

1 **SENATE FLOOR VERSION**

2 March 28, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3752

By: Talley of the House

5 and

6 Seifried of the Senate

7
8 An Act relating to domestic violence; amending 22
9 O.S. 2021, Sections 1601 and 1602, which relate to
10 the Domestic Violence Fatality Review Board;
11 authorizing the Board to request and obtain certain
12 records; increasing membership of the Board;
13 modifying certain recommendation requirement; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1601, is
17 amended to read as follows:

18 Section 1601. A. There is hereby created the Domestic Violence
19 Fatality Review Board within the Office of the Attorney General.

The Board shall have the power and duty to:

20 1. Coordinate and integrate state and local efforts to address
21 fatal domestic violence and create a body of information to prevent
22 domestic violence deaths;

23 2. Collect, analyze and interpret state and local data on
24 domestic violence deaths;

1 3. Develop a state and local database on domestic violence
2 deaths;

3 4. Improve the ability to provide protective services to
4 victims of domestic violence who may be living in a dangerous
5 environment;

6 5. Improve policies, procedures and practices within the
7 agencies that serve victims of domestic violence; and

8 6. Enter into agreements with other state, local or private
9 entities as necessary to carry out the duties of the Domestic
10 Violence Fatality Review Board including, but not limited to,
11 conducting joint reviews with the Child Death Review Board on
12 domestic violence cases involving child death or child near-death
13 incidents.

14 B. In carrying out its duties and responsibilities, the Board
15 shall:

16 1. Promulgate rules establishing criteria for identifying cases
17 involving a domestic violence death subject to specific, in-depth
18 review by the Board;

19 2. Conduct a specific case review of those cases where the
20 cause of death is or may be related to domestic violence;

21 3. Establish and maintain statistical information related to
22 domestic violence deaths, including, but not limited to, demographic
23 and medical diagnostic information;

24

1 4. Establish procedures for obtaining initial information
2 regarding domestic violence deaths from law enforcement agencies;

3 5. Review the policies, practices, and procedures of the
4 domestic violence protection and prevention system and make specific
5 recommendations to the entities comprising the domestic violence
6 prevention and protection system for actions necessary for the
7 improvement of the system;

8 6. Review the extent to which the state domestic violence
9 prevention and protection system is coordinated with law enforcement
10 and the court system and evaluate whether the state is efficiently
11 discharging its domestic violence prevention and protection
12 responsibilities;

13 7. Request and obtain a copy of all records and reports
14 pertaining to a domestic violence death case of the victim,
15 perpetrator or any other person cohabitating in the domicile at the
16 time of the fatality that is under review, including, but not
17 limited to:

- 18 a. the report of the medical examiner,
- 19 b. hospital records,
- 20 c. school records,
- 21 d. court records,
- 22 e. prosecutorial records,

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- 1 f. local, state, and federal law enforcement records,
2 including, but not limited to, the Oklahoma State
3 Bureau of Investigation (OSBI),
4 g. fire department records,
5 h. State Department of Health records, including birth
6 certificate records,
7 i. medical and dental records,
8 j. Department of Mental Health and Substance Abuse
9 Services and other mental health records,
10 k. emergency medical service records,
11 l. files of the Department of Human Services, and
12 m. records of the Oklahoma Department of Corrections, and
13 n. records in the possession of the Child Death Review
14 Board when conducting a joint review pursuant to
15 paragraph 6 of subsection A of this section.

16 Confidential information provided to the Board shall be maintained
17 by the Board in a confidential manner as otherwise required by state
18 and federal law. Any person damaged by disclosure of such
19 confidential information by the Board or its members which is not
20 authorized by law may maintain an action for damages, costs and
21 attorney fees pursuant to The Oklahoma Governmental Tort Claims Act;

22 8. Maintain all confidential information, documents and records
23 in possession of the Board as confidential and not subject to
24 subpoena or discovery in any civil or criminal proceedings;

1 provided, however, information, documents and records otherwise
2 available from other sources shall not be exempt from subpoena or
3 discovery through those sources solely because such information,
4 documents and records were presented to or reviewed by the Board;

5 9. Conduct reviews of specific cases of domestic violence
6 deaths and request the preparation of additional information and
7 reports as determined to be necessary by the Board including, but
8 not limited to, clinical summaries from treating physicians,
9 chronologies of contact, and second opinion autopsies;

10 10. Report, if recommended by a majority vote of the Board, to
11 the President Pro Tempore of the Senate and the Speaker of the House
12 of Representatives any gross neglect of duty by any state officer or
13 state employee, or any problem within the domestic violence
14 prevention and protection system discovered by the Board while
15 performing its duties; and

16 11. Exercise all incidental powers necessary and proper for the
17 implementation and administration of the Domestic Violence Fatality
18 Review Board.

