

EHB 1676

1 THE STATE SENATE
2 Tuesday, March 31, 2009

3 ENGROSSED

4 House Bill No. 1676

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1676 - By: Ownbey of the House and Coffee
7 of the Senate.

8 [criminal justice - transferring Criminal Justice Resource
9 Center to Oklahoma State Bureau of Investigation and Office
10 of Attorney General - providing for transfer of funds,
11 property, records, personnel and financial obligations or
12 encumbrances - providing for transfer of certain personnel
13 and status thereof - amending sections in Titles 10, 20, 21,
14 22 and 57 - repealing 63 O.S., Section 1-250 - codification
15 - effective date -

16 emergency]

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 150.17a of Title 74, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Effective July 1, 2009, the Criminal Justice Resource Center
22 of the Legislative Service Bureau shall be transferred to the
23 Oklahoma State Bureau of Investigation and the Office of the
24 Attorney General as follows:

25 1. The functions of the Criminal Justice Resource Center
26 relating to administration and research shall be transferred to the
27 Office of Criminal Justice Statistics, which is hereby created

1 within the Information Services Division of the Oklahoma State
2 Bureau of Investigation;

3 2. The functions of the Criminal Justice Resource Center
4 relating to data processing and information technology shall be
5 transferred to the Information Technology Systems Division of the
6 Oklahoma State Bureau of Investigation; and

7 3. The functions of the Criminal Justice Resource Center
8 relating to the Domestic Violence Fatality Review Board shall be
9 transferred to the Office of the Attorney General.

10 All unexpended funds, property, records, personnel and any
11 outstanding financial obligations or encumbrances of the Center are
12 hereby transferred to the entities specified in this subsection.

13 B. Effective July 1, 2009, the personnel transferred from the
14 Criminal Justice Resource Center to the Oklahoma State Bureau of
15 Investigation and the Office of the Attorney General and persons
16 occupying the position of any such personnel on July 1, 2009, shall
17 become employees of such agencies and shall not be subject to the
18 provisions of the Merit System of Personnel Administration.

19 C. Effective July 1, 2009, any reference in the Oklahoma
20 Statutes to the Criminal Justice Resource Center shall be a
21 reference to the Oklahoma State Bureau of Investigation or the
22 Office of the Attorney General, as appropriate with respect to the
23 content of the reference.

1 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7302-9.2, is
2 amended to read as follows:

3 Section 7302-9.2 As used in the Oklahoma Juvenile Code:

4 1. "Agencies and programs comprising the juvenile justice
5 system" means:

6 a. the courts, the District ~~Attorney's~~ Attorneys Council
7 and offices of the district attorneys, state and local
8 law enforcement agencies, juvenile bureaus, the
9 Department of Human Services, the Department of
10 Juvenile Justice of the Office of Juvenile Affairs,
11 the Oklahoma Commission on Children and Youth, the
12 Department of Corrections, the ~~Criminal Justice~~
13 ~~Resource Center~~ Oklahoma State Bureau of
14 Investigation, any other state agency responsible for
15 the care, custody or supervision of youth alleged or
16 adjudicated to be delinquent, and

17 b. to the extent that they are responsible for the
18 provision of services to youth alleged or adjudicated
19 to be delinquent, including but not limited to
20 educational, treatment or residential services, local
21 school districts and technology center schools and
22 other public and private agencies not otherwise
23 specifically included in subparagraph a of this

1 paragraph, comprising the "children and youth service
2 system" as defined by Section 600 of this title;

3 2. "Felony act" or "felony offense" means any criminal offense
4 that would constitute a felony crime if committed by an adult;

5 3. "Habitual criminal acts" means three separate delinquency
6 adjudications for the commission of felony acts. The felony acts
7 relied upon shall not have arisen out of the same transaction or
8 occurrence or series of events related in time and location;

9 4. "Juvenile court personnel" means those persons responsible
10 for juvenile court intake, probation and parole supervision and
11 services to youth alleged or adjudicated to be delinquent;

12 5. "Juvenile Justice Information System" means the automated
13 information system established by Section 7302-9.6 of this title;

14 6. "Juvenile offender" means a delinquent child or juvenile as
15 defined by Section 7301-1.3 of this title;

16 7. "Sanction" means a consequence imposed upon a juvenile
17 offender:

18 a. as a result of a criminal act, and

19 b. as a result of a violation of a condition of probation
20 or parole;

21 8. "Serious act" means any crime specified by subsection A of
22 Section 7306-1.1 of this title;

1 9. "Serious and Habitual Juvenile Offender Program" means the
2 program of information, information sharing, case tracking, case
3 management, supervision and sanctions established by Section 7302-
4 9.3 of this title; and

5 10. "Serious juvenile offender" and "habitual juvenile
6 offender" means persons under eighteen (18) years of age who have
7 been adjudicated delinquent for the commission of serious acts or
8 habitual criminal acts and are subject to the Serious and Habitual
9 Juvenile Offender Program in accordance with the criteria
10 established pursuant to Section 7302-9.3 of this title.

