

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2399
Page 1 Section 1 Lines 13 1/2
Of the printed Bill
Of the Engrossed Bill

By inserting Sections 1 through 4:

(see attached)

and by renumbering the subsequent sections of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Dennis Johnson _____

Reading Clerk

1 "SECTION 1. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Alyssa D. Wiles
4 Act".

5 SECTION 2. AMENDATORY 22 O.S. 2011, Section 40, as
6 amended by Section 2, Chapter 206, O.S.L. 2015 (22 O.S. Supp. 2015,
7 Section 40), is amended to read as follows:

8 Section 40 As used in Sections 40 through 40.3 of this title:

9 1. "Assault and battery with a deadly weapon" means assault and
10 battery with a deadly weapon or other means likely to produce death
11 or great bodily harm as provided in Section 652 of Title 21 of the
12 Oklahoma Statutes;

13 2. "Forcible sodomy" means the act of forcing another person to
14 engage in the detestable and abominable crime against nature
15 pursuant to Sections 886 and 887 of Title 21 of the Oklahoma
16 Statutes that is punishable under Section 888 of Title 21 of the
17 Oklahoma Statutes;

18 3. "Kidnapping" means kidnapping or kidnapping for purposes of
19 extortion as provided in Sections 741 and 745 of Title 21 of the
20 Oklahoma Statutes;

21 4. "Member of the immediate family" means the spouse, a child
22 by birth or adoption, a stepchild, a parent by birth or adoption, a
23 stepparent, a grandparent, a grandchild, a sibling or a stepsibling
24 of a victim of first-degree murder;

1 5. "Rape" means an act of sexual intercourse accomplished with
2 a person pursuant to Sections 1111, 1111.1 and 1114 of Title 21 of
3 the Oklahoma Statutes; and

4 ~~5.~~ 6. "Sex offense" means the following crimes:

- 5 a. sexual assault as provided in Section 681 of Title 21
6 of the Oklahoma Statutes,
- 7 b. human trafficking for commercial sex as provided in
8 Section 748 of Title 21 of the Oklahoma Statutes,
- 9 c. sexual abuse or sexual exploitation by a caretaker as
10 provided in Section 843.1 of Title 21 of the Oklahoma
11 Statutes,
- 12 d. child sexual abuse or child sexual exploitation as
13 provided in Section 843.5 of Title 21 of the Oklahoma
14 Statutes,
- 15 e. permitting sexual abuse of a child as provided in
16 Section 852.1 of Title 21 of the Oklahoma Statutes,
- 17 f. incest as provided in Section 885 of Title 21 of the
18 Oklahoma Statutes,
- 19 g. forcible sodomy as provided in Section 888 of Title 21
20 of the Oklahoma Statutes,
- 21 h. child stealing for purposes of sexual abuse or sexual
22 exploitation as provided in Section 891 of Title 21 of
23 the Oklahoma Statutes,

- 1 i. indecent exposure or solicitation of minors as
2 provided in Section 1021 of Title 21 of the Oklahoma
3 Statutes,
- 4 j. procuring, producing, distributing or possessing child
5 pornography as provided in Sections 1021.2 and 1024.2
6 of Title 21 of the Oklahoma Statutes,
- 7 k. parental consent to child pornography as provided in
8 Section 1021.3 of Title 21 of the Oklahoma Statutes,
- 9 l. aggravated possession of child pornography as provided
10 in Section 1040.12a of Title 21 of the Oklahoma
11 Statutes,
- 12 m. distributing obscene material or child pornography as
13 provided in Section 1040.13 of Title 21 of the
14 Oklahoma Statutes,
- 15 n. offering or soliciting sexual conduct with a child as
16 provided in Section 1040.13a of Title 21 of the
17 Oklahoma Statutes,
- 18 o. procuring a child for prostitution or other lewd acts
19 as provided in Section 1087 of Title 21 of the
20 Oklahoma Statutes,
- 21 p. inducing a child to engage in prostitution as provided
22 in Section 1088 of Title 21 of the Oklahoma Statutes,
23 and
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1 q. lewd or indecent proposals or acts to a child or
2 sexual battery as provided in Section 1123 of Title 21
3 of the Oklahoma Statutes.

4 SECTION 3. AMENDATORY 22 O.S. 2011, Section 40.2, as
5 amended by Section 3, Chapter 206, O.S.L. 2015 (22 O.S. Supp. 2015,
6 Section 40.2), is amended to read as follows:

7 Section 40.2 A. A victim protection order for any victim of
8 rape, forcible sodomy, a sex offense, kidnapping or assault and
9 battery with a deadly weapon shall be substantially similar to a
10 protective order in domestic abuse cases pursuant to the Protection
11 from Domestic Abuse Act.

12 B. A member of the immediate family of a victim of first-degree
13 murder may seek a victim protection order against the following
14 persons:

15 1. The person who was charged and subsequently convicted as the
16 principal in the crime of murder in the first degree; or

17 2. The person who was charged and subsequently convicted of
18 being an accessory to the crime of murder in the first degree.

19 A victim protection order for a member of the immediate family of a
20 victim of first-degree murder shall be substantially similar to a
21 protective order in domestic abuse cases pursuant to the Protection
22 from Domestic Abuse Act.

23 C. No peace officer shall discourage a victim of rape, forcible
24 sodomy, a sex offense, kidnapping or assault and battery with a

1 deadly weapon from pressing charges against any assailant of the
2 victim.

3 SECTION 4. AMENDATORY 22 O.S. 2011, Section 40.3, as
4 amended by Section 4, Chapter 206, O.S.L. 2015 (22 O.S. Supp. 2015,
5 Section 40.3), is amended to read as follows:

6 Section 40.3 A. When the court is not open for business, the
7 victim of domestic violence, stalking, harassment, rape, forcible
8 sodomy, a sex offense, kidnapping or assault and battery with a
9 deadly weapon or member of the immediate family of a victim of
10 first-degree murder may request a petition for an emergency
11 temporary order of protection. The peace officer making the
12 preliminary investigation shall:

13 1. Provide the victim or member of the immediate family of a
14 victim of first-degree murder with a petition for an emergency
15 temporary order of protection and, if necessary, assist the victim
16 or member of the immediate family of a victim of first-degree murder
17 in completing the petition form. The petition shall be in
18 substantially the same form as provided by Section 60.2 of this
19 title for a petition for protective order in domestic abuse cases;

20 2. Immediately notify, by telephone or otherwise, a judge of
21 the district court of the request for an emergency temporary order
22 of protection and describe the circumstances. The judge shall
23 inform the peace officer of the decision to approve or disapprove
24 the emergency temporary order;

1 3. Inform the victim or member of the immediate family of a
2 victim of first-degree murder whether the judge has approved or
3 disapproved the emergency temporary order. If an emergency
4 temporary order has been approved, the officer shall provide the
5 victim, or a responsible adult if the victim is a minor child or an
6 incompetent person or member of the immediate family of a victim of
7 first-degree murder, with a copy of the petition and a written
8 statement signed by the officer attesting that the judge has
9 approved the emergency temporary order of protection; and

10 4. Notify the person subject to the emergency temporary
11 protection order of the issuance and conditions of the order, if
12 known. Notification pursuant to this paragraph may be made
13 personally by the officer upon arrest or, upon identification of the
14 assailant, notice shall be given by any law enforcement officer. A
15 copy of the petition and the statement of the officer attesting to
16 the order of the judge shall be made available to the person.

17 B. The forms utilized by law enforcement agencies in carrying
18 out the provisions of this section may be substantially similar to
19 those used under Section 60.2 of this title."

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