

THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2007

Committee Substitute for
House Bill No. 1385

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1385 - By: INGMIRE, MCDANIEL (JEANNIE), HILLIARD, NATIONS AND SHERRER of the House and LAMB of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 142.3, 142.5, 142.9, as amended by Section 1, Chapter 174, O.S.L. 2004, 142.10, 142.13, as amended by Section 1, Chapter 154, O.S.L. 2005 and 142.20 (21 O.S. Supp. 2006, Sections 142.9 and 142.13), which relate to the Oklahoma Crime Victims Compensation Act; modifying scope of certain definitions; increasing certain claim amounts; prohibiting debt collection activities under certain circumstances; defining term; authorizing extension of certain filing period; authorizing extension of filing deadline in certain criminal cases; providing for reimbursement of vehicle impound fees under certain circumstances; modifying requirements of certain fund; deleting approval requirement for certain application; increasing sexual assault examination fee; modifying certain claim requirement; amending 22 O.S. 2001, Section 40.1, as amended by Section 2, Chapter 466, O.S.L. 2002 (22 O.S. Supp. 2006, Section 40.1), which relates to notice of rights for certain victims; modifying scope of notification; and providing an effective date.

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

- 1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 142.3, is amended to read
2 as follows:
3 Section 142.3 As used in the Oklahoma Crime Victims Compensation Act, Section
4 142.1 et seq. of this title:
5 1. "Allowable expense" means:

- 1 a. charges incurred for needed products, services and accommodations,
2 including, but not limited to, medical care, wage loss, rehabilitation,
3 rehabilitative occupational training and other remedial treatment and
4 care,
5 b. any reasonable expenses related to the funeral, cremation or burial,
6 c. reasonable costs for counseling family members of a homicide victim,
7 ~~and~~
8 d. reasonable costs associated with homicide crime scene cleanup, and
9 e. reasonable cost of vehicle impound fees associated with the collection
10 and security of crime scene evidence;

11 2. "Board" means the Crime Victims Compensation Board created by Section 142.4
12 of this title;

13 3. "Claimant" means any of the following persons applying for compensation under
14 the Crime Victims Compensation Act:

- 15 a. a victim,
16 b. a dependent of a victim who has died because of criminally injurious
17 conduct, or
18 c. a person authorized to act on behalf of any of the persons enumerated
19 in subparagraphs a and b of this paragraph;

20 4. "Collateral source" means a source of benefits or advantages for economic loss for
21 which the claimant would otherwise be eligible to receive compensation under this act,

1 and which the claimant has received, or which is readily available to the claimant, from
2 any one or more of the following:

- 3 a. the offender,
- 4 b. the government of the United States or any agency thereof, in the form
5 of benefits, such as social security, Medicare and Medicaid, a state or
6 any of its political subdivisions or an instrumentality or two or more
7 states, unless the law providing for the benefits or advantages makes
8 them excessive or secondary to benefits under this act,
- 9 c. state-required temporary nonoccupational disability insurance,
- 10 d. workers' compensation,
- 11 e. wage continuation programs of any employer,
- 12 f. a contract providing prepaid hospital and other health care services or
13 benefits for disability,
- 14 g. a contract providing prepaid burial expenses or benefits, or
- 15 h. proceeds of any contract of insurance payable to the claimant for loss
16 which the victim sustained because of the criminally injurious conduct,
17 except:
 - 18 (1) life insurance proceeds or uninsured motorist proceeds in an
19 amount of Fifty Thousand Dollars (\$50,000.00) or less shall not
20 be considered a collateral source when computing loss of
21 support, and

- 1 (2) life insurance proceeds and proceeds from personal uninsured
2 motorist coverage of any amount shall not be considered a
3 collateral source for computing burial expenses;
- 4 5. a. "Criminally injurious conduct" means a misdemeanor or felony which
5 occurs or is attempted in this state, or against a resident of this state
6 in a state that does not have an eligible crime victims compensation
7 program as such term is defined in the federal Victims of Crime Act of
8 1984, Public Law 98-473, that results in bodily injury, threat of bodily
9 injury or death to a victim which:
- 10 (1) may be punishable by fine, imprisonment or death, or
11 (2) if the act is committed by a child, could result in such child being
12 adjudicated a delinquent child.
- 13 b. Such term shall not include acts arising out of the negligent
14 maintenance or use of a motor vehicle unless:
- 15 (1) the vehicle was operated or driven by the offender while under
16 the influence of alcohol, with a blood alcohol level in excess of
17 the legal limit, or while under the influence of any other
18 intoxicating substance,
19 (2) the vehicle was operated or driven by the offender with the
20 intent to injure or kill the victim or in a manner imminently
21 dangerous to another person and evincing a depraved mind,

