

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 664

By: Leftwich of the Senate

and

Peters of the House

6  
7  
8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to domestic and child abuse; amending  
11 10 O.S. 2001, Section 7102, as last amended by  
12 Section 4, Chapter 258, O.S.L. 2006 (10 O.S. Supp.  
13 2006, Section 7102), which relates to protection of  
14 children; modifying definition; amending 10 O.S.  
15 2001, Section 7307-1.4, as amended by Section 2,  
16 Chapter 53, O.S.L. 2005 (10 O.S. Supp. 2006, Section  
17 7307-1.4), which relates to juvenile court records;  
18 updating statutory reference; amending 22 O.S. 2001,  
19 Section 40.1, as amended by Section 2, Chapter 466,  
20 O.S.L. 2002 and Section 3, Chapter 53, O.S.L. 2005,  
21 (22 O.S. Supp. 2006, Sections 40.1 and 58), which  
22 relate to rights of victims of rape or forcible  
23 sodomy, and reporting of domestic abuse; modifying  
24 entity to establish certain service; updating  
statutory reference; amending Sections 1, 3, 6 and 7,  
Chapter 348, O.S.L. 2005 (74 O.S. Supp. 2006,  
Sections 18p-1, 18p-3, 18p-6 and 18p-7), which relate  
to the Victim Services Unit of the Office of the  
Attorney General; modifying definitions; authorizing  
Attorney General to contract for certain services;  
requiring promulgation of certain rules and  
standards; adding exception; allowing injunction  
against certain program; and providing an effective  
date.

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

2 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7102, as  
3 last amended by Section 4, Chapter 258, O.S.L. 2006 (10 O.S. Supp.  
4 2006, Section 7102), is amended to read as follows:

5 Section 7102. A. 1. It is the policy of this state to provide  
6 for the protection of children who have been abused or neglected and  
7 who may be further threatened by the conduct of persons responsible  
8 for the health, safety or welfare of such children.

9 2. It is the policy of this state that in responding to a  
10 report of child abuse or neglect:

- 11 a. in any necessary removal of a child from the home,
- 12 b. in placements of a child required pursuant to the  
13 Oklahoma Child Abuse Reporting and Prevention Act, and
- 14 c. in any administrative or judicial proceeding held  
15 pursuant to the provisions of the Oklahoma Child Abuse  
16 Reporting and Prevention Act,

17 that the best interests of the child shall be of paramount  
18 consideration.

19 B. Except as otherwise provided by and used in the Oklahoma  
20 Child Abuse Reporting and Prevention Act:

- 21 1. "Abuse" means harm or threatened harm to a child's health,  
22 safety or welfare by a person responsible for the child's health,  
23 safety or welfare, including sexual abuse and sexual exploitation;

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- 1           2. "Harm or threatened harm to a child's health or safety"  
2 includes, but is not limited to:
- 3           a. nonaccidental physical or mental injury,
  - 4           b. sexual abuse,
  - 5           c. sexual exploitation,
  - 6           d. neglect,
  - 7           e. failure or omission to provide protection from harm or  
8           threatened harm, or
  - 9           f. abandonment;
- 10          3. "Neglect" means failure or omission to provide:
- 11           a. adequate food, clothing, shelter, medical care, and  
12           supervision,
  - 13           b. special care made necessary by the physical or mental  
14           condition of the child, or
  - 15           c. abandonment;
- 16          4. "Child" means any unmarried person under the age of eighteen  
17 (18) years, except any person convicted of a crime specified in  
18 Section 7306-1.1 of this title or any person who has been certified  
19 as an adult pursuant to Section 7303-4.3 of this title and convicted  
20 of a felony;
- 21          5. "Person responsible for a child's health, safety or welfare"  
22 includes a parent; a legal guardian; a custodian; a foster parent; a  
23 person eighteen (18) years of age or older with whom the child's  
24 parent cohabitates or any other adult residing in the home of the

