

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 999

By: Daniels

AS INTRODUCED

An Act relating to crimes and punishments; amending 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), which relates to victims and witnesses rights; modifying certain notice requirement; updating statutory language; 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-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

1 prosecution efforts, and to be provided with information as to the
2 level of protection available and how to access protection;

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

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

10 5. To be informed of the procedure to be followed in order to
11 apply for and receive any restitution to which the victim is
12 entitled;

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

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

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

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

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

7 11. To have victim impact statements filed with the judgment
8 and sentence;

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

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

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

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

22 16. To receive written notification of how to access victim
23 rights information from the interviewing officer or investigating
24 detective; and

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

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

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

5 D. In any felony case involving a violent crime or a sex
6 offense, the district attorney's office shall inform the victim, as
7 soon as practicable, or an adult member of the immediate family of
8 the victim if the victim is deceased, incapacitated, or incompetent,
9 of the progress of pretrial proceedings which could substantially
10 delay the prosecution of the case.

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

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