11 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7302-9.6, is
12 amended to read as follows:

13 Section 7302-9.6 A. For the purpose of information sharing and
14 management of the Serious and Habitual Juvenile Offender Program,
15 there is hereby created the Juvenile Justice Information System.
16 The information system shall be an automated, data-based, system for
17 tracking juvenile offenders from arrest through final closure of the
18 case and shall include information provided by all of the components
19 of the juvenile justice system in accordance with the provisions of
20 the Serious and Habitual Juvenile Offender Act. The information
21 system shall be fully integrated with other information systems
22 related to services to children and youth and shall:

1 1. Be based upon the integration, utilization and modification,
2 as necessary, of existing information systems;

3 2. Provide for the accuracy of the information and for the
4 security of and limited access to the information;

5 3. Include case specific information, including client
6 outcomes, and have the ability to monitor juveniles in the juvenile
7 justice system; and

8 4. Be capable of providing management reports and information
9 to the various components of the juvenile justice system, and of
10 providing aggregate information necessary for planning, monitoring,
11 evaluating and managing programs and services provided to youthful
12 offenders as well as for system-wide analysis of the Serious and
13 Habitual Juvenile Offender Program.

14 B. The Department of Juvenile Justice of the Office of Juvenile
15 Affairs, the juvenile bureaus, the ~~Criminal Justice Resource Center~~
16 Oklahoma State Bureau of Investigation, the Office of the Court
17 Administrator, and other agencies and programs comprising the
18 juvenile justice system, including but not limited to law
19 enforcement and district attorneys, in accordance with guidelines
20 established by the Serious and Habitual Juvenile Offender Program
21 Implementation Task Force, shall jointly:

22 1. Identify information to be shared by agencies on a regular
23 basis;

- 1 2. Develop procedures for processing case-profiles as cases
- 2 move through agencies that come in contact with juvenile offenders;
- 3 3. Establish training programs in the use of the system;
- 4 4. Conduct a pilot project to test the system; and
- 5 5. At least annually, evaluate the plan for full statewide
- 6 implementation of the Juvenile Justice Information System and submit
- 7 any necessary modifications of the existing plan to the Serious and
- 8 Habitual Juvenile Offender Program Implementation Task Force and to
- 9 the Governor, the President Pro Tempore of the Senate, the Speaker
- 10 of the House of Representatives, and each agency affected by said
- 11 plan.

12 SECTION 4. AMENDATORY Section 12, Chapter 390, O.S.L.
13 2002 (20 O.S. Supp. 2008, Section 1315.7), is amended to read as
14 follows:

15 Section 1315.7 A joint meeting of the House Appropriations and
16 Budget Subcommittee on the Judiciary and the Senate Appropriations
17 Subcommittee on Public Safety and Judiciary shall monitor compliance
18 with ~~this act, using staff support provided by the Oklahoma Criminal~~
19 ~~Justice Resource Center~~ Sections 1315.3 through 1315.7 of this
20 title. The Oklahoma State Bureau of Investigation shall provide
21 such assistance to the subcommittees as may be necessary. At public
22 meetings, the joint committee is authorized to take testimony from
23 court clerks, the public and from the Supreme Court Technical

1 Oversight Committee, and to make recommendations to the Supreme
2 Court to resolve technical and policy problems that impact other
3 elected officials and other state and federal agencies.

4 SECTION 5. AMENDATORY 21 O.S. 2001, Section 19, is
5 amended to read as follows:

6 Section 19. For purposes of any crime specified by the criminal
7 code of this title or any provision of the law in this state, all
8 criminal and juvenile justice information systems shall adopt and
9 use the uniform reporting standard created and published by the
10 Oklahoma ~~Criminal Justice Resource Center~~ State Bureau of
11 Investigation as provided by Section ~~4~~ 1517 of ~~this act~~ Title 22 of
12 the Oklahoma Statutes. The uniform reporting standard shall insure
13 the accurate reporting of all criminal and juvenile delinquency
14 information relating to arrests, charges, custody records,
15 dispositions, and any other information record purporting to
16 identify a criminal or juvenile delinquency history record or
17 information to be maintained by any criminal or juvenile justice
18 information system within this state. Every district court,
19 criminal justice agency, and juvenile delinquency agency of this
20 state is hereby directed to comply with and use the uniform
21 reporting standard for reporting and maintaining all criminal
22 justice information systems of this state.

1 SECTION 6. AMENDATORY 22 O.S. 2001, Section 1508, is
2 amended to read as follows:

3 Section 1508. A. ~~The Oklahoma Sentencing Commission shall~~
4 ~~serve as an advisory board to the Oklahoma Criminal Justice Resource~~
5 ~~Center.~~

6 ~~B.~~ The Oklahoma Sentencing Commission may establish
7 subcommittees or advisory committees composed of Commission members
8 or others to accomplish duties imposed by this section.