1 child; an agent or employee of a public or private residential home,  
2 institution, facility or day treatment program as defined in Section  
3 175.20 of this title; or an owner, operator, or employee of a child  
4 care facility as defined by Section 402 of this title;

5 6. "Sexual abuse" includes, but is not limited to, rape, incest  
6 and lewd or indecent acts or proposals made to a child, as defined  
7 by law, by a person responsible for the child's health, safety or  
8 welfare;

9 7. "Sexual exploitation" includes, but is not limited to,  
10 allowing, permitting, or encouraging a child to engage in  
11 prostitution, as defined by law, by a person responsible for the  
12 child's health, safety or welfare or allowing, permitting,  
13 encouraging, or engaging in the lewd, obscene, or pornographic  
14 photographing, filming, or depicting of a child in those acts as  
15 defined by the state law, by a person responsible for the child's  
16 health, safety or welfare;

17 8. "Multidisciplinary child abuse team" means any freestanding  
18 team established pursuant to the provisions of Section 7110 of this  
19 title. For purposes of this definition, "freestanding" means a team  
20 not used by a child advocacy center for its accreditation;

21 9. "Child advocacy center" means a center and the  
22 multidisciplinary child abuse team of which it is a member that is  
23 accredited by the National Children's Alliance ~~and~~ or that is  
24 completing a sixth year of reaccreditation. Child advocacy centers

1 shall be classified, based on the child population of a district  
2 attorney's district, as follows:

- 3 a. nonurban centers in districts with child populations  
4 that are less than sixty thousand (60,000),
- 5 b. mid-level nonurban centers in districts with child  
6 populations equal to or greater than sixty thousand  
7 (60,000), but not including Oklahoma and Tulsa  
8 Counties, and
- 9 c. urban centers in Oklahoma and Tulsa Counties.

10 10. "Assessment" means a systematic process utilized by the  
11 Department of Human Services to respond to reports of alleged child  
12 abuse or neglect which, according to priority guidelines established  
13 by the Department, do not constitute a serious and immediate threat  
14 to the child's health, safety or welfare. The assessment includes,  
15 but is not limited to, the following elements:

- 16 a. an evaluation of the child's safety, and
- 17 b. a determination regarding the family's need for  
18 services;

19 11. "Investigation" means an approach utilized by the  
20 Department to respond to reports of alleged child abuse or neglect  
21 which, according to priority guidelines established by the  
22 Department, constitute a serious and immediate threat to the child's  
23 health or safety. An investigation includes, but is not limited to,  
24 the following elements:

- 1 a. an evaluation of the child's safety or welfare,
- 2 b. a determination whether or not child abuse or neglect
- 3 occurred, and
- 4 c. a determination regarding the family's need for
- 5 prevention and intervention-related services;

6 12. "Services not needed determination" means a report in which  
7 a child protective services worker, after an investigation,  
8 determines that there is no identified risk of abuse or neglect;

9 13. "Services recommended determination" means a report in  
10 which a child protective services worker, after an investigation,  
11 determines the allegations to be unfounded or for which there is  
12 insufficient evidence to fully determine whether child abuse or  
13 neglect has occurred, but one in which the Department determines  
14 that the child and the child's family could benefit from receiving  
15 prevention and intervention-related services;

16 14. "Confirmed report - services recommended" means a report  
17 which is determined by a child protective services worker, after an  
18 investigation and based upon some credible evidence, to constitute  
19 child abuse or neglect which is of such a nature that the Department  
20 recommends prevention and intervention-related services for the  
21 parents or persons responsible for the care of the child or  
22 children, but for which initial court intervention is not required;

23 15. "Confirmed report - court intervention" means a report  
24 which is determined by a child protective services worker, after an

1 investigation and based upon some credible evidence, to constitute  
2 child abuse or neglect which is of such a nature that the Department  
3 finds that the child's health, safety or welfare is threatened;

4 16. "Child protective services worker" means a person employed  
5 by the Department of Human Services with sufficient experience or  
6 training as determined by the Department in child abuse prevention  
7 and identification;

8 17. "Department" means the Department of Human Services;

9 18. "Commission" means the Commission for Human Services; and

10 19. "Prevention and intervention-related services" means  
11 community-based programs that serve children and families on a  
12 voluntary and time-limited basis to help reduce the likelihood or  
13 incidence of child abuse and neglect.

