

1 STATE OF OKLAHOMA

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

3 SENATE BILL 664

By: Leftwich

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5
6 AS INTRODUCED

7 An Act relating to domestic abuse; amending 10 O.S.
8 2001, Section 7307-1.4, as amended by Section 2,
Chapter 53, O.S.L. 2005 (10 O.S. Supp. 2006, Section
9 7307-1.4), which relates to juvenile court records;
updating statutory reference; amending 22 O.S. 2001,
10 Sections 40.1, as amended by Section 2, Chapter 466,
O.S.L. 2002, Section 3, Chapter 53, O.S.L. 2005,
11 60.6, as last amended by Section 4, Chapter 284,
O.S.L. 2006 (22 O.S. Supp. 2006, Sections 40.1, 58
12 and 60.6), which relate to victims of rape, domestic
abuse and protective orders; modifying entity to
13 establish certain service; updating statutory
reference; modifying eligibility of certain treatment
14 programs; amending Sections 1, 3, 6 and 7, Chapter
348, O.S.L. 2005 (74 O.S. Supp. 2006, Sections 18p-1,
15 18p-3, 18p-6 and 18p-7), which relate to the Victim
Services Unit of the Office of the Attorney General;
16 modifying definitions; authorizing Attorney General
to contract for certain services; requiring
17 promulgation of certain rules and standards; adding
exception; allowing injunction against certain
18 program; and providing an effective date.

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

22 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7307-1.4, as
23 amended by Section 2, Chapter 53, O.S.L. 2005 (10 O.S. Supp. 2006,
24 Section 7307-1.4), is amended to read as follows:

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

5 1. The judge having the child currently before the court in any
6 proceeding pursuant to the Oklahoma Juvenile Code, or any judge of
7 the district court or tribal court to which such proceedings may be
8 transferred;

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

12 3. Members of review boards established pursuant to Sections
13 1116.2 and 1116.6 of this title. In addition to juvenile court
14 records, any member of such review boards may inspect, without a
15 court order, information including but not limited to:

- 16 a. psychological and medical records,
- 17 b. placement history and information, including the names
18 and addresses of foster parents,
- 19 c. family assessments,
- 20 d. treatment or service plans, and
- 21 e. school records;

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

1 5. The attorney representing a child who is the subject of a
2 juvenile proceeding pursuant to the provisions of this chapter. The
3 attorney representing a child or considering representing a child in
4 a juvenile proceeding may also access other records listed in
5 subsection A of Section 7307-1.2 of this title for use in the legal
6 representation of the child;

7 6. Employees of juvenile bureaus in the course of their
8 official duties;

9 7. Employees of the Department of Juvenile Justice in the
10 course of their official duties;

11 8. Employees of a law enforcement agency in the course of their
12 official duties pertaining to the investigation of a crime committed
13 or alleged to have been committed by a person under eighteen (18)
14 years of age. Records or information disclosed pursuant to this
15 paragraph may consist of summaries or may be limited to the
16 information or records necessary for the purpose of the
17 investigation;

18 9. The Oklahoma Commission on Children and Youth;

19 10. The Department of Juvenile Justice or other public or
20 private agency or any individual having court-ordered custody or
21 custody pursuant to Department of Juvenile Justice placement of the
22 child who is the subject of the record;

23 11. The Department of Human Services;

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

3 13. Any federally recognized Indian tribe in which the child
4 who is the subject of the record is a member, or is eligible to
5 become a member of the tribe due to the child being the biological
6 child of a member of an Indian tribe pursuant to the Federal Indian
7 Child Welfare Act, P.L. 95-608, and the Oklahoma Indian Child
8 Welfare Act; provided such Indian tribe member, in the course of
9 official duties:

- 10 a. is investigating a report of known or suspected child
11 abuse or neglect or crimes against children or for the
12 purpose of determining whether to place a child in
13 protective custody, or
14 b. is providing services to or for the benefit of a child
15 including but not limited to protective, emergency,
16 social and medical services;

17 14. Any federally recognized Indian tribe in which the tribe,
18 the tribal court or the tribal child welfare program has asserted
19 jurisdiction or intervened in any case in which the child is the
20 subject of the proceedings or is a party to the proceedings pursuant
21 to the authority provided in the Oklahoma Indian Child Welfare Act.