9 ~~C.~~ B. It is the legislative intent that the Commission attach
10 priority to accomplish the formulation of proposals and
11 recommendations as described in Section 1512 of this title.

12 ~~D.~~ C. In addition, the Commission may make recommendations to
13 the Legislature for the recodification of the Penal Code of the
14 State of Oklahoma.

15 ~~E.~~ D. The Commission shall have the continuing duty to monitor
16 and review the criminal justice and corrections systems in this
17 state to ensure that sentencing remains uniform and consistent, and
18 that the goals and policies established by the state are being
19 implemented by sentencing practices, and it shall recommend methods
20 by which this ongoing work may be accomplished and by which the
21 correctional population simulation model shall continue to be used
22 by the state.

1 ~~F.~~ E. The Commission shall review all proposed legislation
2 which creates a new criminal offense or increases the punishment for
3 an existing criminal offense and shall make recommendations to the
4 Legislature.

5 ~~G.~~ F. The Oklahoma ~~Criminal Justice Resource Center~~ State
6 Bureau of Investigation, under the direction of the Oklahoma
7 Sentencing Commission, shall prepare a report within twenty (20)
8 days after the last day for filing bills in the Legislature
9 containing a review of bills as described in this ~~subsection~~
10 section. The ~~Oklahoma Criminal Justice Resource Center~~ Bureau may
11 include in its report on a bill an impact analysis based upon an
12 application of the correctional population simulation model to the
13 provisions of the bill. The bill analysis report shall be delivered
14 to the chair of the legislative committee to which the bill is
15 assigned.

16 SECTION 7. AMENDATORY 22 O.S. 2001, Section 1516, is
17 amended to read as follows:

18 Section 1516. A. The Oklahoma Sentencing Commission,
19 established by Section 1501 of this title shall monitor, review,
20 analyze and provide impact statements and reports to the Legislature
21 concerning the criminal law of the State of Oklahoma. The
22 Commission is vested with authority to collect data and reports from
23 governmental entities and courts within the State of Oklahoma

1 relating to all matters concerning the charging, pleading,
2 sentencing, and release of persons charged, convicted, or placed on
3 probation for criminal offenses within this state. Governmental
4 entities and courts shall respond promptly to all reasonable
5 requests of the Commission for data required to meet this directive.
6 The Oklahoma ~~Criminal Justice Resource Center~~ State Bureau of
7 Investigation, under the direction of the Oklahoma Sentencing
8 Commission, shall prepare an impact statement on proposed
9 legislation which impacts the criminal law of the State of Oklahoma.

10 B. The Oklahoma Sentencing Commission shall review each bill or
11 joint resolution which impacts the Oklahoma criminal justice system
12 introduced in the Oklahoma Legislature. The Commission shall
13 prepare an impact statement, as established by joint legislative
14 rules. The Commission shall direct other state entities including,
15 but not limited to, the Department of Corrections, the Oklahoma
16 District Attorneys Council, the Office of the Oklahoma Attorney
17 General, the Oklahoma State Bureau of Investigation, the
18 Administrative Office of the Oklahoma Courts, the Oklahoma Court of
19 Criminal Appeals, the Oklahoma Indigent Defense System, and county
20 indigent defenders, to provide assistance and information in the
21 preparation of the ~~fiscal~~ impact statement. The entities and courts
22 shall provide the information described in this subsection to the
23 Commission within the time set by the requesting agency. The impact

1 statement shall include, but shall not be limited to, a report on
2 the impact the proposal will have on the criminal justice system,
3 information obtained from the Department of Corrections, including a
4 projection of offender population, and any other information
5 relevant to the impact of the proposed legislation.

6 C. A copy of the impact statement shall be attached to each
7 copy of a bill or joint resolution reviewed by any committee of
8 either house of the Legislature and to each copy of a bill or joint
9 resolution that impacts the criminal justice system that is reviewed
10 by the entire membership of either house of the Oklahoma
11 Legislature.

12 SECTION 8. AMENDATORY 57 O.S. 2001, Section 508.2, as
13 amended by Section 2, Chapter 340, O.S.L. 2003, and as renumbered by
14 Section 3, Chapter 340, O.S.L. 2003 (22 O.S. Supp. 2008, Section
15 1517), is amended to read as follows:

16 Section 1517. A. The Oklahoma ~~Criminal Justice Resource Center~~
17 ~~shall consist of~~ State Bureau of Investigation shall be the entity
18 recognized by the Bureau of Justice Statistics as the Statistical
19 Analysis Center, and shall include a program resources unit, a
20 computer information services unit, and an administrative support
21 unit.

