

SB 1071

THE STATE SENATE
Monday, February 28, 2000

Senate Bill No. 1071
As Amended

SENATE BILL NO. 1071 - By: HERBERT of the Senate and CASE of the House.

An Act relating to mental health; amending 43A O.S. 1991, Section 3-313, as amended by Section 1, Chapter 191, O.S.L. 1999 (43A O.S. Supp. 1999, Section 3-313), which relates to domestic violence and sexual assault shelters; modifying conditions for disclosure of certain information; and declaring an emergency.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 3-313, as amended by Section 1, Chapter 191, O.S.L. 1999 (43A O.S. Supp. 1999, Section 3-313), is amended to read as follows:

Section 3-313. A. The Department of Mental Health and Substance Abuse Services is hereby authorized and directed to enter into agreements and to contract for ~~the~~ shelter and other services as ~~are~~ needed for victims of domestic abuse or sexual assault. Any domestic violence or sexual assault program providing services pursuant to a contract or subcontract with and receiving funds from the Department of Mental Health and Substance Abuse Services, the Board of Mental Health and Substance Abuse Services, or any facility of the Department of Mental Health and Substance Abuse Services

1 shall be subject to the provisions of the Unified Community Mental
2 Health Services Act.

3 B. 1. Except as otherwise provided by paragraph 2 of this
4 subsection, the case records, case files, case notes, client
5 records, or similar records of a domestic violence or sexual assault
6 program certified by the Department of Mental Health and Substance
7 Abuse Services or of any employee or trained volunteer of a program
8 regarding an individual who is residing or has resided in the
9 program or who has otherwise utilized or is utilizing the services
10 of a domestic violence or sexual assault program or counselor shall
11 be confidential and shall not be disclosed. For purposes of this
12 paragraph, the term "client records" shall include, but not be
13 limited to, all communications, records, and information regarding
14 clients of domestic violence and sexual assault programs.

15 2. The case records, case files, or case notes of programs
16 specified in paragraph 1 of this subsection shall be confidential
17 and shall not be disclosed except:

18 a. with the written consent of the individual, or l in the
19 case of the individual's death or disability, of the
20 individual's personal representative or other person
21 authorized to sue on the individual's behalf, l

1 b. to peace officers in the course of their official
2 duties relating to investigations of a report of known
3 or suspected domestic violence or sexual assault, or
4 c. by court order for good cause shown by to the judge in
5 camera.

6 C. The district court shall not order the disclosure of the
7 address of a domestic violence shelter, the location of any person
8 seeking or receiving services from a domestic violence or sexual
9 assault program, or any other information which is required to be
10 kept confidential pursuant to subsection B of this section.

11 D. A peace officer shall not disclose or allow disclosure of
12 the location of any person seeking or receiving services from a
13 domestic violence or sexual assault program, or any other
14 information which is required to be kept confidential pursuant to
15 subsection B of this section.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-22-00 - DO
21 PASS, As Amended and Coauthored.