1 although without any premeditated design to injure or effect the
2 death of any particular person, ~~or~~

3 (3) the offense involved willful, malicious or felonious failure to stop
4 after being involved in a personal injury accident to avoid
5 detection or prosecution, provided the victim of the accident was
6 a pedestrian or was operating a vehicle moved solely by human
7 power or a mobility device at the time of contact, or

8 (4) the offense involving one or more vehicles results in the death of
9 the victim due to the reckless disregard for the safety of others
10 by the offender. As used in this division, “reckless disregard for
11 the safety of others” is defined as the omission to do something
12 which a reasonably careful person would do, or the lack of the
13 usual and ordinary care and caution in the performance of an
14 act usually and ordinarily exercised by a person under similar
15 circumstances and conditions.

16 c. “Criminally injurious conduct” shall include an act of terrorism, as
17 defined in Section 2331 of Title 18, United States Code, committed
18 outside the United States;

19 6. "Dependent" means a natural person wholly or partially dependent upon the
20 victim for care or support, and includes a child of the victim born after the death of the
21 victim where the death occurred as a result of criminally injurious conduct;

1 7. "Economic loss of a dependent" means loss after death of the victim of
2 contributions of things of economic value to the dependent, not including services which
3 would have been received from the victim if he or she had not suffered the fatal injury;

4 8. "Replacement services loss of dependent" means the loss reasonably incurred by
5 dependents after death of the victim in obtaining ordinary and necessary services in lieu
6 of those the deceased victim would have performed for their benefit had the deceased
7 victim not suffered the fatal injury, less expenses of the dependent avoided by reason of
8 death of the victim and not subtracted in calculating the economic loss of the dependent;

9 9. "Economic loss" means monetary detriment consisting only of allowable expense,
10 work loss, replacement services loss and, if injury causes death, economic loss and
11 replacement services loss of a dependent, but shall not include noneconomic loss;

12 10. "Noneconomic detriment" means pain, suffering, inconvenience, physical
13 impairment and nonpecuniary damage;

14 11. "Replacement services loss" means expenses reasonably incurred in obtaining
15 ordinary and necessary services in lieu of those the victim would have performed, not for
16 income, but for the benefit of self or family, if the victim had not been injured or died;

17 12. "Traffic offense" means violation of a law relating to the operation of vehicles,
18 but shall not mean negligent homicide due to operation of a motor vehicle, reckless
19 driving, tampering with or damaging a motor vehicle, failure of a driver of a motor
20 vehicle involved in an accident resulting in death or personal injury to stop at the scene
21 of the accident, leaving the scene of an accident resulting in death or personal injury,
22 operating or being in actual physical control of a motor vehicle while intoxicated or

1 impaired due to alcohol or other intoxicating substance, or combination thereof, or
2 operating a motor vehicle with a blood alcohol content in excess of the legal limit;

3 13. "Work loss for victim" means loss of income from work the victim would have
4 performed if such person had not been injured or died, reduced by any income from
5 substitute work actually performed by the victim or by income the victim would have
6 earned in available appropriate substitute work that the victim was capable of
7 performing but unreasonably failed to undertake, or loss of income from work the
8 victim's caregiver would have performed if the injuries of the victim sustained as a result
9 of the criminally injurious conduct had not created the need for the caregiver to miss
10 work to care for the injured victim; and

11 14. "Victim" means a person who suffers personal injury or death as a result of
12 criminally injurious conduct and shall include a resident of this state who is injured or
13 killed by an act of terrorism committed outside of the United States.

