

THE OKLAHOMA DISTRICT ATTORNEYS COUNCIL AND  
THE OKLAHOMA DISTRICT ATTORNEYS ASSOCIATION  
PROUDLY PRESENTS:



2006

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# FORWARD

**The views expressed in this *FORWARD* are the views of this author only and do not necessarily reflect the views of the District Attorneys Council.**

The 2<sup>nd</sup> Session of the 50<sup>th</sup> Legislature was marked by unprecedented economic growth and unfinished business. With the House Democrats seemingly resigned to the reality that they would achieve little in the way of legislation in 2006, the House Republicans provided excitement with the ousting of a Floor Leader, an unprecedented “Floor Leader Committee” being installed, fellow party members’ bills not being heard prior to imposed deadlines and some House Republicans being upset with the Speaker’s decision regarding the rules to be used during the Special Session.

In 2005, the Legislature filed twenty-three hundred thirty-nine (2,339) bills. This year that figure was trimmed dramatically to twenty-three hundred seventeen (2,317). With such a huge number of bills being filed, one would think that there would be a lot of duplication of effort. One would be correct. In 2005, there were six hundred sixty-two (662) bills filed that included the word “tax.” In 2006 there were one thousand fifty-four (1,054). Similarly, there were one hundred twenty-nine (129) bills that used the word “taxpayer.” Can you say election year?

Other words of import in 2005 and the number of bills that addressed each were “misdemeanor” (227), “felony” (208), “district attorney” (177), “veteran” (147), and “unborn” (18). This year the veterans got a little more attention with two hundred fifty-five (255) bills being filed. There were eight hundred thirty-nine (839) bills that included the word “child,” thirty (30) with the word “dog,” twenty-eight (28) with the word “unborn,” twenty-seven (27) with “eminent domain,” and fifteen (15) that dealt with immigration. The more hot-button topics change, the more hot-button topics stay the same.

Overall, this was a pretty calm legislative year with regard to issues with which the Oklahoma District Attorneys Association and the District Attorneys Council were concerned. So much so that often I would have mini-anxiety attacks fearing that I was missing something huge. About the biggest issues we dealt with was whether to allow offenders who scored in the high range on the LSI into community punishment, and the procedure to be used to impose intermediate sanctions on probationary offenders, neither of which resulted in statutory change.

The biggest issue with which the Legislature had to grapple this year was money. People who have worked with the Legislature for many years told me that the budget gets set pretty early when there is no extra money. When there is lots of extra money, the process bogs down. This year was no exception. In a year of seemingly unprecedented revenue growth, the Legislature could not agree on a budget during the regular Session. While there was talk of the growth of government over the past year, we tried to remind them of the huge economic downturn and budget cuts state government endured over the last two, three, four years. All many agencies were asking for was to be returned to their funding levels prior to the economic downturn. Some like us were pretty lucky, while others were not so lucky. At any rate, after much haranguing, snowstorms of press releases, and time spent on crafting a budget palatable to all (as opposed to being on the campaign trail for re-election or election to new offices), a deal was struck and the bills were signed by the Governor, narrowly averting the threatened government shutdown and providing an historic eight million dollars (\$8,000,000.00) plus revenue increase to the District Attorneys system..

That being said, the legislative year was fairly uneventful from a substantive law perspective . . . which was truly nice. Prosecutors were not portrayed as the overzealous lot who put everyone in prison. Indeed, we were the fair-haired child much of the time and were used as a bargaining chip by many. It was nice to go to the prom and be asked to dance rather than have to beg for a dance partner. Likewise, I’m sure it was nice for some of our legislative friends to not have to do an inordinate amount of defending our cause. Maybe that will continue in the future and maybe it won’t. As Scarlet O’Hara said, “I’ll worry about that tomorrow.”

# CRIMINAL LAW & PROCEDURE

## HB 1672 – ANIMAL CRUELTY

This bill creates a new law at 21 O.S. §1680.3 that requires a veterinarian to report suspected cases of animal abuse to a local law enforcement agency in the county where the vet practices within 24 hours of examination or treatment administered to the animal. It also creates a procedure by which forfeiture of the animal may occur prior to the final disposition of the criminal case.

Effective Date: November 1, 2006

## HB 2454 – REQUIREMENTS OF VPO

This bill amends 22 O.S. §60.2 by providing that the requirement that a person seeking a VPO must file a copy of the complaint that was filed with the law enforcement agency may be filed with the VPO application at the full hearing. Failure to file the complaint shall constitute a frivolous filing and the court may assess costs and attorney fees against the plaintiff.

Effective Date: November 1, 2006

## HB 2480 – STATUTE OF LIMITATIONS

This bill amends 22 O.S. §152 by increasing the statute of limitations for solicitation for murder from 3 years to seven (7) years from the date of discovery. The date of discovery is the date upon which the crime is made known to anyone other than a person involved in the solicitation.

Effective Date: November 1, 2006

## HB 2513 – BAIL BONDSMEN

This bill creates a new misdemeanor at 59 O.S. §1335.1 to be known as Lyin' to yer Bondsman. Punishment is up to one (1) year in jail and/or up to one thousand dollars (\$1,000.00) fine. Care to guess how many of these will be filed?

Effective Date: November 1, 2006

## HB 2529 – WITNESS PROTECTION

This bill amends 22 O.S. §984.2 by authorizing the court to order the address, phone number, place of employment or other personal information not to be disclosed in any police record or court document if the court deems it necessary to protect them or their



family from harassment or physical harm and that the information is not material to the defense.

Effective Date: November 1, 2006

### [HB 2538 – TRAFFICKING IN CHILDREN](#)

This bill amends 21 O.S. §866 regarding what constitutes Trafficking in Children, specifically relating to situations where persons place a child for adoption and then failing to follow through with it. It prohibits situations in which a prospective mother solicits or receives money relative to the placement of the child for adoption knowing she isn't pregnant.

