

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2272

By: Blackwell

4  
5  
6 AS INTRODUCED

7 An Act relating to criminal justice; transferring  
8 Criminal Justice Resource Center to Oklahoma State  
9 Bureau of Investigation and Office of Attorney  
10 General; providing for transfer of funds, property,  
11 records, personnel and financial obligations or  
12 encumbrances; providing for transfer of certain  
13 personnel and status thereof; amending 10 O.S. 2001,  
14 Sections 7302-9.2 and 7302-9.6, which relate to the  
15 Oklahoma Juvenile Code; changing references from  
16 Criminal Justice Resource Center to Oklahoma State  
17 Bureau of Investigation; amending Section 12, Chapter  
18 390, O.S.L. 2002 (20 O.S. Supp. 2008, Section  
19 1315.7), which relates to compliance with certain  
20 act; updating statutory references; requiring  
21 Oklahoma State Bureau of Investigation to provide  
22 certain assistance; amending 21 O.S. 2001, Section  
23 19, which relates to uniform justice information  
24 reporting systems; updating statutory references;  
changing reference from Criminal Justice Resource  
Center to Oklahoma State Bureau of Investigation;  
amending 22 O.S. 2001, Sections 1508 and 1516, which  
relate to the Oklahoma Sentencing Commission;  
deleting certain duty of Oklahoma Sentencing  
Commission; changing references from Criminal Justice  
Resource Center to Oklahoma State Bureau of  
Investigation; amending 57 O.S. 2001, Sections 508.2,  
as amended by Section 2, Chapter 340, O.S.L. 2003,  
and as renumbered by Section 3, Chapter 340, O.S.L.  
2003 and 508.2b, as renumbered by Section 3, Chapter  
340, O.S.L. 2003 (22 O.S. Supp. 2008, Sections 1517  
and 1518), which relate to the Oklahoma Criminal  
Justice Resource Center; changing references from  
Criminal Justice Resource Center to Oklahoma State  
Bureau of Investigation; deleting references to  
Oklahoma Council on Violence Prevention; deleting

1 certain duties of Legislative Service Bureau;  
2 changing name of certain revolving fund; amending  
3 Section 1, Chapter 547, O.S.L. 2004 (22 O.S. Supp.  
4 2008, Section 1519), which relates to the Criminal  
5 Justice Computer Assistance Act; changing references  
6 from Criminal Justice Resource Center to Oklahoma  
7 State Bureau of Investigation; amending 22 O.S. 2001,  
8 Sections 1601, as last amended by Section 3, Chapter  
9 324, O.S.L. 2008, 1602, as last amended by Section 4,  
10 Chapter 136, O.S.L. 2006 and Section 6, Chapter 407,  
11 O.S.L. 2003 (22 O.S. Supp. 2008, Sections 1601, 1602  
12 and 1603), which relate to the Domestic Violence  
13 Fatality Review Board; transferring Domestic Violence  
14 Fatality Review Board to Office of Attorney General;  
15 modifying membership of Domestic Violence Fatality  
16 Review Board; amending Section 1, Chapter 149, O.S.L.  
17 2007 and Section 1, Chapter 507, O.S.L. 2004 (57 O.S.  
18 Supp. 2008, Sections 332.20 and 508.2c), which relate  
19 to prisons and reformatories; updating statutory  
20 references; changing references from Criminal Justice  
21 Resource Center to Oklahoma State Bureau of  
22 Investigation; modifying membership of the Oklahoma  
23 Integrated Justice Information Systems Steering  
24 Committee; repealing 63 O.S. 2001, Section 1-250,  
which relates to the Oklahoma Council on Violence  
Prevention; providing for codification; providing an  
effective date; and declaring an emergency.

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

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

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

1           1. The functions of the Criminal Justice Resource Center  
2 relating to administration and research shall be transferred to the  
3 Office of Criminal Justice Statistics, which is hereby created  
4 within the Information Services Division of the Oklahoma State  
5 Bureau of Investigation;

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

10          3. The functions of the Criminal Justice Resource Center  
11 relating to the Domestic Violence Fatality Review Board shall be  
12 transferred to the Office of the Attorney General.