14 SECTION 2. AMENDATORY 21 O.S. 2001, Section 142.5, is amended to read
15 as follows:

16 Section 142.5 A. The Crime Victims Compensation Board shall award
17 compensation for economic loss arising from criminally injurious conduct if satisfied by a
18 preponderance of the evidence that the requirements for compensation have been met.
19 The Administrator of the Crime Victims Compensation Board may determine initial
20 victims' claims and any victim's claim ~~under Two Thousand Five Hundred Dollars~~
21 ~~(\$2,500.00)~~ up to Ten Thousand Dollars (\$10,000.00). The Board may delegate any other
22 victim's claim to the Administrator of the Crime Victims Compensation Board at their

1 discretion. The claimant shall have a right of appeal to the Board for any claim in
2 dispute.

3 B. The Board shall hear and determine all matters relating to claims for
4 compensation of ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~ Ten Thousand Dollars
5 (\$10,000.00) or more and may hear claims under ~~Two Thousand Five Hundred Dollars~~
6 ~~(\$2,500.00)~~ Ten Thousand Dollars (\$10,000.00). The Board shall be able to reinvestigate
7 or reopen claims without regard to statutes of limitation. However, claims that have
8 been inactive for a period of more than three (3) years from the date of the last action by
9 the Board shall be deemed closed and any further action forever barred. Claim files may
10 be destroyed after a claim is closed. Claims which have been declined may be destroyed
11 after nine (9) months, following the last Board action, provided the claimant has not
12 notified the Board of any intentions to request reconsideration of the claim.

13 C. The Board shall have the power to subpoena witnesses, compel their attendance,
14 require the production of records and other evidence, administer oaths or affirmations,
15 conduct hearings and receive relevant evidence.

16 D. The Board shall be provided such office, support, staff and secretarial services as
17 determined by the District Attorneys Council.

18 SECTION 3. AMENDATORY 21 O.S. 2001, Section 142.9, as amended by
19 Section 1, Chapter 174, O.S.L. 2004 (21 O.S. Supp. 2006, Section 142.9), is amended to
20 read as follows:

21 Section 142.9 A. Any person filing a claim under the provisions of Section 142.1 et
22 seq. of this title shall be deemed to have waived any physician-patient privilege as to

1 communications or records relevant to an issue of the physical, mental or emotional
2 conditions of the claimant.

3 B. If the mental, physical or emotional condition of a claimant is material to a
4 claim, the Crime Victims Compensation Board upon good cause shown may order the
5 claimant to submit to a mental or physical examination. The examination report shall
6 set out the findings of the person making the report, including results of all tests made,
7 diagnoses, prognoses and other conclusions and reports of earlier examinations of the
8 same conditions.

9 C. The Board shall furnish a copy of the report examined. If the victim is deceased,
10 the Board, on request, shall furnish a copy of the report to the claimant.

11 D. The Board may require the claimant to supply any additional medical or
12 psychological reports available relating to the injury or death for which compensation is
13 claimed.

14 E. In certain cases wherein mental health expenses are being claimed, the Board
15 and Administrator may request assistance from a panel of professionals in the mental
16 health field. The panel of professionals may only act in an advisory capacity to the
17 Board.

18 F. The Board shall have the authority to set limits of compensation on any medical
19 or mental health treatment, and require that providers of medical or mental health
20 treatments be licensed prior to compensating for said treatment. Awards for all medical
21 services shall not exceed eighty percent (80%) of the total cost of the service less any
22 other reduction for contributory conduct, as determined by the Board. Any medical

1 provider that receives payment from the Crime Victims Compensation Revolving Fund
2 for medical, dental or psychological services, or any provider that supplies equipment
3 pursuant to an award under the Oklahoma Crime Victims Compensation Act shall, as a
4 condition of the receipt of such payment, accept such payment as discharging in full any
5 and all obligations of the claimant to pay, reimburse or compensate the provider for
6 medical services, supplies or equipment that have been reimbursed pursuant to the
7 Oklahoma Crime Victims Compensation Act. In the event the claimant has paid for a
8 medical service, the claimant will be reimbursed for the out-of-pocket loss, less any
9 reductions for contributory conduct, as determined by the Board.

