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February 26, 2019

AS AMENDED

SENATE BILL NO. 999

By: Daniels

[crimes and punishments - victims and witnesses
rights - notice requirement - effective date]

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 142A-2, as amended by Section 1, Chapter 380, O.S.L. 2017 (21 O.S. Supp. 2018, Section 142A-2), is amended to read as follows:

Section 142A-2. A. The district attorney's office shall inform the victims and witnesses of crimes of the following rights:

1. To ~~be notified~~ receive reasonable and timely notice that a court proceeding to which a victim or witness has been subpoenaed will or will not go on as scheduled, in order to save the person an unnecessary trip to court;

2. To receive protection from harm and threats of harm arising out of the cooperation of the person with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available and how to access protection;

3. To be informed of financial assistance and other social services available as a result of being a witness or a victim,

1 including information on how to apply for the assistance and
2 services;

3 4. To be informed of the procedure to be followed in order to
4 apply for and receive any witness fee to which the victim or witness
5 is entitled;

6 5. To be informed of the procedure to be followed in order to
7 apply for and receive any restitution to which the victim is
8 entitled;

9 6. To be provided, whenever possible, a secure waiting area
10 during court proceedings that does not require close proximity to
11 defendants and families and friends of defendants;

12 7. To have any stolen or other personal property expeditiously
13 returned by law enforcement agencies when no longer needed as
14 evidence. If feasible, all such property, except weapons, currency,
15 contraband, property subject to evidentiary analysis and property
16 the ownership of which is disputed, shall be returned to the person;

17 8. To be provided with appropriate employer intercession
18 services to ensure that employers of victims and witnesses will
19 cooperate with the criminal justice process in order to minimize the
20 loss of pay and other benefits of the employee resulting from court
21 appearances;

22 9. To have the family members of all homicide victims afforded
23 all of the services under this section, whether or not the person is
24 to be a witness in any criminal proceeding;

1 10. To be informed of any plea bargain negotiations;

2 11. To have victim impact statements filed with the judgment
3 and sentence;

4 12. To be informed if a sentence is overturned, remanded for a
5 new trial or otherwise modified by the Oklahoma Court of Criminal
6 Appeals;

7 13. To be informed in writing of all statutory rights;

8 14. To be informed that when any family member is required to
9 be a witness by a subpoena from the defense, there must be a showing
10 that the witness can provide relevant testimony as to the guilt or
11 innocence of the defendant before the witness may be excluded from
12 the proceeding by invoking the rule to remove potential witnesses;

13 15. To be informed that the Oklahoma Constitution allows, upon
14 the recommendation of the Pardon and Parole Board and the approval
15 of the Governor, the commutation of any sentence, including a
16 sentence of life without parole;

17 16. To receive written notification of how to access victim
18 rights information from the interviewing officer or investigating
19 detective; and

20 17. To a speedy disposition of the charges free from
21 unwarranted delay caused by or at the behest of the defendant or
22 minor. In determining a date for any criminal trial or other
23 important criminal or juvenile justice hearing, the court shall
24 consider the interests of the victim of a crime to a speedy

1 resolution of the charges under the same standards that govern the
2 right to a speedy trial for a defendant or a minor. In ruling on
3 any motion presented on behalf of a defendant or minor to continue a
4 previously established trial or other important criminal or juvenile
5 justice hearing, the court shall inquire into the circumstances
6 requiring the delay and consider the interests of the victim of a
7 crime to a speedy resolution of the case. If a continuance is
8 granted, the court shall enter into the record the specific reason
9 for the continuance and the procedures that have been taken to avoid
10 further delays.

11 B. The district attorney's office may inform the crime victim
12 of an offense committed by a juvenile of the name and address of the
13 juvenile found to have committed the crime, and shall notify the
14 crime victim of any offense listed in Section 2-5-101 of Title 10A
15 of the Oklahoma Statutes of all court hearings involving that
16 particular juvenile act. If the victim is not available, the
17 district attorney's office shall notify an adult relative of the
18 victim of ~~said~~ the hearings.

19 C. The district attorney's office shall inform victims of
20 violent crimes and members of the immediate family of such victims
21 of their rights under Sections 142A-8 and 142A-9 of this title and
22 Section 332.2 of Title 57 of the Oklahoma Statutes.

23 D. In any felony case involving a violent crime or a sex
24 offense, the district attorney's office shall inform the victim, as

1 soon as practicable, or an adult member of the immediate family of
2 the victim if the victim is deceased, incapacitated, or incompetent,
3 of the progress of pretrial proceedings which could substantially
4 delay the prosecution of the case.

5 E. The district attorney's office shall inform the crime victim
6 that he or she has the right to utilize the automated notification
7 system provided by the designated Oklahoma victim notification
8 service provider for purposes of receiving information regarding the
9 location of the defendant following an arrest, during a prosecution
10 of the criminal case, during a sentence to probation or confinement,
11 and when there is any release or escape of the defendant from
12 confinement.

13 SECTION 2. This act shall become effective November 1, 2019.

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
15 February 26, 2019 - DO PASS AS AMENDED
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