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

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

22          C. Effective July 1, 2009, any reference in the Oklahoma  
23 Statutes to the Criminal Justice Resource Center shall be a  
24 reference to the Oklahoma State Bureau of Investigation or the

1 Office of the Attorney General, as appropriate with respect to the  
2 content of the reference.

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

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

6 1. "Agencies and programs comprising the juvenile justice  
7 system" means:

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

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

1 specifically included in subparagraph a of this  
2 paragraph, comprising the "children and youth service  
3 system" as defined by Section 600 of this title;

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

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

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

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

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

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

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

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

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

24

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:

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

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

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

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

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

20           1. Identify information to be shared by agencies on a regular  
21 basis;

22           2. Develop procedures for processing case-profiles as cases  
23 move through agencies that come in contact with juvenile offenders;

24           3. Establish training programs in the use of the system;

1 4. Conduct a pilot project to test the system; and

2 5. At least annually, evaluate the plan for full statewide  
3 implementation of the Juvenile Justice Information System and submit  
4 any necessary modifications of the existing plan to the Serious and  
5 Habitual Juvenile Offender Program Implementation Task Force and to  
6 the Governor, the President Pro Tempore of the Senate, the Speaker  
7 of the House of Representatives, and each agency affected by said  
8 plan.

9 SECTION 4. AMENDATORY Section 12, Chapter 390, O.S.L.  
10 2002 (20 O.S. Supp. 2008, Section 1315.7), is amended to read as  
11 follows:

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

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

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

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

22 Section 1508. A. ~~The Oklahoma Sentencing Commission shall~~  
23 ~~serve as an advisory board to the Oklahoma Criminal Justice Resource~~  
24 ~~Center.~~

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

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

7       ~~D.~~ C. In addition, the Commission may make recommendations to  
8 the Legislature for the recodification of the Penal Code of the  
9 State of Oklahoma.

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

18       ~~F.~~ E. The Commission shall review all proposed legislation  
19 which creates a new criminal offense or increases the punishment for  
20 an existing criminal offense and shall make recommendations to the  
21 Legislature.

22       ~~G.~~ F. The ~~Oklahoma Criminal Justice Resource Center~~ Oklahoma  
23 State Bureau of Investigation, under the direction of the Oklahoma  
24 Sentencing Commission, shall prepare a report within twenty (20)

1 days after the last day for filing bills in the Legislature  
2 containing a review of bills as described in this ~~subsection~~  
3 section. The ~~Oklahoma Criminal Justice Resource Center~~ Bureau may  
4 include in its report on a bill an impact analysis based upon an  
5 application of the correctional population simulation model to the  
6 provisions of the bill. The bill analysis report shall be delivered  
7 to the chair of the legislative committee to which the bill is  
8 assigned.

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

11 Section 1516. A. The Oklahoma Sentencing Commission,  
12 established by Section 1501 of this title shall monitor, review,  
13 analyze and provide impact statements and reports to the Legislature  
14 concerning the criminal law of the State of Oklahoma. The  
15 Commission is vested with authority to collect data and reports from  
16 governmental entities and courts within the State of Oklahoma  
17 relating to all matters concerning the charging, pleading,  
18 sentencing, and release of persons charged, convicted, or placed on  
19 probation for criminal offenses within this state. Governmental  
20 entities and courts shall respond promptly to all reasonable  
21 requests of the Commission for data required to meet this directive.  
22 The ~~Oklahoma Criminal Justice Resource Center~~ Oklahoma State Bureau  
23 of Investigation, under the direction of the Oklahoma Sentencing  
24

1 Commission, shall prepare an impact statement on proposed  
2 legislation which impacts the criminal law of the State of Oklahoma.