10 G. All records and information given to the Board to process a claim on behalf of a
11 crime victim shall be confidential. Such exhibits, medical records, psychological records,
12 counseling records, work records, criminal investigation records, criminal court case
13 records, witness statements, telephone records, and other records of any type or nature
14 whatsoever gathered for the purpose of evaluating whether to compensate a victim shall
15 not be obtainable by any party to any civil or criminal action through any discovery
16 process except:

17 1. In the event of an appeal under the Administrative Procedures Act from a
18 decision of the Board and then only to the extent narrowly and necessarily to obtain
19 court review; or

20 2. Upon a strict showing to the court in a separate civil or criminal action that
21 particular information or documents are not obtainable after diligent effort from any
22 independent source, and are known to exist otherwise only in Board records, the court

1 may inspect in camera such records to determine whether the specific requested
2 information exists. If the court determines the specific information sought exists in the
3 Board's records, the documents may then be released only by court order if the court
4 finds as part of its order that the documents will not pose any threat to the safety of the
5 victim or any other person whose identity may appear in the Board's records.

6 H. When a person files a claim, all health care providers that have been given
7 notice of a pending claim shall refrain from all debt collection activities relating to
8 medical treatment received by the person in connection with such claim until an award is
9 made on the claim or until a claim is determined to be noncompensable pursuant to the
10 provisions of this act. The statute of limitations for collection of such debt shall be tolled
11 during the period in which the applicable health care provider is required to refrain from
12 debt collection activities under this subsection. For the purposes of this subsection, "debt
13 collection activities" means repeatedly calling or writing to the claimant and threatening
14 either to turn the matter over to a debt collection agency or to an attorney for collection,
15 enforcement, or filing of other process. The term shall not include routine billing about
16 the status of the claim.

17 SECTION 4. AMENDATORY 21 O.S. 2001, Section 142.10, is amended to read
18 as follows:

19 Section 142.10 A. Compensation shall not be awarded:

20 1. Unless the claim has been filed with the Board within one (1) year after the
21 injury or death upon which the claim is based. The Board may, at its discretion, ~~waive~~
22 ~~this requirement, if~~ extend the filing period up to two (2) years from the date of the

1 incident, provided the Board finds there was good cause for failure to file the claim
2 within one (1) year, ~~but in no event shall the filing of a claim be permitted after two (2)~~
3 ~~years from the date of the injury or death upon which the claim is based. The good cause~~
4 ~~exception shall be permitted only for injury or death occurring on or after November 1,~~
5 ~~1989. The Board may, at its discretion, extend the filing deadline beyond two (2) years~~
6 only in child sexual assault cases. If the victim is mentally handicapped or is a child
7 under eighteen (18) years of age, the Board may use the date the criminal incident was
8 disclosed to a responsible adult, when establishing whether or not the claim was timely
9 filed;

10 2. To a claimant who was the offender, or an accomplice of the offender;

11 3. To another person if the award would unjustly benefit the offender or accomplice;

12 or

13 4. Unless the criminally injurious conduct resulting in injury or death was reported
14 to a law enforcement officer within seventy-two (72) hours after its occurrence or the
15 Board finds there was good cause for the failure to report within that time.

16 B. Compensation otherwise payable to a claimant shall be diminished to the extent:

17 1. That the economic loss is recouped from collateral sources; or

18 2. Of the degree of responsibility for the cause of the injury or death attributable to
19 the victim as determined by the Board.

20 C. The Board, upon finding that the claimant or victim has not fully cooperated
21 with appropriate law enforcement agencies, may deny, withdraw or reduce an award of
22 compensation.

1 D. The Board, on its own motion or on request of the claimant, may reconsider a
2 decision granting or denying an award or determining its amount. The motion or request
3 to reconsider a decision shall be made within six (6) months from the date of the last
4 action by the Board on the claim at issue. An order on reconsideration of an award shall
5 not require a refund of amounts previously paid, unless the award was obtained by fraud.
6 The right of reconsideration does not affect the finality of a Board decision for the
7 purpose of judicial review. On claims which are denied by the Board, reconsideration
8 may only be granted within six (6) months of the last Board action.

9 E. The provisions of subsections A and B of this section shall not apply to claimants
10 eligible for compensation pursuant to the Murrah Crime Victims Compensation Act who
11 make claims under the Oklahoma Crime Victims Compensation Act.

12 SECTION 5. AMENDATORY 21 O.S. 2001, Section 142.13, as amended by
13 Section 1, Chapter 154, O.S.L. 2005 (21 O.S. Supp. 2006, Section 142.13), is amended to
14 read as follows:

15 Section 142.13 A. The Crime Victims Compensation Board may compensate for
16 work loss, replacement services loss, dependent's economic loss and dependent's
17 replacement service loss. Compensation for a caregiver who has out-of-pocket wage loss
18 as a result of caring for the victim who was injured as a result of criminally injurious
19 conduct may not exceed Two Thousand Dollars (\$2,000.00).