Effective Date: July 1, 2006

### [HB 2615 – STAND YOUR GROUND LAW](#)

This bill is designed to expand the law currently referred to as the Make My Day Law, found at 21 O.S. §1289.25. It provides that a person is presumed to have a reasonable fear of imminent death or great bodily harm to himself, herself or another when using defensive force that is intended to cause the death or great bodily harm to another if:

1. The person against whom the force is used was unlawfully and forcefully entering or had entered a dwelling, a residence or an occupied vehicle, or if that person had removed or was attempting to remove another against their will from the dwelling, residence or vehicle; and
2. The person using the force knew or had reason to believe that the unlawful entry was or had occurred.

The presumption of reasonable fear **does not apply if:**

1. The person against whom the force is used has a right to be in the dwelling, residence or vehicle, and there is not a VPO or a written pretrial supervision order of no contact against that person;
2. The persons sought to be removed are children or grandchildren or are otherwise in the legal custody of the person against whom the force is used; or
3. The person who used the defensive force is engaged in an unlawful activity or is using the dwelling, residence or vehicle for unlawful activity.

The bill further provides that a person not engaged in unlawful activity and who is attacked anywhere they have a right to be has the right to *STAND THEIR GROUND* and may use any force if they reasonably believe it is necessary to do so to prevent death or great bodily harm to anyone or to prevent a forcible felony (whatever that is).

Anyone enjoying the presumption of reasonable fear is immune from civil action or criminal prosecution for the use of the force. Law enforcement is allowed to investigate to determine whether the use of force was justified, but they may not arrest the person for using the force unless there is probable cause to believe the force used was unlawful.

Effective Date: November 1, 2006



## [HB 2643 – UNAUTHORIZED USE OF A SOLDIER'S IMAGE](#)

This bill creates a new misdemeanor at 21 O.S. §839.1A prohibiting anyone from using the image or name of any member of the Armed Forces, without their consent, to advertise for the sale of any goods or for the solicitation of patronage. Punishment is up to one (1) year in jail and/or up to one thousand dollars (\$1,000.00) fine.

Effective Date: November 1, 2006

## [HB 2662 – DRUG COURT](#)

This bill amends 22 O.S. §471.6 by authorizing the court to stay any order by DPS suspending, revoking or cancelling the driver's license of a drug court participant if the court determines that the person has no other means of transportation to drug court. This provision shall not apply if the offender never had a DL or if it had expired. Proof of insurance must be shown to the court.

Effective Date: November 1, 2006

## [HB 2762 – PERMITTING A MINOR TO CONSUME ALCOHOL OR CDS](#)

This bill creates a new law at 37 O.S. §8.2 that makes it a felony for anyone to knowingly and willfully permit anyone under twenty-one (21) who is an invitee to any property owned by or under the control of the person to possess or consume any alcoholic beverage and/or CDS. The punishment for this crime is up to five (5) years in prison and/or a fine of twenty-five hundred dollars (\$2,500.00) to five thousand dollars (\$5,000.00).

Effective Date: November 1, 2006

## [HB 2813 – DANGEROUS DOGS](#)



This bill is designed to address the rash of maulings Oklahoma saw earlier this year and last. It creates a new law at Title 4 (yes, 4) O.S. §42.4 prohibiting any owner of a dog to permit the dog to run at large or aggressively bite or attack another who is lawfully on public or private property if the dog has previously inflicted unprovoked bites on anyone or severely injured another on public or private property, or created an unprovoked imminent threat of injury or death. Punishment for this crime is a misdemeanor, punishable by up to one (1) year in jail and/or a fine of up to five thousand dollars (\$5,000.00). If anyone dies as a result of the wounds inflicted by the dog, the owner shall be guilty of a felony punishable by up to five (5) years in prison and/or a fine of up to twenty-five thousand dollars (\$25,000.00). Further, it makes it a felony for anyone to release a dog on a law enforcement officer in the performance of their duties. Such crime is punishable by up to one (1) year in the county jail or up to five (5) years in prison and/or a fine of up to five thousand dollars (\$5,000.00).

Effective Date: June 7, 2006

Now that we have that all cleared up, let's all have a cold one. eh kids?!



## **HB 2903 – UNLAWFULLY OBTAINING TELEPHONE RECORDS**

This bill creates a new series of laws at 21 O.S. §1742.1 et seq., making it a crime to knowingly procure or attempt to procure, sell or attempt to sell, or receive without the authorization of the customer, any telephone record of a citizen of Oklahoma. Such crime is a felony and the punishment depends on the number of records procured, sold or received. For one (1) record, the punishment is up to five (5) years in prison. For two (2) to ten (10) records, the punishment is up to ten (10) years in prison. For more than ten (10) records, the punishment is up to twenty (20) years in prison. The act shall be considered to have occurred in the county where the customer resides or the county in which any part of the offense took place, regardless whether the offender was actually present. Certain exceptions apply.

Effective Date: November 1, 2006

## **HB 2984 – LITTERING AND TRESPASSING**

This bill amends 21 O.S. §1753.3 by specifically prohibits the throwing of any flaming or glowing substance (a cigarette, cigar, etc.) from a vehicle which may cause a fire. It is a traffic offense and is punishable by a fine of up to two thousand dollars (\$2,000.00) and shall perform ten (10) to forty (40) hours of community service by picking up litter. If the offender commits the act during a burn ban, the fine goes up to four thousand dollars (\$4,000.00) and the community service increases to twenty (20) to eighty (80) hours. The offender may be prosecuted under this statute or under 21 O.S. §1761.1. The only difference between the two statute appears to be that one may be sentenced to jail time under §1761.1.

The bill also creates a new law at 21 O.S. §1835.2 relating to trespassing on private land devoted to farming/ranching or forestry. For simple trespass the fine is up to two hundred fifty dollars (\$250.00) If one trespasses with intent to commit waste, theft or damage, it is a misdemeanor punishable by thirty (30) days to six (6) months in jail and/or a fine of fifty dollars (\$50.00) to five hundred dollars (\$500.00).

