

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1394

By: Downing of the House

5 and

6 McCortney of the Senate

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10 AS INTRODUCED

11 An Act relating to criminal procedure; amending 22
12 O.S. 2011, Section 1601, as amended by Section 1,
13 Chapter 309, O.S.L. 2013 (22 O.S. Supp. 2016, Section
14 1601), which relates to the Domestic Violence
15 Fatality Review Board; eliminating sunset termination
16 date; and providing an effective date.

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

18 SECTION 1. AMENDATORY 22 O.S. 2011, Section 1601, as
19 amended by Section 1, Chapter 309, O.S.L. 2013 (22 O.S. Supp. 2016,
20 Section 1601), is amended to read as follows:

21 Section 1601. A. There is hereby created ~~until July 1, 2017,~~
22 ~~in accordance with the Oklahoma Sunset Law,~~ the Domestic Violence
23 Fatality Review Board within the Office of the Attorney General.
24 The Board shall have the power and duty to:

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

4 2. Collect, analyze and interpret state and local data on
5 domestic violence deaths;

6 3. Develop a state and local database on domestic violence
7 deaths;

8 4. Improve the ability to provide protective services to
9 victims of domestic violence who may be living in a dangerous
10 environment;

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

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

19 B. In carrying out its duties and responsibilities, the Board
20 shall:

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

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

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

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

8 5. Review the policies, practices, and procedures of the
9 domestic violence protection and prevention system and make specific
10 recommendations to the entities comprising the domestic violence
11 prevention and protection system for actions necessary for the
12 improvement of the system;

13 6. Review the extent to which the state domestic violence
14 prevention and protection system is coordinated with law enforcement
15 and the court system and evaluate whether the state is efficiently
16 discharging its domestic violence prevention and protection
17 responsibilities;

18 7. Request and obtain a copy of all records and reports
19 pertaining to a domestic violence death case of the victim,
20 perpetrator or any other person cohabitating in the domicile at the
21 time of the fatality that is under review, including, but not
22 limited to:

23 a. the report of the medical examiner,

24 b. hospital records,

- c. school records,
- d. court records,
- e. prosecutorial records,
- f. local, state, and federal law enforcement records,
including, but not limited to, the Oklahoma State
Bureau of Investigation (OSBI),
- g. fire department records,
- h. State Department of Health records, including birth
certificate records,
- i. medical and dental records,
- j. Department of Mental Health and Substance Abuse
Services and other mental health records,
- k. emergency medical service records,
- l. files of the Department of Human Services, and
- m. records in the possession of the Child Death Review
Board when conducting a joint review pursuant to
paragraph 6 of subsection A of this section.

Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law. Any person damaged by disclosure of such confidential information by the Board or its members which is not authorized by law may maintain an action for damages, costs and attorney fees pursuant to The Oklahoma Governmental Tort Claims Act;

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

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

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

19 11. Exercise all incidental powers necessary and proper for the
20 implementation and administration of the Domestic Violence Fatality
21 Review Board.

22 C. The review and discussion of individual cases of a domestic
23 violence death shall be conducted in executive session. All other
24 business shall be conducted in accordance with the provisions of the

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

13 D. The Board shall submit an annual statistical report on the
14 incidence and causes of domestic violence deaths in this state for
15 which the Board has completed its review during the past calendar
16 year including its recommendations, if any, to the domestic violence
17 prevention and protection system. The Board shall also prepare and
18 make available to the public, on an annual basis, a report
19 containing a summary of the activities of the Board relating to the
20 review of domestic violence deaths, the extent to which the state
21 domestic violence prevention and protection system is coordinated
22 and an evaluation of whether the state is efficiently discharging
23 its domestic violence prevention and protection responsibilities.

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

3 SECTION 2. This act shall become effective November 1, 2017.
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND
6 CORRECTIONS, dated 02/08/2017 - DO PASS, As Coauthored.
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