

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2130

By: George

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6 AS INTRODUCED

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

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

24 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:

A. If a person is convicted of an offense of driving while
under the influence of alcohol or other intoxicating substance as
provided for in subsection A of Section 11-902 of Title 47 of the

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

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

11 1. The financial needs and resources of the child;

12 2. The financial resources and needs of the surviving parent or
13 guardian of the child, including the state if the child is in the
14 custody of the state;

15 3. The standard of living to which the child is accustomed;

16 4. The physical and emotional condition of the child and the
17 child's educational needs;

18 5. The child's physical and legal custody arrangements; and

19 6. The reasonable work-related child care expenses of the
20 surviving parent or guardian.

21 C. The court shall order that child support payments be made to
22 the court as trustee for remittance to the child's surviving parent
23 or guardian. The court shall remit the payments to the surviving
24 parent or guardian within ten (10) working days of receipt by the

1 court. The court shall deposit all payments no later than the next
2 working day after receipt.

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

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

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

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

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23 59-1-5473 JBH 12/20/22

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