3 B. The Oklahoma Sentencing Commission shall review each bill or  
4 joint resolution which impacts the Oklahoma criminal justice system  
5 introduced in the Oklahoma Legislature. The Commission shall  
6 prepare an impact statement, as established by joint legislative  
7 rules. The Commission shall direct other state entities including,  
8 but not limited to, the Department of Corrections, the Oklahoma  
9 District Attorneys Council, the Office of the Oklahoma Attorney  
10 General, the Oklahoma State Bureau of Investigation, the  
11 Administrative Office of the Oklahoma Courts, the Oklahoma Court of  
12 Criminal Appeals, the Oklahoma Indigent Defense System, and county  
13 indigent defenders, to provide assistance and information in the  
14 preparation of the ~~fiscal~~ impact statement. The entities and courts  
15 shall provide the information described in this subsection to the  
16 Commission within the time set by the requesting agency. The impact  
17 statement shall include, but shall not be limited to, a report on  
18 the impact the proposal will have on the criminal justice system,  
19 information obtained from the Department of Corrections, including a  
20 projection of offender population, and any other information  
21 relevant to the impact of the proposed legislation.

22 C. A copy of the impact statement shall be attached to each  
23 copy of a bill or joint resolution reviewed by any committee of  
24 either house of the Legislature and to each copy of a bill or joint

1 resolution that impacts the criminal justice system that is reviewed  
2 by the entire membership of either house of the Oklahoma  
3 Legislature.

4 SECTION 8. AMENDATORY 57 O.S. 2001, Section 508.2, as  
5 amended by Section 2, Chapter 340, O.S.L. 2003, and as renumbered by  
6 Section 3, Chapter 340, O.S.L. 2003 (22 O.S. Supp. 2008, Section  
7 1517), is amended to read as follows:

8 Section 1517. A. ~~The Oklahoma Criminal Justice Resource Center~~  
9 ~~shall consist of~~ Oklahoma State Bureau of Investigation shall be the  
10 entity recognized by the Bureau of Justice Statistics as the  
11 Statistical Analysis Center, and shall include a program resources  
12 unit, a computer information services unit, and an administrative  
13 support unit.

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

17 1. Provide a clearinghouse for criminal justice information;

18 2. Provide a central contact point for federal, state, and  
19 local criminal justice agencies;

20 3. Provide technical assistance for all criminal justice  
21 agencies of this state;

22 4. Provide consultation for criminal justice agencies of this  
23 state in preparing reports, gaining funding, or preparing  
24 information;

- 1 5. Obtain information from criminal justice agencies in this  
2 state for analyses of criminal justice issues;
- 3 6. Collect and analyze criminal justice data;
- 4 7. Produce reports for state and local criminal justice  
5 agencies;
- 6 8. Facilitate information networking between criminal justice  
7 agencies;
- 8 9. Attend meetings concerning criminal justice issues;
- 9 10. Represent this state at national meetings including, but  
10 not limited to, meetings or conferences of criminal justice  
11 statistics associations of other states;
- 12 11. Provide administrative support to the Oklahoma Sentencing  
13 Commission;
- 14 12. Assist in developing resources for the criminal justice  
15 system;
- 16 13. Address pertinent issues related to prevention and  
17 intervention programs;
- 18 14. Provide assistance to the State Crime Stoppers Association;
- 19 15. ~~Maintain support and provide assistance to the Oklahoma~~  
20 ~~Council on Violence Prevention;~~
- 21 ~~16.~~ Create and publish by December 1 each year a uniform  
22 reporting standard for citing state criminal statutes to be used in  
23 reporting information to and from all criminal justice information  
24 systems within this state. The uniform reporting standard shall be

1 developed in consultation with the Administrative Office of the  
2 Courts, the Department of Corrections, ~~the Oklahoma State Bureau of~~  
3 ~~Investigation~~, the District Attorneys Council, the Department of  
4 Public Safety through the Oklahoma Law Enforcement  
5 Telecommunications System Division, and the Office of Juvenile  
6 Affairs. The uniform reporting standard shall be used by all  
7 criminal justice information systems and shall be the standard for  
8 reporting arrests, criminal and juvenile delinquency charges, charge  
9 and case dispositions, custody records, and any other record  
10 purporting to identify a criminal history record or information  
11 relating to arrests, charges, custody, adjudication, conviction, and  
12 disposition of criminal or juvenile matters; and

13 ~~17.~~ 16. Monitor all changes to state crime statutes within  
14 ninety (90) days of the Legislature's adjournment sine die for  
15 purposes of including any changes in law or new offenses within the  
16 uniform reporting standard.

