STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 828 By: Brown

AS INTRODUCED

An Act relating to criminal procedure; defining terms; authorizing a pseudonym for victims of certain sexual assault offenses; providing for certain form to be developed by the District Attorneys Council; providing procedure to keep victim's name, address and telephone number confidential; allowing defendant to know victim's name and address except under certain circumstances; prohibiting release of certain victim information when pseudonym is filed; providing penalty for disclosure of certain information; providing for codification; and providing an effective date.

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 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 within this state a pseudonym form to record the legal name, address, telephone number, the selected pseudonym of a sexual assault victim and such other information as may be necessary to properly identify the 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 legal 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 legal name, address, or telephone number in connection with the investigation or prosecution of the offense, except by order of a court of competent jurisdiction.

D. A completed and returned pseudonym form is confidential and the contents may not be disclosed to any person other than the defendant in the case, the defendant’s attorney, and the prosecutor, except upon order of a court of competent jurisdiction.

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 legal 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 in all files, reports, and judicial proceedings; and

3. Maintain the form in a manner that protects the confidentiality of the information contained on the pseudonym 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 press releases, documents, legal proceedings, reports and files relating to the offense.

G. The defendant shall be entitled to know the legal name and address of the victim unless the court finds it necessary to protect the victim or the immediate family of the victim from harassment or physical harm and that the information withheld will not affect the defendant's constitutional right to a fair trial.

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 true identity, legal name, address, or telephone number of the victim to any person, except the defendant, the defendant's attorney, the prosecutor or to a person named pursuant to an order of a court of competent jurisdiction.

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).

SECTION 4. This act shall become effective November 1, 2000.

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