

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 560

By: Corn

AS INTRODUCED

An Act relating to crime victims; amending 21 O.S. 2001, Sections 142A and 142A-1, which relates to the Victim's Rights Act and definitions; changing title of certain act; modifying definitions; providing certain rights to crime victims; providing for codification; 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. 2001, Section 142A, is amended to read as follows:

Section 142A. Section 142A et seq. of this title shall be known and may be cited as the "Crime Victim's Rights Act".

SECTION 2. AMENDATORY 21 O.S. 2001, Section 142A-1, is amended to read as follows:

Section 142A-1. For purposes of the Crime Victim's Rights Act:

1. "Crime victim" or "victim" means any person against whom a crime was committed, except homicide, in which case the victim may be a surviving family member including a stepbrother, stepsister or stepparent, or the estate when there are no surviving family members other than the defendant, and who, as a direct result of the crime, suffers injury, loss of earnings, out-of-pocket expenses, or loss or damage to property, and who is entitled to restitution from an offender pursuant to an order of restitution imposed by a sentencing court ~~under~~ pursuant to the laws of this state;

2. "Injury" means any physical, mental, or emotional harm caused by the conduct of an offender and includes the expenses incurred for medical, psychiatric, psychological, or generally

accepted remedial treatment of the actual bodily ~~or~~ mental, or emotional harm, including pregnancy and death, directly resulting from a crime and aggravation of existing physical injuries, if additional losses can be attributed to the direct result of the crime;

3. "Loss of earnings" means the deprivation of earned income or of the ability to earn previous levels of income as a direct result of a crime and the loss of the cash equivalent of social security, railroad retirement, pension plan, retirement plan, disability, veteran's retirement, court-ordered child support or court-ordered spousal support, where the payment is the primary source of the victim's income, and where the victim is deprived of the money as a direct result of the crime;

4. "Out-of-pocket loss" means the unreimbursed and nonreimbursable expenses or indebtedness incurred for medical care, nonmedical care, or other services necessary for the treatment of the actual bodily ~~or~~, mental or emotional harm, including pregnancy and funeral expenses, directly resulting from the crime and aggravation of existing physical injuries, if additional losses can be attributed directly to the crime; the unreimbursed and nonreimbursable expenses for damage to real and personal property as a direct result of the crime, and unreimbursed and nonreimbursable economic losses incurred as a consequence of participation in prosecution and proceedings related to the crime;

5. "Property" means any real or personal property; and

6. "Restitution" means the return of property to the crime victim or payments in cash or the equivalent thereof, and payment in cash or the equivalent thereof as reparation for injury, loss of earnings, and out-of-pocket loss ordered by the court in the disposition of a criminal proceeding or a civil proceeding against the offender as a result of a criminal act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 142A-1.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. To preserve and protect the rights of victims to justice and due process, and ensure that victims are treated with fairness, respect and dignity, and are free from intimidation, harassment, or abuse, throughout the criminal justice process, any victim or family member of a victim of a crime has the right to know the status of the investigation and prosecution of the criminal case, including all proceedings wherein a disposition of a case is likely to occur, and where plea negotiations may occur.

B. The victim or family member of a victim of a crime has the right to know the location of the defendant following an arrest, during prosecution of the criminal case, during a sentence to probation or confinement, and during any time the inmate is on release or escape status.

C. The victim or family member of a victim of a crime has a right to be present at any proceeding where the defendant has a right to be present, to be heard at any sentencing or parole hearing, to be awarded restitution by the convicted person for damages, loss of earnings, out-of-pocket losses and stolen, lost, embezzled or depleted property as determined and ordered by the court, and to be informed by the state of the constitutional rights of the victim.

D. An exercise of any right by a victim or family member of a victim or the failure to provide a victim or family member of a victim any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

E. The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage other rights granted by the Legislature or retained by victims.

SECTION 4. This act shall become effective July 1, 2003.

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.

49-1-203

NP

6/12/2015 7:53:14 PM