

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1329 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Ann Coody

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1329

By: Coody (Ann)

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 142A-3, as amended by Section 1, Chapter 196, O.S.L. 2014 (21 O.S. Supp. 2014, Section 142A-3), which relates to the Oklahoma Victim's Rights Act; providing for the relinquishment of firearms or weapons under certain circumstances; directing court to hold hearing and make certain determination; providing procedures for the inventory and safekeeping of weapons; making certain conduct unlawful; providing penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 142A-3, as amended by Section 1, Chapter 196, O.S.L. 2014 (21 O.S. Supp. 2014, Section 142A-3), is amended to read as follows:

Section 142A-3. A. Upon the preliminary investigation of a violent crime, it shall be the duty of the officer who interviews the victim of such crime to inform the victim, or a responsible adult if the victim is a minor child or an incompetent person, or

1 the family member who receives death notification in the case of a  
2 homicide, in writing, of their rights as a crime victim. Written  
3 notification shall consist of handing the victim, responsible adult,  
4 if the victim is a minor child or an incompetent person, or family  
5 member receiving death notification, a preprinted card or brochure  
6 that, at a minimum, includes the following information:

7 1. A statement that reads, "As a victim of crime, you have  
8 certain rights";

9 2. Telephone and address information for the local District  
10 Attorney Victim-Witness Coordinator; and

11 3. The website address where victims can access a full list of  
12 their rights, additional information, and how to apply for crime  
13 victim compensation assistance.

14 B. A victim of domestic abuse has the right to be informed by  
15 the first peace officer who interviews the victim of domestic abuse  
16 of the twenty-four-hour statewide telephone communication service  
17 established by Section 18p-5 of Title 74 of the Oklahoma Statutes  
18 and to give notice to the victim of certain rights. The notice  
19 shall consist of handing such victim the following statement:

20 "As a victim of domestic abuse, you have certain rights. These  
21 rights are as follows:

22 1. The right to request that charges be pressed against your  
23 assailant;

1           2. The right to request protection from any harm or threat of  
2 harm arising out of your cooperation with law enforcement and  
3 prosecution efforts as far as facilities are available and to be  
4 provided with information on the level of protection available;

5           3. The right to be informed of financial assistance and other  
6 social services available as a result of being a victim, including  
7 information on how to apply for the assistance and services; and

8           4. The right to file a petition for a protective order or, when  
9 the domestic abuse occurs when the court is not open for business,  
10 to request an emergency temporary protective order."

11           C. The victim of rape or forcible sodomy has the right to be  
12 informed by the officer who interviews the victim of the rape or  
13 forcible sodomy, or a responsible adult if the victim is a minor  
14 child or an incompetent person, of the twenty-four-hour statewide  
15 telephone communication service established by the Office of the  
16 Attorney General for victims of sexual assault pursuant to Section  
17 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the  
18 victim or such responsible adult of certain rights of the victim.  
19 The notice shall consist of handing such victim or responsible adult  
20 a written statement in substantially the following form:

21           "As a victim of the crime of rape or forcible sodomy, you have  
22 certain rights. These rights are as follows:

23           1. The right to request that charges be pressed against your  
24 assailant;

1           2. The right to request protection from any harm or threat of  
2 harm arising out of your cooperation with law enforcement and  
3 prosecution efforts as far as facilities are available and to be  
4 provided with information on the level of protection available;

5           3. The right to be informed of financial assistance and other  
6 social services available to victims, including information on how  
7 to apply for the assistance and services;

8           4. The right to a free forensic medical examination; and

9           5. The right to be informed by the district attorney of other  
10 victim's rights available pursuant to Section 142A-2 of Title 21 of  
11 the Oklahoma Statutes."

12           D. Upon the preliminary investigation of a domestic violence  
13 crime involving intimate partner violence, the first peace officer  
14 who interviews the victim of domestic abuse shall assess the  
15 potential for danger by asking a series of questions provided on a  
16 lethality assessment form. The lethality assessment form shall  
17 include, but not be limited to, the following questions:

18           1. Has the person ever used a weapon against the victim or  
19 threatened the victim with a weapon?

