

<DateSubmitted>

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2546**

By: Munson of the House and Floyd of the Senate

Title: Sexual assault victims; creating the Sexual Assault Victims' Right to Information Act;  
declaring rights of sexual assault victims; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

**SENATE CONFEREES**

Floyd \_\_\_\_\_  
Paxton \_\_\_\_\_  
Coleman \_\_\_\_\_  
Rader \_\_\_\_\_  
Matthews \_\_\_\_\_  
Brooks \_\_\_\_\_

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 2546

By: Munson and Moore of the  
House

and

Floyd of the Senate

7  
8  
9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to sexual assault victims; creating  
12 the Sexual Assault Victims' Right to Information Act;  
13 defining terms; declaring rights of sexual assault  
14 victims; declaring right to request to speak with  
15 sexual assault victims' advocate; directing law  
16 enforcement and district attorneys to allow for the  
17 presence of a sexual assault victims' advocate during  
18 interviews with victims; prohibiting use of forensic  
19 evidence for certain purposes; directing law  
20 enforcement and medical providers to provide certain  
21 information to sexual assault victims; amending 21  
22 O.S. 2011, Section 142A-3, as amended by Section 1,  
23 Chapter 196, O.S.L. 2014 (21 O.S. Supp. 2020, Section  
24 142A-3), which relates to the Oklahoma Victim's  
Rights Act; updating language; providing additional  
rights for sexual assault victims; providing for  
codification; providing for noncodification; 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 not to be  
codified in the Oklahoma Statutes, reads as follows:

1 Sections 1 through 8 of this act shall be known and may be cited  
2 as the "Sexual Assault Victims' Right to Information Act".

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 142C of Title 21, unless there  
5 is created a duplication in numbering, reads as follows:

6 For the purposes of this act:

7 1. "Law enforcement officer" means any sheriff, police officer,  
8 peace officer, tribal law enforcement officer, federal law  
9 enforcement officer, campus police officer or any other law  
10 enforcement officer who has been certified by the Council on Law  
11 Enforcement Education and Training (CLEET) and whose duty it is to  
12 enforce and preserve the public peace or any other first responder;

13 2. "Sexual assault forensic evidence" means any human  
14 biological specimen collected by a medical provider during a  
15 forensic medical examination from an alleged sexual assault victim  
16 including, when circumstances indicate the need, a toxicology kit;

17 3. "Sexual assault victim" or "victim" means any person who is  
18 a victim of a sexual assault defined under Section 142.20 of Title  
19 21 of the Oklahoma Statutes. If the victim is incompetent, the term  
20 shall include the parent, guardian, spouse or any other person  
21 related to the incompetent victim by consanguinity or affinity to  
22 the second degree or any other lawful representative of the  
23 incompetent victim; and

24

1 4. "Sexual assault victims' advocate" means any person who  
2 serves as a victims' advocate for a state-certified or tribal sexual  
3 assault or sex trafficking program or an advocate working in a  
4 center that offers sexual assault services to minors who has  
5 received formalized training through a government or tribal agency  
6 in providing trauma-informed direct services to victims of sexual  
7 assault.

8 SECTION 3. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 142C-1 of Title 21, unless there  
10 is created a duplication in numbering, reads as follows:

11 In addition to rights enumerated in the Oklahoma Victim's Rights  
12 Act, a sexual assault victim retains all the rights of this act  
13 regardless of whether the victim agrees to participate in the  
14 criminal justice system at any time and regardless of whether the  
15 victim agrees to receive a forensic medical examination to collect  
16 sexual assault forensic evidence.

17 SECTION 4. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 142C-2 of Title 21, unless there  
19 is created a duplication in numbering, reads as follows:

20 A sexual assault victim has the right to speak with, either in  
21 person, virtually, via audio and visual communication or  
22 telephonically, a sexual assault victims' advocate before the  
23 commencement of any forensic medical examination. When a sexual  
24 assault victims' advocate has been requested, but is not available

1 in person, every effort shall be made to allow the sexual assault  
2 victim to speak with a sexual assault victims' advocate either  
3 virtually, via audio and visual communication or through telephonic  
4 means.

