

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 733

By: Snyder

AS INTRODUCED

An Act relating to sex offenders; providing for sexual predator registration; requiring court determination for certain registration; making certain registration for life; establishing procedures for judicial determination of predatory sex offenders; creating a civil commitment procedure for sex offenders; stating certain legislative findings; defining terms; establishing multidisciplinary team; providing certain immunity; providing certain notice, reviews and hearings; establishing certain review committee; requiring certain petition be filed; authorizing detention of defendant; providing due process; requiring commitment of adjudicated sexually violent predators; providing probable cause hearing; specifying certain defendant rights; requiring certain evaluation by certain professional or expert; requiring trial; authorizing certain representation and evaluations; authorizing certain payment for certain services; allowing jury trial; specifying procedure for selection of jury members; allowing appeal of certain determination; providing for certain commitment to the Department of Mental Health and Substance Abuse Services; providing for segregation in secure facility; authorizing certain interagency contract; stating effect of mistrial; requiring certain procedure in event of certain incompetency; making rules of evidence applicable; requiring specific findings before proceeding with hearing; requiring annual examination of mental condition; requiring certain report by certain person; requiring annual notice for purpose of release consideration; providing for certain release hearing; restricting defendant's attendance at certain hearing; requiring certain burden of proof of state to maintain or obtain commitment; stating effect of frivolous petition; directing responsibility for costs and care; authorizing certain reimbursement; requiring certain notification to victims; construing certain provisions; providing for special allegations on certain offenses; requiring notice and hearing; prohibiting certain withdrawal of special allegation; providing certain exception to withdrawal; providing for confidentiality of records; providing severability; 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 590 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. On and after July 1, 1999, at the time of sentencing any person for any sex offense required to be registered pursuant to the Sex Offenders Registration Act, the court may upon motion of the district attorney, make a judicial determination that the offender is a predatory sex offender and must be registered as such for life when there is a compelling interest of the state to protect the public against the acts of the defendant. The court shall consider, but not be limited to:

1. Whether or not any victim is a child under ten (10) years of age;

2. Whether or not the offender has one or more prior convictions for any sex offense in this state or another state where the victim was a child or the sex offense was violent;

3. Whether or not the offender has a history of sex offenses or violent offenses;

4. Whether or not the offender has any mental condition, abnormality, disability, or illness, or suffers from any other condition, abnormality, or other disability which represents a continuing threat to the public for sex crimes by the defendant;

5. Whether or not the sex offense was particularly heinous or atrocious; and

6. Whether or not the sex crime was committed in association with any offense of kidnapping, trafficking in children, child stealing or any violent offense.

B. At the hearing, the court shall allow testimony and evidence or may rely on the testimony and evidence presented in the trial proceedings. The defendant shall be allowed to present evidence in defense. The determination of any defendant as a predatory sex offender by the court shall be entered upon the judgment and

sentence and shall require registration pursuant to the Sex Offenders Registration Act as a sexual predator for life.

C. Any person committed pursuant to Section 3 et seq. of this act as a sexual predator for life shall be registered pursuant to the Sex Offender Registration Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.1 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Legislature finds that a small but extremely dangerous group of sexually violent predators exists who do not have a mental disease or defect that renders them appropriate for involuntary treatment pursuant to treatment for mentally ill persons as defined in Title 43A of the Oklahoma Statutes, which is intended to provide short-term treatment to individuals with serious mental disorders and then return such person to the community. In contrast to persons appropriate for civil commitment under Title 43A of the Oklahoma Statutes, sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities and those features render the person likely to engage in sexually violent behavior and remain a continuing threat to the public. The Legislature further finds that sexually violent predators' likelihood of engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment procedure pursuant to treatment for mentally ill persons is inadequate to address the risk these sexually violent predators pose to society. The Legislature further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, the treatment needs of this population are very long term and the treatment modalities for this population are very different than the traditional treatment modalities for persons appropriate for commitment for mental illness, therefore a civil commitment

procedure for the long-term care and treatment of sexually violent predators is found to be necessary by the Legislature.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.2 of Title 57, unless there is created a duplication in numbering, reads as follows:

As used in Sections 2 through 18 of this act:

