ENGROSSED HOUSE
BILL NO. 1693 By: Blackwell of the House

and

Treat of the Senate

An Act relating to sunset; amending 22 O.S. 2011, Section 1601, which relates to the Domestic Violence Fatality Review Board; removing Board from Oklahoma Sunset Law; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 1601, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. the report of the medical examiner,

b. hospital records,

c. school records,

d. court records,

e. prosecutorial records,

f. local, state, and federal law enforcement records, including, but not limited to, the Oklahoma State Bureau of Investigation (OSBI),

g. fire department records,

h. State Department of Health records, including birth certificate records,

i. medical and dental records,

j. Department of Mental Health and Substance Abuse Services and other mental health records,

k. emergency medical service records,

l. files of the Department of Human Services, and

m. records in the possession of the Child Death Review Board when conducting a joint review pursuant to paragraph 6 of subsection A of this section.

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

8. Maintain all confidential information, documents and records in possession of the Board as confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided, however, information, documents and records otherwise

available from other sources shall not be exempt from subpoena or discovery through those sources solely because such information, documents and records were presented to or reviewed by the Board;

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

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

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

C. The review and discussion of individual cases of a domestic violence death shall be conducted in executive session. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act. All discussions of individual cases and any writings produced by or created for the Board in the course of determining a remedial measure to be recommended by the Board, as the result of a review of an individual case of a domestic violence

death, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the domestic violence prevention and protection system which shall be subject to the Oklahoma Open Meeting Act. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act.

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

SECTION 2. This act shall become effective November 1, 2013.

Passed the House of Representatives the 13th day of March, 2013.

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2013.

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Presiding Officer of the Senate