1 B. ~~The~~ In addition to other duties specified by law, the duties
2 of the Oklahoma ~~Criminal Justice Resource Center~~ State Bureau of
3 Investigation shall be to:

- 4 1. Provide a clearinghouse for criminal justice information;
- 5 2. Provide a central contact point for federal, state, and
6 local criminal justice agencies;
- 7 3. Provide technical assistance for all criminal justice
8 agencies of this state;
- 9 4. Provide consultation for criminal justice agencies of this
10 state in preparing reports, gaining funding, or preparing
11 information;
- 12 5. Obtain information from criminal justice agencies in this
13 state for analyses of criminal justice issues;
- 14 6. Collect and analyze criminal justice data;
- 15 7. Produce reports for state and local criminal justice
16 agencies;
- 17 8. Facilitate information networking between criminal justice
18 agencies;
- 19 9. Attend meetings concerning criminal justice issues;
- 20 10. Represent this state at national meetings including, but
21 not limited to, meetings or conferences of criminal justice
22 statistics associations of other states;

- 1 11. Provide administrative support to the Oklahoma Sentencing
2 Commission;
- 3 12. Assist in developing resources for the criminal justice
4 system;
- 5 13. Address pertinent issues related to prevention and
6 intervention programs;
- 7 14. Provide assistance to the State Crime Stoppers Association;
- 8 15. ~~Maintain support and provide assistance to the Oklahoma~~
9 ~~Council on Violence Prevention;~~
- 10 ~~16.~~ Create and publish by December 1 each year a uniform
11 reporting standard for citing state criminal statutes to be used in
12 reporting information to and from all criminal justice information
13 systems within this state. The uniform reporting standard shall be
14 developed in consultation with the Administrative Office of the
15 Courts, the Department of Corrections, ~~the Oklahoma State Bureau of~~
16 ~~Investigation,~~ the District Attorneys Council, the Department of
17 Public Safety through the Oklahoma Law Enforcement
18 Telecommunications System Division, and the Office of Juvenile
19 Affairs. The uniform reporting standard shall be used by all
20 criminal justice information systems and shall be the standard for
21 reporting arrests, criminal and juvenile delinquency charges, charge
22 and case dispositions, custody records, and any other record
23 purporting to identify a criminal history record or information

1 relating to arrests, charges, custody, adjudication, conviction, and
2 disposition of criminal or juvenile matters; and

3 ~~17.~~ 16. Monitor all changes to state crime statutes within
4 ninety (90) days of the Legislature's adjournment sine die for
5 purposes of including any changes in law or new offenses within the
6 uniform reporting standard.

7 C. ~~The Legislative Service Bureau shall provide office space,~~
8 ~~equipment, and other administrative support required by the Oklahoma~~
9 ~~Criminal Justice Resource Center.~~

10 D. ~~The Oklahoma Criminal Justice Resource Center shall have a~~
11 ~~director and other necessary staff. The Oklahoma Sentencing~~
12 ~~Commission shall hire and set the salary of the director. The~~
13 ~~director of the Oklahoma Criminal Justice Resource Center, subject~~
14 ~~to the approval of legislative members of the Oklahoma Sentencing~~
15 ~~Commission, State Bureau of Investigation shall hire employees as~~
16 ~~may be necessary to complete the statutory functions of the Oklahoma~~
17 ~~Criminal Justice Resource Center Bureau as specified in this section~~
18 ~~within the budgeting limits set by the President Pro Tempore of the~~
19 ~~Senate and the Speaker of the House of Representatives law.~~

20 E. ~~The director of the Oklahoma Criminal Justice Resource~~
21 ~~Center shall submit a budget work program by July 1 of each year~~
22 ~~which shall be approved by the President Pro Tempore of the Senate~~
23 ~~and the Speaker of the House of Representatives.~~

1 SECTION 9. AMENDATORY 57 O.S. 2001, Section 508.2b, as
2 renumbered by Section 3, Chapter 340, O.S.L. 2003 (22 O.S. Supp.
3 2008, Section 1518), is amended to read as follows:

4 Section 1518. There is hereby created in the State Treasury a
5 revolving fund for the Oklahoma ~~Criminal Justice Resource Center~~
6 ~~within the Legislative Service Bureau~~ State Bureau of Investigation
7 to be designated the "Oklahoma Criminal Justice Resource ~~Center~~
8 Revolving Fund". The fund shall be a continuing fund, not subject
9 to fiscal year limitations, and shall consist of all grants, gifts,
10 bequests and any other lawful monies received for the benefit of the
11 ~~Oklahoma Criminal Justice Resource Center~~ Bureau. All monies
12 accruing to the credit of said fund are hereby appropriated and may
13 be budgeted and expended by the Director of the ~~Oklahoma Criminal~~
14 ~~Justice Resource Center~~ Bureau for the operation of the ~~Oklahoma~~
15 ~~Criminal Justice Resource Center~~ Bureau in furtherance of its duties
16 as set forth in Section 1517 of this title or other purposes
17 authorized by law. ~~Expenditures from said fund shall be for the~~
18 ~~general operating expenses of the Oklahoma Criminal Justice Resource~~
19 ~~Center or other purposes authorized by law.~~

20 SECTION 10. AMENDATORY Section 1, Chapter 547, O.S.L.
21 2004 (22 O.S. Supp. 2008, Section 1519), is amended to read as
22 follows:

1 Section 1519. A. This ~~act~~ section shall be known and may be
2 cited as the "Criminal Justice Computer Assistance Act".

