

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1655

By: Brewer

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2011,
8 Section 1-4-506, which relates to taking recorded
9 testimony of a child; clarifying age limit; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-506, is
13 amended to read as follows:

14 Section 1-4-506. A. 1. This section shall apply only to a
15 proceeding brought under the Oklahoma Children's Code in which a
16 child at the time of the testimony is alleged to be deprived, and
17 shall apply only to the testimony of that child or other child
18 witness.

19 2. Pursuant to Section 1-1-105 of this title, "child" means any
20 unmarried person under eighteen (18) years of age.

21 B. 1. When appropriate facilities are reasonably available,
22 the court shall, on the motion of a party to the proceeding, order
23 that the testimony of the child be taken in a room other than the
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1 courtroom and be televised by closed-circuit equipment in the
2 courtroom for review by:

- 3 a. the court,
- 4 b. the finder of fact, and
- 5 c. the parties to the proceeding.

6 2. Only an attorney for each party, an attorney ad litem for
7 the child or other person whose presence would contribute to the
8 welfare and well-being of the child, and persons necessary to
9 operate the equipment may be present in the room with the child
10 during the testimony of the child.

11 3. Only the attorneys for the parties may question the child.
12 The persons operating the equipment shall be confined to an adjacent
13 room or behind a screen or mirror that permits them to see and hear
14 the child during the testimony of the child, but does not permit the
15 child to see or hear them.

16 C. 1. The court shall, on the motion of a party to the
17 proceeding, order that the testimony of the child be taken outside
18 the courtroom and be recorded for showing in the courtroom before:

- 19 a. the court,
- 20 b. the finder of fact, and
- 21 c. the parties to the proceeding.

22 2. Only those persons permitted to be present at the taking of
23 testimony under subsection B of this section may be present during
24 the taking of the child's testimony.

1 3. Only the attorneys for the parties may question the child,
2 and the persons operating the equipment shall be confined from the
3 child's sight and hearing. The court shall ensure that:

4 a. the recording is both visual and aural and is recorded
5 on film or videotape or by other electronic means,

6 b. the recording equipment is capable of making an
7 accurate recording, the operator of the equipment is
8 competent, and the recording is accurate and has not
9 been altered,

10 c. every voice on the recording is identified, and

11 d. each party to the proceeding is afforded an
12 opportunity to view the recording before it is shown
13 in the courtroom, and a copy of a written transcript
14 transcribed by a licensed or certified court reporter
15 is provided to the parties.

16 D. If the testimony of a child is taken as provided by
17 subsection B or C of this section, the child shall not be compelled
18 to testify in court during the proceeding.

19 E. If the testimony of a child is taken as provided in
20 subsection B or C of this section, the attorney for any parent
21 shall, on request, be permitted a recess of sufficient length to
22 allow the attorney to consult with his or her client prior to
23 conclusion of the testimony.

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SECTION 2. This act shall become effective November 1, 2021.

58-1-6851 CMA 12/17/20