

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 745

By: Pruitt

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 142.20, which relates to the Sexual Assault Examination Fund; providing for certain testing and obtaining test results; authorizing payment of certain test in certain amount; 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 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 and testing as directed by ~~said~~ the health care professional. Pursuant to this subsection, medications provided to the victim by ~~said~~ the health care professional shall only be provided to ~~said~~ the 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 and testing for venereal disease directed by the qualified licensed health care professional upon application submitted by the victim of a sexual assault and approved by the district attorney or assistant district attorney 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. Two Hundred Fifty Dollars (\$250.00) for a sexual assault examination; ~~and~~

2. Fifty Dollars (\$50.00) for medications which are related to the sexual assault and directed and deemed necessary by ~~said~~ the health care professional; and

3. Fifty Dollars (\$50.00) for venereal disease testing of the offender or victim of a sexual assault.

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. The District Attorneys Council is hereby authorized to transfer up to 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. This act shall become effective July 1, 2003.

SECTION 3. 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.

49-1-63

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