Effective Date: November 1, 2006



## **HB 3004 – VIOLENT & SEXUALLY EXPLICIT VIDEO GAMES**

This bill amends 21 O.S. §1040.75 by including violent and sexually explicit interactive video games and computer software in the definition of material that is harmful to minors.

Effective Date: November 1, 2006

## **HB 3016 – GAME AND FISH**

This bill clarifies the length of time consent to hunt and/or fish is valid. It provides that consent shall be presumed to be valid for not more than one (1) year unless otherwise specified by the owner, lessee or occupant.

Effective Date: November 1, 2006

## **HB 3056 – PREVENTION OF YOUTH ACCESS TO ALCOHOL ACT**

This bill may well be the culmination of the efforts over a number of years to address the use of alcohol by minors. What follows is a fairly comprehensive summary of the bill.

1. It authorizes cities having a municipal court of record (OKC and Tulsa) to enact ordinances for alcohol/drug-related offenses and make the maximum punishment up to six (6) months in jail and/or up to twelve hundred fifty dollars (\$1,250.00) fine. Municipal courts not of record may make their maximum fine for such offenses up to eight hundred dollars (\$800.00). Fifty dollars (\$50.00) of any fine or deferral fee shall be remitted to a special fund of the municipality to defray cost of enforcement of laws relating to juveniles and alcohol or other intoxicating substances.
2. 21 O.S. §1215 – Extends Minor in Possession to include possession of 3.2% beer.
3. Raises the court costs for DUI by fifty dollars (\$50.00) from three hundred eighty-three dollars (\$383.00) to four hundred thirty-three dollars (\$433.00).
4. 37 O.S. §163.11 – Prohibits holders of permits to sell alcohol from allowing minors in the enclosed bar area regardless of whether the minors parent/legal guardian is present.
5. 37 O.S. §241 – Increases the penalty for anyone selling or giving beer to a person under 21.
  - A. 1<sup>st</sup> Offense = Up to one (1) year in jail and/or up to fifty dollar (\$50.00) fine.
  - B. 2<sup>nd</sup> Offense Within 1 year = Up to one (1) year in jail and/or up to twenty-five hundred dollar (\$2,500.00) fine.
  - C. 3<sup>rd</sup> Offense Within 1 year is a felony = Up to five (5) year in prison and/or up to five thousand dollar (\$5,000.00) fine.
  - D. One half of any such fine shall go to the Prevention of Youth Access to Alcohol Revolving Fund.
6. 37 O.S. §246 – Increases the penalties for Consuming or Possessing With Intent to Consume 3.2% Beer by a Minor.
  - A. 1<sup>st</sup> offense = Up to three hundred dollars (\$300.00) fine and/or up to thirty (30) hours community service, and DL revoked.
  - B. 2<sup>nd</sup> offense = Up to six hundred dollars (\$600.00) fine and/or up to sixty (60) hours community service, and DL revoked.
  - C. 3<sup>rd</sup> Offense = Up to nine hundred dollars (\$900.00) fine and/or up to ninety (90) hours community service, and DL revoked.

Of course, none of this applies if they are under the direct supervision of their parent or guardian. Make sense?



7. 37 O.S. §607 – This seems to closely mirror 47 O.S. §6-301. This relates to Unlawful Use of a DL/ID Card.

Makes it a misdemeanor punishable by a fine of twenty-five dollar (\$25.00) to two hundred dollar (\$200.00) fine to:

- A. Lend your DL/ID card to another or allow another to use it;
- B. Display an altered DL/ID card;
- C. Permit it to be unlawfully used; or
- D. Alter or deface it.

It makes it a felony punishable by up to seven (7) years in prison and/or up to a ten thousand dollars (\$10,000.00) fine to:

- A. Create, publish or manufacture a false DL/ID card;
- B. Knowingly possess a counterfeit DL/ID card;
- C. Knowingly possess/display a DL/ID card with a forged or false name;
- D. Knowingly possess/display a DL/ID card with an image of a person other than the person named thereon;
- E. Display a false DL/ID card to a retailer or peace officer; or

F. Use a false name in an application for a DL/ID card.

8. 47 O.S. §6-107.1 – If the court determines that a minor 18, 19 or 20 commits DUI Under 21, or that anyone under eighteen (18) years of age commits virtually any unlawful act involving alcohol or drugs, the court may order DPS to cancel or deny their driving privilege as follows:
- A. 1<sup>st</sup> offense = Six (6) months (flat) from the date of the offense or from the person’s sixteenth (16<sup>th</sup>) birthday, whichever is longer.
  - B. 2<sup>nd</sup> offense = One (1) year (flat) from the date of the offense or from the person’s sixteenth (16<sup>th</sup>) birthday, whichever is longer.
  - C. 3<sup>rd</sup> or subsequent offense = Two (2) years (flat) from the date of the offense or from the person’s sixteenth (16<sup>th</sup>) birthday, whichever is longer.
  - D. The court may also exercise their discretion and order the driving privilege cancelled or denied until the person reaches twenty-one (21) years of age.

Effective Date: July 1, 2006

### **HB 3139 – DUPLICATE SECTIONS BILL**



The purpose of this voluminous bill is to address situations where multiple bills dealing with the same section of law were passed and they both do something slightly different. You may wish to review this bill for things you may find inconsistent in the law. The only provision I saw that was terribly blatant deals with 21 O.S. §1220, Transporting an Open Container of Alcohol or Low-Point Beer. It clarifies that the punishment should not be a fine of up to fifty dollars (\$50.00), rather it should be a fine of up to five hundred dollars (\$500.00).

Effective Date: March 29, 2006

### **SB 648 – VENUE FOR OMITTING TO PROVIDE**

This bill amends 21 O.S. §852 relating to venue for prosecution of the crime of Omitting to Provide. Venue will now be proper in any county in which the child resides, the county where the court-ordered child support was entered or registered, or in the county where the defendant resides.

