

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1329

By: Coody (Ann) of the House

and

Barrington of the Senate

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2011, Section 142A-3, as amended by Section
13 1, Chapter 196, O.S.L. 2014 (21 O.S. Supp. 2014,
14 Section 142A-3), which relates to the Oklahoma
15 Victim's Rights Act; directing law enforcement to
16 seek court intervention under certain circumstances;
17 providing for the use of ankle monitors; and
18 providing an effective date.

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

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

23 Section 142A-3. A. Upon the preliminary investigation of a
24 violent crime, it shall be the duty of the officer who interviews
the victim of such crime to inform the victim, or a responsible

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

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

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

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

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

21 "As a victim of domestic abuse, you have certain rights. These
22 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 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 to appear within forty-eight (48) hours to show cause as to
24

1 whether an ankle monitor should be installed until such time as the
2 hearing on the temporary victim protective order is held.

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

4
5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,
6 dated 02/25/2015 - DO PASS, As Amended and Coauthored.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24