

1 STATE OF OKLAHOMA

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

3 SENATE BILL 647

By: Coffee

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; amending Section 12, Chapter
16 390, O.S.L. 2002 (20 O.S. Supp. 2008, Section
17 1315.7), which relates to compliance with certain
18 act; amending 21 O.S. 2001, Section 19, which relates
19 to uniform justice information reporting systems;
20 amending 22 O.S. 2001, Sections 1508 and 1516, which
21 relate to the Oklahoma Sentencing Commission;
22 amending 57 O.S. 2001, Sections 508.2, as amended by
23 Section 2, Chapter 340, O.S.L. 2003, and as
24 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; amending Section 1, Chapter 547,
O.S.L. 2004 (22 O.S. Supp. 2008, Section 1519), which
relates to the Criminal Justice Computer Assistance
Act; amending 22 O.S. 2001, Sections 1601, as last
amended by Section 3, Chapter 324, O.S.L. 2008, 1602,
as last amended by Section 4, Chapter 136, O.S.L.
2006 and Section 6, Chapter 407, O.S.L. 2003 (22 O.S.
Supp. 2008, Sections 1601, 1602 and 1603), which
relate to the Domestic Violence Fatality Review
Board; transferring Domestic Violence Fatality Review
Board to Office of Attorney General; amending Section
1, Chapter 149, O.S.L. 2007 and Section 1, Chapter
507, O.S.L. 2004 (57 O.S. Supp. 2008, Sections 332.20
and 508.2c), which relate to prisons and

1 reformatories; updating statutory references;
2 changing references from Criminal Justice Resource
3 Center to Oklahoma State Bureau of Investigation;
4 deleting certain duty of Oklahoma Sentencing
5 Commission; deleting references to Oklahoma Council
6 on Violence Prevention; deleting certain duties of
7 Legislative Service Bureau; changing name of certain
8 revolving fund; modifying membership of Domestic
9 Violence Fatality Review Board and Oklahoma
10 Integrated Justice Information Systems Steering
11 Committee; repealing 63 O.S. 2001, Section 1-250,
12 which relates to the Oklahoma Council on Violence
13 Prevention; providing for codification; providing an
14 effective date; and declaring an emergency.

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

17 in the Oklahoma Statutes as Section 150.17a of Title 74, unless
18 there is created a duplication in numbering, reads as follows:

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

23 1. The functions of the Criminal Justice Resource Center
24 relating to administration and research shall be transferred to the
25 Office of Criminal Justice Statistics, which is hereby created
26 within the Information Services Division of the Oklahoma State
27 Bureau of Investigation;

28 2. The functions of the Criminal Justice Resource Center
29 relating to data processing and information technology shall be

1 transferred to the Information Technology Systems Division of the
2 Oklahoma State Bureau of Investigation; and

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

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

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

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

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

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

23 1. "Agencies and programs comprising the juvenile justice
24 system" means:

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

12 b. to the extent that they are responsible for the
13 provision of services to youth alleged or adjudicated
14 to be delinquent, including but not limited to
15 educational, treatment or residential services, local
16 school districts and technology center schools and
17 other public and private agencies not otherwise
18 specifically included in subparagraph a of this
19 paragraph, comprising the "children and youth service
20 system" as defined by Section 600 of this title;

21 2. "Felony act" or "felony offense" means any criminal offense

22 that would constitute a felony crime if committed by an adult;

23 3. "Habitual criminal acts" means three separate delinquency

24 adjudications for the commission of felony acts. The felony acts

1 relied upon shall not have arisen out of the same transaction or
2 occurrence or series of events related in time and location;

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

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

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

10 7. "Sanction" means a consequence imposed upon a juvenile
11 offender:

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

13 b. as a result of a violation of a condition of probation
14 or parole;

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

17 9. "Serious and Habitual Juvenile Offender Program" means the
18 program of information, information sharing, case tracking, case
19 management, supervision and sanctions established by Section 7302-
20 9.3 of this title; and

21 10. "Serious juvenile offender" and "habitual juvenile
22 offender" means persons under eighteen (18) years of age who have
23 been adjudicated delinquent for the commission of serious acts or
24 habitual criminal acts and are subject to the Serious and Habitual

1 Juvenile Offender Program in accordance with the criteria
2 established pursuant to Section 7302-9.3 of this title.

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

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

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

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

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

22 4. Be capable of providing management reports and information
23 to the various components of the juvenile justice system, and of
24 providing aggregate information necessary for planning, monitoring,

1 evaluating and managing programs and services provided to youthful
2 offenders as well as for system-wide analysis of the Serious and
3 Habitual Juvenile Offender Program.