Effective Date: November 1, 2006

### **SB 682 – SODOMY BETWEEN STUDENTS AND SCHOOL EMPLOYEES**

The bill also marks the conclusion to legislative efforts of the ODAA that were started in 2005. This bill called up on the floor of the House of Representatives, but was pulled for a procedural clarification. Following the very next bill that was heard, the house adjourned Sine Die. This year the bill was called back to the floor of the House and passed overwhelmingly. It amends 21 O.S. §888 by making it forcible sodomy for any school employee eighteen (18) years of age or older to have a sodomous relationship with a student sixteen (16) years of age or older if they are a student in the same school system. This is patterned after the similar wording used to amend the Rape statues a few years back.



This bill amends 21 O.S. §645 by including tazer-like weapons in the definition of dangerous weapons for purposes of A&B with a Dangerous Weapon. Likewise, it criminalizes the use of such weapon while committing or attempting to commit a felony.

Effective Date: April 17, 2006 -

### **SB 1020 – OKLAHOMA FUNERAL PICKETING ACT**

This bill creates a new law at 21 O.S. §1380 that makes it a misdemeanor to picket or protest within five hundred (500) feet of any cemetery, mortuary or church from one hour prior to the scheduled commencement until one hour after the actual completion of the funeral. The punishment is up to thirty (30) days in jail and/or up to five hundred dollars (\$500.00) fine.

Effective Date: February 13, 2006 -

### **SB 1037 – CAITLIN WOOTEN ACT**

This bill is the Legislative response to the murder of Ada High School student, Caitlin Wooten.

It amends 22 O.S. §1101 relating to bailable offenses and offenses for which bond may be denied. It provides that for violent offenses, offenses for which the punishment is Life or LWOP, persons with 2 or more AFCs, and CDS offense where the punishment is at least ten (10) years in prison, the proof of guilt must be evident or the presumption is great, and that the court must find that no condition of release would assure the safety of the community or the person.

It also provides that there is a rebuttable presumption that no condition of release would assure the safety of the community if the state shows by clear and convincing evidence that the person was arrested for Kidnapping.

The bill also authorizes the A.G.'s Office to establish the VINE program in Oklahoma.

Effective Date: May 9, 2006 -

### **SB 1476 – VICTIM PROTECTION ORDERS**

This bill amends 22 O.S. §60.4 by providing that petitions for VPOs, upon the petitioner's request rather than occurring automatically, will renew every twenty (20) days with a new hearing date assigned. Further, the petition shall not expire unless the petitioner fails to appear or fails to request the order mentioned above.

Effective Date: November 1, 2006 -

### **SB 1479 – SAFE NET ACT**

This bill amends 21 O.S. §1040.13a by expanding the use of the term "technology" to include current computer advancements for purposes of prohibiting facilitation or solicitation of minors for sexual conduct via computers. It makes any such violation of the law a felony (it is currently a misdemeanor) and sets the punishment at up to ten (10) years in prison and/or up to a ten thousand dollars (\$10,000.00) fine. An offender is considered to have violated this statute regardless of where he/she lives as long as they have contacted accessed any computer, cell phone or other device in this state.

The bill also creates the Internet Crimes Against Children (ICAC) unit at OSBI that will primarily investigate internet crimes against children.

Effective Date: May 23, 2006

### **SB 1503 – VICTIM TESTIMONY AT SENTENCING**

This bill amends 22 O.S. §984.1 by providing that a victim, immediate family member or their designate shall not be subject to cross examination at formal sentencing hearings.

Effective Date: November 1, 2006

### **SB 1597 – COMPULSORY SCHOOL ATTENDANCE**

This bill creates an affirmative defense for parents or guardians of children subject to the compulsory school attendance laws that they cannot make attend school. If such affirmative defense is valid, the school attendance officer shall notify the D.A. for the filing of an INS petition against the child. If the affirmative defense is invalid, the punishments are as follows:



1<sup>st</sup> offense: Up to five (5) days in jail and/or a twenty-five dollars (\$25.00) to fifty dollars (\$50.00) fine.

2<sup>nd</sup> offense: Up to ten (10) days in jail and/or a fifty dollars (\$50.00) to one hundred dollars (\$100.00) fine.

3<sup>rd</sup> or subsequent offense: Up to fifteen (15) days in jail and/or a one hundred dollars (\$100.00) to two hundred fifty dollars (\$250.00) fine.



The bill also provides for certain instances where a child who has been victimized by another child and the offending child has been adjudicated by a court may request that the offending child not be allowed contact with the victimized child.

Effective Date: July 1, 2006

### **SB 1742 – UNBORN CHILD PAIN AWARENESS/PREVENTION ACT**

This bill make a couple of changes to laws that were passed last Session. Last Session the Legislature passed a measure that an unborn child (from the moment of conception) a potential victim of murder. At that time, it was brought to the Legislature’s attention that a mother may commit acts that lead to the fetus’ death, but the way the law was written the mother could not be prosecuted. While they did not address this last year, they addressed it this year in this bill by amending 21 O.S. §691 to provide that the mother may not be prosecuted “unless the mother has committed a crime that caused the death of the unborn child.”

Additionally, the law from last year made the killing of the unborn fetus Manslaughter. This bill strikes that provision and makes the killing of the fetus Murder, subject to the death penalty.

In the Legislature’s continuing effort to come to grips with abortion, they enacted the “Unborn Child Pain Awareness/Prevention Act” requiring physicians to inform women seeking an abortion of certain things. Should

the physician fail to do so and “knowingly or recklessly perform or attempt to perform an abortion in violation of [the] act [they] shall be guilty of a felony.”