14 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7307-1.4, as  
15 amended by Section 2, Chapter 53, O.S.L. 2005 (10 O.S. Supp. 2006,  
16 Section 7307-1.4), is amended to read as follows:

17 Section 7307-1.4 A. Juvenile court records which are  
18 confidential may be inspected, and their contents shall be  
19 disclosed, without a court order to the following persons upon  
20 showing of proper credentials and pursuant to lawful duties:

21 1. The judge having the child currently before the court in any  
22 proceeding pursuant to the Oklahoma Juvenile Code, or any judge of  
23 the district court or tribal court to which such proceedings may be  
24 transferred;

1           2. Employees and officers of the court in the performance of  
2 their duties, including but not limited to guardians ad litem  
3 appointed by the court;

4           3. Members of review boards established pursuant to Sections  
5 1116.2 and 1116.6 of this title. In addition to juvenile court  
6 records, any member of such review boards may inspect, without a  
7 court order, information including but not limited to:

- 8           a. psychological and medical records,
- 9           b. placement history and information, including the names  
10           and addresses of foster parents,
- 11           c. family assessments,
- 12           d. treatment or service plans, and
- 13           e. school records;

14           4. A district attorney and the employees of an office of a  
15 district attorney in the course of their official duties;

16           5. The attorney representing a child who is the subject of a  
17 juvenile proceeding pursuant to the provisions of this chapter. The  
18 attorney representing a child or considering representing a child in  
19 a juvenile proceeding may also access other records listed in  
20 subsection A of Section 7307-1.2 of this title for use in the legal  
21 representation of the child;

22           6. Employees of juvenile bureaus in the course of their  
23 official duties;



1 7. Employees of the Department of Juvenile Justice in the  
2 course of their official duties;

3 8. Employees of a law enforcement agency in the course of their  
4 official duties pertaining to the investigation of a crime committed  
5 or alleged to have been committed by a person under eighteen (18)  
6 years of age. Records or information disclosed pursuant to this  
7 paragraph may consist of summaries or may be limited to the  
8 information or records necessary for the purpose of the  
9 investigation;

10 9. The Oklahoma Commission on Children and Youth;

11 10. The Department of Juvenile Justice or other public or  
12 private agency or any individual having court-ordered custody or  
13 custody pursuant to Department of Juvenile Justice placement of the  
14 child who is the subject of the record;

15 11. The Department of Human Services;

16 12. The child who is the subject of the record and the parents,  
17 legal guardian, legal custodian or foster parent of said child;

18 13. Any federally recognized Indian tribe in which the child  
19 who is the subject of the record is a member, or is eligible to  
20 become a member of the tribe due to the child being the biological  
21 child of a member of an Indian tribe pursuant to the Federal Indian  
22 Child Welfare Act, P.L. 95-608, and the Oklahoma Indian Child  
23 Welfare Act; provided such Indian tribe member, in the course of  
24 official duties:

1 a. is investigating a report of known or suspected child  
2 abuse or neglect or crimes against children or for the  
3 purpose of determining whether to place a child in  
4 protective custody, or

5 b. is providing services to or for the benefit of a child  
6 including but not limited to protective, emergency,  
7 social and medical services;

8 14. Any federally recognized Indian tribe in which the tribe,  
9 the tribal court or the tribal child welfare program has asserted  
10 jurisdiction or intervened in any case in which the child is the  
11 subject of the proceedings or is a party to the proceedings pursuant  
12 to the authority provided in the Oklahoma Indian Child Welfare Act.