5 SECTION 5. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 142C-3 of Title 21, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. A law enforcement officer or district attorney shall allow a  
9 sexual assault victims' advocate to be present during any interview  
10 with the sexual assault victim.

11 B. No person, for any reason, shall discourage a sexual assault  
12 victim from receiving a forensic medical examination or discourage  
13 the sexual assault victim from reporting the sexual assault to the  
14 proper authorities.

15 SECTION 6. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 142C-4 of Title 21, unless there  
17 is created a duplication in numbering, reads as follows:

18 No sexual assault forensic evidence shall be used:

19 1. To prosecute a sexual assault victim for any misdemeanor  
20 crimes; or

21 2. As a basis to search for further evidence of any unrelated  
22 misdemeanor crimes that may have been committed by the sexual  
23 assault victim.

24

1 SECTION 7. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 142C-5 of Title 21, unless there  
3 is created a duplication in numbering, reads as follows:

4 Upon initial interaction with a sexual assault victim, a law  
5 enforcement officer or medical provider shall provide the victim  
6 with victims' rights information pursuant to subsection C of Section  
7 142A-3 of Title 21 of the Oklahoma Statutes.

8 SECTION 8. AMENDATORY 21 O.S. 2011, Section 142A-3, as  
9 amended by Section 1, Chapter 196, O.S.L. 2014 (21 O.S. Supp. 2020,  
10 Section 142A-3), is amended to read as follows:

11 Section 142A-3. A. Upon the preliminary investigation of a  
12 violent crime, it shall be the duty of the peace officer who  
13 interviews the victim of such crime to inform the victim, or a  
14 responsible adult if the victim is a minor child or an incompetent  
15 person, or the family member who receives death notification in the  
16 case of a homicide, in writing, of their rights as a crime victim.  
17 Written notification shall consist of handing the victim,  
18 responsible adult, if the victim is a minor child or an incompetent  
19 person, or family member receiving death notification, a preprinted  
20 card or brochure that, at a minimum, includes the following  
21 information:

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

24

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

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

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

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

14           1. The right to request that charges be pressed against your  
15 assailant;

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

20           3. The right to be informed of financial assistance and other  
21 social services available as a result of being a victim, including  
22 information on how to apply for the assistance and services; and  
23  
24



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

4 C. The victim of ~~rape or forcible sodomy~~ sexual assault, as  
5 defined in Section 142.20 of this title, has the right to be  
6 informed by the peace officer who interviews the victim of ~~the rape~~  
7 ~~or forcible sodomy~~ sexual assault, or a responsible adult if the  
8 victim is a minor child or an incompetent person, of the twenty-  
9 four-hour statewide telephone communication service established by  
10 the Office of the Attorney General for victims of sexual assault  
11 pursuant to Section 18p-5 of Title 74 of the Oklahoma Statutes and  
12 to give notice to the victim or such responsible adult of certain  
13 rights of the victim. The notice shall consist of handing such  
14 victim or responsible adult a written statement in substantially the  
15 following form:

16 "As a victim of ~~the crime of rape or forcible sodomy~~ sexual  
17 assault, you have certain rights. These 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;

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 6. The right to speak with a sexual assault victims' advocate;

9 7. The right to request and receive the status and results of  
10 the analysis of the sexual assault forensic evidence; and

11 8. The right to request a copy of the police report."

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

18 1. Has the person ever used a weapon against the victim or  
19 threatened the victim with a weapon?

20 2. Has the person threatened to kill the victim or children of  
21 the victim?

22 3. Does the victim think the person will try to kill the  
23 victim?

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

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

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

5           7. Is the person unemployed?

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

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

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

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

13          Based upon the results of the lethality assessment, referrals to  
14 shelters, domestic violence intervention programs and other social  
15 services shall be provided to the victim.

16          SECTION 9. This act shall become effective November 1, 2021.

17

18          58-1-8271           GRS           05/13/21

19

20

21

22

23

24