

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SUBCOMMITTEE RECOMMENDATION
FOR

HOUSE BILL NO. 3889

By: Ford

SUBCOMMITTEE RECOMMENDATION

An Act relating to domestic violence; directing the District Attorneys Council to develop and implement a domestic violence forensic exam pilot program; stating purpose of pilot program; authorizing certain counties to participate in pilot program; establishing the Domestic Violence Examination Fund; stating purpose of fund; defining terms; directing the Crime Victims Compensation Board to establish procedures for disbursing funds; providing limitations on amounts disbursed; stating requirements for claims; authorizing the District Attorneys Council to transfer funds; authorizing the Legislature to appropriate money to the Domestic Violence Examination Fund; authorizing the Council to make contracts, execute documents, or perform acts to carry out the pilot program; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 421.21 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Contingent upon the availability of funds, the District Attorneys Council shall develop and implement a five-year Domestic

1 Violence Forensic Exam Pilot Program. The purpose of the Domestic
2 Violence Forensic Exam Pilot Program shall be to provide counties
3 with qualified licensed health care professionals who shall conduct
4 domestic violence forensic exams for victims of domestic violence
5 assault. Counties with a population of more than one hundred
6 thousand (100,000) according to the latest Federal Decennial Census
7 may participate in the pilot program. In conjunction with the
8 Domestic Violence Forensic Exam Pilot Program, a Domestic Violence
9 Examination Fund shall be established in each participating county
10 for the purpose of providing to a victim of domestic violence
11 assault, a forensic medical examination by a qualified licensed
12 health care professional.

13 B. As used in this section:

14 1. "Domestic violence" means any act of physical harm or the
15 threat of imminent physical harm which is committed by an adult,
16 emancipated minor, or minor child thirteen (13) years of age or
17 older against another adult, emancipated minor, or minor child who
18 is currently or was previously an intimate partner or family or
19 household member;

20 2. "Intimate partner" means:

- 21 a. current or former spouses,
 - 22 b. persons who are in a dating relationship,
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1 c. persons who are the biological parents of the same
2 child, regardless of marital status or whether they
3 have lived together at any time, and

4 d. persons who currently or formerly lived together in an
5 intimate way, primarily characterized by affectionate
6 or sexual involvement. A sexual relationship may be
7 an indicator that a person is an intimate partner, but
8 is never a necessary condition;

9 3. "Living in the same household" means:

10 a. persons who regularly reside in the same single-
11 dwelling unit,

12 b. persons who resided in the same single-dwelling unit
13 within the past year, or

14 c. persons who have individual lease agreements whereby
15 each person has his or her own private bedroom and
16 shares common areas; and

17 4. "Qualified licensed health care professional" means a
18 physician, registered nurse, or other licensed health care
19 professional qualified by completion of a forty-hour didactic
20 domestic violence examiners course, as well as successful completion
21 of clinical competence.

22 C. The Crime Victims Compensation Board shall establish the
23 procedures for disbursement of the Domestic Violence Examination
24 Fund, but in no event shall the Crime Victims Compensation Board pay

1 an amount to exceed Two Hundred Dollars (\$200.00) for a domestic
2 violence forensic exam. Such payments shall not exceed the amounts
3 specified by this subsection regardless of the amount of any
4 individual bills comprising the claim. Payments shall be made only
5 upon claims signed by the victim or guardian and qualified licensed
6 health care professional.

7 D. The District Attorneys Council is hereby authorized to
8 transfer funds, as specified in the appropriations bill annually,
9 from the Crime Victims Compensation Fund to the Domestic Violence
10 Examination Fund for the payment of domestic violence forensic
11 exams, pursuant to this section.

12 E. The District Attorneys Council shall have the authority to
13 make any contract, execute any document, or perform any act in order
14 to carry out the Domestic Violence Forensic Exam Pilot Program.

15 F. Nothing in this section shall prevent the Legislature from
16 appropriating funds to the Domestic Violence Examination Fund for
17 the payment of domestic violence forensic examinations.

18 SECTION 2. This act shall become effective November 1, 2024.

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