

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1801

By: Askins, Easley, Wilt and  
Piatt of the House

and

Corn, Shurden and Lawler of  
the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to domestic violence; creating within the Office of the Attorney General, a Domestic Violence and Sexual Assault Unit; providing for duties; defining term; creating the Domestic Violence and Sexual Assault Advisory Council; providing for membership and appointments; providing for qualifications; specifying duties; providing for continuation of certain current committee members; providing for terms of office and appointment of officers; amending 43A O.S. 2001, Sections 3-313a and 3-314, which relate to certain duties of the Department of Mental Health and Substance Abuse Services; transferring such duties to the Attorney General; amending 63 O.S. 2001, Section 1-227.4, which relates to the Child Abuse Prevention Task Force; adding to membership; 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 180-1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created within the Office of the Attorney General, a Domestic Violence and Sexual Assault Unit.

B. The duty of the Unit is to provide oversight for domestic violence or sexual assault programs.

C. As used in this act, "domestic violence program" or "sexual assault program" means a facility, agency or organization which

offers or provides or a person who engages in the offering of shelter, residential services or support services to:

1. Victims or survivors of domestic abuse as defined in Section 60.1 of Title 22 of the Oklahoma Statutes, any dependent children of said victims or survivors and any other member of the family or household of such victim or survivor;

2. Victims or survivors of sexual assault;

3. Persons who are homeless as a result of domestic or sexual violence or both domestic and sexual violence; and

4. Persons who commit domestic violence,

and which may provide other services, including, but not limited to, counseling, case management, referrals or other similar services to victims or survivors of domestic abuse or sexual assault.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180-2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, to continue until July 1, 2009, in accordance with provisions of the Oklahoma Sunset Law, the Domestic Violence and Sexual Assault Advisory Council. The Council shall be a nine-member committee appointed by the Attorney General.

B. Four of the members shall be selected from a list of eight nominees provided by the Oklahoma Coalition on Domestic Violence and Sexual Assault and five of the members shall be selected by the Attorney General from the State of Oklahoma at large; provided, that of the members selected by the Attorney General from the state at large, one member shall be a representative of any domestic programs funded through or by the Department of Mental Health and Substance Abuse Services, and one member shall be a citizen of this state with expertise in the area of sexual assault services.

C. The Council shall select a chairperson annually.

Appointment to the Council shall be for two (2) years. The Attorney

General shall appoint persons to fill unexpired terms when necessary.

D. The duties of the Council shall be to review rules and overall policies relating to the operation and funding of domestic violence and sexual assault programs in the state and make recommendations to the Attorney General regarding its findings.

E. The current members of the Domestic Violence and Sexual Assault Advisory Committee created pursuant to Section 3-312 of Title 43A of the Oklahoma Statutes shall remain in effect as the Domestic Violence and Sexual Assault Advisory Council and carry on the powers and duties assigned to it according to law. The current members of the Committee shall remain on the Council until the expiration of their individual terms of office or until such offices are vacated. Future appointments to the Council shall be made according to the provisions of this section.

SECTION 3. AMENDATORY 43A O.S. 2001, Section 3-313a, is amended to read as follows:

Section 3-313a. A. A domestic violence shelter facility may provide shelter and care to a minor mother, who is the victim of domestic abuse or is seeking relief from domestic abuse for herself or on behalf of any of her children or both herself and any of her children.

B. A domestic violence shelter facility may provide such shelter or care only during an emergency constituting an immediate danger to the physical health or safety of the minor mother or her child or both the minor mother and any of her children. Such shelter or care shall not extend beyond thirty (30) days unless the facility receives an order issued by the court to continue such services or the parent or guardian of the minor mother consents to such services.

C. The provisions of Section 856 of Title 21 of the Oklahoma Statutes shall not apply to any domestic violence shelter facility

and any person operating such facility who in good faith is providing shelter and care pursuant to the provisions of this section, to a minor mother and any of her children who is a runaway from her parent or legal guardian.

D. The ~~show cause~~ emergency custody hearing provided for in ~~Sections 1107 and 1107.1~~ Section 7003-2.4 of Title 10 of the Oklahoma Statutes shall be provided for the minor mother who is seeking relief from domestic abuse for herself or on behalf of any of the children.