3 B. The Oklahoma ~~Criminal Justice Resource Center~~ State Bureau
4 of Investigation is directed to implement and administer a data
5 information system called the "Offender Data Information System",
6 subject to funding. The purpose of the System shall be to:

7 1. Provide software and support to interested criminal justice
8 agencies to assist in record keeping and data reporting functions;

9 2. Provide a uniform method for sharing data and information
10 from existing databases operated by participating agencies; and

11 3. Transmit data and other information from participating
12 criminal justice agencies to other local, state and federal agencies
13 upon request or as necessary.

14 C. The ~~Oklahoma Criminal Justice Resource Center~~ Bureau is
15 directed to develop procedures for the administration,
16 participation, operation and use of the Offender Data Information
17 System.

18 D. Any criminal justice agency of this state may voluntarily
19 participate in the Offender Data Information System. The Bureau may
20 charge a reasonable user fee for those criminal justice agencies
21 that participate in the Offender Data Information System. All
22 monies received from such fees shall be deposited in the OSBI
23 Revolving Fund.

1 E. Nothing in this section shall be construed to compel
2 participation of any state or local criminal justice agency in the
3 Offender Data Information System.

4 SECTION 11. AMENDATORY 22 O.S. 2001, Section 1601, as
5 last amended by Section 3, Chapter 324, O.S.L. 2008 (22 O.S. Supp.
6 2008, Section 1601), is amended to read as follows:

7 Section 1601. A. There is hereby created until July 1, 2013,
8 in accordance with the Oklahoma Sunset Law, the Domestic Violence
9 Fatality Review Board within the ~~Oklahoma Criminal Justice Resource~~
10 ~~Center~~ Office of the Attorney General. The Board shall have the
11 power and duty to:

12 1. Coordinate and integrate state and local efforts to address
13 fatal domestic violence and create a body of information to prevent
14 domestic violence deaths;

15 2. Collect, analyze and interpret state and local data on
16 domestic violence deaths;

17 3. Develop a state and local database on domestic violence
18 deaths;

19 4. Improve the ability to provide protective services to
20 victims of domestic violence who may be living in a dangerous
21 environment;

22 5. Improve policies, procedures and practices within the
23 agencies that serve victims of domestic violence; and

1 6. Enter into agreements with other state, local or private
2 entities as necessary to carry out the duties of the Domestic
3 Violence Fatality Review Board including, but not limited to,
4 conducting joint reviews with the Child Death Review Board on
5 domestic violence cases involving child death or child near-death
6 incidents.

7 B. In carrying out its duties and responsibilities, the Board
8 shall:

9 1. Promulgate rules establishing criteria for identifying cases
10 involving a domestic violence death subject to specific, in-depth
11 review by the Board;

12 2. Conduct a specific case review of those cases where the
13 cause of death is or may be related to domestic violence;

14 3. Establish and maintain statistical information related to
15 domestic violence deaths, including, but not limited to, demographic
16 and medical diagnostic information;

17 4. Establish procedures for obtaining initial information
18 regarding domestic violence deaths from law enforcement agencies;

19 5. Review the policies, practices, and procedures of the
20 domestic violence protection and prevention system and make specific
21 recommendations to the entities comprising the domestic violence
22 prevention and protection system for actions necessary for the
23 improvement of the system;

1 6. Review the extent to which the state domestic violence
2 prevention and protection system is coordinated with law enforcement
3 and the court system and evaluate whether the state is efficiently
4 discharging its domestic violence prevention and protection
5 responsibilities;

6 7. Request and obtain a copy of all records and reports
7 pertaining to a domestic violence death case of the victim,
8 perpetrator or any other person cohabitating in the domicile at the
9 time of the fatality that is under review, including, but not
10 limited to:

- 11 a. the report of the medical examiner,
- 12 b. hospital records,
- 13 c. school records,
- 14 d. court records,
- 15 e. prosecutorial records,
- 16 f. local, state, and federal law enforcement records,
17 including, but not limited to, the Oklahoma State
18 Bureau of Investigation (OSBI),
- 19 g. fire department records,
- 20 h. State Department of Health records, including birth
21 certificate records,
- 22 i. medical and dental records,

- 1 j. Department of Mental Health and Substance Abuse
- 2 Services and other mental health records,
- 3 k. emergency medical service records,
- 4 l. files of the Department of Human Services, and
- 5 m. records in the possession of the Child Death Review
- 6 Board when conducting a joint review pursuant to
- 7 paragraph 6 of subsection A of this section.