4 B. The Department of Juvenile Justice of the Office of Juvenile
5 Affairs, the juvenile bureaus, the ~~Criminal Justice Resource Center~~
6 Oklahoma State Bureau of Investigation, the Office of the Court
7 Administrator, and other agencies and programs comprising the
8 juvenile justice system, including but not limited to law
9 enforcement and district attorneys, in accordance with guidelines
10 established by the Serious and Habitual Juvenile Offender Program
11 Implementation Task Force, shall jointly:

12 1. Identify information to be shared by agencies on a regular
13 basis;

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

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

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

18 5. At least annually, evaluate the plan for full statewide
19 implementation of the Juvenile Justice Information System and submit
20 any necessary modifications of the existing plan to the Serious and
21 Habitual Juvenile Offender Program Implementation Task Force and to
22 the Governor, the President Pro Tempore of the Senate, the Speaker
23 of the House of Representatives, and each agency affected by said
24 plan.

1 SECTION 4. AMENDATORY Section 12, Chapter 390, O.S.L.

2 2002 (20 O.S. Supp. 2008, Section 1315.7), is amended to read as
3 follows:

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

16 SECTION 5. AMENDATORY 21 O.S. 2001, Section 19, is

17 amended to read as follows:

18 Section 19. For purposes of any crime specified by the criminal
19 code of this title or any provision of the law in this state, all
20 criminal and juvenile justice information systems shall adopt and
21 use the uniform reporting standard created and published by the
22 ~~Oklahoma Criminal Justice Resource Center~~ Oklahoma State Bureau of
23 Investigation as provided by Section 1517 of ~~this act~~ Title 22 of
24 the Oklahoma Statutes. The uniform reporting standard shall insure

1 the accurate reporting of all criminal and juvenile delinquency
2 information relating to arrests, charges, custody records,
3 dispositions, and any other information record purporting to
4 identify a criminal or juvenile delinquency history record or
5 information to be maintained by any criminal or juvenile justice
6 information system within this state. Every district court,
7 criminal justice agency, and juvenile delinquency agency of this
8 state is hereby directed to comply with and use the uniform
9 reporting standard for reporting and maintaining all criminal
10 justice information systems of this state.

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

13 Section 1508. A. ~~The Oklahoma Sentencing Commission shall~~
14 ~~serve as an advisory board to the Oklahoma Criminal Justice Resource~~
15 ~~Center.~~

16 B. The Oklahoma Sentencing Commission may establish
17 subcommittees or advisory committees composed of Commission members
18 or others to accomplish duties imposed by this section.

19 C. B. It is the legislative intent that the Commission attach
20 priority to accomplish the formulation of proposals and
21 recommendations as described in Section 1512 of this title.

22 D. C. In addition, the Commission may make recommendations to
23 the Legislature for the recodification of the Penal Code of the
24 State of Oklahoma.

1 E. D. The Commission shall have the continuing duty to monitor
2 and review the criminal justice and corrections systems in this
3 state to ensure that sentencing remains uniform and consistent, and
4 that the goals and policies established by the state are being
5 implemented by sentencing practices, and it shall recommend methods
6 by which this ongoing work may be accomplished and by which the
7 correctional population simulation model shall continue to be used
8 by the state.

9 F. E. The Commission shall review all proposed legislation
10 which creates a new criminal offense or increases the punishment for
11 an existing criminal offense and shall make recommendations to the
12 Legislature.

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

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

1 Section 1516. A. The Oklahoma Sentencing Commission,
2 established by Section 1501 of this title shall monitor, review,
3 analyze and provide impact statements and reports to the Legislature
4 concerning the criminal law of the State of Oklahoma. The
5 Commission is vested with authority to collect data and reports from
6 governmental entities and courts within the State of Oklahoma
7 relating to all matters concerning the charging, pleading,
8 sentencing, and release of persons charged, convicted, or placed on
9 probation for criminal offenses within this state. Governmental
10 entities and courts shall respond promptly to all reasonable
11 requests of the Commission for data required to meet this directive.

