

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1933

By: Floyd and Bullard of the  
Senate

and

Wallace of the House

COMMITTEE SUBSTITUTE

An Act relating to sexual assault; creating the Sexual Assault Forensic Evidence (SAFE) Board; establishing duties, powers, and responsibilities of the Board; providing for use of executive sessions by the Board; subjecting Board to the provisions of the Oklahoma Open Meeting Act; requiring submission of certain reports to certain entities; providing for membership; providing for qualifications for Board members; stating appointment terms; establishing Board procedures for election of chair and vice chair; establishing meeting frequency; stating quorum; allowing for certain reimbursement; requiring Office of the Attorney General to provide certain support; amending 25 O.S. 2021, Section 307, as amended by Section 1, Chapter 182, O.S.L. 2022 (25 O.S. Supp. 2023, Section 307), which relates to executive sessions; authorizing executive sessions for certain entity; updating statutory reference; providing for codification; and providing an effective date.

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

1       SECTION 1.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 143 of Title 21, unless there is  
3 created a duplication in numbering, reads as follows:

4       A. There is hereby created the Sexual Assault Forensic Evidence  
5 (SAFE) Board within the Office of the Attorney General. The Board  
6 shall have the power and duty to:

7       1. Examine the process for gathering and analyzing sexual  
8 assault forensic evidence kits in this state and work with members  
9 of the Legislature to draft proposed legislation to improve the  
10 response of medical and law enforcement systems to sexual assault;

11       2. Develop a plan for the prioritization and acceptance of  
12 untested sexual assault forensic evidence kits identified in the  
13 statewide audit conducted by the Board;

14       3. Identify possible procedures for the testing of anonymous  
15 sexual assault evidence kits;

16       4. Identify possible improvements for victim access to evidence  
17 other than sexual assault forensic evidence kits including, but not  
18 limited to, police reports and other physical evidence;

19       5. Identify additional rights of victims concerning the sexual  
20 assault forensic evidence kits testing process;

21       6. Identify and pursue grants and other funding sources to  
22 address untested sexual assault forensic evidence kits, reduce  
23 testing wait times, provide victim notification, and improve  
24 efficiencies in the kit testing process; and

1        7. Develop a comprehensive training plan for equipping and  
2 enhancing the work of law enforcement, prosecutors, victim  
3 advocates, Sexual Assault Nurse Examiners, and multidisciplinary  
4 Sexual Assault Response Teams (SARTs) across all jurisdictions  
5 within this state.

6        B. In carrying out its duties and responsibilities, the Board  
7 shall:

8        1. Promulgate rules establishing criteria for the collection of  
9 sexual assault forensic evidence subject to specific, in-depth  
10 review by the Board;

11       2. Establish and maintain statistical information related to  
12 sexual assault forensic evidence collection including, but not  
13 limited to, demographic and medical diagnostic information;

14       3. Establish procedures for obtaining initial information  
15 regarding the collection of sexual assault forensic evidence from  
16 medical and law enforcement entities;

17       4. Review the policies, practices, and procedures of the  
18 medical and law enforcement systems and make specific  
19 recommendations to the entities comprising the medical and law  
20 enforcement systems for actions necessary to improve such systems;

21       5. Review the extent to which the medical and law enforcement  
22 systems are coordinated and evaluate whether the state is  
23 efficiently discharging its sexual assault forensic evidence  
24 collection responsibilities;

1       6. Request and obtain a copy of all records and reports  
2 pertaining to sexual assault forensic evidence including, but not  
3 limited to:

- 4           a. hospital records,
- 5           b. court records,
- 6           c. local, state, and federal law enforcement records,
- 7           d. medical and dental records, and
- 8           e. emergency medical service records.

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

15       7. Maintain all confidential information, documents, and  
16 records in possession of the Board as confidential and not subject  
17 to subpoena or discovery in any civil or criminal proceedings;  
18 provided, however, such information, documents, and records  
19 otherwise available from other sources shall not be exempt from  
20 subpoena or discovery through such sources solely because such  
21 information, documents, and records were presented to or reviewed by  
22 the Board; and

1        8. Exercise all incidental powers necessary and proper for the  
2 implementation and administration of the Sexual Assault Forensic  
3 Evidence (SAFE) Board.