8 Confidential information provided to the Board shall be maintained
9 by the Board in a confidential manner as otherwise required by state
10 and federal law. Any person damaged by disclosure of such
11 confidential information by the Board or its members which is not
12 authorized by law may maintain an action for damages, costs and
13 attorney fees pursuant to The Oklahoma Governmental Tort Claims Act;

14 8. Maintain all confidential information, documents and records
15 in possession of the Board as confidential and not subject to
16 subpoena or discovery in any civil or criminal proceedings;
17 provided, however, information, documents and records otherwise
18 available from other sources shall not be exempt from subpoena or
19 discovery through those sources solely because such information,
20 documents and records were presented to or reviewed by the Board;

21 9. Conduct reviews of specific cases of domestic violence
22 deaths and request the preparation of additional information and
23 reports as determined to be necessary by the Board including, but

1 not limited to, clinical summaries from treating physicians,
2 chronologies of contact, and second opinion autopsies;

3 10. Report, if recommended by a majority vote of the Board, to
4 the President Pro Tempore of the Senate and the Speaker of the House
5 of Representatives any gross neglect of duty by any state officer or
6 state employee, or any problem within the domestic violence
7 prevention and protection system discovered by the Board while
8 performing its duties; and

9 11. Exercise all incidental powers necessary and proper for the
10 implementation and administration of the Domestic Violence Fatality
11 Review Board.

12 C. The review and discussion of individual cases of a domestic
13 violence death shall be conducted in executive session. All other
14 business shall be conducted in accordance with the provisions of the
15 Oklahoma Open Meeting Act. All discussions of individual cases and
16 any writings produced by or created for the Board in the course of
17 determining a remedial measure to be recommended by the Board, as
18 the result of a review of an individual case of a domestic violence
19 death, shall be privileged and shall not be admissible in evidence
20 in any proceeding. The Board shall periodically conduct meetings to
21 discuss organization and business matters and any actions or
22 recommendations aimed at improvement of the domestic violence
23 prevention and protection system which shall be subject to the

1 Oklahoma Open Meeting Act. Part of any meeting of the Board may be
2 specifically designated as a business meeting of the Board subject
3 to the Oklahoma Open Meeting Act.

4 D. The Board shall submit an annual statistical report on the
5 incidence and causes of domestic violence deaths in this state for
6 which the Board has completed its review during the past calendar
7 year including its recommendations, if any, to the domestic violence
8 prevention and protection system. The Board shall also prepare and
9 make available to the public, on an annual basis, a report
10 containing a summary of the activities of the Board relating to the
11 review of domestic violence deaths, the extent to which the state
12 domestic violence prevention and protection system is coordinated
13 and an evaluation of whether the state is efficiently discharging
14 its domestic violence prevention and protection responsibilities.
15 The report shall be completed no later than February 1 of the
16 subsequent year.

17 SECTION 12. AMENDATORY 22 O.S. 2001, Section 1602, as
18 last amended by Section 4, Chapter 136, O.S.L. 2006 (22 O.S. Supp.
19 2008, Section 1602), is amended to read as follows:

20 Section 1602. A. The Domestic Violence Fatality Review Board
21 shall be composed of ~~eighteen (18)~~ seventeen (17) members, or their
22 designees, as follows:

23 1. ~~Eight~~ Seven of the members shall be:

- 1 a. the Chief Medical Examiner,
2 b. a designee of the Attorney General. The designee
3 shall be a person assigned to the Victims Services
4 Unit of the Office of the Attorney General,
5 c. the State Commissioner of Health,
6 ~~d. the Director of the Criminal Justice Resource Center,~~
7 ~~e.~~ the Chief of Injury Prevention Services of the State
8 Department of Health,
9 ~~f.~~ e. the Director of the Department of Human Services,
10 ~~g.~~ f. the Director of the Oklahoma State Bureau of
11 Investigation, and
12 ~~h.~~ g. the Commissioner of the Department of Mental Health
13 and Substance Abuse Services; and

14 2. Ten of the members shall be appointed by the Attorney
15 General, shall serve for terms of two (2) years and shall be
16 eligible for reappointment. The members shall be persons having
17 training and experience in matters related to domestic violence.