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

20 D. ~~The Oklahoma Criminal Justice Resource Center shall have a~~  
21 ~~director and other necessary staff. The Oklahoma Sentencing~~  
22 ~~Commission shall hire and set the salary of the director. The~~  
23 ~~director of the Oklahoma Criminal Justice Resource Center, subject~~  
24 ~~to the approval of legislative members of the Oklahoma Sentencing~~

1 ~~Commission,~~ Oklahoma State Bureau of Investigation shall hire  
2 employees as may be necessary to complete the statutory functions of  
3 the ~~Oklahoma Criminal Justice Resource Center~~ Bureau as specified in  
4 this section within the budgeting limits set by ~~the President Pro~~  
5 ~~Tempore of the Senate and the Speaker of the House of~~  
6 ~~Representatives~~ law.

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

11 SECTION 9. AMENDATORY 57 O.S. 2001, Section 508.2b, as  
12 renumbered by Section 3, Chapter 340, O.S.L. 2003 (22 O.S. Supp.  
13 2008, Section 1518), is amended to read as follows:

14 Section 1518. There is hereby created in the State Treasury a  
15 revolving fund for the ~~Oklahoma Criminal Justice Resource Center~~  
16 ~~within the Legislative Service Bureau~~ Oklahoma State Bureau of  
17 Investigation to be designated the "Oklahoma Criminal Justice  
18 Resource ~~Center~~ Revolving Fund". The fund shall be a continuing  
19 fund, not subject to fiscal year limitations, and shall consist of  
20 all grants, gifts, bequests and any other lawful monies received for  
21 the benefit of the ~~Oklahoma Criminal Justice Resource Center~~ Bureau.  
22 All monies accruing to the credit of said fund are hereby  
23 appropriated and may be budgeted and expended by the Director of the  
24 ~~Oklahoma Criminal Justice Resource Center~~ Bureau for the operation

1 of the ~~Oklahoma Criminal Justice Resource Center~~ Bureau in  
2 furtherance of its duties as set forth in Section 1517 of this title  
3 or other purposes authorized by law. ~~Expenditures from said fund~~  
4 ~~shall be for the general operating expenses of the Oklahoma Criminal~~  
5 ~~Justice Resource Center or other purposes authorized by law.~~

6 SECTION 10. AMENDATORY Section 1, Chapter 547, O.S.L.  
7 2004 (22 O.S. Supp. 2008, Section 1519), is amended to read as  
8 follows:

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

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

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

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

19 3. Transmit data and other information from participating  
20 criminal justice agencies to other local, state and federal agencies  
21 upon request or as necessary.

22 C. The ~~Oklahoma Criminal Justice Resource Center~~ Bureau is  
23 directed to develop procedures for the administration,

24

1 participation, operation and use of the Offender Data Information  
2 System.

3 D. Any criminal justice agency of this state may voluntarily  
4 participate in the Offender Data Information System.

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

8 SECTION 11. AMENDATORY 22 O.S. 2001, Section 1601, as  
9 last amended by Section 3, Chapter 324, O.S.L. 2008 (22 O.S. Supp.  
10 2008, Section 1601), is amended to read as follows:

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

16 1. Coordinate and integrate state and local efforts to address  
17 fatal domestic violence and create a body of information to prevent  
18 domestic violence deaths;

19 2. Collect, analyze and interpret state and local data on  
20 domestic violence deaths;

21 3. Develop a state and local database on domestic violence  
22 deaths;

23

24

1       4. Improve the ability to provide protective services to  
2 victims of domestic violence who may be living in a dangerous  
3 environment;

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

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

12       B. In carrying out its duties and responsibilities, the Board  
13 shall:

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

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

19       3. Establish and maintain statistical information related to  
20 domestic violence deaths, including, but not limited to, demographic  
21 and medical diagnostic information;