12 ~~The Oklahoma Criminal Justice Resource Center Oklahoma State Bureau~~
13 of Investigation, under the direction of the Oklahoma Sentencing
14 Commission, shall prepare an impact statement on proposed
15 legislation which impacts the criminal law of the State of Oklahoma.

16 B. The Oklahoma Sentencing Commission shall review each bill or
17 joint resolution which impacts the Oklahoma criminal justice system
18 introduced in the Oklahoma Legislature. The Commission shall
19 prepare an impact statement, as established by joint legislative
20 rules. The Commission shall direct other state entities including,
21 but not limited to, the Department of Corrections, the Oklahoma
22 District Attorneys Council, the Office of the Oklahoma Attorney
23 General, the Oklahoma State Bureau of Investigation, the
24 Administrative Office of the Oklahoma Courts, the Oklahoma Court of

1 Criminal Appeals, the Oklahoma Indigent Defense System, and county
2 indigent defenders, to provide assistance and information in the
3 preparation of the fiscal impact statement. The entities and courts
4 shall provide the information described in this subsection to the
5 Commission within the time set by the requesting agency. The impact
6 statement shall include, but shall not be limited to, a report on
7 the impact the proposal will have on the criminal justice system,
8 information obtained from the Department of Corrections, including a
9 projection of offender population, and any other information
10 relevant to the impact of the proposed legislation.

11 C. A copy of the impact statement shall be attached to each
12 copy of a bill or joint resolution reviewed by any committee of
13 either house of the Legislature and to each copy of a bill or joint
14 resolution that impacts the criminal justice system that is reviewed
15 by the entire membership of either house of the Oklahoma
16 Legislature.

17 SECTION 8. AMENDATORY 57 O.S. 2001, Section 508.2, as
18 amended by Section 2, Chapter 340, O.S.L. 2003, and as renumbered by
19 Section 3, Chapter 340, O.S.L. 2003 (22 O.S. Supp. 2008, Section
20 1517), is amended to read as follows:

21 Section 1517. A. The Oklahoma Criminal Justice Resource Center
22 ~~shall consist of~~ Oklahoma State Bureau of Investigation shall be the
23 entity recognized by the Bureau of Justice Statistics as the
24 Statistical Analysis Center, and shall include a program resources

1 unit, a computer information services unit, and an administrative
2 support unit.

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

6 1. Provide a clearinghouse for criminal justice information;

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

9 3. Provide technical assistance for all criminal justice

10 agencies of this state;

11 4. Provide consultation for criminal justice agencies of this
12 state in preparing reports, gaining funding, or preparing
13 information;

14 5. Obtain information from criminal justice agencies in this
15 state for analyses of criminal justice issues;

16 6. Collect and analyze criminal justice data;

17 7. Produce reports for state and local criminal justice
18 agencies;

19 8. Facilitate information networking between criminal justice
20 agencies;

21 9. Attend meetings concerning criminal justice issues;

22 10. Represent this state at national meetings including, but
23 not limited to, meetings or conferences of criminal justice
24 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

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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, equipment, and other administrative support required by the Oklahoma Criminal Justice Resource Center.~~

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

21 ~~E. The director of the Oklahoma Criminal Justice Resource Center shall submit a budget work program by July 1 of each year which shall be approved by the President Pro Tempore of the Senate 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~~ Oklahoma State Bureau of
7 Investigation to be designated the "Oklahoma Criminal Justice
8 Resource Center Revolving Fund". The fund shall be a continuing
9 fund, not subject to fiscal year limitations, and shall consist of
10 all grants, gifts, bequests and any other lawful monies received for
11 the benefit of the ~~Oklahoma Criminal Justice Resource Center~~ Bureau.
12 All monies accruing to the credit of said fund are hereby
13 appropriated and may be budgeted and expended by the Director of the
14 ~~Oklahoma Criminal Justice Resource Center~~ Bureau for the operation
15 of the ~~Oklahoma Criminal Justice Resource Center~~ Bureau in
16 furtherance of its duties as set forth in Section 1517 of this title
17 or other purposes authorized by law. ~~Expenditures from said fund~~
18 ~~shall be for the general operating expenses of the Oklahoma Criminal~~
19 ~~Justice Resource 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:

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

1 B. The ~~Oklahoma Criminal Justice Resource Center~~ Oklahoma State
2 Bureau of Investigation is directed to implement and administer a
3 data information system called the "Offender Data Information
4 System", subject to funding. The purpose of the System shall be to:
5 1. Provide software and support to interested criminal justice
6 agencies to assist in record keeping and data reporting functions;
7 2. Provide a uniform method for sharing data and information
8 from existing databases operated by participating agencies; and
9 3. Transmit data and other information from participating
10 criminal justice agencies to other local, state and federal agencies
11 upon request or as necessary.

