

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB3640</b>
<b>Version:</b>	<b>INT</b>
<b>Request Number:</b>	<b>8662</b>
<b>Author:</b>	<b>Hasenbeck</b>
<b>Date:</b>	<b>2/5/2024</b>
<b>Impact:</b>	<b>Please see previous summary of this measure</b>

**Research Analysis**

HB 3640 creates the Domestic Abuse Survivorship Act. The measure provides definitions to be used in the act. The measure provides that during a hearing to sentence or accept a plea of guilty from a survivor of domestic abuse who has been charged with the crime of homicide of his or her intimate partner, the court must consider as a mitigating factor that the person has been abused physically, sexually, economically, or psychologically along with any other mitigating or aggravating factors.

The defense must provide the court with evidence, including at least one piece of evidence that is a court record, presentence report, social services record, hospital record, sworn statement from a witness to the domestic violence, law enforcement record, domestic incident report, or order of protection. If the court finds by a preponderance of the evidence that the defendant is a survivor of domestic abuse within 1 year prior to or on the date of the offense, the court has discretion to depart from the applicable sentence.

The measure allows persons previously convicted for a crime against an intimate partner where self-defense could have been raised as an affirmative defense to petition the sentencing court for sentencing relief. Applications for relief are not subject to any period of limitation. If the court finds by a preponderance of the evidence that the applicant is a survivor of domestic abuse, the court may reduce the sentence originally imposed.

The measure requires district attorneys, public defenders and attorneys employed by the Oklahoma Indigent Defense System, court-appointed attorney, private defense attorney or attorney employed with a district court whose duties include domestic violence responsibilities to complete 3 hours of education and training annually on domestic abuse survivorship. The measure also requires presentence investigations to include prior abusive relationships, prior sexual assaults, and prior experiences being human trafficked.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

**Other Considerations**

None.

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