13 The records that are to be provided to Indian tribes pursuant to  
14 the provisions of this subsection shall include all case records,  
15 reports and documents as defined in this chapter;

16 15. The Governor or to any person the Governor designates, in  
17 writing;

18 16. Any federal official of the United States Department of  
19 Health and Human Services;

20 17. Any member of the Legislature, upon the written approval of  
21 the Speaker of the House of Representatives or the President Pro  
22 Tempore of the Senate;

23 18. Employees of the Department of Corrections in the course of  
24 their official duties;

1 19. Employees of the United States Probation Office, in the  
2 course of their official duties; and

3 20. Domestic violence and sexual assault advocates employed by  
4 a certified domestic violence or sexual assault program pursuant to  
5 Section ~~3-313~~ 18p-6 of Title ~~43A~~ 74 of the Oklahoma Statutes,  
6 working within a law enforcement agency or court in the course of  
7 their assigned duties.

8 B. Records and their contents disclosed without an order of the  
9 court as provided by the provisions of this section shall remain  
10 confidential. The use of any information shall be limited to the  
11 purposes for which disclosure is authorized. It shall be unlawful  
12 for any person to furnish any confidential record or disclose any  
13 confidential information contained in any juvenile record for  
14 commercial, political or any other unauthorized purpose. Any person  
15 violating the provisions of this section shall, upon conviction, be  
16 guilty of a misdemeanor.

17 SECTION 3. AMENDATORY 22 O.S. 2001, Section 40.1, as  
18 amended by Section 2, Chapter 466, O.S.L. 2002 (22 O.S. Supp. 2006,  
19 Section 40.1), is amended to read as follows:

20 Section 40.1 Upon the preliminary investigation of any rape or  
21 forcible sodomy, it shall be the duty of the officer who interviews  
22 the victim of the rape or forcible sodomy to inform the victim, or a  
23 responsible adult if the victim is a minor child or an incompetent  
24 person, of the twenty-four-hour statewide telephone communication

1 service established by the ~~Department of Mental Health and Substance~~  
2 ~~Abuse Services~~ Office of the Attorney General for victims of sexual  
3 assault pursuant to Section ~~3-314~~ 18p-5 of Title ~~43A~~ 74 of the  
4 Oklahoma Statutes and to give notice to the victim or such  
5 responsible adult of certain rights of the victim. The notice shall  
6 consist of handing such victim or responsible adult a written  
7 statement in substantially the following form:

8 "As a victim of the crime of rape or forcible sodomy, you have  
9 certain rights. These rights are as follows:

10 1. The right to request that charges be pressed against your  
11 assailant;

12 2. The right to request protection from any harm or threat of  
13 harm arising out of your cooperation with law enforcement and  
14 prosecution efforts as far as facilities are available and to be  
15 provided with information on the level of protection available;

16 3. The right to be informed of financial assistance and other  
17 social services available to victims, including information on how  
18 to apply for the assistance and services;

19 4. The right to a free medical examination for the procurement  
20 of evidence to aid in the prosecution of your assailant; and

21 5. The right to be informed by the district attorney of other  
22 victim's rights available pursuant to Section 215.33 of Title 19 of  
23 the Oklahoma Statutes."

24

1 The written notice shall also include the telephone number of the  
2 twenty-four-hour statewide telephone communication service  
3 established by the ~~Department of Mental Health and Substance Abuse~~  
4 ~~Services~~ Office of the Attorney General in Section ~~3-314~~ 18p-5 of  
5 Title ~~43A~~ 74 of the Oklahoma Statutes.