18 The appointed members shall include:

- 19 a. a county sheriff selected from a list of three names
20 submitted by the executive board of the Oklahoma
21 ~~Sheriff's~~ Sheriffs' Association,

- 1 b. a chief of a municipal police department selected from
2 a list of three names submitted by the Oklahoma
3 Association of Chiefs of Police,
4 c. an attorney licensed in this state who is in private
5 practice selected from a list of three names submitted
6 by the Board of Governors of the Oklahoma Bar
7 Association,
8 d. a district attorney selected from a list of three
9 names submitted by the District Attorneys Council,
10 e. a physician selected from a list of three names
11 submitted by the Oklahoma State Medical Association,
12 f. a physician selected from a list of three names
13 submitted by the Oklahoma Osteopathic Association,
14 g. a nurse selected from a list of three names submitted
15 by the Oklahoma Nurses Association,
16 h. two individuals, at least one of whom shall be a
17 survivor of domestic violence, selected from lists of
18 three names submitted by the Oklahoma Coalition
19 Against Domestic Violence and Sexual Assault, and
20 i. a member of the Judiciary selected from a list of
21 three names submitted by the Oklahoma Supreme Court.

22 B. Every two (2) years the Board shall elect from among its
23 membership a chair and a vice-chair. The Board shall meet at least

1 quarterly and may meet more frequently as necessary as determined by
2 the chair. Members shall serve without compensation but may be
3 reimbursed for necessary travel out of funds available to the
4 ~~Oklahoma Criminal Justice Resource Center~~ Office of the Attorney
5 General pursuant to the State Travel Reimbursement Act; provided,
6 that the reimbursement shall be paid in the case of state employee
7 members by the agency employing the member.

8 C. With funds appropriated or otherwise available for that
9 purpose, the ~~Criminal Justice Resource Center~~ Office of the Attorney
10 General shall provide administrative assistance and services to the
11 Domestic Violence Fatality Review Board.

12 SECTION 13. AMENDATORY Section 6, Chapter 407, O.S.L.
13 2003 (22 O.S. Supp. 2008, Section 1603), is amended to read as
14 follows:

15 Section 1603. A. If funds are available, the ~~Criminal Justice~~
16 ~~Resource Center~~ Office of the Attorney General annually shall
17 collect data on the number of victim protective orders issued in
18 each county and the number of violations of victim protective orders
19 in each county.

20 B. The ~~Center~~ Attorney General shall provide this information
21 to the Domestic Violence Fatality Review Board and the
22 Administrative Office of the Courts.

1 SECTION 14. AMENDATORY Section 1, Chapter 149, O.S.L.
2 2007 (57 O.S. Supp. 2008, Section 332.20), is amended to read as
3 follows:

4 Section 332.20 ~~On and after the effective date of this act, the~~
5 The Department of Corrections, in conjunction with the Pardon and
6 Parole Board, shall implement a method for tracking the success and
7 recidivism of persons who are required to have a two-stage parole
8 consideration process pursuant to subsection C of Section 332.7 of
9 ~~Title 57 of the Oklahoma Statutes~~ this title for the first three (3)
10 years following their individual release from incarceration or
11 release to parole. Included in the annual and cumulative data to be
12 collected for this category of offenders shall be offender
13 demographics and statistics including:

- 14 1. Offense type;
- 15 2. Sentence length;
- 16 3. Release information, indicating parole including the offense
17 to which parole applied and whether multiple offenses or concurrent
18 offenses were reviewed for purposes of parole or timed-out sentence
19 and the percent of sentence served;
- 20 4. Number of persons by offense type eligible for parole
21 consideration in the first and second stages of parole consideration
22 in the calendar year;

- 1 5. Number of persons by offense type actually recommended for
2 parole in the calendar year;
- 3 6. Number of persons by offense type granted parole by the
4 Governor in the calendar year;
- 5 7. Rearrest data in the calendar year and cumulatively over the
6 offender's three-year data collection period;
- 7 8. Reincarceration data in the calendar year and cumulatively
8 over the offender's three-year data collection period;
- 9 9. Employment data for the calendar year cumulatively over the
10 offender's three-year data collection period; and
- 11 10. Other information deemed beneficial to analyzing the
12 success and recidivism of this category of offenders annually and
13 cumulatively over the offender's three-year data collection period.

14 The information collected shall be made available to the members
15 of the Legislature, the ~~Criminal Justice Resource Center~~ Oklahoma
16 State Bureau of Investigation, and the Governor, by the Department
17 of Corrections or the Pardon and Parole Board annually upon request,
18 but not later than March 1 following the first data collection
19 period.

20 SECTION 15. AMENDATORY Section 1, Chapter 507, O.S.L.
21 2004 (57 O.S. Supp. 2008, Section 508.2c), is amended to read as
22 follows:

1 Section 508.2c A. There is hereby created the Oklahoma
2 Integrated Justice Information Systems (OIJIS) Steering Committee
3 which shall serve as an advisory board to the Oklahoma Legislature
4 regarding issues pertinent to the strategic planning, development,
5 funding, implementation, and operations of the justice information
6 systems of the state.