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

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

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

21 SECTION 11. AMENDATORY 22 O.S. 2001, Section 1601, as
22 last amended by Section 3, Chapter 324, O.S.L. 2008 (22 O.S. Supp.
23 2008, Section 1601), is amended to read as follows:
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1 Section 1601. A. There is hereby created until July 1, 2013,
2 in accordance with the Oklahoma Sunset Law, the Domestic Violence
3 Fatality Review Board within the ~~Oklahoma Criminal Justice Resource~~
4 ~~Center Office of the Attorney General~~. The Board shall have the
5 power and duty to:

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

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

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

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

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

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

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

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

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

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

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

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

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

23 7. Request and obtain a copy of all records and reports
24 pertaining to a domestic violence death case of the victim,

1 perpetrator or any other person cohabitating in the domicile at the
2 time of the fatality that is under review, including, but not
3 limited to:

- 4 a. the report of the medical examiner,
- 5 b. hospital records,
- 6 c. school records,
- 7 d. court records,
- 8 e. prosecutorial records,
- 9 f. local, state, and federal law enforcement records,
10 including, but not limited to, the Oklahoma State
11 Bureau of Investigation (OSBI),
- 12 g. fire department records,
- 13 h. State Department of Health records, including birth
14 certificate records,
- 15 i. medical and dental records,
- 16 j. Department of Mental Health and Substance Abuse
17 Services and other mental health records,
- 18 k. emergency medical service records,
- 19 l. files of the Department of Human Services, and
- 20 m. records in the possession of the Child Death Review
21 Board when conducting a joint review pursuant to
22 paragraph 6 of subsection A of this section.

23 Confidential information provided to the Board shall be maintained
24 by the Board in a confidential manner as otherwise required by state

1 and federal law. Any person damaged by disclosure of such
2 confidential information by the Board or its members which is not
3 authorized by law may maintain an action for damages, costs and
4 attorney fees pursuant to The Oklahoma Governmental Tort Claims Act;

5 8. Maintain all confidential information, documents and records
6 in possession of the Board as confidential and not subject to
7 subpoena or discovery in any civil or criminal proceedings;
8 provided, however, information, documents and records otherwise
9 available from other sources shall not be exempt from subpoena or
10 discovery through those sources solely because such information,
11 documents and records were presented to or reviewed by the Board;

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

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

23
24

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

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

19 D. The Board shall submit an annual statistical report on the
20 incidence and causes of domestic violence deaths in this state for
21 which the Board has completed its review during the past calendar
22 year including its recommendations, if any, to the domestic violence
23 prevention and protection system. The Board shall also prepare and
24 make available to the public, on an annual basis, a report

1 containing a summary of the activities of the Board relating to the
2 review of domestic violence deaths, the extent to which the state
3 domestic violence prevention and protection system is coordinated
4 and an evaluation of whether the state is efficiently discharging
5 its domestic violence prevention and protection responsibilities.

6 The report shall be completed no later than February 1 of the
7 subsequent year.

8 SECTION 12. AMENDATORY 22 O.S. 2001, Section 1602, as
9 last amended by Section 4, Chapter 136, O.S.L. 2006 (22 O.S. Supp.
10 2008, Section 1602), is amended to read as follows:

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

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

15 a. the Chief Medical Examiner,
16 b. a designee of the Attorney General. The designee
17 shall be a person assigned to the Victims Services
18 Unit of the Office of the Attorney General,
19 c. the State Commissioner of Health,
20 d. ~~the Director of the Criminal Justice Resource Center,~~
21 e. the Chief of Injury Prevention Services of the State
22 Department of Health,

23 f.

24 e. Director of the Department of Human Services,

1 g.

2 f. the Director of the Oklahoma State Bureau of
3 Investigation, and

4 h.