6 SECTION 4. AMENDATORY Section 3, Chapter 53, O.S.L. 2005  
7 (22 O.S. Supp. 2006, Section 58), is amended to read as follows:

8 Section 58. A. Criminally injurious conduct, as defined by the  
9 Oklahoma Crime Victims Compensation Act, which appears to be or is  
10 reported by the victim to be domestic abuse, as defined in Section  
11 60.1 of ~~Title 22 of the Oklahoma Statutes~~ this title, or domestic  
12 abuse by strangulation, domestic abuse resulting in great bodily  
13 harm, or domestic abuse in the presence of a child, as defined in  
14 Section 644 of Title 21 of the Oklahoma Statutes, shall be reported  
15 according to the standards for reporting as set forth in subsection  
16 B of this section.

17 B. Except as provided for in Section 7104 of Title 10 of the  
18 Oklahoma Statutes, any physician, surgeon, resident, intern,  
19 physician's assistant, registered nurse, or any other health care  
20 professional examining, attending, or treating the victim of what  
21 appears to be domestic abuse or is reported by the victim to be  
22 domestic abuse, as defined in Section 60.1 of ~~Title 22 of the~~  
23 ~~Oklahoma Statutes~~ this title, or domestic abuse by strangulation,  
24 domestic abuse resulting in great bodily harm, or domestic abuse in

1 the presence of a child, as defined in Section 644 of Title 21 of  
2 the Oklahoma Statutes, shall not be required to report any incident  
3 of what appears to be or is reported to be domestic abuse, domestic  
4 abuse by strangulation, domestic abuse resulting in great bodily  
5 harm, or domestic abuse in the presence of a child if:

6 1. Committed upon the person of an adult who is over the age of  
7 eighteen (18) years; and

8 2. The person is not an incapacitated adult.

9 C. Any physician, surgeon, resident, intern, physician's  
10 assistant, registered nurse, or any other health care professional  
11 examining, attending, or treating a victim shall be required to  
12 report any incident of what appears to be or is reported to be  
13 domestic abuse, domestic abuse by strangulation, domestic abuse  
14 resulting in great bodily harm, or domestic abuse in the presence of  
15 a child, if requested to do so either orally or in writing by the  
16 victim. A report of any incident shall be promptly made orally or  
17 by telephone to the nearest law enforcement agency in the county  
18 wherein the domestic abuse occurred or, if the location where the  
19 conduct occurred is unknown, the report shall be made to the law  
20 enforcement agency nearest to the location where the injury is  
21 treated.

22 D. In all cases of what appears to be or is reported to be  
23 domestic abuse, the physician, surgeon, resident, intern,  
24 physician's assistant, registered nurse, or any other health care

1 professional examining, attending, or treating the victim of what  
2 appears to be domestic abuse shall clearly and legibly document the  
3 incident and injuries observed and reported, as well as any  
4 treatment provided or prescribed.

5 E. In all cases of what appears to be or is reported to be  
6 domestic abuse, the physician, surgeon, resident, intern,  
7 physician's assistant, registered nurse, or any other health care  
8 professional examining, attending or treating the victim of what  
9 appears to be domestic abuse shall refer the victim to domestic  
10 violence and victim services programs, including providing the  
11 victim with the twenty-four-hour statewide telephone communication  
12 service established by Section ~~3-314~~ 18p-5 of Title ~~43A~~ 74 of the  
13 Oklahoma Statutes.

14 F. Every physician, surgeon, resident, intern, physician's  
15 assistant, registered nurse, or any other health care professional  
16 making a report of domestic abuse pursuant to this section or  
17 examining a victim of domestic abuse to determine the likelihood of  
18 domestic abuse, and every hospital or related institution in which  
19 the victim of domestic abuse was examined or treated shall, upon the  
20 request of a law enforcement officer conducting a criminal  
21 investigation into the case, provide copies of the results of the  
22 examination or copies of the examination on which the report was  
23 based, and any other clinical notes, x-rays, photographs, and other  
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1 previous or current records relevant to the case to the  
2 investigating law enforcement officer.