4        C. The review and discussion of individual cases of sexual  
5 assault evidence collection shall be conducted in executive session.  
6 All discussions of individual cases and any writings produced by or  
7 created for the Board in the course of determining a remedial  
8 measure to be recommended by the Board, as the result of a review of  
9 an individual case of sexual assault evidence collection, shall be  
10 privileged and shall not be admissible in evidence in any  
11 proceeding. All other business shall be conducted in accordance  
12 with the provisions of the Oklahoma Open Meeting Act. The Board  
13 shall periodically conduct meetings to discuss organization and  
14 business matters and any actions or recommendations aimed at  
15 improvement of the collection of sexual assault forensic evidence  
16 which shall be subject to the Oklahoma Open Meeting Act.

17        D. The Board shall submit an annual statistical report on the  
18 incidence of sexual assault forensic evidence collection in this  
19 state for which the Board has completed its review during the past  
20 calendar year including its recommendations, if any, to medical and  
21 law enforcement systems. The Board shall also prepare and make  
22 available to the public an annual report containing a summary of the  
23 activities of the Board relating to the review of sexual assault  
24 forensic evidence collection and an evaluation of whether the state

1 is efficiently discharging its sexual assault forensic evidence  
2 collection responsibilities. The report shall be completed no later  
3 than February 1 of the subsequent year.

4 SECTION 2. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 143.1 of Title 21, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. The Sexual Assault Forensic Evidence (SAFE) Board shall  
8 consist of seventeen (17) members as follows:

9 1. Four nonvoting members as follows:

10 a. the President Pro Tempore of the Senate shall appoint  
11 two members of the Senate who shall not be members of  
12 the same political party, and

13 b. the Speaker of the House of Representatives shall  
14 appoint two members of the House of Representatives  
15 who shall not be members of the same political party;

16 2. Seven voting members as follows:

17 a. the Attorney General or designee,

18 b. the Director of the Oklahoma State Bureau of  
19 Investigation or designee,

20 c. the Chief of the Oklahoma City Police Department or  
21 designee,

22 d. the Chief of the Tulsa Police Department or designee,

23 e. the Executive Coordinator of the District Attorneys  
24 Council or designee,

1           f.    the Executive Director of the Native Alliance Against  
2                Violence or designee, and

3           g.    the Executive Director of the Council on Law  
4                Enforcement Education and Training or designee; and

5        3.   Six voting members to be appointed by the Attorney General  
6   to serve for terms of two (2) years and who shall be eligible for  
7   reappointment.  Such members shall be persons having training or  
8   experience in matters related to sexual assault.  The appointed  
9   members shall include:

10       a.   a Sexual Assault Nurse Examiner selected from a list  
11             of three names submitted by the Oklahoma Nurses  
12             Association,

13       b.   a chief of a municipal police department, not  
14             designated in subparagraph c or d of paragraph 2 of  
15             this subsection, selected from a list of three names  
16             submitted by the Oklahoma Association of Chiefs of  
17             Police,

18       c.   a county sheriff selected from a list of three names  
19             submitted by the executive board of the Oklahoma  
20             Sheriffs' Association,

21       d.   an attorney from an office of public defenders with  
22             criminal defense experience from a list of three names  
23             submitted by the Oklahoma Indigent Defense System or  
24             other public defenders organization,

- 1           e.    an advocate of sexual assault victims from a  
2                community-based organization, and  
3           f.    a person who is a survivor of sexual assault and who  
4                has experience with sexual assault forensic evidence  
5                kit collection or is a survivor of sexual assault  
6                committed in this state who has participated in the  
7                justice system process.

8           B.   Every two (2) years the Board shall elect from among its  
9                membership a chair and a vice chair. The Board shall meet at least  
10              quarterly and may meet more frequently as necessary as determined by  
11              the chair. Seven (7) voting members or their designees, as  
12              specified in paragraphs 2 and 3 of subsection A of this section,  
13              shall constitute a quorum.

14          C.   Members shall serve without compensation but may be  
15                reimbursed for necessary travel out of funds available to the Office  
16                of the Attorney General pursuant to the State Travel Reimbursement  
17                Act; provided, that the reimbursement shall be paid in the case of  
18                state employee members by the agency employing the member.