5 g. the Commissioner of the Department of Mental Health
6 and Substance Abuse Services; and

7 2. Ten of the members shall be appointed by the Attorney

8 General, shall serve for terms of two (2) years and shall be
9 eligible for reappointment. The members shall be persons having
10 training and experience in matters related to domestic violence.

11 The appointed members shall include:

12 a. a county sheriff selected from a list of three names
13 submitted by the executive board of the Oklahoma
14 Sheriff's Association,

15 b. a chief of a municipal police department selected from
16 a list of three names submitted by the Oklahoma
17 Association of Chiefs of Police,

18 c. an attorney licensed in this state who is in private
19 practice selected from a list of three names submitted
20 by the Board of Governors of the Oklahoma Bar
21 Association,

22 d. a district attorney selected from a list of three
23 names submitted by the District Attorneys Council,

- e. a physician selected from a list of three names submitted by the Oklahoma State Medical Association,
- f. a physician selected from a list of three names submitted by the Oklahoma Osteopathic Association,
- g. a nurse selected from a list of three names submitted by the Oklahoma Nurses Association,
- h. two individuals, at least one of whom shall be a survivor of domestic violence, selected from lists of three names submitted by the Oklahoma Coalition Against Domestic Violence and Sexual Assault, and
- i. a member of the Judiciary selected from a list of three names submitted by the Oklahoma Supreme Court.

B. Every two (2) years the Board shall elect from among its
bership a chair and a vice-chair. The Board shall meet at least
quarterly and may meet more frequently as necessary as determined by
chair. Members shall serve without compensation but may be
mbursed for necessary travel out of funds available to the
ahoma Criminal Justice Resource Center Office of the Attorney
eral pursuant to the State Travel Reimbursement Act; provided,
t the reimbursement shall be paid in the case of state employee
bers by the agency employing the member.

C. With funds appropriated or otherwise available for that purpose, the ~~Criminal Justice Resource Center~~ Office of the Attorney

1 General shall provide administrative assistance and services to the
2 Domestic Violence Fatality Review Board.

3 SECTION 13. AMENDATORY Section 6, Chapter 407, O.S.L.

4 2003 (22 O.S. Supp. 2008, Section 1603), is amended to read as
5 follows:

6 Section 1603. A. If funds are available, the ~~Criminal Justice~~
7 ~~Resource Center~~ Office of the Attorney General annually shall
8 collect data on the number of victim protective orders issued in
9 each county and the number of violations of victim protective orders
10 in each county.

11 B. The ~~Center~~ Attorney General shall provide this information
12 to the Domestic Violence Fatality Review Board and the
13 Administrative Office of the Courts.

14 SECTION 14. AMENDATORY Section 1, Chapter 149, O.S.L.
15 2007 (57 O.S. Supp. 2008, Section 332.20), is amended to read as
16 follows:

17 Section 332.20 ~~On and after the effective date of this act, the~~
18 The Department of Corrections, in conjunction with the Pardon and
19 Parole Board, shall implement a method for tracking the success and
20 recidivism of persons who are required to have a two-stage parole
21 consideration process pursuant to subsection C of Section 332.7 of
22 ~~Title 57 of the Oklahoma Statutes~~ this title for the first three (3)
23 years following their individual release from incarceration or
24 release to parole. Included in the annual and cumulative data to be

1 collected for this category of offenders shall be offender
2 demographics and statistics including:
3 1. Offense type;
4 2. Sentence length;
5 3. Release information, indicating parole including the offense
6 to which parole applied and whether multiple offenses or concurrent
7 offenses were reviewed for purposes of parole or timed-out sentence
8 and the percent of sentence served;
9 4. Number of persons by offense type eligible for parole
10 consideration in the first and second stages of parole consideration
11 in the calendar year;
12 5. Number of persons by offense type actually recommended for
13 parole in the calendar year;
14 6. Number of persons by offense type granted parole by the
15 Governor in the calendar year;
16 7. Rearrest data in the calendar year and cumulatively over the
17 offender's three-year data collection period;
18 8. Reincarceration data in the calendar year and cumulatively
19 over the offender's three-year data collection period;
20 9. Employment data for the calendar year cumulatively over the
21 offender's three-year data collection period; and
22 10. Other information deemed beneficial to analyzing the
23 success and recidivism of this category of offenders annually and
24 cumulatively over the offender's three-year data collection period.