Effective Date: November 1, 2006

### **SB 1755 – SEX OFFENDERS**

This bill makes SEVERAL changes to the laws relating to certain sex crimes. Some of those changes are the following:

1. It amends the punishment for Lewd Molestation by making the mandatory minimum three (3) years rather than one (1) year.
2. It amends the punishment for Sexual Battery to up to ten (10) years rather than up to five (5) years.
3. It extends the “Zone of Safety” to high schools and parks and makes it applicable to any person subject to SOR.
4. It increases the punishment for a violation of the “Zone of Safety” from a misdemeanor to a felony for the first offense and sets the punishment at up to one (1) year in jail and/or up to a twenty-five hundred dollar (\$2,500.00) fine (for a second or subsequent offense the punishment is not less than three (3) years in prison and/or up to a twenty-five hundred dollar (\$2,500.00) fine.
5. It provides an exemption to the “Zone of Safety” for sex offenders who are the custodial parent or legal guardian of a child who should be in the particular place, if the sex offender is accompanied by a person twenty-one (21) years of age or older who is not subject to SOR.
6. It makes the second or subsequent violation of a VPO a felony rather than a misdemeanor (and it deletes the penalties for third or subsequent violations), and makes the punishment up to three (3) years in prison and/or a fine of two thousand dollars (\$2,000.00) to ten thousand dollars (\$10,000.00).
7. It authorizes the court to have DOC supervise persons subject to SOR during their entire period of registration and order them assigned to GPS monitoring by DOC. (Failure to comply with the GPS monitoring shall be punished by up to one (1) year in jail and/or up to one thousand dollars (\$1,000.00) fine.)
8. It further clarifies that neither the court nor the D.A. shall waive or exempt an offender from SOR.
9. It provides a rebuttable presumption against placing custody of, guardianship of or unsupervised visitation of a child with a person against whom domestic abuse, stalking or harassing behavior has been established.
10. It amends the way one should calculate the number of days within which a person subject to SOR shall register with the local law enforcement agency.
11. It delineates the way to measure distances pertaining to the residency restrictions of persons subject to SOR.
12. It makes it a crime for two (2) or more persons subject to SOR to live together in an individual dwelling during their term of registration. 1<sup>st</sup> offense is a misdemeanor and the 2<sup>nd</sup> or subsequent is a felony.

Effective Date: June 7, 2006

### **SB 1793 – EXPLOITATION OF ELDERLY OR DISABLED ADULTS**

This bill creates a new law at 21 O.S. §843.4 making it a felony to knowingly exploit an elderly or disable adult. If the funds, assets or property involved in the exploitation were valued at less than one hundred thousand dollars (\$100,000.00), the punishment is up to ten (10) years in prison and a fine of up to ten thousand dollars (\$10,000.00). If they are valued at one hundred thousand dollars (\$100,000.00) or more, the punishment is up to fifteen (15) years in prison and a fine of up to ten thousand dollars (\$10,000.00).



The bill also increases the statute of limitations for the financial exploitation of a vulnerable adult from three (3) years to five (5) years after the discovery of the crime.

Effective Date: July 1, 2006 -

### **SB 1800 – “DEATH TO CHIMOS”**

This bill garnered a lot of publicity from a lot of different fronts. It amends 10 O.S. §7115 by providing that anyone convicted of forcible sodomy, rape, rape by instrumentation or lewd molestation AFC one or more of those crimes shall be punished by LWOP or death.

The bill also creates the Child Abuse Response Team (CART) at OSBI for the purpose of investigating physical and sexual abuse of a child. CART is made up of at least one forensic interviewer and at least one investigator. While the law does not state it, it is designed to become involved in a case only upon request by local agencies.

Effective Date: July 1, 2006 -

### **SB 1807 – MENTAL RETARDATION AND THE DEATH PENALTY**

This bill creates a new law at 21 O.S. §701.10b that codifies the legal standards in Oklahoma to define and exempt mentally retarded persons from eligibility for the death penalty.

It provides that the mental retardation must have onset prior to the eighteenth (18<sup>th</sup>) birthday and that anyone with an IQ of seventy (70) or below shall be exempt from the death penalty. If one has ever scored seventy-six (76) or higher on an IQ test, they shall not be found to be mentally retarded.

Defendants desiring to raise the issue of mental retardation in a capital case shall provide such notice at least ninety (90) days after Formal Arraignment or within ninety (90) days after the filing of a bill of particulars, whichever is later.

The Court shall conduct the evidentiary hearing to determine whether the defendant is mentally retarded. If the court finds by clear and convincing evidence that the defendant is mentally retarded, the defendant shall be eligible only for Life or LWOP. If the court finds the defendant is not mentally retarded, the case shall proceed as usual. The decision of the court is not subject to an interlocutory appeal.

If the court finds the defendant is not mentally retarded, it shall submit the question as a special issue to the jury. The jury shall make the decision during the sentencing stage and prior to the determination of sentence. It must be a unanimous determination that the defendant is mentally retarded, otherwise they shall be eligible only for Life or LWOP. The defendant has the burden of proving by a preponderance of the evidence that they are mentally retarded.

Effective Date: July 1, 2006 -

### **SB 1858 – THE DRAGUS-WHETSEL LAW**

This bill is designed to address the numerous incidents we encountered earlier this year involving offenders eluding police and resulting in traffic crashes and/or fatalities. This bill makes Eluding an Officer a predicate felony eligible

for the First Degree Felony Murder Rule.

Effective Date: July 1, 2006

### **SB 1867 –ESCAPE FROM DETENTION**

This bill addresses a situation that occurred in Grady County in 2005-2006. A prior convicted felon was serving time for failure to pay costs on a misdemeanor case when he escaped custody. The offender was charged with Escape pursuant to 21 O.S. §443 and was convicted. He appealed and the Court of Criminal Appeals Reversed finding that the crime for which he was convicted was not an offense under that statute. It now is.



Effective Date: November 1, 2006

### **SB 1951 – OKLAHOMA FUNERAL PICKETING ACT II**

This bill amends SB 1020 previously enacted this Legislative Session to make the law applicable to funerals that may be held in places other than cemeteries, mortuary or churches.

Effective Date: June 6, 2006

### **SB 1964 – POST-IMPRISONMENT COMMUNITY SUPERVISION**

This bill is the latest effort of the Legislature to provide post-imprisonment supervision of certain offenders.