19          D.   The Office of the Attorney General shall provide  
20                administrative assistance and services to the Sexual Assault  
21                Forensic Evidence Board with funds appropriated or otherwise  
22                available for that purpose.



1       SECTION 3.       AMENDATORY       25 O.S. 2021, Section 307, as  
2 amended by Section 1, Chapter 182, O.S.L. 2022 (25 O.S. Supp. 2023,  
3 Section 307), is amended to read as follows:

4       Section 307. A. No public body shall hold executive sessions  
5 unless otherwise specifically provided in this section.

6       B. Executive sessions of public bodies will be permitted only  
7 for the purpose of:

8       1. Discussing the employment, hiring, appointment, promotion,  
9 demotion, disciplining or resignation of any individual salaried  
10 public officer or employee;

11       2. Discussing negotiations concerning employees and  
12 representatives of employee groups;

13       3. Discussing the purchase or appraisal of real property;

14       4. Confidential communications between a public body and its  
15 attorney concerning a pending investigation, claim, or action if the  
16 public body, with the advice of its attorney, determines that  
17 disclosure will seriously impair the ability of the public body to  
18 process the claim or conduct a pending investigation, litigation, or  
19 proceeding in the public interest;

20       5. Permitting district boards of education to hear evidence and  
21 discuss the expulsion or suspension of a student when requested by  
22 the student involved or the student's parent, attorney or legal  
23 guardian;

24       6. Discussing matters involving a specific handicapped child;

1       7. Discussing any matter where disclosure of information would  
2 violate confidentiality requirements of state or federal law;

3       8. Engaging in deliberations or rendering a final or  
4 intermediate decision in an individual proceeding pursuant to  
5 Article II of the Administrative Procedures Act;

6       9. Discussing matters involving safety and security at state  
7 penal institutions or correctional facilities used to house state  
8 inmates;

9       10. Discussing contract negotiations involving contracts  
10 requiring approval of the State Board of Corrections, which shall be  
11 limited to members of the public body, the attorney for the public  
12 body, and the immediate staff of the public body. No person who may  
13 profit directly or indirectly by a proposed transaction which is  
14 under consideration may be present or participate in the executive  
15 session; or

16       11. Discussing the following:

- 17           a. the investigation of a plan or scheme to commit an act  
18               of terrorism,
- 19           b. assessments of the vulnerability of government  
20               facilities or public improvements to an act of  
21               terrorism,
- 22           c. plans for deterrence or prevention of or protection  
23               from an act of terrorism,

- 1 d. plans for response or remediation after an act of  
2 terrorism,
- 3 e. information technology of the public body but only if  
4 the discussion specifically identifies:
- 5 (1) design or functional schematics that demonstrate  
6 the relationship or connections between devices  
7 or systems,
  - 8 (2) system configuration information,
  - 9 (3) security monitoring and response equipment  
10 placement and configuration,
  - 11 (4) specific location or placement of systems,  
12 components or devices,
  - 13 (5) system identification numbers, names, or  
14 connecting circuits,
  - 15 (6) business continuity and disaster planning, or  
16 response plans, or
  - 17 (7) investigation information directly related to  
18 security penetrations or denial of services, or
- 19 f. the investigation of an act of terrorism that has  
20 already been committed.

21 For the purposes of this subsection, the term "terrorism" means any  
22 act encompassed by the definitions set forth in Section 1268.1 of  
23 Title 21 of the Oklahoma Statutes.  
24

1 C. Notwithstanding the provisions of subsection B of this  
2 section, the following public bodies may hold executive sessions:

3 1. The ~~State~~ Banking Board, as provided for under Section 306.1  
4 of Title 6 of the Oklahoma Statutes;

5 2. The Oklahoma Industrial Finance Authority, as provided for  
6 in Section 854 of Title 74 of the Oklahoma Statutes;

7 3. The Oklahoma Development Finance Authority, as provided for  
8 in Section 5062.6 of Title 74 of the Oklahoma Statutes;

9 4. The Oklahoma Center for the Advancement of Science and  
10 Technology, as provided for in Section 5060.7 of Title 74 of the  
11 Oklahoma Statutes;