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

7 SECTION 15. AMENDATORY Section 1, Chapter 507, O.S.L.
8 2004 (57 O.S. Supp. 2008, Section 508.2c), is amended to read as
9 follows:

10 Section 508.2c A. There is hereby created the Oklahoma
11 Integrated Justice Information Systems (OIJIS) Steering Committee
12 which shall serve as an advisory board to the Oklahoma Legislature
13 regarding issues pertinent to the strategic planning, development,
14 funding, implementation, and operations of the justice information
15 systems of the state.

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

18 1. Two senators appointed by the President Pro Tempore of the
19 Senate;

20 2. Two representatives appointed by the Speaker of the House of
21 Representatives;

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

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

1 5. The Executive Coordinator of the District Attorneys Council
2 or a designee;

3 6. The Director of the Oklahoma State Bureau of Investigation
4 or a designee;

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

6 8. The Executive Director of the Office of Juvenile Affairs or
7 a designee;

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

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

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

14 12. The Director of the Oklahoma Indigent Defense System or a
15 designee; and

16 13. ~~The Director of the Oklahoma Criminal Justice Resource~~
17 ~~Center or a designee.~~

18 C. Each committee member shall be required to attend the
19 meetings of the committee. While designees are allowed, the member
20 shall identify the designee in writing to the Chair of the committee
21 prior to any meeting. The committee will meet twice a year and at
22 any other time as the Chair may call a meeting, upon such notice and
23 in such manner as may be fixed by the rules of the committee.

24 Failure to attend two consecutive meetings by a designee shall

1 automatically result in the removal of the designee from the
2 committee and the individual making the designation shall select a
3 new designee.

4 D. The committee shall be chaired by one of the appointed
5 members from the Senate, selected by the President Pro Tempore of
6 the Senate, in the odd-numbered years and one of the appointed
7 members of the House of Representatives, selected by the Speaker of
8 the House of Representatives, in the even-numbered years. A
9 majority of the members shall constitute a quorum for purposes of
10 transacting business. Committee members shall not be compensated
11 but shall be reimbursed their actual and necessary travel expenses
12 as provided in the State Travel Reimbursement Act for members who
13 are not members of the Legislature, and as provided in Section 456
14 of Title 74 of the Oklahoma Statutes for legislative members.

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

16 1. Serve as the Executive Committee for oversight of the
17 strategic planning, development, funding, implementation, and
18 operations of the justice information systems of the state;
19 2. Review and discuss issues pertaining to justice information
20 systems;

21 3. Make recommendations of issues relating to justice
22 information systems to the President Pro Tempore of the Senate, the
23 Speaker of the House of Representatives, the Governor, and the
24 Secretary of the Safety and Security Cabinet;

1 4. Establish policy for the OIJIS Steering Committee;

2 5. Create an Operational Subcommittee for the OIJIS Steering

3 Committee derived from the member agencies; and

4 6. Tasks for the Operational Subcommittee are:

5 a. to meet monthly or more frequently as needed,

6 b. to elect a Chair and Vice Chair of the Operational

7 Subcommittee from their membership, each of whom will

8 serve a two-year period with the Vice Chair assuming

9 the duties automatically of the Chair upon completion

10 of the two-year period of the Chair, or earlier in the

11 case of the early loss of the Chair,

12 c. to review current justice information systems,

13 d. to create, annually update, and implement a strategic

14 plan for improving the accuracy, completeness, and

15 timeliness of criminal history information within the

16 state,

17 e. to create, annually update, and implement a statewide

18 plan for the integration of the justice information

19 systems of the state, and

20 f. to assist as requested, review, and make

21 recommendations on grant applications relative to

22 justice information systems.

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

4 G. The committee shall make a written report each year to the
5 President Pro Tempore of the Senate, the Speaker of the House of
6 Representatives, the Governor, and the Secretary of the Safety and
7 Security Cabinet on any findings or recommendations concerning
8 needed legislation, the potential impact, including fiscal
9 estimates, of existing or proposed legislation, and the impact of
10 agency policies which affect the justice information systems.

11 H. The ~~Oklahoma Criminal Justice Resource Center~~ Oklahoma State
12 Bureau of Investigation shall provide the administrative support in
13 scheduling of meetings, providing records of the meetings,
14 publication of reports, and any other support as required of and
15 approved by the committee.

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

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

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

23

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