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

1 15. The Governor or to any person the Governor designates, in
2 writing;

3 16. Any federal official of the United States Department of
4 Health and Human Services;

5 17. Any member of the Legislature, upon the written approval of
6 the Speaker of the House of Representatives or the President Pro
7 Tempore of the Senate;

8 18. Employees of the Department of Corrections in the course of
9 their official duties;

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

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

17 B. Records and their contents disclosed without an order of the
18 court as provided by the provisions of this section shall remain
19 confidential. The use of any information shall be limited to the
20 purposes for which disclosure is authorized. It shall be unlawful
21 for any person to furnish any confidential record or disclose any
22 confidential information contained in any juvenile record for
23 commercial, political or any other unauthorized purpose. Any person
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1 violating the provisions of this section shall, upon conviction, be
2 guilty of a misdemeanor.

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

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

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

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

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

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

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

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

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

16 SECTION 3. AMENDATORY Section 3, Chapter 53, O.S.L. 2005
17 (22 O.S. Supp. 2006, Section 58), is amended to read as follows:

18 Section 58. A. Criminally injurious conduct, as defined by the
19 Oklahoma Crime Victims Compensation Act, which appears to be or is
20 reported by the victim to be domestic abuse, as defined in Section
21 60.1 of Title 22 of the Oklahoma Statutes, or domestic abuse by
22 strangulation, domestic abuse resulting in great bodily harm, or
23 domestic abuse in the presence of a child, as defined in Section 644
24 of Title 21 of the Oklahoma Statutes, shall be reported according to

1 the standards for reporting as set forth in subsection B of this
2 section.

3 B. Except as provided for in Section 7104 of Title 10 of the
4 Oklahoma Statutes, any physician, surgeon, resident, intern,
5 physician's assistant, registered nurse, or any other health care
6 professional examining, attending, or treating the victim of what
7 appears to be domestic abuse or is reported by the victim to be
8 domestic abuse, as defined in Section 60.1 of Title 22 of the
9 Oklahoma Statutes, or domestic abuse by strangulation, domestic
10 abuse resulting in great bodily harm, or domestic abuse in the
11 presence of a child, as defined in Section 644 of Title 21 of the
12 Oklahoma Statutes, shall not be required to report any incident of
13 what appears to be or is reported to be domestic abuse, domestic
14 abuse by strangulation, domestic abuse resulting in great bodily
15 harm, or domestic abuse in the presence of a child if:

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

18 2. The person is not an incapacitated adult.

19 C. Any physician, surgeon, resident, intern, physician's
20 assistant, registered nurse, or any other health care professional
21 examining, attending, or treating a victim shall be required to
22 report any incident of what appears to be or is reported to be
23 domestic abuse, domestic abuse by strangulation, domestic abuse
24 resulting in great bodily harm, or domestic abuse in the presence of

1 a child, if requested to do so either orally or in writing by the
2 victim. A report of any incident shall be promptly made orally or
3 by telephone to the nearest law enforcement agency in the county
4 wherein the domestic abuse occurred or, if the location where the
5 conduct occurred is unknown, the report shall be made to the law
6 enforcement agency nearest to the location where the injury is
7 treated.

8 D. In all cases of what appears to be or is reported to be
9 domestic abuse, the physician, surgeon, resident, intern,
10 physician's assistant, registered nurse, or any other health care
11 professional examining, attending, or treating the victim of what
12 appears to be domestic abuse shall clearly and legibly document the
13 incident and injuries observed and reported, as well as any
14 treatment provided or prescribed.

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

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1 F. Every physician, surgeon, resident, intern, physician's
2 assistant, registered nurse, or any other health care professional
3 making a report of domestic abuse pursuant to this section or
4 examining a victim of domestic abuse to determine the likelihood of
5 domestic abuse, and every hospital or related institution in which
6 the victim of domestic abuse was examined or treated shall, upon the
7 request of a law enforcement officer conducting a criminal
8 investigation into the case, provide copies of the results of the
9 examination or copies of the examination on which the report was
10 based, and any other clinical notes, x-rays, photographs, and other
11 previous or current records relevant to the case to the
12 investigating law enforcement officer.

