

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2130

By: George of the House

and

Weaver of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; providing for
11 child support payments after certain vehicle
12 accidents resulting in death; requiring court to
13 consider certain factors when determining reasonable
14 or necessary child support; listing factors for
15 consideration; requiring court to be trustee for
16 support payments; requiring court remit certain
17 payments by certain time; requiring court deposit
18 certain receipts by certain time; allowing for a one-
19 year grace period for certain payments; requiring
20 certain payments be made in full including any
21 arrearage; requiring certain civil action judgment
22 against a convicted person not require certain child
23 support order; allowing certain civil action judgment
24 to offset certain child support orders; 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 11-902e of Title 47, unless
there is created a duplication in numbering, reads as follows:

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

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

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

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1 C. The court shall order that child support payments be made to
2 the court as trustee for remittance to the child's surviving parent
3 or guardian. The court shall remit the payments to the surviving
4 parent or guardian within ten (10) working days of receipt by the
5 court. The court shall deposit all payments no later than the next
6 working day after receipt.

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

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

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

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

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
4 02/23/2023 - DO PASS, As Amended and Coauthored.
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