

Bill Summary
2nd Session of the 59th Legislature

Bill No.:	SB 1470
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Author:	Sen. Treat
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Bill Analysis

SB 1470 creates the Oklahoma Survivors' Act. The measure provides that during a hearing to determine the sentence of a person or accept a plea of guilty for a person who survived domestic abuse, the court shall consider the physical, sexual, and psychological abuse a person experienced as mitigating factors. Defendants shall be required to provide documentary evidence corroborating that the defendant was, at the time of the offense or within 1 year of the offense, a victim of domestic abuse. The defendant shall also provide documentation from a court, hospital, agency, or sworn statement from another witness showing the defendant suffered abuse in the relevant period. Testimony from an expert or other documents listed in the measure may also be presented by the defendant. If the court finds by a preponderance of evidence that the defendant is a survivor of domestic abuse within the relevant time period, the sentence shall be reduced. If the defendant is found guilty of a crime requiring registration as a sex offender, the sentence shall not be reduced. The measure provides for a person sentenced to a prison term prior to the effective date to appeal for a lesser sentence if he or she can provide the documentation listed above. If the court finds that the sentenced person meets the requirements, the court shall notify the person that he or she can apply for resentencing. Such persons may request an attorney to assist them in the process. The court shall consider, in addition to the considerations outlined above, the person's participation or willingness to participate in programming such as domestic violence, parenting, and substance abuse treatment while incarcerated.

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