13 SECTION 4. AMENDATORY 22 O.S. 2001, Section 60.6, as
14 last amended by Section 4, Chapter 284, O.S.L. 2006 (22 O.S. Supp.
15 2006, Section 60.6), is amended to read as follows:

16 Section 60.6 A. Except as otherwise provided by this section,
17 any person who:

18 1. Has been served with an ex parte or final protective order
19 or foreign protective order and is in violation of such protective
20 order, upon conviction, shall be guilty of a misdemeanor and shall
21 be punished by a fine of not more than One Thousand Dollars
22 (\$1,000.00) or by a term of imprisonment in the county jail of not
23 more than one (1) year, or both such fine and imprisonment; and
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1 2. After a previous conviction of a violation of a protective
2 order, is convicted of a second or subsequent offense pursuant to
3 the provisions of this section shall, upon conviction, be guilty of
4 a felony and shall be punished by a term of imprisonment in the
5 custody of the Department of Corrections for not less than one (1)
6 year nor more than three (3) years, or by a fine of not less than
7 Two Thousand Dollars (\$2,000.00) nor more than Ten Thousand Dollars
8 (\$10,000.00), or by both such fine and imprisonment.

9 B. 1. Any person who has been served with an ex parte or final
10 protective order or foreign protective order who violates the
11 protective order and causes physical injury or physical impairment
12 to the plaintiff or to any other person named in said protective
13 order shall, upon conviction, be guilty of a misdemeanor and shall
14 be punished by a term of imprisonment in the county jail for not
15 less than twenty (20) days nor more than one (1) year. In addition
16 to the term of imprisonment, the person may be punished by a fine
17 not to exceed Five Thousand Dollars (\$5,000.00).

18 2. Any person who is convicted of a second or subsequent
19 violation of a protective order which causes physical injury or
20 physical impairment to a plaintiff or to any other person named in
21 the protective order shall be guilty of a felony and shall be
22 punished by a term of imprisonment in the custody of the Department
23 of Corrections of not less than one (1) year nor more than five (5)
24 years, or by a fine of not less than Three Thousand Dollars

1 (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by
2 both such fine and imprisonment.

3 3. In determining the term of imprisonment required by this
4 section, the jury or sentencing judge shall consider the degree of
5 physical injury or physical impairment to the victim.

6 4. The provisions of this subsection shall not affect the
7 applicability of Sections 644, 645, 647 and 652 of Title 21 of the
8 Oklahoma Statutes.

9 C. The minimum sentence of imprisonment issued pursuant to the
10 provisions of paragraph 2 of subsection A and paragraph 1 of
11 subsection B of this section shall not be subject to statutory
12 provisions for suspended sentences, deferred sentences or probation,
13 provided the court may subject any remaining penalty under the
14 jurisdiction of the court to the statutory provisions for suspended
15 sentences, deferred sentences or probation.

16 D. In addition to any other penalty specified by this section,
17 the court shall require a defendant to undergo the treatment or
18 participate in the counseling services necessary to bring about the
19 cessation of domestic abuse against the victim or to bring about the
20 cessation of stalking or harassment of the victim. For every
21 conviction of violation of a protective order:

22 1. The court shall specifically order as a condition of a
23 suspended sentence or probation that a defendant participate in
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1 counseling or undergo treatment to bring about the cessation of
2 domestic abuse as specified in paragraph 2 of this subsection;

3 2. a. The court shall require the defendant to participate
4 in counseling or undergo treatment for domestic abuse
5 by an individual licensed practitioner or a ~~domestic~~
6 ~~abuse counseling program approved by the court or a~~
7 domestic abuse treatment program certified by the
8 Attorney General. If the defendant is ordered to
9 participate in a domestic abuse counseling or
10 treatment program, the order shall require the
11 defendant to attend the program for a minimum of
12 fifty-two (52) weeks, complete the program, and be
13 evaluated before and after attendance of the program
14 by a program counselor or a private counselor.

