

ENGROSSED HOUSE
BILL NO. 2594

By: Bryant and Askins of the
House

and

Douglass of the Senate

An Act relating to criminal procedure; authorizing use of photograph to establish identity of homicide victim; authorizing use of evidence of previous domestic abuse incidents under certain circumstances; amending 21 O.S. 1991, Section 142.20, as last amended by Section 11, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1999, Section 142.20), which relates to the Sexual Assault Examination Fund; modifying maximum amount for reimbursement and transfer to certain fund; 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 3011 of Title 12, unless there is created a duplication in numbering, reads as follows:

Upon the trial of any criminal case involving a homicide, a photograph of the victim of the crime while living may be used to establish the identity of the victim of the homicide.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2404.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature hereby finds that domestic violence is frequently cyclical in nature, involves patterns of abuse, and can consist of harm with escalating levels of seriousness. The Oklahoma Legislature therefore declares that evidence of similar transactions can be helpful and is necessary in some situations in prosecuting crimes involving domestic violence.

B. In criminal prosecutions involving domestic violence in which the defendant and the victim named in the information have engaged in an intimate relationship as of the time alleged in the information, evidence of any other acts of domestic violence between the defendant and the victim constitute other acts or transactions for the purposes of this section, and the court may authorize the admission of evidence as provided in subsection C of this section.

C. The proponent of evidence of other acts or transactions under this section shall advise the trial court by notice of such evidence and shall specify whether the evidence is offered to show a common plan, scheme, design, identity, modus operandi, motive, or guilty knowledge or for some other purpose.

D. Upon the offer of proof under subsection C of this section, the trial court shall determine whether the probative value of the evidence of similar acts or transactions is substantially outweighed by the danger of unfair prejudice to the defendant, confusion of the issues, or misleading of the jury if the evidence is allowed or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

E. Upon admitting evidence of other acts or transactions into evidence pursuant to this section and again in the general charge to the jury, the trial court shall direct the jury as to the limited purpose for which the evidence is admitted and for which the jury may consider it.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 142.20, as last amended by Section 11, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1999, 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 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)~~ Two Hundred Dollars (\$200.00) 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. Effective July 1, 1993, the District Attorneys Council is hereby authorized to transfer up to ~~One Hundred Fifty Thousand Dollars (\$150,000.00)~~ Two Hundred Thousand Dollars (\$200,000.00) 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 4. This act shall become effective July 1, 2000.

SECTION 5. 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.

Passed the House of Representatives the 29th day of February, 2000.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 2000.

President of the Senate