3 SECTION 5. AMENDATORY Section 1, Chapter 348, O.S.L.  
4 2005 (74 O.S. Supp. 2006, Section 18p-1), is amended to read as  
5 follows:

6 Section 18p-1. A. There is hereby created within the Office of  
7 the Attorney General a Victims Services Unit.

8 B. The duty of the Unit is to provide services for persons who  
9 require domestic violence or sexual assault services through a  
10 domestic violence or sexual assault program.

11 C. As used in this act, "domestic violence program" or "sexual  
12 assault program" means an agency, organization, facility or person  
13 that offers, provides or engages in the offering of any shelter,  
14 residential services or support services to:

15 1. Victims or survivors of domestic abuse as defined in Section  
16 60.1 of Title 22 of the Oklahoma Statutes, any dependent children of  
17 such victim or survivor, and any other member of the family or  
18 household of such victim or survivor;

19 2. Victims or survivors of sexual assault;

20 3. Persons who are homeless as a result of domestic abuse or  
21 sexual assault or both domestic abuse and sexual assault; and

22 4. ~~Persons who commit domestic abuse~~ Victims of stalking,  
23 and which may provide other services, including, but not limited to,  
24 counseling, case management, referrals or other similar services to



1 victims or survivors of domestic abuse, ~~or~~ sexual assault or  
2 stalking.

3 D. As used in this act, "batterers intervention program" or  
4 "batterers treatment program" means an agency, organization,  
5 facility or person who offers, provides or engages in the offering  
6 of counseling or intervention services to persons who commit  
7 domestic abuse.

8 SECTION 6. AMENDATORY Section 3, Chapter 348, O.S.L.  
9 2005 (74 O.S. Supp. 2006, Section 18p-3), is amended to read as  
10 follows:

11 Section 18p-3. A. The Attorney General is hereby authorized  
12 and directed to enter into agreements and to contract for the  
13 shelter and other services that are needed for victims of domestic  
14 abuse, ~~or~~ sexual assault or batterers intervention programs. Any  
15 domestic violence, ~~or~~ sexual assault or batterers intervention  
16 program providing services pursuant to certification by the Attorney  
17 General or a contract or subcontract with the Attorney General and  
18 receiving funds from the Attorney General or any contractor with the  
19 Attorney General shall be subject to the provisions of the  
20 administrative rules of the Attorney General.

21 B. 1. Except as otherwise provided by paragraph 3 of this  
22 subsection, the case records, case files, case notes, client  
23 records, or similar records of a domestic violence or sexual assault  
24 program certified by the Attorney General or of any employee or

1 trained volunteer of a program regarding an individual who is  
2 residing or has resided in such program or who has otherwise  
3 utilized or is utilizing the services of any domestic violence or  
4 sexual assault program or counselor shall be confidential and shall  
5 not be disclosed.

6 2. For purposes of this subsection, the term "client records"  
7 shall include, but not be limited to, all communications, records,  
8 and information regarding clients of domestic violence and sexual  
9 assault programs.

10 3. The case records, case files, or case notes of programs  
11 specified in paragraph 1 of this subsection shall be confidential  
12 and shall not be disclosed except with the written consent of the  
13 individual, or in the case of the individual's death or disability,  
14 of the individual's personal representative or other person  
15 authorized to sue on the individual's behalf or by court order for  
16 good cause shown by the judge in camera.

17 C. The district court shall not order the disclosure of the  
18 address of a domestic violence shelter, the location of any person  
19 seeking or receiving services from a domestic violence or sexual  
20 assault program, or any other information which is required to be  
21 kept confidential pursuant to subsection B of this section.

22 D. The home address, personal telephone numbers and social  
23 security number of board members, staff and volunteers of certified  
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1 domestic violence and sexual assault programs shall not be construed  
2 to be open records pursuant to the Oklahoma Open Records Act.