15 b. A program for anger management, couples counseling, or
16 family and marital counseling shall not solely qualify
17 for the counseling or treatment requirement for
18 domestic abuse pursuant to this subsection. The
19 counseling may be ordered in addition to counseling
20 specifically for the treatment of domestic abuse or
21 per evaluation as set forth below. If, after
22 sufficient evaluation and attendance at required
23 counseling sessions, the domestic violence treatment
24 program or licensed professional determines that the

1 defendant does not evaluate as a perpetrator of
2 domestic violence or does evaluate as a perpetrator of
3 domestic violence and should complete other programs
4 of treatment simultaneously or prior to domestic
5 violence treatment, including but not limited to
6 programs related to the mental health, apparent
7 substance or alcohol abuse or inability or refusal to
8 manage anger, the defendant shall be ordered to
9 complete the counseling as per the recommendations of
10 the domestic violence treatment program or licensed
11 professional;

12 3. a. The court shall set a review hearing no more than one
13 hundred twenty (120) days after the defendant is
14 ordered to participate in a domestic abuse counseling
15 program or undergo treatment for domestic abuse to
16 assure the attendance and compliance of the defendant
17 with the provisions of this subsection and the
18 domestic abuse counseling or treatment requirements.

19 b. The court shall set a second review hearing after the
20 completion of the counseling or treatment to assure
21 the attendance and compliance of the defendant with
22 the provisions of this subsection and the domestic
23 abuse counseling or treatment requirements. The court
24 shall retain continuing jurisdiction over the

1 defendant during the course of ordered counseling
2 through the final review hearing;

3 4. The court may set subsequent or other review hearings as the
4 court determines necessary to assure the defendant attends and fully
5 complies with the provisions of this subsection and the domestic
6 abuse counseling or treatment requirements;

7 5. At any review hearing, if the defendant is not
8 satisfactorily attending individual counseling or a domestic abuse
9 counseling or treatment program or is not in compliance with any
10 domestic abuse counseling or treatment requirements, the court may
11 order the defendant to further or continue counseling, treatment, or
12 other necessary services. The court may revoke all or any part of a
13 suspended sentence, deferred sentence, or probation pursuant to
14 Section 991b of Title 22 of the Oklahoma Statutes and subject the
15 defendant to any or all remaining portions of the original sentence;

16 6. At the first review hearing, the court shall require the
17 defendant to appear in court. Thereafter, for any subsequent review
18 hearings, the court may accept a report on the progress of the
19 defendant from individual counseling, domestic abuse counseling, or
20 the treatment program. There shall be no requirement for the victim
21 to attend review hearings; and

22 7. If funding is available, a referee may be appointed and
23 assigned by the presiding judge of the district court to hear
24 designated cases set for review under this subsection. Reasonable

1 compensation for the referees shall be fixed by the presiding judge.
2 The referee shall meet the requirements and perform all duties in
3 the same manner and procedure as set forth in Sections 7003-8.6 and
4 7303-7.5 of Title 10 of the Oklahoma Statutes pertaining to referees
5 appointed in juvenile proceedings.

6 E. Ex parte and final protective orders shall include notice of
7 these penalties.

8 F. When a minor child violates the provisions of any protective
9 order, the violation shall be heard in a juvenile proceeding and the
10 court may order the child and the parent or parents of the child to
11 participate in family counseling services necessary to bring about
12 the cessation of domestic abuse against the victim and may order
13 community service hours to be performed in lieu of any fine or
14 imprisonment authorized by this section.

15 G. Any district court of this state and any judge thereof shall
16 be immune from any liability or prosecution for issuing an order
17 that requires a defendant to:

18 1. Attend a treatment program for domestic abusers certified by
19 the Attorney General;

20 2. Attend counseling or treatment services ordered as part of
21 any final protective order or for any violation of a protective
22 order; and
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1 3. Attend, complete, and be evaluated before and after
2 attendance by a treatment program for domestic abusers certified by
3 the Attorney General.

4 H. At no time, under any proceeding, may a person protected by
5 a protective order be held to be in violation of that protective
6 order. Only a defendant against whom a protective order has been
7 issued may be held to have violated the order.

8 SECTION 5. AMENDATORY Section 1, Chapter 348, O.S.L.
9 2005 (74 O.S. Supp. 2006, Section 18p-1), is amended to read as
10 follows:

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

13 B. The duty of the Unit is to provide services for persons who
14 require domestic violence or sexual assault services through a
15 domestic violence or sexual assault program.