This bill amends 22 O.S. §991a by authorizing the court to order supervision of an offender for at least three (3) years of the total term allowed by law after imprisonment. This program will only apply for certain sexual abuse/exploitation cases. Additionally, it requires defendants sentenced on a crime that will make them subject to SOR to comply with Rules and Conditions of Probation for Sex Offenders.

The bill also provides a new means of supervising persons subject to SOR by providing that ID cards and DLs issued to them shall be valid for only one (1) year and then must be renewed.

The bill also has a provision much like SB 1755 that clarifies the property point from which distances shall be measured when determining distances from schools, etc., where sex offenders reside.

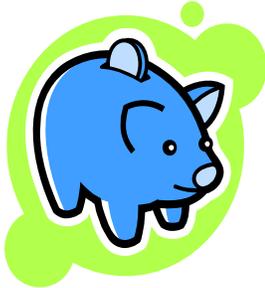
Effective Date: July 1, 2006



# MISCELLANEOUS



## HB 1619 – OKLAHOMA QUALITY INVESTMENT ACT



This bill creates the Oklahoma Quality Investment Committee that is charged with the ability to recommend that certain incentives, including millions of dollars, be given to individuals, companies, corporations or associations to keep those entities in Oklahoma. Upon their recommendation, such incentives will be given to those entities if the Governor, the Speaker of the House and the President Pro Tempore of the Senate unanimously agree that it is the proper action to take. The bill makes it a felony to willfully make a false claim or application for such incentive or to aid in the application for same. Punishment for such crime is two (2) to five (5) years in prison and/or a fine of one thousand dollars (\$1,000.00) to fifty thousand dollars (\$50,000.00).

Effective Date: February 21, 2006

## HB 2357 – COMPUTER BREACH

This bill provides that any state agency or other unit of state government that maintains computerized data that includes personal information that the agency owns or does not own shall immediately notify the person whose personal information was breached or the owner of the information that certain personal information was acquired by an unauthorized person.

Effective Date: May 26, 2006

## HB 2473 – OKLAHOMA ANTI-PHISHING ACT



This bill creates the Oklahoma Anti-Phishing act in Title 15. Inter alia, it prohibits a person from creating a web page or internet domain name that is represented as a legitimate online business without the authorization of the registered owner of the business, and to use the web page, link or domain to induce another to provide their identifying information for a purpose that the other person believes is legit. Violations of the Act are a civil wrong and may be prosecuted criminally via the Consumer Protection Act.

Effective Date: November 1, 2006



## **HB 2485 – TASK FORCE ON ADOLESCENT SUBSTANCE ABUSE AND MISUSE OF HOUSEHOLD ITEMS**

This bill creates another task force (like we don't have enough of those) made up of twelve (12) persons, of which we are not one, that is designed to study . . . you got it, the prevalence of the misuse and abuse of drugs and household items. The task force will sunset January 1, 2007.

The bill also provides that a substance containing salvia divinorum that has been enhanced concentrated or altered results in a rebuttable presumption that the substance is synthetic CDC.

Effective Date: June 7, 2006 -

## **HB 2490 – COURT COSTS**

This bill amends 28 O.S. §153 by increasing the fees associated with traffic tickets, misdemeanors, felonies, etc., by ten dollars (\$10.00) and earmarking that money to be used by the sheriff for enhancing existing or providing additional courthouse security.

Effective Date: November 1, 2006 -



## **HB 2612 – TRANSPORTATION OF FIREWORKS**

This bill amends 11 O.S. §22-110 by prohibiting municipalities from enacting ordinances or regulations that prohibit the transportation of fireworks in their unopened original packaging.

Effective Date: July 1, 2006 -

## **HB 2660 – LICENSED PROFESSIONALS**

This law, at 59 O.S. §4001, prohibits any entity from revoking or suspending the license of any licensed professional in the State of Oklahoma for participating in the execution of a judgment of death as required or authorized by law.

Effective Date: November 1, 2006 -

## **HB 2865 – MENTAL HEALTH**

This bill appears to largely be a clean-up bill for DMHSAS. However, it does a few things of which you should be aware.

It amends 43A O.S. §1-103 by amending the definition of “Person Requiring Treatment” and “Risk of Harm To Self or Others.” It also provides that a homeless person, simply by virtue of being homeless is not a Risk of Harm To Self or Others.

The bill also amends the Inpatient Mental Health and Substance Abuse Treatment of minors Act by requiring the D.A. to immediately notify the requesting facility if the D.A. refuses to file a petition for commitment.

This may well be an oversimplification of the bill, but anyone who handles these kinds of cases and cases involving juveniles should read this bill!

Effective Date: November 1, 2006

### **HB 2966 – INMATE LAW SUIT REFORM**

This bill makes a number of amendments to the statutes relevant to lawsuits brought by inmates for claims arising during their custody/incarceration, most notably that they must exhaust their administrative remedies prior to filing suit. The bill also seems to extend previous inmate law suit reform measures to inmates who are no longer in custody.



Effective Date: November 1, 2006

### **HB 3115 – COMPULSORY INSURANCE**

This bill provides that insurance carriers may consider an offenders traffic record with regard to reckless driving for a period of five (5) years rather than the current three (3) years. It also provides that anyone who receives is charged with failure to carry insurance verification and fails to appear in court shall have their DL suspended and it shall remain suspended until the cases is disposed of. If the offender fails to surrender their DL after having been notified of the suspension, and continues to drive shall be guilty of a misdemeanor and shall be punished by by up to ten (10) days in jail and/or a fine of up to five hundred dollars (\$500.00).

The bill also creates a new law at 47 O.S. §7-612 that makes it a misdemeanor to purchase, display or possess a security verification form that is fictitious or bears false or altered information. Punishment for this crime is payment of a fine of twenty-five dollars (\$25.00) to two hundred fifty dollars (\$250.00) and mandatory suspension of their DL. For the creator of the false security verification, it is a felony punishable by up to seven (7) years in prison and/or up to ten thousand dollars (\$10,000.00) fine.

