

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1658

By: Brewer

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 142A-3, as amended by Section 1, Chapter 196, O.S.L. 2014 (21 O.S. Supp. 2020, Section 142A-3), which relates to the Oklahoma Victim's Rights Act; directing peace officers to contact certified domestic violence intervention program providers at conclusion of lethality assessment; 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-3, as amended by Section 1, Chapter 196, O.S.L. 2014 (21 O.S. Supp. 2020, Section 142A-3), is amended to read as follows:

Section 142A-3. A. Upon the preliminary investigation of a violent crime, it shall be the duty of the officer who interviews the victim of such crime to inform the victim, or a responsible adult if the victim is a minor child or an incompetent person, or the family member who receives death notification in the case of a homicide, in writing, of their rights as a crime victim. Written notification shall consist of handing the victim, responsible adult, if the victim is a minor child or an incompetent person, or family

1 member receiving death notification, a preprinted card or brochure  
2 that, at a minimum, includes the following information:

3 1. A statement that reads, "As a victim of crime, you have  
4 certain rights";

5 2. Telephone and address information for the local District  
6 Attorney Victim-Witness Coordinator; and

7 3. The website address where victims can access a full list of  
8 their rights, additional information, and how to apply for crime  
9 victim compensation assistance.

10 B. A victim of domestic abuse has the right to be informed by  
11 the first peace officer who interviews the victim of domestic abuse  
12 of the twenty-four-hour statewide telephone communication service  
13 established by Section 18p-5 of Title 74 of the Oklahoma Statutes  
14 and to give notice to the victim of certain rights. The notice  
15 shall consist of handing such victim the following statement:

16 "As a victim of domestic abuse, you have certain rights. These  
17 rights are as follows:

18 1. The right to request that charges be pressed against your  
19 assailant;

20 2. The right to request protection from any harm or threat of  
21 harm arising out of your cooperation with law enforcement and  
22 prosecution efforts as far as facilities are available and to be  
23 provided with information on the level of protection available;  
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1       3. The right to be informed of financial assistance and other  
2 social services available as a result of being a victim, including  
3 information on how to apply for the assistance and services; and

4       4. The right to file a petition for a protective order or, when  
5 the domestic abuse occurs when the court is not open for business,  
6 to request an emergency temporary protective order."

7       C. The victim of rape or forcible sodomy has the right to be  
8 informed by the officer who interviews the victim of the rape or  
9 forcible sodomy, or a responsible adult if the victim is a minor  
10 child or an incompetent person, of the twenty-four-hour statewide  
11 telephone communication service established by the Office of the  
12 Attorney General for victims of sexual assault pursuant to Section  
13 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the  
14 victim or such responsible adult of certain rights of the victim.  
15 The notice shall consist of handing such victim or responsible adult  
16 a written statement in substantially the following form:

17       "As a victim of the crime of rape or forcible sodomy, you have  
18 certain rights. These rights are as follows:

19       1. The right to request that charges be pressed against your  
20 assailant;

21       2. The right to request protection from any harm or threat of  
22 harm arising out of your cooperation with law enforcement and  
23 prosecution efforts as far as facilities are available and to be  
24 provided with information on the level of protection available;

1       3. The right to be informed of financial assistance and other  
2 social services available to victims, including information on how  
3 to apply for the assistance and services;

4       4. The right to a free forensic medical examination; and

5       5. The right to be informed by the district attorney of other  
6 victim's rights available pursuant to Section 142A-2 of Title 21 of  
7 the Oklahoma Statutes."

8       D. Upon the preliminary investigation of a domestic violence  
9 crime involving intimate partner violence, the first peace officer  
10 who interviews the victim of domestic abuse shall assess the  
11 potential for danger by asking a series of questions provided on a  
12 lethality assessment form. The lethality assessment form shall  
13 include, but not be limited to, the following questions:

14       1. Has the person ever used a weapon against the victim or  
15 threatened the victim with a weapon?

16       2. Has the person threatened to kill the victim or children of  
17 the victim?

18       3. Does the victim think the person will try to kill the  
19 victim?

20       4. Has the person ever tried to choke the victim?

21       5. Is the person violently or constantly jealous or does the  
22 person control most of the daily activities of the victim?

23       6. Has the victim left or separated from the person after  
24 living together or being married?

1       7. Is the person unemployed?

2       8. Has the person ever tried to kill himself or herself?

3       9. Does the victim have a child that the person knows is not  
4 his or her own child?

5       10. Does the person follow or spy on the victim or leave the  
6 victim threatening messages?

7       11. Is there anything else that worries the victim about his or  
8 her safety and if so, what worries the victim?

9       Based upon the results of the lethality assessment, referrals to  
10 shelters, domestic violence intervention programs and other social  
11 services shall be provided to the victim. In addition, upon  
12 completion of the lethality assessment form the peace officer shall  
13 contact via telephone a local, certified domestic violence  
14 intervention program and communicate the responses given by the  
15 victim to the domestic violence intervention program provider. The  
16 peace officer shall encourage the victim to speak with the program  
17 provider for assistance and information regarding options and  
18 resources available to the victim.

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

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