20           2. Has the person threatened to kill the victim or children of  
21 the victim?

22           3. Does the victim think the person will try to kill the  
23 victim?

24           4. Has the person ever tried to choke the victim?

1 5. Is the person violently or constantly jealous or does the  
2 person control most of the daily activities of the victim?

3 6. Has the victim left or separated from the person after  
4 living together or being married?

5 7. Is the person unemployed?

6 8. Has the person ever tried to kill himself or herself?

7 9. Does the victim have a child that the person knows is not  
8 his or her own child?

9 10. Does the person follow or spy on the victim or leave the  
10 victim threatening messages?

11 11. Is there anything else that worries the victim about his or  
12 her safety and if so, what worries the victim?

13 Based upon the results of the lethality assessment, referrals to  
14 shelters, domestic violence intervention programs and other social  
15 services shall be provided to the victim.

16 E. In the event the lethality assessment required in subsection  
17 D of this section establishes probable cause for the peace officer  
18 to believe the victim is in imminent risk of death or serious bodily  
19 harm, the peace officer shall contact a district court judge or  
20 magistrate and seek intervention of the court. Upon ample  
21 opportunity for review of the determination of probable cause by the  
22 peace officer, the court, in its sound discretion, may order the  
23 person responsible for creating the imminent risk of death or  
24 serious bodily harm to appear before the court within twenty-four

1 (24) hours and show cause why the person should not be ordered to  
2 immediately relinquish all firearms or other dangerous weapons owned  
3 or under his or her control for safekeeping.

4 F. The court shall determine at a hearing ordered pursuant to  
5 subsection E of this section whether to issue its order to  
6 immediately relinquish all firearms or other dangerous weapons and  
7 pronounce a decision before adjourning the hearing. Before the  
8 court issues an order to relinquish all the firearms or other  
9 dangerous weapons of the person until further order of the court,  
10 the court shall find that the person has a history that demonstrates  
11 an intent to commit violence against the victim including, but not  
12 limited to, a prior conviction for an offense under the Protection  
13 from Domestic Abuse Act or any other violent offense or evidence  
14 that shows by a preponderance of the evidence that the person is  
15 likely to commit violence against the victim. Any subsequent  
16 hearing before the court regarding retention of the firearms or  
17 other dangerous weapons may be held in conjunction with any other  
18 proceedings related to the domestic violence crime resulting in the  
19 lethality assessment.

20 G. To ensure compliance with an order to immediately relinquish  
21 all firearms and other dangerous weapons, the court shall authorize  
22 a peace officer or law enforcement agency to accompany the person to  
23 his or her place of residence, business, vehicle and any other place  
24 the court finds appropriate to conduct an inventory and retrieval of

1 firearms or other dangerous weapons owned or under the control of  
2 the person in such places. The inventory of relinquished weapons  
3 shall include a description of the firearm or weapon, name of  
4 manufacturer, caliber or gauge of weapon and the serial number,  
5 where applicable. A copy of the inventory shall be provided to the  
6 person and filed with the court with a return of service of the  
7 order of the court. The law enforcement agency taking possession of  
8 the firearm or weapon shall be responsible for the safekeeping of  
9 the firearm or weapon and liable for any loss of or damage to the  
10 firearm or weapon occurring while in the possession of the law  
11 enforcement agency.

12 H. Any victim who makes false statements or representations to  
13 any peace officer investigating the alleged crime or conducting the  
14 lethality assessment shall be subject to prosecution for the false  
15 reporting of a crime pursuant to the provisions of Section 589 of  
16 this title and shall, upon conviction, be guilty of a misdemeanor  
17 punishable by imprisonment in the county jail for not more than  
18 ninety (90) days, or by a fine of not more than Five Hundred Dollars  
19 (\$500.00), or by both such fine and imprisonment.

20 SECTION 2. This act shall become effective November 1, 2015.

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22 55-1-6965 GRS 02/20/15  
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