20 B. Compensation payable to a victim and to all other claimants sustaining
21 economic loss because of injury to or death of that victim may not exceed Twenty
22 Thousand Dollars (\$20,000.00) in the aggregate.

1 C. The Board may provide for the payment to a claimant in a lump sum or in
2 installments. At the request of the claimant, the Board may convert future economic
3 loss, other than allowable expense, to a lump sum.

4 D. An award payable in a lump sum or installments for loss of support for a
5 dependent of the deceased victim may be computed through a formula which calculates
6 the net loss of support for dependents based upon an estimated date of retirement or an
7 estimated date of adulthood for dependent children, beginning with the date of death of
8 the victim and ending with the least of one of the following time periods for each
9 dependent filing loss of support:

10 1. The amount of time from the date of death of the victim to the date the victim
11 would have been expected to reach sixty-two (62) years of age;

12 2. The amount of time from the date of death of the victim to the date the spouse of
13 the victim is expected to reach sixty-two (62) years of age; or

14 3. The amount of time from the date of death of the victim to the date a dependent
15 child is expected to reach eighteen (18) years of age or twenty-three (23) years of age if
16 the dependent child is enrolled as a full-time student. An award payable in installments
17 for future loss of support may be modified by the Board in the event a dependent child
18 receiving loss of support is between the ages of eighteen (18) and twenty-three (23) years
19 of age and is no longer enrolled as a full-time student, the dependent dies before all
20 installments are paid or the dependent receiving installments moves and leaves no
21 forwarding address with the Board office.

1 E. An award shall not be subject to execution, attachment, garnishment or other
2 process, except for child support and except that an award for allowable expense shall
3 not be exempt from a claim of a creditor to the extent that such creditor has provided
4 products, services or accommodations, the costs of which are included in the award.

5 F. An assignment by the claimant to any future award under the provisions of this
6 act is unenforceable, except:

7 1. An assignment of any award for work loss to assure payment of court ordered
8 alimony, maintenance or child support; or

9 2. An assignment of any award for allowable expense to the extent that the benefits
10 are for the cost of products, services or accommodations necessitated by the injury or
11 death on which the claim is based and are provided or to be provided by the assignee.

12 G. The Board may, in its discretion, approve payment of crisis counseling, occurring
13 within three (3) years of the crime, in an amount not to exceed Three Thousand Dollars
14 (\$3,000.00) for each family member of a homicide victim; provided, the counselor is a
15 qualified mental health care provider. Medical and pharmaceutical treatment is not
16 compensable for any family member of a deceased victim.

17 H. Outpatient counseling expenses for a victim of criminally injurious conduct may
18 be considered by the Board provided the counseling is focused on the crime and the
19 counselor is a qualified mental health care provider. A total not to exceed Three
20 Thousand Dollars (\$3,000.00) may be awarded for individual counseling sessions for
21 victims of criminally injurious conduct. Sessions between the mental health care
22 provider and nonoffending parents of a victimized child under eighteen (18) years of age

1 may also be included in the award provided the combined total for the counseling and
2 parental sessions do not exceed Three Thousand Dollars (\$3,000.00) and the parental
3 sessions relate to the victimization. In extreme cases, the Board may, in its discretion,
4 waive the three-thousand-dollar limit. Inpatient mental health treatment will be
5 reviewed on a case-by-case basis and may be compensated, at the discretion of the Board,
6 in an amount not to exceed Ten Thousand Dollars (\$10,000.00).

7 I. Reasonable funeral, cremation or burial expenses shall not exceed Six Thousand
8 Dollars (\$6,000.00).

9 J. Reasonable costs associated with homicide crime scene cleanup shall not exceed
10 Five Hundred Dollars (\$500.00).

11 K. Loss of income of a caregiver shall not exceed Two Thousand Dollars (\$2,000.00).

12 L. Reasonable costs for vehicle impound fees are limited to violent crimes occurring
13 in a vehicle owned by the victim of the violent crime or an eligible claimant, provided
14 such fee is associated with the collection and security of crime scene evidence.