1. "Sexually violent predator" means any person who has been convicted of two or more sexually violent offenses as defined in paragraph 5 of this section and who is likely to engage in another predatory act of sexual violence if not confined in a secure facility, or who has been charged with a sexually violent offense and who suffers from a mental abnormality as defined in paragraph 2 of this section which makes the person likely to engage in another predatory act of sexual violence if not confined in a secure facility;

2. "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes a person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others;

3. "Predatory" means acts directed towards strangers, children, or individuals with whom relationships have been established or promoted for the primary purpose of victimization;

4. "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification;

5. "Sexually violent offense" means:

- a. rape as defined in Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes,
- b. forcible sodomy as defined in Section 888 of Title 21 of the Oklahoma Statutes,

- c. solicitation of a child as defined in subsection B of Sections 1021 and 1021.2 of Title 21 of the Oklahoma Statutes,
- d. sexual exploitation of a child as defined in Section 1021.3 of Title 21 of the Oklahoma Statutes,
- e. lewd or indecent proposals to a child as defined in Section 1123 of Title 21 of the Oklahoma Statutes,
- f. rape by instrumentation as defined in Section 1111.1 of Title 21 of the Oklahoma Statutes,
- g. sexual abuse of a child as defined in Section 7115 of Title 10 of the Oklahoma Statutes,
- h. any conviction for a felony offense in effect at any time prior to the effective date of this act that is comparable to a sexually violent offense as defined in subparagraphs a through g of this paragraph or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this section,
- i. an attempt, conspiracy or criminal solicitation of a sexually violent offense as defined in this section,
or
- j. any act which either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to the provisions of this act, has been determined beyond a reasonable doubt to have been sexually motivated; and

6. "Agency with jurisdiction" means that agency which releases upon lawful order or authority a person serving a sentence or term of confinement and includes the Department of Corrections and the Department of Mental Health and Substance Abuse Services.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.3 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. At any time when it appears that a person meets the criteria of a sexually violent predator as defined in Section 3 of this act, the agency with jurisdiction of such person or the district attorney shall give written notice of such to the Attorney General and the multidisciplinary team established in subsection D of this section, ninety (90) days prior to:

1. The anticipated release from confinement of a person who has been convicted of a sexually violent offense, except that in the case of a person who is returned to prison for less than ninety (90) days as a result of revocation of a suspended sentence or postimprisonment supervision, written notice shall be given as soon as practicable following the person's readmission to prison;

2. Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to lawful authority;

3. Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to lawful authority; or

4. Release of a person who has been found not guilty of a sexually violent offense but who has a mental illness or abnormality which constitutes a continuous threat to the public.

B. The agency with jurisdiction or the district attorney shall inform the Attorney General and the multidisciplinary team established in subsection D of this section of the following:

1. The person's name, identifying factors, anticipated future residence, and offense history; and

2. Documentation of institutional adjustment and any treatment received.

C. The agency with jurisdiction of such person, its employees, officials, the district attorney, members of the multidisciplinary team established in subsection D of this section, members of the prosecutor's review committee appointed as provided in subsection E of this section, and employees, individuals contracting, appointed or volunteering to perform services pursuant to the provisions of this act shall be immune from liability for any good-faith conduct under this act.

D. The Department of Public Safety in conjunction with and in collaboration with the Department of Mental Health and Substance Abuse Services and the Department of Corrections shall establish a multidisciplinary team which shall include qualified professionals from other state agencies or the professional community to review available records of each person referred to such team pursuant to subsection A of this section. The team shall consist of not more than fifteen (15) members of which at least one shall be a physician, one a psychologist, one an attorney, and such other members deemed qualified and competent to perform the duties imposed pursuant to this act. The team, within ten (10) days of receiving notice, shall assess whether or not the person meets the definition of a sexually violent predator as established in Section 3 of this act. The multidisciplinary team shall notify the Attorney General of its findings.

