

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1116

By: Sanders, Biggs and Munson
of the House

and

Griffin of the Senate

COMMITTEE SUBSTITUTE

[Oklahoma Evidence Code - admissibility of
statements - vulnerable adults - codification -
effective date]

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2803.3 of Title 12, unless there
is created a duplication in numbering, reads as follows:

A. A statement made by a vulnerable adult that describes any
act of abuse or neglect, any act of financial exploitation or any
violent act on the vulnerable adult, not otherwise admissible, is
admissible in criminal and juvenile proceedings in the courts in
this state if:

1. The court finds, in a hearing conducted outside the presence
of the jury, that the time, content and circumstances of the

1 statement provide sufficient safeguards of reliability. In making
2 its determination, the court may consider the mental and physical
3 age and maturity of the declarant, the nature and duration of the
4 abuse or offense, the relationship of the declarant to the offender,
5 the reliability of the assertion, the reliability of the declarant
6 and any other factor the court deems appropriate; and

7 2. The declarant is unavailable as a witness, as defined in
8 Section 2804 of Title 12 of the Oklahoma Statutes, provided that
9 there is corroborative evidence of the act.

10 B. A statement may not be admitted under this section unless
11 the proponent of the statement makes known to the adverse party an
12 intention to offer the statement and the particulars of the
13 statement at least ten (10) days in advance of the proceedings to
14 provide the adverse party with an opportunity to prepare to answer
15 the statement. The notice shall include a written statement of the
16 content of the vulnerable adult's statement, the time at which the
17 statement was made, the circumstances surrounding the statement
18 which indicate its reliability and such other particulars as
19 necessary to provide full disclosure of the statement.

20 C. The court shall make specific findings of fact, on the
21 record, as to the basis for its ruling pursuant to this section.

22 D. As used in this section, "vulnerable adult" means an
23 individual who, because of physical or mental disability, is
24 substantially impaired in the ability to provide adequately for the

1 care or custody of himself or herself, is unable to manage his or
2 her property and financial affairs effectively, is unable to meet
3 essential requirements for mental or physical health or safety, or
4 is unable to protect himself or herself from physical abuse, verbal
5 abuse, neglect or exploitation without assistance from others.

6 SECTION 2. This act shall become effective November 1, 2017.

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