3 SECTION 7. AMENDATORY Section 6, Chapter 348, O.S.L.  
4 2005 (74 O.S. Supp. 2006, Section 18p-6), is amended to read as  
5 follows:

6 Section 18p-6. A. Effective July 1, 2005, all administrative  
7 rules promulgated by the Department of Mental Health and Substance  
8 Abuse Services relating to domestic violence and sexual assault  
9 programs shall be transferred to and become a part of the  
10 administrative rules of the Office of the Attorney General. The  
11 Office of Administrative Rules in the Secretary of State's office  
12 shall provide adequate notice in the Oklahoma Register of the  
13 transfer of such rules, and shall place the transferred rules under  
14 the Administrative Code section of the Attorney General. Such rules  
15 shall continue in force and effect as rules of the Office of the  
16 Attorney General from and after July 1, 2005, and any amendment,  
17 repeal or addition to the transferred rules shall be under the  
18 jurisdiction of the Attorney General.

19 B. The Attorney General shall adopt and promulgate rules and  
20 standards for certification of batterers intervention and domestic  
21 violence programs and for private facilities and organizations which  
22 offer domestic and sexual assault services in this state. These  
23 facilities shall be known as "certified domestic violence shelters"  
24 or "certified domestic violence programs" or "certified sexual

1 assault programs" or "certified treatment programs for batterers",  
2 as applicable.

3 C. Applications for certification as a certified domestic  
4 violence shelter, domestic violence program, sexual assault program  
5 or treatment program for batterers, pursuant to the provisions of  
6 this section, shall be made to the Office of the Attorney General on  
7 prescribed forms. The Attorney General may certify the shelter or  
8 program for a period of three (3) years subject to renewal as  
9 provided in the rules promulgated by the Attorney General. Nothing  
10 in this section shall preclude the Office of the Attorney General  
11 from making inspection visits to a shelter or program to determine  
12 contract or program compliance.

13 D. Licensed physicians, licensed psychologists, licensed social  
14 workers, individual members of the clergy, licensed marital and  
15 family therapists, licensed behavioral practitioners, and licensed  
16 professional counselors shall be exempt from certification  
17 requirements; provided, however, these exemptions shall only apply  
18 to individual professional persons in private practice and not to  
19 any domestic violence program or sexual assault program operated by  
20 such person.

21 E. Facilities providing services for persons who commit  
22 domestic abuse, victims or survivors of domestic abuse or sexual  
23 assault and any dependent children of such victims or survivors  
24 shall comply with standards promulgated by the Attorney General;

1 provided, that the certification requirements and standards  
2 promulgated by the Attorney General shall not apply to programs and  
3 services offered by the Department of Health, the Department of  
4 Mental Health and Substance Abuse Services, the Department of  
5 Corrections or the Department of Human Services. The batterers  
6 intervention, domestic violence or sexual assault programs certified  
7 pursuant to the provisions of this section shall cooperate with  
8 inspection personnel of this state and shall promptly file all  
9 reports required by the Attorney General. Failure to comply with  
10 rules and standards of the Attorney General shall be grounds for  
11 revocation of certification, after proper notice and hearing.

12 F. The Attorney General is hereby authorized to collect from  
13 each applicant the sum of One Hundred Fifty Dollars (\$150.00) to  
14 help defray the costs incurred in the certification process.

15 SECTION 8. AMENDATORY Section 7, Chapter 348, O.S.L.  
16 2005 (74 O.S. Supp. 2006, Section 18p-7), is amended to read as  
17 follows:

18 Section 18p-7. A. The Attorney General or any district  
19 attorney, in such person's discretion, may bring an action for an  
20 injunction against any batterers intervention, domestic violence  
21 program or sexual assault program found to be in violation of the  
22 provisions of ~~Title 74 of the Oklahoma Statutes~~ this title or of any  
23 order or determination of the Attorney General.

24

1 B. In any action for an injunction brought pursuant to this  
2 section, any findings of the Attorney General or district attorney,  
3 after hearing and due notice, shall be prima facie evidence of the  
4 facts found therein.

5 SECTION 9. This act shall become effective November 1, 2007.

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