

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 997

By: Helton and Wright of the
Senate

and

Askins of the House

(criminal procedure - authorizing pseudonyms for
victims - name confidentiality -
effective date)

AUTHORS: Add the following House Coauthors: Boyd (Laura), Easley,
Lindley, Staggs, Blackburn, Boyd (Betty) and Braddock

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

"(criminal procedure - certain form - District Attorneys
Council - codification - effective date)

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1600 of Title 22, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1. "Name" means the legal name of a person;
2. "Pseudonym" means a set of initials or a fictitious name
chosen by a victim to designate the victim in all public files and
records concerning the offense, including police summary reports,
press releases, and records of judicial proceedings; and

3. "Victim" means a person who was the subject of an offense or an attempted offense under Section 888, 1111, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1601 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The District Attorneys Council shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a sexual assault victim. Any law enforcement officer investigating an applicable sexual offense shall notify the victim of the right to choose a pseudonym.

B. A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this section must complete a pseudonym form developed by the District Attorneys Council and return the form to the law enforcement agency investigating the offense.

C. A victim who completes and returns a pseudonym form to the law enforcement agency investigating the offense may not be required to disclose his or her name, address, and telephone number in connection with the investigation or prosecution of the offense, except as provided in subsection G of this section.

D. A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court of competent jurisdiction. The court order required by subsection G of this act is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

E. If a victim completes and returns a pseudonym form to a law enforcement agency as provided by this section, the law enforcement agency receiving the form shall:

1. Remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;

2. Notify the district attorney of the pseudonym and that the victim has elected to be designated by the pseudonym; and

3. Maintain the form in a manner that protects the confidentiality of the information contained on the form.

F. A district attorney who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings relating to the offense.

G. The defendant shall be entitled to know the true identity and address of the victim.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1602 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Any person who is aware that a victim has chosen to be designated by a pseudonym commits an offense if the person intentionally or knowingly discloses the name, address, or telephone number of the victim to any person who is not assisting in the investigation or prosecution of the offense or to any person other than the defendant, the defendant's attorney, or a person specified in a court order entered pursuant to subsection G of Section 2 of this act.

B. Any offense committed in violation of the provisions of this act shall, upon conviction, be a misdemeanor punishable by a fine of Five Thousand Dollars (\$5,000.00).

C. Nothing in this act shall be deemed to be in conflict with any provision of Section 984.2 of Title 22 of the Oklahoma Statutes.

SECTION 4. This act shall become effective November 1, 1998."

Passed the House of Representatives the 1st day of April, 1998.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1998.

President of the Senate