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

24

1           5. Review the policies, practices, and procedures of the  
2 domestic violence protection and prevention system and make specific  
3 recommendations to the entities comprising the domestic violence  
4 prevention and protection system for actions necessary for the  
5 improvement of the system;

6           6. Review the extent to which the state domestic violence  
7 prevention and protection system is coordinated with law enforcement  
8 and the court system and evaluate whether the state is efficiently  
9 discharging its domestic violence prevention and protection  
10 responsibilities;

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

- 16           a. the report of the medical examiner,
- 17           b. hospital records,
- 18           c. school records,
- 19           d. court records,
- 20           e. prosecutorial records,
- 21           f. local, state, and federal law enforcement records,  
22           including, but not limited to, the Oklahoma State  
23           Bureau of Investigation (OSBI),
- 24           g. fire department records,

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

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

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

1           9. Conduct reviews of specific cases of domestic violence  
2 deaths and request the preparation of additional information and  
3 reports as determined to be necessary by the Board including, but  
4 not limited to, clinical summaries from treating physicians,  
5 chronologies of contact, and second opinion autopsies;

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

12           11. Exercise all incidental powers necessary and proper for the  
13 implementation and administration of the Domestic Violence Fatality  
14 Review Board.

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

1 recommendations aimed at improvement of the domestic violence  
2 prevention and protection system which shall be subject to the  
3 Oklahoma Open Meeting Act. Part of any meeting of the Board may be  
4 specifically designated as a business meeting of the Board subject  
5 to the Oklahoma Open Meeting Act.

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

19 SECTION 12. AMENDATORY 22 O.S. 2001, Section 1602, as  
20 last amended by Section 4, Chapter 136, O.S.L. 2006 (22 O.S. Supp.  
21 2008, Section 1602), is amended to read as follows:

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

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

2 a. the Chief Medical Examiner,

3 b. a designee of the Attorney General. The designee  
4 shall be a person assigned to the Victims Services  
5 Unit of the Office of the Attorney General,

6 c. the State Commissioner of Health,

7 ~~the Director of the Criminal Justice Resource Center,~~

8 ~~e.~~ the Chief of Injury Prevention Services of the State  
9 Department of Health,

10 ~~f.~~ e. Director of the Department of Human Services,

11 ~~g.~~ f. the Director of the Oklahoma State Bureau of  
12 Investigation, and

13 ~~h.~~ g. the Commissioner of the Department of Mental Health  
14 and Substance Abuse Services; and

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

19 The appointed members shall include:

20 a. a county sheriff selected from a list of three names  
21 submitted by the executive board of the Oklahoma  
22 ~~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  
24 quarterly and may meet more frequently as necessary as determined by

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

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

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

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

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

22 SECTION 14. AMENDATORY Section 1, Chapter 149, O.S.L.  
23 2007 (57 O.S. Supp. 2008, Section 332.20), is amended to read as  
24 follows:

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

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

24

1 7. Rearrest data in the calendar year and cumulatively over the  
2 offender's three-year data collection period;

3 8. Reincarceration data in the calendar year and cumulatively  
4 over the offender's three-year data collection period;

5 9. Employment data for the calendar year cumulatively over the  
6 offender's three-year data collection period; and

7 10. Other information deemed beneficial to analyzing the  
8 success and recidivism of this category of offenders annually and  
9 cumulatively over the offender's three-year data collection period.

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

16 SECTION 15. AMENDATORY Section 1, Chapter 507, O.S.L.  
17 2004 (57 O.S. Supp. 2008, Section 508.2c), is amended to read as  
18 follows:

19 Section 508.2c A. There is hereby created the Oklahoma  
20 Integrated Justice Information Systems (OIJIS) Steering Committee  
21 which shall serve as an advisory board to the Oklahoma Legislature  
22 regarding issues pertinent to the strategic planning, development,  
23 funding, implementation, and operations of the justice information  
24 systems of the state.

