ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1124

By: Winchester, Ingmire and Askins of the House

and

Wilcoxson of the Senate

An Act relating to criminal procedure; amending 22 O.S. 1991, Sections 60.1, 60.2, 60.3, 60.4, as last amended by Sections 5, 6, 7 and 8, Chapter 370, O.S.L. 2000 (22 O.S. Supp. 2000, Sections 60.1, 60.2, 60.3 and 60.4), which relate to the Protection from Domestic Abuse Act; adding definition; authorizing certain persons to apply for protective order; authorizing court to grant certain relief; and providing an effective date.

AUTHORS: Add the following Senate Coauthors: Williams and Martin

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 142.20, as last amended by Section 11, Chapter 325, O.S.L. 1993, and 566 (21 O.S. Supp. 2000, Section 142.20), which relate to sexual assault and punishment for contempt; authorizing approval of certain payments by assistant district attorney; increasing amounts paid for sexual assault examination and medications; deleting obsolete language; increasing amount authorized for transfer from Crime Victims Compensation Fund to Sexual Assault Examination Fund; allowing certain counties the power to enforce specified court orders; allowing court to punish for failure to comply; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 142.20, as last amended by Section 11, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 2000, 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 <u>or assistant district attorney</u> 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)~~ <u>Two Hundred Fifty Dollars ($250.00)</u> for a sexual assault examination; and

2. ~~Twenty-five Dollars ($25.00)~~ Fifty Dollars ($50.00) 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 or assistant district attorney.

E. ~~Effective July 1, 1993, the~~ The District Attorneys Council is hereby authorized to transfer up to ~~One Hundred Fifty Thousand Dollars ($150,000.00)~~ Two Hundred Seventy-five Thousand Dollars ($275,000.00) 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 2. AMENDATORY 21 O.S. 1991, Section 566, is amended to read as follows:

Section 566. A. Unless otherwise provided for by law, punishment for direct or indirect contempt shall be by the imposition of a fine in a sum not exceeding Five Hundred Dollars ($500.00) or by imprisonment in the county jail not exceeding six (6) months, or by both, at the discretion of the court.

B. 1. In the case of indirect contempt for the failure to comply with an order for child support, other support, visitation, or other court orders regarding minor children the Supreme Court shall promulgate guidelines for determination of the sentence and purge fee. If the court fails to follow said guidelines, the court shall make a specific finding stating the reasons why the imposition of the guidelines would result in inequity. The factors that shall be used in determining the sentence and purge fee are:

a. The proportion of the child support or other support that was unpaid in relation to the amount of support that was ordered paid;

b. The proportion of the child support or other support that could have been paid by the party found in contempt in relation to the amount of support that was ordered paid;

c. The present capacity of the party found in contempt to pay any arrearages;

d. Any willful actions taken by the party found in contempt to reduce factor c;

e. The past history of compliance or noncompliance with the support or visitation order; and

f. Willful acts to avoid the jurisdiction of the court.

2. When a court of competent jurisdiction makes an order compelling a parent to furnish monetary support, necessary food, clothing, shelter, medical attention, medical insurance or other remedial care for the minor child of the parent:

a. proof that:

(1) the order was made, filed, and served on the parent, or

(2) the parent had actual knowledge of the existence of the order, or

(3) the order was granted by default after prior due process notice to the parent, or

(4) the parent was present in court at the time the order was pronounced; and

b. proof of noncompliance with the order,

shall be prima facie evidence of an indirect civil contempt of court.

C. Any Oklahoma court of competent jurisdiction where venue is proper for collection of child support has the power to enforce an order for child support, other support, visitation, or other court orders regarding minor children of any other Oklahoma court of

competent jurisdiction and to punish an individual for a failure to comply therewith, as set forth in subsection A.

SECTION 3. This act shall become effective July 1, 2001.

SECTION 4. 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 Senate the 9th day of April, 2001.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2001.

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Presiding Officer of the House
of Representatives