12 5. The Oklahoma Health Research Committee for purposes of  
13 conferring on matters pertaining to research and development of  
14 products, if public disclosure of the matter discussed would  
15 interfere with the development of patents, copyrights, products, or  
16 services;

17 6. The Oklahoma Workers' Compensation Commission for the  
18 purposes provided for in Section 20 of Title 85A of the Oklahoma  
19 Statutes;

20 7. A review committee, as provided for in Section 855 of Title  
21 62 of the Oklahoma Statutes;

22 8. The Child Death Review Board for purposes of receiving and  
23 conferring on matters pertaining to materials declared confidential  
24 by law;

1        9. The Domestic Violence Fatality Review Board as provided in  
2 Section 1601 of Title 22 of the Oklahoma Statutes;

3        10. The Opioid Overdose Fatality Review Board, as provided in  
4 Section 2-1001 of Title 63 of the Oklahoma Statutes;

5        11. All nonprofit foundations, boards, bureaus, commissions,  
6 agencies, trusteeships, authorities, councils, committees, public  
7 trusts, task forces or study groups supported in whole or part by  
8 public funds or entrusted with the expenditure of public funds for  
9 purposes of conferring on matters pertaining to economic development  
10 including the transfer of property, financing, or the creation of a  
11 proposal to entice a business to remain or to locate within their  
12 jurisdiction if public disclosure of the matter discussed would  
13 interfere with the development of products or services or if public  
14 disclosure would violate the confidentiality of the business;

15        12. The Oklahoma Indigent Defense System Board for purposes of  
16 discussing negotiating strategies in connection with making possible  
17 counteroffers to offers to contract to provide legal representation  
18 to indigent criminal defendants and indigent juveniles in cases for  
19 which the System must provide representation pursuant to the  
20 provisions of the Indigent Defense Act;

21        13. The Quality Investment Committee for purposes of discussing  
22 applications and confidential materials pursuant to the terms of the  
23 Oklahoma Quality Investment Act;

1        14. The Oklahoma Municipal Power Authority established pursuant  
2 to Section 24-101 et seq. of Title 11 of the Oklahoma Statutes and  
3 in its role as an electric utility regulated by the federal  
4 government, for purposes of discussing security plans and procedures  
5 including, but not limited to, cybersecurity matters; ~~and~~

6        15. The Oklahoma Tax Commission for purposes of discussing  
7 confidential taxpayer matters as provided in Section 205 of Title 68  
8 of the Oklahoma Statutes, and in compliance with subsection E of  
9 this section; and

10        16. The Sexual Assault Forensic Evidence (SAFE) Board as  
11 provided in Section 1 of this act.

12        D. Except as otherwise specified in this subsection, an  
13 executive session for the purpose of discussing the purchase or  
14 appraisal of real property shall be limited to members of the public  
15 body, the attorney for the public body and the immediate staff of  
16 the public body. No landowner, real estate salesperson, broker,  
17 developer or any other person who may profit directly or indirectly  
18 by a proposed transaction concerning real property which is under  
19 consideration may be present or participate in the executive  
20 session, unless they are operating under an existing agreement to  
21 represent the public body.

22        E. No public body may go into an executive session unless the  
23 following procedures are strictly complied with:  
24

1        1. The proposed executive session is noted on the agenda as  
2 provided in Section 311 of this title;

3        2. The executive session is authorized by a majority vote of a  
4 quorum of the members present and the vote is a recorded vote; and

5        3. Except for matters considered in executive sessions of the  
6 ~~State~~ Banking Board and the Oklahoma Tax Commission, and which are  
7 required by state or federal law to be confidential, any vote or  
8 action on any item of business considered in an executive session  
9 shall be taken in public meeting with the vote of each member  
10 publicly cast and recorded.

11        F. A willful violation of the provisions of this section shall:

12        1. Subject each member of the public body to criminal sanctions  
13 as provided in Section 314 of this title; and

14        2. Cause the minutes and all other records of the executive  
15 session including tape recordings, to be immediately made public.

16        SECTION 4. This act shall become effective November 1, 2024.

17  
18        59-2-3599            TEK            2/27/2024 9:22:19 AM

19  
20  
21  
22  
23  
24