

1 STATE OF OKLAHOMA

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

3 SENATE BILL 755

By: Rice

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5  
6 AS INTRODUCED

7 An Act relating to public health and safety; requiring  
8 certain persons to make certain report; specifying  
9 acts to be reported; specifying persons and entities  
10 to which certain report shall be made; requiring  
11 certain preservation; directing certain examination;  
12 requiring certain information and recordings to be  
13 made available to certain persons; providing for  
14 codification; and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified in  
17 the Oklahoma Statutes as Section 1-1939.1 of Title 63, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. Any person who witnesses and/or suspects a criminal act in a  
20 long-term care facility shall immediately report the witnessed and/or  
21 suspected criminal act to the facility administrator or other person  
22 in charge if the facility administrator is not on-site. Both persons  
23 shall immediately notify emergency medical services, if requested or  
24 required by the victim, and the local municipal police department or  
sheriff's office. If 911 services are available where the facility

1 is located, emergency medical services and law enforcement may be  
2 notified at the same time.

3 B. Criminal acts to be reported pursuant to subsection A of this  
4 section shall include, but are not limited to, murder, rape, sexual  
5 assault, sexual battery, physical assault, theft, caretaker abuse and  
6 caretaker neglect.

7 C. After notifying emergency medical services and/or local law  
8 enforcement pursuant to subsection A of this section, the facility  
9 administrator, or other person in charge if the facility  
10 administrator is not on-site, shall immediately report the witnessed  
11 and/or suspected criminal act to the following persons and entities:

12 1. The facility administrator, if the facility administrator is  
13 not on-site;

14 2. The legal representative or representatives of the victim, if  
15 applicable;

16 3. The Office of the Attorney General; and

17 4. The State Department of Health pursuant to Section 1-1939 of  
18 this title.

19 D. When a criminal act is witnessed and/or suspected, the  
20 suspected crime scene shall be preserved. The victim shall remain in  
21 the position in which the victim was discovered, unless emergency  
22 medical care is required. The victim shall not be bathed or cleaned,  
23 the clothing of the victim and the linens on the bed of the victim  
24 shall not be changed or washed, the trash shall not be removed and no

1 other changes shall be made to the suspected crime scene until law  
2 enforcement officials arrive and give authorization to take any of  
3 these actions.

4 E. In the event of witnessed and/or suspected rape, sexual  
5 assault, or sexual battery, the victim shall be given an examination  
6 by a sexual assault nurse examiner with the consent of the victim or  
7 the legal representative of such victim. If a sexual assault nurse  
8 examiner is not available, a rape examination shall be conducted by a  
9 physician or registered nurse.

10 F. The victim's records and any electronic recording of the  
11 witnessed and/or suspected crime shall be made available to law  
12 enforcement officials upon request.

13 SECTION 2. This act shall become effective November 1, 2009.

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