The bill also extends the time from within which an offender shall appear with their current security verification form to get the case dismissed from forty-eight (48) hours to the assigned court date.

Effective Date: July 1, 2006

### **HJR 1010 – OKLAHOMA TASK FORCE TO STOP SEXUAL VIOLENCE**

Yet another task force that is designed to . . . stop sexual violence. This twenty (20) member task force includes the Executive Coordinator of the DAC, or her designee as a member. The task force sunsets February 1, 2007. The first meeting is August 1, 2006.

Effective Date: May 24, 2006

### **SB 806 – TATTOOING**

This bill brings Oklahoma inline with the other 49 states and authorizes regulated tattooing of anyone eighteen (18) years of age and older. Failure to comply with the tattooing regulations is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a five thousand dollars (\$5,000.00) fine.

Effective Date: November 1, 2006



**SB 1359 – THOU SHALT BE PATRIOTIC**

This bill requires all state agencies to display the state flag. Further, it specifically designates each and every color and pigment and angle and everything dealing with the Oklahoma State Flag.

Effective Date: November 1, 2006

**SB 1495 – KYLE WILLIAMS BOATING SAFETY EDUCATION ACT**

This bill creates a new law in Title 63 that prohibits anyone under the age of sixteen (16) to operate a boat that is sixteen (16) feet or long and that has a ten (10) horsepower or greater motor unless they have successfully completed a boating safety education course (or its equivalent) and received a certificate of same. Kids twelve (12) to sixteen (16) shall not operate such a boat unless they have done the same and they have a person in the boat with them who is eighteen (18) years of age or older. The same rules apply for personal watercraft (Sea Doos) except that a person twelve (12) to sixteen (16) may operate same if a person eighteen (18) or older is within five hundred (500) yards of them. Non-residents of this state need not comply with these regulations. Certain criminal penalty fines apply for violations of these statutes.

Effective Date: January 1, 2007

**SB 1539 – COLLECTION OF DOC SUPERVISION FEES**

This bill amends 22 O.S. §991d by relieving the court clerk of the duty of collecting the DOC probation supervision fee and allowing Doc to collect the fee electronically.

Effective Date: July 1, 2006

**SB 1549 – OKLAHOMA PRESCRIBED BURNING SAFETY AND LIABILITY TASK FORCE**

Yes, another task force! This one is designed to study the responsible precautions of prescribed burnings and any punishments that should be considered. This task force sunsets December 31, 2006.

Effective Date: July 1, 2006

**SB 1686 – FAIR LABOR STANDARDS ACT**

This bill requires employers of state employees who are required to work holidays in the performance of fire suppression shall be paid double-time. It also allows employers to pay other state employees double-time for working on holidays.

Effective Date: July 1, 2006

**SB 1701 – D.A.s MAY PURCHASE VEHICLES**

This bill amends 47 O.S. §156 by including the DAC and District Attorneys in the group of entities that are authorized to purchase vehicles. The vehicles must be purchased from available funds.

Effective Date: November 1, 2006 -

**SB 1706 – MUSCOGEE (CREEK) NATION TRIBAL HOUSING AUTHORITY**

This bill authorizes the consolidation of the Muscogee (Creek) Nation State Tribal Housing Authority into the Tribal housing Authority and provides that the State Tribal Housing Authority shall cease to exist. The exact result of this is unclear. Some think it makes the State Tribal Housing Authority assets (tribal member's homes) under federal jurisdiction while others do not. We shall see.

Effective Date: May 4, 2006 -

**SB 1707 – SEX OFFENDER REGISTRATION**

This bill authorizes the State Commissioner of Health to distribute information contained in the state Sex Offender Registry to any nursing home or long-term care facility so they will be aware of registrants living in their area.

Effective Date: July 1, 2006 -

**SB 1748 – OKLAHOMA CONSUMER REPORT SECURITY FREEZE ACT**

This bill provides a means by which a consumer, possibly a consumer who has been the victim of identity theft, may place a security freeze placed on their credit report that will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.

Effective Date: January 1, 2007 -

**SB 1782 – JAIL REIMBURSEMENT RATE**

This bill creates a new law at 57 O.S. §38.2 providing that DOC shall reimburse county jails thirty dollars (\$30.00) per day per offender for intermediate sanction incarceration.

Effective Date: July 1, 2006 -

**SB 1842 – MEDICAL SERVICES RESPONSIBILITY AND JAIL CUSTODY TASK FORCE**

This bill creates the Medical Services Responsibility and Jail Custody Task Force that is designed to study how emergency medical care and routine medical services are delivered and expended on arrested/convicted/detained persons. The task force is made up of seventeen (17) members but, thankfully, we are not one.

Effective Date: May 26, 2006

### **SB 1860 – SETTLEMENT OF CIVIL CASES**

This bill amends 51 O.S. §158 by increasing the amount for which a claim against the state or a political subdivision may be settled without applicable contract or insurance policy, and without approval from the district court from ten thousand dollars (\$10,000.00) to twenty-five thousand dollars (\$25,000.00).

Effective Date: November 1, 2006

### **SB 1897 – THE TRAILING DOCKET SYSTEM**

This bill seems to address the two jury docket systems we appear to have in Oklahoma. Perhaps, there are more. On the “on-call system” a juror cannot be required to serve more than one (1) day in a calendar year unless the case upon which they sit lasts for more than one (1) day. With a “trailing docket system,” a juror would not be required to serve more than five (5) days in a calendar year unless the case upon which they are chosen to sit lasts more than five (5) days.