7 B. The Committee shall be composed of the following members,
8 except as otherwise provided by this section:

9 1. Two senators appointed by the President Pro Tempore of the
10 Senate;

11 2. Two representatives appointed by the Speaker of the House of
12 Representatives;

13 3. The Commissioner of Public Safety or a designee;

14 4. A judge appointed by the Chief Justice of the Oklahoma
15 Supreme Court or a designee;

16 5. The Executive Coordinator of the District Attorneys Council
17 or a designee;

18 6. The Director of the Oklahoma State Bureau of Investigation
19 or a designee;

20 7. The Director of the Department of Corrections or a designee;

21 8. The Executive Director of the Office of Juvenile Affairs or
22 a designee;

1 9. The Executive Director of the Oklahoma Association of Chiefs
2 of Police or a designee;

3 10. The Executive Director of the Oklahoma Sheriffs'
4 Association or a designee;

5 11. The Director of the Oklahoma State Bureau of Narcotics and
6 Dangerous Drugs Control or a designee; and

7 12. The Director of the Oklahoma Indigent Defense System or a
8 designee; ~~and~~

9 ~~13. The Director of the Oklahoma Criminal Justice Resource~~
10 ~~Center or a designee.~~

11 C. Each committee member shall be required to attend the
12 meetings of the committee. While designees are allowed, the member
13 shall identify the designee in writing to the Chair of the committee
14 prior to any meeting. The committee will meet twice a year and at
15 any other time as the Chair may call a meeting, upon such notice and
16 in such manner as may be fixed by the rules of the committee.
17 Failure to attend two consecutive meetings by a designee shall
18 automatically result in the removal of the designee from the
19 committee and the individual making the designation shall select a
20 new designee.

21 D. The committee shall be chaired by one of the appointed
22 members from the Senate, selected by the President Pro Tempore of
23 the Senate, in the odd-numbered years and one of the appointed

1 members of the House of Representatives, selected by the Speaker of
2 the House of Representatives, in the even-numbered years. A
3 majority of the members shall constitute a quorum for purposes of
4 transacting business. Committee members shall not be compensated
5 but shall be reimbursed their actual and necessary travel expenses
6 as provided in the State Travel Reimbursement Act for members who
7 are not members of the Legislature, and as provided in Section 456
8 of Title 74 of the Oklahoma Statutes for legislative members.

9 E. The duties of the committee shall be to:

- 10 1. Serve as the Executive Committee for oversight of the
11 strategic planning, development, funding, implementation, and
12 operations of the justice information systems of the state;
- 13 2. Review and discuss issues pertaining to justice information
14 systems;
- 15 3. Make recommendations of issues relating to justice
16 information systems to the President Pro Tempore of the Senate, the
17 Speaker of the House of Representatives, the Governor, and the
18 Secretary of the Safety and Security Cabinet;
- 19 4. Establish policy for the OIJIS Steering Committee;
- 20 5. Create an Operational Subcommittee for the OIJIS Steering
21 Committee derived from the member agencies; and
- 22 6. Tasks for the Operational Subcommittee are:
 - 23 a. to meet monthly or more frequently as needed,

- 1 b. to elect a Chair and Vice Chair of the Operational
2 Subcommittee from their membership, each of whom will
3 serve a two-year period with the Vice Chair assuming
4 the duties automatically of the Chair upon completion
5 of the two-year period of the Chair, or earlier in the
6 case of the early loss of the Chair,
7 c. to review current justice information systems,
8 d. to create, annually update, and implement a strategic
9 plan for improving the accuracy, completeness, and
10 timeliness of criminal history information within the
11 state,
12 e. to create, annually update, and implement a statewide
13 plan for the integration of the justice information
14 systems of the state, and
15 f. to assist as requested, review, and make
16 recommendations on grant applications relative to
17 justice information systems.

18 F. The committee is hereby authorized to enlist the aid of any
19 agency of state government for assistance or for information to
20 enable the committee to perform the duties charged in this section.

21 G. The committee shall make a written report each year to the
22 President Pro Tempore of the Senate, the Speaker of the House of
23 Representatives, the Governor, and the Secretary of the Safety and

1 Security Cabinet on any findings or recommendations concerning
2 needed legislation, the potential impact, including fiscal
3 estimates, of existing or proposed legislation, and the impact of
4 agency policies which affect the justice information systems.

5 H. The Oklahoma ~~Criminal Justice Resource Center~~ State Bureau
6 of Investigation shall provide the administrative support in
7 scheduling of meetings, providing records of the meetings,
8 publication of reports, and any other support as required of and
9 approved by the committee.

10 SECTION 16. REPEALER 63 O.S. 2001, Section 1-250, is
11 hereby repealed.

12 SECTION 17. This act shall become effective July 1, 2009.

13 SECTION 18. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-25-09 - DO
18 PASS, As Amended.