15 Reimbursement for vehicle impound fees shall not exceed Seven Hundred Fifty Dollars
16 (\$750.00).

17 SECTION 6. AMENDATORY 21 O.S. 2001, Section 142.20, is amended to read
18 as follows:

19 Section 142.20 A. A Sexual Assault Examination Fund shall be established for the
20 purpose of providing to a victim of a sexual assault a forensic medical examination by a
21 qualified licensed health care professional ~~for the procurement of evidence to aid in the~~
22 ~~investigation and prosecution of a sexual assault offense~~ and to provide to the victim

1 medications as directed by said health care professional. Pursuant to this subsection,
2 medications provided to the victim by said health care professional shall only be provided
3 to said victim on a one-time basis for the immediate trauma and medical examination of
4 the victim.

5 B. As used in this section:

6 1. "Sexual assault" means:

7 a. rape, or rape by instrumentation, as defined in Sections 1111, 1111.1
8 and 1114 of this title, or

9 b. forcible sodomy, as defined in Section 888 of this title; and

10 2. "Qualified licensed health care professional" means a physician, registered
11 nurse, or other licensed health care professional qualified by training and experience to
12 perform sexual assault examinations.

13 C. The Crime Victims Compensation Board is authorized to pay for this
14 examination and the medications directed by the qualified licensed health care
15 professional upon application submitted by the victim of a sexual assault and approved
16 by the district attorney or assistant district attorney who has jurisdiction over the
17 prosecution of the sexual assault offense.

18 D. The Crime Victims Compensation Board shall establish the procedures for
19 disbursement of the Sexual Assault Examination Fund, but in no event shall the Crime
20 Victims Compensation Board pay an amount to exceed:

21 1. ~~Two Hundred Fifty Dollars (\$250.00)~~ Four Hundred Fifty Dollars (\$450.00) for a
22 sexual assault examination; and

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

3 Such payments shall not exceed the amounts specified by this subsection regardless
4 of the amount of any individual bills comprising the claim. Payments shall be made only
5 upon claims ~~submitted by the victim and approved by the district attorney or assistant~~
6 ~~district attorney~~ signed by the victim or guardian and health care professional.

7 E. The District Attorneys Council is hereby authorized to transfer up to Two
8 Hundred Seventy-five Thousand Dollars (\$275,000.00) from the Crime Victims
9 Compensation Fund to the Sexual Assault Examination Fund for the payment of sexual
10 assault forensic examinations and medications, pursuant to this section.

11 SECTION 7. AMENDATORY 22 O.S. 2001, Section 40.1, as amended by
12 Section 2, Chapter 466, O.S.L. 2002 (22 O.S. Supp. 2006, Section 40.1), is amended to
13 read as follows:

14 Section 40.1 Upon the preliminary investigation of any rape or forcible sodomy, it
15 shall be the duty of the officer who interviews the victim of the rape or forcible sodomy to
16 inform the victim, or a responsible adult if the victim is a minor child or an incompetent
17 person, of the twenty-four-hour statewide telephone communication service established
18 by the ~~Department of Mental Health and Substance Abuse Services~~ Office of the
19 Attorney General for victims of sexual assault pursuant to Section ~~3-314~~ 18p-5 of Title
20 ~~43A~~ 74 of the Oklahoma Statutes and to give notice to the victim or such responsible
21 adult of certain rights of the victim. The notice shall consist of handing such victim or
22 responsible adult a written statement in substantially the following form:

1 “As a victim of the crime of rape or forcible sodomy, you have certain rights. These
2 rights are as follows:

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

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

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

10 4. The right to a free forensic medical examination ~~for the procurement of evidence~~
11 ~~to aid in the prosecution of your assailant;~~ and

12 5. The right to be informed by the district attorney of other victim's rights available
13 pursuant to Section 215.33 of Title 19 of the Oklahoma Statutes.”

14 The written notice shall also include the telephone number of the twenty-four-hour
15 statewide telephone communication service established by the ~~Department of Mental~~
16 ~~Health and Substance Abuse Services~~ Office of the Attorney General in Section ~~3-314~~
17 18p-5 of Title ~~43A~~ 74 of the Oklahoma Statutes. Failure to report the crime to law
18 enforcement may impede the investigation and prosecution of the assailant.

19 SECTION 8. This act shall become effective November 1, 2007.

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
21 dated 03-06-07 - DO PASS, As Amended and Coauthored.