the proper court. A failure to promptly ~~serve~~ attempt

Req. No. 2004

service of process placed in the hands of the sheriff, or the failure to perform expeditiously all the duties of ~~his~~ the office, shall be grounds for removal of such sheriff.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 545.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

Every hospital, victim protection center, mental health facility and substance abuse treatment facility shall be required to allow the county sheriff to serve a protective order, as defined by Section 60.1 et seq. of Title 22 of the Oklahoma Statutes, upon any defendant named in the protective order who is receiving inpatient treatment within the facility at the time of the attempted service; provided, the defendant named in the protective order is deemed mentally capable, as determined by the facility, of determining the legal obligations imposed with service of the order. Nothing contained in any provision of this section shall authorize any person other than the county sheriff, in person, to serve any protective order in such facility, and the facility shall not be required to disclose the presence of any defendant named in a protective order when the person has specifically requested confidentiality for reasons other than protection from the consequences of criminal conduct. No facility or person shall be required to disclose any information which would jeopardize the security, safety, medical or mental health treatment of any patient or jeopardize any employee in the facility.

SECTION 3. 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.

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