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THE STATE SENATE  
Monday, February 24, 2003

Senate Bill No. 616

As Amended

SENATE BILL NO. 616 - By: SMITH of the Senate and ASKINS of the House.

[ criminal procedure - victim's rights - Oklahoma Sentencing Act - effective date ]

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 215.33, is amended to read as follows:

Section 215.33 A. The district attorney's office shall inform the victims and witnesses of crimes of the following rights:

1. To be notified that a court proceeding to which a victim or witness has been subpoenaed will or will not go on as scheduled, in order to save the person an unnecessary trip to court;

2. To receive protection from harm and threats of harm arising out of ~~their~~ the person's cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available and how to access protection;

3. To be informed of financial assistance and other social services available as a result of being a witness or a ~~crime~~ victim, including information on how to apply for the assistance and services;

1       4. To be informed of the procedure to be followed in order to  
2 apply for and receive any witness fee to which the victim or witness  
3 is entitled;

4       5. To be informed of the procedure to be followed in order to  
5 apply for and receive any restitution to which the victim is  
6 entitled;

7       6. To be provided, whenever possible, a secure waiting area  
8 during court proceedings that does not require close proximity to  
9 defendants and families and friends of defendants;

10       7. To have any stolen or other personal property expeditiously  
11 returned by law enforcement agencies when no longer needed as  
12 evidence. If feasible, all such property, except weapons, currency,  
13 contraband, property subject to evidentiary analysis and property  
14 the ownership of which is disputed, shall be returned to the person;

15       8. To be provided with appropriate employer intercession  
16 services to ensure that employers of victims and witnesses will  
17 cooperate with the criminal justice process in order to minimize an  
18 employee's loss of pay and other benefits resulting from court  
19 appearances;

20       9. To have the family members of all homicide victims afforded  
21 all of the services under this section, whether or not the person is  
22 to be a witness in any criminal proceedings;

23       10. To be informed of any plea bargain negotiations;

1        11. To have victim impact statements filed with the judgment  
2 and sentence;

3        12. To be informed if a sentence is overturned, remanded for a  
4 new trial or otherwise modified by the Oklahoma Court of Criminal  
5 Appeals;

6        13. To be informed in writing of all statutory rights; ~~and~~

7        14. To be informed that when any family member is required to  
8 be a witness by a subpoena from the defense, there must be a showing  
9 that the witness can provide relevant testimony as to the guilt or  
10 innocence of the defendant before the witness may be excluded from  
11 the proceeding by invoking the rule to remove potential witnesses;  
12 and

13        15. To be informed that the Oklahoma Constitution allows upon  
14 the recommendation of the Pardon and Parole Board and the approval  
15 of the Governor the commutation of any sentence, including a  
16 sentence of life without parole.

17        B. Victim-witness coordinators may inform the crime victim of  
18 an offense committed by a juvenile of the name and address of the  
19 juvenile found to have committed the crime, and shall notify the  
20 crime victim of any offense listed in Section 7306-1.1 of Title 10  
21 of the Oklahoma Statutes of all court hearings involving that  
22 particular juvenile act. If the victim is not available, the

1 victim-witness coordinator shall notify an adult relative of the  
2 victim of said hearings.

3 C. Victim-witness coordinators shall inform victims of violent  
4 crimes, as defined in Section 984 of Title 22 of the Oklahoma  
5 Statutes, and members of the immediate family of such victims of  
6 their rights under Sections 984.1 and 984.2 of Title 22 of the  
7 Oklahoma Statutes and Section 332.2 of Title 57 of the Oklahoma  
8 Statutes.

9 D. In any felony case involving a violent crime or a sex  
10 offense, the victim-witness coordinator shall inform the victim, as  
11 soon as practicable, or an adult member of the immediate family of  
12 the victim if the victim is deceased, incapacitated, or incompetent,  
13 of the progress of pretrial proceedings which could substantially  
14 delay the prosecution of the case.

15 E. All victim-witness coordinators appointed to perform the  
16 services specified in subsection A of this section shall complete a  
17 minimum of twelve (12) hours in-service training annually. Said  
18 training shall be conducted pursuant to the direction of the  
19 District Attorneys Council and the Crime Victims Compensation Board.

20 SECTION 2. AMENDATORY 22 O.S. 2001, Section 988.3, is  
21 amended to read as follows:

22 Section 988.3 The purposes of the Oklahoma Community Sentencing  
23 Act are to:

- 1        1. Protect the public;
- 2        2. Establish a statewide community sentencing system;
- 3        3. Adequately supervise felony offenders punished under a
- 4 court-ordered community sentence;
- 5        4. Provide a ~~continuum~~ series of sanctions to the court for
- 6 eligible felony offenders sentenced to a community sentence within
- 7 the community sentencing system;
- 8        5. Increase the availability of punishment and treatment
- 9 ~~options~~ programs to eligible felony offenders;
- 10       6. Improve the criminal justice system within this state
- 11 through public/private partnerships, reciprocal and interlocal
- 12 governmental agreements, and interagency cooperation and
- 13 collaboration; and
- 14       7. Operate effectively within the allocation of state and local
- 15 resources for the criminal justice system.

16       SECTION 3. This act shall become effective November 1, 2003.

17       COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-18-03 - DO  
18       PASS, As Amended and Coauthored.