

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2130

6 By: George

7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; providing for
9 child support payments after certain vehicle
10 accidents resulting in death; requiring court to
11 consider certain factors when determining reasonable
12 or necessary child support; listing factors for
13 consideration; requiring court to be trustee for
14 support payments; requiring court remit certain
15 payments by certain time; requiring court deposit
16 certain receipts by certain time; allowing for a one-
17 year grace period for certain payments; requiring
18 certain payments be made in full including any
19 arrearage; requiring certain civil action judgment
20 against a convicted person not require certain child
21 support order; allowing certain civil action judgment
22 to offset certain child support orders; providing for
23 codification; and providing an effective date.
24

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 11-902e of Title 47, unless
22 there is created a duplication in numbering, reads as follows:

23 A. If a person is convicted of an offense of driving while
24 under the influence of alcohol or other intoxicating substance as

1 provided for in subsection A of Section 11-902 of Title 47 of the
2 Oklahoma Statutes and such offense caused the death of a parent or
3 parents of a child or children, the sentencing court may order the
4 defendant to pay restitution in the form of child support to each of
5 the victim's children until each child reaches eighteen (18) years
6 of age and has graduated from high school, or the class of which the
7 child is a member, when the child reaches eighteen (18) years of
8 age, has graduated from high school.

9 B. The court shall determine an amount that is reasonable and
10 necessary for the support of the victim's child after considering
11 all relevant factors, including:

- 12 1. The financial needs and resources of the child;
- 13 2. The financial resources and needs of the surviving parent or
14 guardian of the child, including the state if the child is in the
15 custody of the state;
- 16 3. The standard of living to which the child is accustomed;
- 17 4. The physical and emotional condition of the child and the
18 child's educational needs;
- 19 5. The child's physical and legal custody arrangements; and
- 20 6. The reasonable work-related child care expenses of the
21 surviving parent or guardian.

22 C. The court shall order that child support payments be made to
23 the court as trustee for remittance to the child's surviving parent
24 or guardian. The court shall remit the payments to the surviving

1 parent or guardian within ten (10) working days of receipt by the
2 court. The court shall deposit all payments no later than the next
3 working day after receipt.

4 D. If a defendant who is ordered to pay child support under
5 this section is incarcerated and unable to pay the required child
6 support, the defendant shall have up to one (1) year after his or
7 her release from incarceration to begin payment, including entering
8 a payment plan to address any arrearage. If a defendant's child
9 support payments are set to terminate but the defendant's obligation
10 is not paid in full, then the child support payments shall continue
11 until the entire arrearage is paid.

12 E. 1. If the surviving parent or guardian of the child brings
13 a civil action against the defendant prior to the sentencing court
14 ordering child support payments as restitution and the surviving
15 parent or guardian obtains a judgment in the civil suit, then no
16 child support shall be ordered under this section.

17 2. If the court orders the defendant to make child support
18 payments as restitution under this section and the surviving parent
19 or guardian subsequently brings a civil action and obtains a
20 judgment, then the child support order shall be offset by the amount
21 of the judgment awarded in the civil action.

22 SECTION 2. This act shall become effective November 1, 2023.

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