E. The Attorney General shall appoint a prosecutor's review committee to review the records of each person referred to the Attorney General pursuant to subsection A of this section. The prosecutor's review committee shall assist the Attorney General in determining whether the person meets the definition of a sexually violent predator as established in Section 3 of this act. The prosecutor's review committee shall consist of not more than eleven (11) members of which at least two shall be prosecutors, two shall be defense attorneys, one a physician, one a psychologist, and other

members deemed qualified and competent to perform the duties imposed pursuant to this act. The district attorney and any other assistant district attorney of such office initiating the notice to the Attorney General of a potential sexually violent predator shall not be allowed to serve on the prosecutor's review committee. The findings of the multidisciplinary team shall be made available to the prosecutor's review committee. The prosecutor's review committee shall report their finding to the Attorney General within ten (10) days of receiving the multidisciplinary team's findings. The Attorney General shall proceed with the civil commitment if both the multidisciplinary team and the prosecutor's review committee find the person meets the definition of a sexually violent predator.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.4 of Title 57, unless there is created a duplication in numbering, reads as follows:

When it appears that a person may be a sexually violent predator and the multidisciplinary team and the prosecutor's review committee appointed as provided in Section 4 of this act has determined that the person meets the definition of a sexually violent predator, the Attorney General shall file a petition, within seventy-five (75) days of the date the Attorney General received the written notice by the agency of jurisdiction or district attorney as provided in subsection A of Section 4 of this act, alleging that the person is a sexually violent predator and stating sufficient facts to support such allegation.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.5 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Upon filing a petition pursuant to Section 5 of this act, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator and that the state has an overriding interest in protecting the

public from the future acts of such person. If such determination is made, the judge shall direct that person be taken into the custody of the sheriff or a mental health facility unless the person is already in the custody of a jail or state facility. If the person is in custody by a law enforcement agency the Department of Mental Health and Substance Abuse Services or the Department of Corrections, the court shall notify such agency and direct that person be held for purpose of the proceedings established by this act.

B. Within seventy-two (72) hours after a person is taken into custody or the custodial agency is notified pursuant to subsection A of this section, such person shall be provided with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as to whether the detained person is a sexually violent predator. At this hearing the court shall:

1. Verify the person's identity; and
2. Determine whether probable cause exists to believe that the person is a sexually violent predator and that the state has an overriding interest in protecting the public from the future acts of such person. The state may rely upon the petition and supplement the petition with additional documentary evidence or testimony.

C. At the probable cause hearing as provided in subsection B of this section, the person shall have the following rights in addition to the rights previously specified:

1. To be represented by counsel;
 2. To present evidence on such person's behalf;
 3. To cross-examine witnesses who testify against such person;
- and
4. To view and copy all petitions and reports in the court file.

D. If the court determines probable cause exists to hold the person for further proceedings, the court shall direct that the

person be transferred to an appropriate secure facility, including, but not limited to, a county jail, for an evaluation to determine whether the person is a sexually violent predator who poses a continuing threat to the public. The evaluation shall be conducted by a qualified expert on sex offenders or a licensed professional having sufficient experience with psychological and behavioral testing and analyses to conduct such an examination.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.6 of Title 57, unless there is created a duplication in numbering, reads as follows:

Within sixty (60) days after the completion of the probable cause hearing held pursuant to Section 6 of this act, the court shall conduct a trial to determine whether the person is a sexually violent predator who should be committed for the protection of the public. The trial may be continued not exceeding thirty (30) days upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, provided the respondent will not be substantially prejudiced. At all stages of the proceedings under this act, any person subject to the provisions of this act shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist such person. Whenever any person is subjected to any examination under this act, such person may retain qualified experts or professionals to perform such examination on such person's behalf. When the person wishes to be examined by a qualified expert or professional of such person's own choice, the examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports available to the court. In the case of a person who is indigent, the court, upon the person's request, shall appoint a qualified expert and set reasonable compensation for such services. The court shall approve

payment for such services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the person and compensation received in the same case or for the same services from any other source. The person, the Attorney General, or the judge shall have the right to request that the trial be before a jury. Such request for the trial to be before a jury shall be filed, in writing, at least four (4) days prior to trial. Number and selection of jurors shall be determined as provided by law for criminal trials. If no request is made, the trial shall be before the court.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.7 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. 1. The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator as defined by this act with at least two prior sex offense convictions and the person poses a continuing threat to the safety of the public. If a determination that the person is a sexually violent predator is made by a jury, such determination shall be by unanimous verdict of the jury. The determination may be appealed.