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

20 1. Victims or survivors of domestic abuse as defined in Section
21 60.1 of Title 22 of the Oklahoma Statutes, any dependent children of
22 such victim or survivor, and any other member of the family or
23 household of such victim or survivor;

24 2. Victims or survivors of sexual assault;

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

3 4. ~~Persons who commit domestic abuse~~ Victims of stalking,
4 and which may provide other services, including, but not limited to,
5 counseling, case management, referrals or other similar services to
6 victims or survivors of domestic abuse, ~~or~~ sexual assault or
7 stalking.

8 D. As used in this act, "batterers intervention program" or
9 "batterers treatment program" means an agency, organization,
10 facility or person who offers, provides or engages in the offering
11 of counseling or intervention services to persons who commit
12 domestic abuse.

13 SECTION 6. AMENDATORY Section 3, Chapter 348, O.S.L.
14 2005 (74 O.S. Supp. 2006, Section 18p-3), is amended to read as
15 follows:

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

3 B. 1. Except as otherwise provided by paragraph 3 of this
4 subsection, the case records, case files, case notes, client
5 records, or similar records of a domestic violence or sexual assault
6 program certified by the Attorney General or of any employee or
7 trained volunteer of a program regarding an individual who is
8 residing or has resided in such program or who has otherwise
9 utilized or is utilizing the services of any domestic violence or
10 sexual assault program or counselor shall be confidential and shall
11 not be disclosed.

12 2. For purposes of this subsection, the term "client records"
13 shall include, but not be limited to, all communications, records,
14 and information regarding clients of domestic violence and sexual
15 assault programs.

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

23 C. The district court shall not order the disclosure of the
24 address of a domestic violence shelter, the location of any person

1 seeking or receiving services from a domestic violence or sexual
2 assault program, or any other information which is required to be
3 kept confidential pursuant to subsection B of this section.

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

8 SECTION 7. AMENDATORY Section 6, Chapter 348, O.S.L.
9 2005 (74 O.S. Supp. 2006, Section 18p-6), is amended to read as
10 follows:

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

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1 B. The Attorney General shall adopt and promulgate rules and
2 standards for certification of batterers intervention and domestic
3 violence programs and for private facilities and organizations which
4 offer domestic and sexual assault services in this state. These
5 facilities shall be known as "certified domestic violence shelters"
6 or "certified domestic violence programs" or "certified sexual
7 assault programs" or "certified treatment programs for batterers",
8 as applicable.

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

19 D. Licensed physicians, licensed psychologists, licensed social
20 workers, individual members of the clergy, licensed marital and
21 family therapists, licensed behavioral practitioners, and licensed
22 professional counselors shall be exempt from certification
23 requirements; provided, however, these exemptions shall only apply
24 to individual professional persons in private practice and not to

1 any domestic violence program or sexual assault program operated by
2 such person.

3 E. Facilities providing services for persons who commit
4 domestic abuse, victims or survivors of domestic abuse or sexual
5 assault and any dependent children of such victims or survivors
6 shall comply with standards promulgated by the Attorney General;
7 provided, that the certification requirements and standards
8 promulgated by the Attorney General shall not apply to programs and
9 services offered by the Department of Health, the Department of
10 Mental Health and Substance Abuse Services, the Department of
11 Corrections or the Department of Human Services. The batterers
12 intervention, domestic violence or sexual assault programs certified
13 pursuant to the provisions of this section shall cooperate with
14 inspection personnel of this state and shall promptly file all
15 reports required by the Attorney General. Failure to comply with
16 rules and standards of the Attorney General shall be grounds for
17 revocation of certification, after proper notice and hearing.

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

21 SECTION 8. AMENDATORY Section 7, Chapter 348, O.S.L.
22 2005 (74 O.S. Supp. 2006, Section 18p-7), is amended to read as
23 follows:
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1 Section 18p-7. A. The Attorney General or any district
2 attorney, in such person's discretion, may bring an action for an
3 injunction against any batterers intervention, domestic violence
4 program or sexual assault program found to be in violation of the
5 provisions of Title 74 of the Oklahoma Statutes or of any order or
6 determination of the Attorney General.

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

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

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13 51-1-1430 TEK 11/3/2007 2:12:27 AM

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