SECTION 4. AMENDATORY 43A O.S. 2001, Section 3-314, is amended to read as follows:

Section 3-314. The ~~Department of Mental Health and Substance Abuse Services~~ Office of the Attorney General shall be responsible for the development, maintenance and operation of a twenty-four-hour statewide telephone communication service for the victims of rape, forcible sodomy and domestic violence. The purpose of the service is to provide information to such victim regarding any immediate action which should be taken by the victim, the social services available, and the legal rights and remedies of the victim.

SECTION 5. AMENDATORY 63 O.S. 2001, Section 1-227.4, is amended to read as follows:

Section 1-227.4 A. The Commission on Children and Youth shall appoint an interagency child abuse prevention task force which shall be composed of sixteen (16) members as follows:

1. Two of whom shall be representatives of the child welfare services of the Department of Human Services;

2. One of whom shall be a representative of the maternal and child health services of the State Department of Health;

3. One of whom shall be a representative of the child guidance services of the State Department of Health;

4. One of whom shall be a representative of the Department of Education;

5. ~~Three~~ Two of whom shall be representatives of the Department of Mental Health and Substance Abuse Services, one each with expertise in the treatment of mental illness, and substance abuse ~~and domestic violence;~~

6. One representative of the Office of the Attorney General with expertise in the treatment of domestic abuse;

7. One of whom shall be a representative of the Office of the Chief Medical Examiner;

~~7.~~ 8. One of whom shall be a representative of the Oklahoma Chapter of the American Academy of Pediatrics;

~~8.~~ 9. One of whom shall be a representative of the judiciary, the legal profession, or law enforcement; and

~~9.~~ 10. Five of whom shall be persons having expertise in the identification and treatment of families at risk of child abuse and neglect and who shall be representatives of private agencies, programs and services for the prevention of child abuse and neglect. One of the five shall be a licensed psychologist.

B. The Office of Child Abuse Prevention and the interagency child abuse prevention task force of the Oklahoma Commission on Children and Youth shall prepare the comprehensive state plan for prevention of child abuse and neglect for the approval of the Commission. The development and preparation of said plan shall include but not be limited to:

1. Adequate opportunity for appropriate local private and public agencies and organizations and private citizens to participate in the development of the state plan at the local level. Appropriate local groups shall include but not be limited to community mental health centers, district attorney's offices, courts having juvenile docket responsibility, school boards, private or public programs with recognized expertise in working with families at risk of child abuse and neglect, voluntary self-help abuse prevention and treatment programs, day care centers, law enforcement

and private or public programs with expertise in maternal and infant health care;

2. Guidelines for the formation of the district child abuse prevention task forces provided for in Section 1-227.5 of this title and establishment of a basic format to be utilized by the district task forces in the preparation of district plans, the provision of technical assistance to district task forces as requested and review of the district plans in order to determine compliance with the provisions of subsection E of Section 1-227.5 of this title; and

3. Incorporation of the district plans and information provided by district task forces and public and private agencies into the comprehensive state plan.

C. 1. The interagency child abuse prevention task force and the Office of Child Abuse Prevention shall review and evaluate all proposals submitted for grants or contracts for child abuse prevention programs and services. Upon completion of such review and evaluation, the interagency child abuse prevention task force and the Office of Child Abuse Prevention shall make the final recommendations as to which proposals should be funded pursuant to the provisions of the Child Abuse Prevention Act and shall submit its findings to the Oklahoma Commission on Children and Youth. The Commission shall review the findings of the interagency child abuse prevention task force and the Office of Child Abuse Prevention for compliance of such approved proposals with the comprehensive state plan and district plans prepared pursuant to the provisions of the Child Abuse Prevention Act.

2. Upon ascertaining compliance with said plans, the Commission shall deliver the findings of the interagency child abuse prevention task force and the Office of Child Abuse Prevention to the Commissioner of Health.

3. The Commissioner shall authorize the Office of Child Abuse Prevention to use the Child Abuse Prevention Fund to fund such

grants or contracts for child abuse prevention programs and services which are approved by the Commissioner.

4. Whenever the Commissioner approves a grant or contract which was not recommended by the interagency task force and the Office of Child Abuse Prevention, the Commissioner shall state in writing the reason for such decision.

SECTION 6. This act shall become effective November 1, 2003.

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