2. If the court or jury determines that the person is a sexually violent predator who poses a continuing threat to the public, the person shall be committed to the custody of the Department of Mental Health and Substance Abuse Services for control, care and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large. The control, care and treatment shall be provided at a facility operated by the Department of Mental Health and Substance Abuse Services except as otherwise authorized pursuant to the provisions of this act. At all times, persons committed for control, care and treatment to the Department of Mental Health and

Substance Abuse Services pursuant to this act shall be kept in a secure facility and such persons shall be segregated at all times from any other patient under the supervision of the Department of Mental Health and Substance Abuse Services. For purposes of this paragraph "secure facility" means a facility with no access to the public at large or other patients except for occasional instances of supervised incidental contact or feeding schedule. The Department of Mental Health and Substance Abuse Services is authorized to enter into an interagency agreement with the Department of Corrections for the confinement of such persons. Such persons who are in the confinement of the Department of Corrections pursuant to an interagency agreement shall be segregated at all times from criminal offenders in the custody of the Department of Corrections, and shall have no contact with criminal offenders except for occasional instances of supervised incidental contact or feeding schedules.

3. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator who poses a continuing threat to the public, the court shall direct the person's release.

4. Upon a mistrial, the court shall direct that the person be held at an appropriate secure facility, including, but not limited to, a county jail or a mental health facility, until another trial is conducted. Any subsequent trial following a mistrial shall be held within ninety (90) days of the previous trial, unless such subsequent trial may be continued as provided in Section 7 of this act.

B. If a person charged with a sexually violent offense has been found incompetent to stand trial, and is about to be released from custody, and such person's commitment is sought pursuant to the provisions of this act, the court shall first hear evidence and determine whether the person did commit the act or acts charged. The hearing on this issue must comply with all the procedures

specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on such person's own behalf, the extent to which the evidence could be reconstructed without the assistance of the person and the strength of the prosecution's case. If after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to the provisions of this act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.8 of Title 57, unless there is created a duplication in numbering, reads as follows:

Each person committed pursuant to the provisions of this act shall have an examination of the person's mental condition made once every year by the Department of Mental Health and Substance Abuse Services. The person may retain, or, if the person is indigent and so requests the court may appoint a qualified expert or professional to examine such person, and such expert or professional shall have access to all records concerning the person. The yearly report shall be provided to the court that committed the person under this act. The court shall conduct an annual review of the status of the committed person at an hearing. Notice of the hearing shall be given to the person and the Attorney General. Nothing contained in this act shall prohibit the person from otherwise petitioning the

court for discharge at this hearing. The Department of Mental Health and Substance Abuse Services shall provide the committed person with an annual written notice of the person's right to petition the court for release. The Department shall forward a copy of the notice of the right to petition for release to the court with the annual report. The committed person shall have a right to have an attorney to represent the person at the annual review hearing, but the person is not entitled to be present at the hearing. If a petition for release is filed it shall be part of the annual review hearing. If the court at the annual review hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and will not engage in acts of sexual violence against any child or adult if discharged, then the court shall set a hearing on the issue. At the hearing, the committed person shall be entitled to be present and entitled to the benefit of all constitutional protections that were afforded the person at the initial commitment proceedings. The Attorney General shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have a qualified expert or professional evaluate the person on the person's behalf and the court shall appoint an expert or professional if the person is indigent and requests such evaluation. The burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is not safe to be at large and if released is likely to engage in acts of sexual violence.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.9 of Title 57, unless there is created a duplication in numbering, reads as follows:

The involuntary detention or commitment of any person pursuant to the provisions of this act shall conform to constitutional requirements for care and treatment of the mentally ill.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.10 of Title 57, unless there is created a duplication in numbering, reads as follows:

If the Department of Mental Health and Substance Abuse Services determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to commit predatory acts of sexual violence if released, the Department shall authorize the person to petition the court for release at any time before the annual review hearing. The petition shall be filed by the Department on behalf of the person. The petition shall be served upon the Attorney General as provided for summons. The court, upon filing of the petition for release by the Department, shall order a hearing to be held within thirty (30) days. The Attorney General shall represent the state, and shall have the right to have the petitioner examined by a qualified expert or professional of such attorney's choice. The hearing shall be before a jury if requested by either the petitioner or the Attorney General. The burden of proof shall be upon the state to show beyond a reasonable doubt that the person's mental abnormality or personality disorder remains such that the person is not safe to be at large and if discharged is likely to commit predatory acts of sexual violence.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.11 of Title 57, unless there is created a duplication in numbering, reads as follows:

Nothing in Sections 3 through 17 of this act shall prohibit a person from filing a petition for discharge at any time. However, if a person has previously filed a petition for discharge independently of the Department of Mental Health and Substance Abuse

Services petitioning on behalf of the person and the court determined either upon review of the petition at the annual hearing or following a separate hearing on the petition that the person's request for discharge was frivolous or that the person's condition had not so changed that the person was safe to be at large, then the court shall deny any subsequent petition made by the person unless the petition contains sufficient facts upon which the court could find the condition of the person had so changed that a new hearing was warranted. Upon receipt of a first or subsequent petition from the committed person without the Department acting on behalf of the person, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds and, if so, shall deny the petition without a hearing.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.12 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Department of Mental Health and Substance Abuse Services shall be responsible for all costs relating to the evaluation and treatment of persons committed to the Department's custody under any provision of Sections 3 through 17 of this act. Reimbursement from the Department of Mental Health and Substance Abuse Services may be obtained by the Department of Corrections for the cost of care and treatment of persons committed to the Department of Correction's custody under interagency agreements pursuant to this act. The Legislature shall appropriate sufficient funds to the Department of Mental Health and Substance Abuse Services to care for persons committed under this act.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.13 of Title 57, unless there is created a duplication in numbering, reads as follows:

In addition to any other information required to be released under this act, prior to the release of a person committed under any

provision of this act, the Department of Mental Health and Substance Abuse Services and the Department of Public Safety shall each give written notice of such release to any victim who is alive and whose address is known to the Department or, if the victim is deceased, to the victim's family, if the family's address is known. Failure to notify shall not be a reason for postponement of release. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's position as a result of the failure to notify pursuant to this section.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.14 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. When there exists one or more prior sex offenses, the district attorney may file a special allegation of sexual motivation within ten (10) days after arraignment in every criminal case other than sex offenses defined in Section 3 of this act, when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact finder and that the defendant may be a sexual predator subject to the provisions of this act.

B. In a criminal case wherein there has been a special allegation as provided in subsection A of this section, the state shall prove beyond a reasonable doubt that the accused committed the crime with a sexual motivation and as a sexual predator. The court shall make a finding of fact of whether sexual motivation was present at the time of the commission of the crime, or if a jury trial is held, the jury, if it finds the defendant guilty, also shall find a special verdict as to whether the defendant committed the crime with sexual motivation after one or more prior convictions

for any sexual offense. This special verdict and finding shall not be applied to sex offenses as defined in Section 3 of this act.

C. The district attorney shall not be allowed to drop or withdraw the special allegation of sexual motivation without approval of the court through an order of dismissal of the special allegation. The court shall not dismiss this special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless evidentiary problems exist which make proving the special allegation doubtful.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.15 of Title 57, unless there is created a duplication in numbering, reads as follows:

In order to protect the public, relevant information and records which are otherwise confidential or privileged shall be released upon request to the agency with jurisdiction or the Attorney General for the purpose of meeting the notice requirement provided in Section 4 of this act and determining whether a person is or continues to be a sexually violent predator.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.16 of Title 57, unless there is created a duplication in numbering, reads as follows:

Any psychological reports, drug and alcohol reports, treatment records, reports of any diagnostic tests, medical records or other confidential information which have been submitted to the court or admitted into evidence pursuant to any provision of this act shall be part of the record but shall be kept confidential from the public except by specific order of the court or as otherwise provided by this act.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590.17 of Title 57, unless there is created a duplication in numbering, reads as follows:

If any provision of Sections 3 through 17 of this act or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and, to this end, the provisions of this act are severable.

SECTION 19. This act shall become effective July 1, 1999.

SECTION 20. 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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