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

3 1. Two senators appointed by the President Pro Tempore of the  
4 Senate;

5 2. Two representatives appointed by the Speaker of the House of  
6 Representatives;

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

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

10 5. The Executive Coordinator of the District Attorneys Council  
11 or a designee;

12 6. The Director of the Oklahoma State Bureau of Investigation  
13 or a designee;

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

15 8. The Executive Director of the Office of Juvenile Affairs or  
16 a designee;

17 9. The Executive Director of the Oklahoma Association of Chiefs  
18 of Police or a designee;

19 10. The Executive Director of the Oklahoma Sheriffs'  
20 Association or a designee;

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

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

1       ~~13. The Director of the Oklahoma Criminal Justice Resource~~  
2 ~~Center or a designee.~~

3       C. Each committee member shall be required to attend the  
4 meetings of the committee. While designees are allowed, the member  
5 shall identify the designee in writing to the Chair of the committee  
6 prior to any meeting. The committee will meet twice a year and at  
7 any other time as the Chair may call a meeting, upon such notice and  
8 in such manner as may be fixed by the rules of the committee.  
9 Failure to attend two consecutive meetings by a designee shall  
10 automatically result in the removal of the designee from the  
11 committee and the individual making the designation shall select a  
12 new designee.

13       D. The committee shall be chaired by one of the appointed  
14 members from the Senate, selected by the President Pro Tempore of  
15 the Senate, in the odd-numbered years and one of the appointed  
16 members of the House of Representatives, selected by the Speaker of  
17 the House of Representatives, in the even-numbered years. A  
18 majority of the members shall constitute a quorum for purposes of  
19 transacting business. Committee members shall not be compensated  
20 but shall be reimbursed their actual and necessary travel expenses  
21 as provided in the State Travel Reimbursement Act for members who  
22 are not members of the Legislature, and as provided in Section 456  
23 of Title 74 of the Oklahoma Statutes for legislative members.

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

- 1        1.    Serve as the Executive Committee for oversight of the  
2 strategic planning, development, funding, implementation, and  
3 operations of the justice information systems of the state;
- 4        2.    Review and discuss issues pertaining to justice information  
5 systems;
- 6        3.    Make recommendations of issues relating to justice  
7 information systems to the President Pro Tempore of the Senate, the  
8 Speaker of the House of Representatives, the Governor, and the  
9 Secretary of the Safety and Security Cabinet;
- 10       4.    Establish policy for the OIJIS Steering Committee;
- 11       5.    Create an Operational Subcommittee for the OIJIS Steering  
12 Committee derived from the member agencies; and
- 13       6.    Tasks for the Operational Subcommittee are:
  - 14           a.    to meet monthly or more frequently as needed,
  - 15           b.    to elect a Chair and Vice Chair of the Operational  
16 Subcommittee from their membership, each of whom will  
17 serve a two-year period with the Vice Chair assuming  
18 the duties automatically of the Chair upon completion  
19 of the two-year period of the Chair, or earlier in the  
20 case of the early loss of the Chair,
  - 21           c.    to review current justice information systems,
  - 22           d.    to create, annually update, and implement a strategic  
23 plan for improving the accuracy, completeness, and  
24

1                   timeliness of criminal history information within the  
2                   state,

3           e.    to create, annually update, and implement a statewide  
4                   plan for the integration of the justice information  
5                   systems of the state, and

6           f.    to assist as requested, review, and make  
7                   recommendations on grant applications relative to  
8                   justice information systems.

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

12           G.    The committee shall make a written report each year to the  
13           President Pro Tempore of the Senate, the Speaker of the House of  
14           Representatives, the Governor, and the Secretary of the Safety and  
15           Security Cabinet on any findings or recommendations concerning  
16           needed legislation, the potential impact, including fiscal  
17           estimates, of existing or proposed legislation, and the impact of  
18           agency policies which affect the justice information systems.

19           H.    The ~~Oklahoma Criminal Justice Resource Center~~ Oklahoma State  
20           Bureau of Investigation shall provide the administrative support in  
21           scheduling of meetings, providing records of the meetings,  
22           publication of reports, and any other support as required of and  
23           approved by the committee.

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

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

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

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