

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1337

By: Vaughn

COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 60, which relates to the Protection from Domestic Abuse Act; clarifying reference; authorizing the appointment of referees in certain counties to hear cases involving petitions for protective orders; providing qualifications for referees; providing procedures for hearings; requiring the referee to transmit to the court all papers relating to the case and findings of fact, conclusions of law, and recommendations in writing; requiring notice of findings to be given to the parties; providing for a court hearing, if requested; creating the Victim Protective Order Task Force; providing termination date; stating purpose; providing composition and duties of Task Force; requiring a report; providing for travel reimbursement; providing for staff; providing for codification; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 60, is amended to read as follows:

Section 60. ~~This act~~ Sections 60 through 60.12 of this title and Section 2 of this act shall be known and may be cited as the "Protection from Domestic Abuse Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.13 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The chief judge of a judicial district with a county having a population in excess of five hundred thousand (500,000), according to the latest official federal Decennial Census, may appoint a

suitable person or persons to act as referee or referees to hold hearings in that county for protective orders pursuant to the Protection from Domestic Abuse Act. Any referee appointed pursuant to this section shall hold office at the pleasure of the judge. Such referees shall be lawyers and shall be specially qualified for their duties. The judge may direct that any hearing for a protective order, or all hearings for protective orders within the county, shall be heard in the first instance by a referee in the manner provided for the hearing of cases by the court. Upon the conclusion of the hearing in each case, the referee shall make a determination of whether or not the protective order should be issued and shall transmit to the court all papers relating to the case, together with the referee's findings of fact and conclusions of law, and recommendations in writing.

B. Notice of the referee's findings and recommendations shall be given to the plaintiff and defendant by the referee. A hearing by the court shall be allowed upon the filing with the court of a request for such hearing, if the request is filed on the same day that the hearing by the referee is held. In case no hearing by the court is requested, the findings and recommendations of the referee, when confirmed by an order of the court, shall become the decree of the court.

SECTION 3. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby created to continue until December 1, 2001, the Victim Protective Order Task Force. The purpose of the Task Force shall be to study and prepare recommendations concerning any need for changes in the Protection from Domestic Abuse Act, particularly, any need for changes in the procedure for granting victim protective orders.

B. The Task Force shall be composed of the following members:

1. Four district court judges, appointed by the Chief Justice of the Supreme Court;

2. Two members of the House of Representatives, appointed by the Speaker of the House of Representatives;

3. Two members of the Senate, appointed by the President Pro Tempore of the Senate;

4. Four citizens representing citizens groups concerned with problems of domestic abuse, two to be appointed by the Speaker of the House of Representatives and two to be appointed by the President Pro Tempore of the Senate from a list of recommendations submitted by the Oklahoma Coalition on Domestic Violence and Sexual Assault;

5. Two chiefs of police, one to be appointed by the Speaker of the House of Representatives and one to be appointed by the President Pro Tempore of the Senate, from a list of recommendations submitted by the Oklahoma Association of Chiefs of Police; and

6. Two sheriffs, one to be appointed by the Speaker of the House of Representatives and one to be appointed by the President Pro Tempore of the Senate, from a list of recommendations submitted by the Oklahoma Sheriffs Association.

C. The Chair of the Task Force shall be appointed by the Speaker of the House of Representatives from the House members of the Task Force and the Vice Chair shall be appointed by the President Pro Tempore of the Senate from the Senate members of the Task Force.

D. Meetings of the Task Force shall be called by the Chair. A majority of the members shall constitute a quorum.

E. The Task Force shall:

1. Review the procedures currently in place for disposition of protective orders and inquire into problems with the current system;

2. Determine whether or not amendments are needed to the Protection from Domestic Abuse Act; and

3. Make recommendations for statutory changes, if the Task Force determines amendments are needed.

F. On or before December 1, 2001, the Task Force shall issue a report outlining its recommendation to the Chief Justice of the Supreme Court, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

G. Members of the Task Force shall not receive compensation for serving on the Task Force, but shall receive travel reimbursement as follows:

1. Legislative members of the Task Force shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes from the legislative body in which they serve;

2. All other Task Force members shall be reimbursed for travel expenses incurred in the performance of their duties by the appointing authority in accordance with the State Travel Reimbursement Act.

H. Staffing for the Task Force shall be provided jointly by the House of Representatives staff and the Senate staff.

SECTION 4. Sections 1 and 2 of this act shall become effective July 1, 2001.

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.

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