19 C. The review and discussion of individual cases of a domestic
20 violence death shall be conducted in executive session. All other
21 business shall be conducted in accordance with the provisions of the
22 Oklahoma Open Meeting Act. All discussions of individual cases and
23 any writings produced by or created for the Board in the course of
24 determining a remedial measure to be recommended by the Board, as

1 the result of a review of an individual case of a domestic violence
2 death, shall be privileged and shall not be admissible in evidence
3 in any proceeding. The Board shall periodically conduct meetings to
4 discuss organization and business matters and any actions or
5 recommendations aimed at improvement of the domestic violence
6 prevention and protection system which shall be subject to the
7 Oklahoma Open Meeting Act. Part of any meeting of the Board may be
8 specifically designated as a business meeting of the Board subject
9 to the Oklahoma Open Meeting Act.

10 D. The Board shall submit an annual statistical report on the
11 incidence and causes of domestic violence deaths in this state for
12 which the Board has completed its review during the past calendar
13 year including its recommendations, if any, to the domestic violence
14 prevention and protection system. The Board shall also prepare and
15 make available to the public, on an annual basis, a report
16 containing a summary of the activities of the Board relating to the
17 review of domestic violence deaths, the extent to which the state
18 domestic violence prevention and protection system is coordinated
19 and an evaluation of whether the state is efficiently discharging
20 its domestic violence prevention and protection responsibilities.
21 The report shall be completed no later than February 1 of the
22 subsequent year.

23 SECTION 2. AMENDATORY 22 O.S. 2021, Section 1602, is
24 amended to read as follows:

1 Section 1602. A. The Domestic Violence Fatality Review Board
2 shall be composed of ~~twenty (20)~~ twenty-one (21) members, or their
3 designees, as follows:

4 1. ~~Eight~~ Nine of the members shall be:

5 a. the Chief Medical Examiner,

6 b. a designee of the Attorney General. The designee
7 shall be a person assigned to the Victims Services
8 Unit of the Office of the Attorney General,

9 c. the State Commissioner of Health,

10 d. the Chief of Injury Prevention Services of the State
11 Department of Health,

12 e. the Director of the Department of Human Services,

13 f. the Director of the Oklahoma State Bureau of
14 Investigation,

15 g. the Commissioner of the Department of Mental Health
16 and Substance Abuse Services, ~~and~~

17 h. the Executive Director of the Office of Juvenile
18 Affairs, and

19 i. a designee of the Director of the Department of
20 Corrections. The designee shall be a person with a
21 minimum of five (5) years of experience in corrections
22 and who is currently assigned to the Community
23 Outreach, Programs, or Population Units of the
24 Department of Corrections; and

1 2. Twelve of the members shall be appointed by the Attorney
2 General, shall serve for terms of two (2) years and shall be
3 eligible for reappointment. The members shall be persons having
4 training and experience in matters related to domestic violence.

5 The appointed members shall include:

- 6 a. a county sheriff selected from a list of three names
7 submitted by the executive board of the Oklahoma
8 Sheriffs' Association,
- 9 b. a chief of a municipal police department selected from
10 a list of three names submitted by the Oklahoma
11 Association of Chiefs of Police,
- 12 c. an attorney licensed in this state who is in private
13 practice selected from a list of three names submitted
14 by the Board of Governors of the Oklahoma Bar
15 Association,
- 16 d. a district attorney selected from a list of three
17 names submitted by the District Attorneys Council,
- 18 e. a physician selected from a list of three names
19 submitted by the Oklahoma State Medical Association,
- 20 f. a physician selected from a list of three names
21 submitted by the Oklahoma Osteopathic Association,
- 22 g. a nurse selected from a list of three names submitted
23 by the Oklahoma Nurses Association,

- 1 h. two individuals, at least one of whom shall be a
2 survivor of domestic violence, selected from ~~lists of~~
3 ~~three names~~ recommendations submitted by ~~the Oklahoma~~
4 ~~Coalition Against Domestic Violence and Sexual Assault~~
5 certified domestic violence programs in Oklahoma,
- 6 i. a member of the Judiciary selected from a list of
7 three names submitted by the Oklahoma Supreme Court,
8 and
- 9 j. two individuals, at least one of whom shall be an
10 American Indian survivor of domestic violence,
11 selected from a list of three names submitted by the
12 Native Alliance Against Violence, Oklahoma's tribal
13 coalition against domestic violence and sexual
14 assault.

15 B. Every two (2) years the Board shall elect from among its
16 membership a chair and a vice-chair. The Board shall meet at least
17 quarterly and may meet more frequently as necessary as determined by
18 the chair. Members shall serve without compensation but may be
19 reimbursed for necessary travel out of funds available to the Office
20 of the Attorney General pursuant to the State Travel Reimbursement
21 Act; provided, that the reimbursement shall be paid in the case of
22 state employee members by the agency employing the member.

23 C. With funds appropriated or otherwise available for that
24 purpose, the Office of the Attorney General shall provide

1 administrative assistance and services to the Domestic Violence
2 Fatality Review Board.

3 SECTION 3. This act shall become effective November 1, 2024.

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
5 March 28, 2024 - DO PASS
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