Effective Date: November 1, 2006

### **SB 1910 – BOGUS CHECK RESTITUTION PROGRAM**

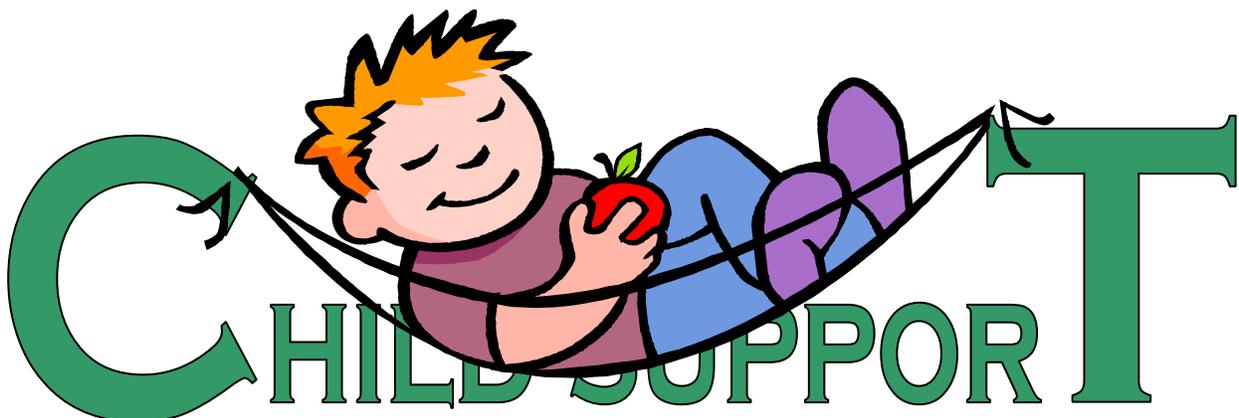
This bill amends one of the statutes relating to the collection of bogus checks to authorize the D.A.s to enter into a fee sharing agreement with a vendor for the electronic transmission of bogus check information from merchants.

Effective Date: July 1, 2006

### **SB 1970 – STATE FIREARMS RECERTIFICATION STANDARDS**

This bill authorizes CLEET to promulgate rules to establish a state firearms requalification standard for active peace officers and meet any requirements of the federal Law Enforcement Officers Safety Act of 2004 for peace officers to carry concealed weapons nationwide.

Effective Date: July 1, 2006



## HB 1908 – TERMINATION OF CHILD SUPPORT

This summary provided by DHS-CSED.

This bill amends 43 O.S. §112 by determining the age at which child support terminates to be when the child is regularly enrolled in and attending high school, other means of high school education, or an alternative high school education program. In those situations, the entitlement is extended to graduation from high school or until the age of twenty (20), whichever occurs first.

It also provides that the child support guidelines will be utilized to determine the child support obligation of each parent in joint custody cases.

Effective Date: November 1, 2006

## HB 2598 – CHILD SUPPORT

This bill amends 43 O.S. §22 by making DHS a necessary party in divorce proceedings where DHS has provided child support services. Any order concerning child support shall be approved and signed by DHS. That should go over really well with some divorce court judges. The bill also seems to create a means to “wire around” a judge who refuses to consider a modification order and may request a modification through DHS-CSED when such services are being provided under the state child support plan. Further, if there is no open case with DHS, they can make application and then ask for a review. WOW!

Effective Date: November 1, 2006

## HB 2967 – UNIFORM PARENTAGE ACT

This summary provided by DHS-CSED

This bill takes a number of statutes relating to paternity and renames them the Uniform Parentage Act. The highlights of the bill are as follows:

1. It protects the rights of parents and children by creating a uniform definition of parentage and a two (2) year time period for challenges to paternity, it resolves the problem of conflicting presumptions of paternity by allowing the court to order genetic testing during the two (2) year challenge time period, and it gives factors to consider whether said genetic testing would be in the child’s best interests;
2. It requires an attorney or a guardian ad litem to be appointed for a child if there is a challenge to paternity; and
3. It updates genetic testing laws per the current scientific community standards.

Effective Date: November 1, 2006

# COUNTY GOVERNMENT

## HB 2425 – COUNTY OFFICER TRAINING

This bill amends 19 O.S. §130.7 by removing the requirement that county assessors receive training relative to their office and making it permissive. Looks like the county assessors had a pretty good lobby on this one.

Effective Date: July 1, 2006

### HB 2611 – TRAVEL ALLOWANCE FOR COUNTY OFFICERS

This bill amends 19 O.S. §165 by increasing the monthly travel allowance county officers may receive by one hundred dollars (\$100.00). It also provides that no elected county official is eligible to receive a safety award from the county commissioners. Lastly, it authorizes the sale of real estate through a sheriff's sale at either the courthouse or the site of the real property being sold.

Effective Date: November 1, 2006



### HB 2750 – COURTHOUSE SECURITY

This bill amends 19 O.S. §516 by providing that the sheriff shall coordinate and administer courthouse security.

Effective Date: July 1, 2006

### SB 1331 – COUNTY EQUIPMENT INVENTORY SYSTEM

This bill amends 19 O.S. §1502 by increasing the dollar limit on the value of county equipment used for road and bridges that must be inventoried from two hundred fifty dollars (\$250.00) to five hundred dollars (\$500.00).

It also removes the limitation on the number of counties that may enter into an agreement to jointly employ a county engineer.

Effective Date: November 1, 2006

# Juvenile

### HB 2366 – RETENTION OF JUVENILES PAST THEIR 18<sup>TH</sup> BIRTHDAY

This bill amends 10 O.S. §7302-5.4 by clarifying that a motion to retain jurisdiction of a delinquent child in the custody of OJA past their 18<sup>th</sup> birthday must be filed prior to their 18<sup>th</sup> birthday. It also authorizes the court to retain jurisdiction of such a child solely for payment of restitution and that such child shall not be considered under the custody of OJA.

The bill also deletes references to the regimented treatment programs for juveniles adjudicated for Distribution of CDS or PWID. It also provides certain procedures for jails or detention centers to hold juveniles in violation of municipal ordinances.

Effective Date: November 1, 2006

## **HB 2561 – DOMESTIC VIOLENCE INVOLVING CHILDREN**



This bill orders the Administrative Director of the Courts to develop a SOP manual for guardians ad litem that will include information on DV, physical and sexual child abuse, child development and similar areas. It is to be developed by December 31, 2007.

The bill also requires notice in Indian Child Welfare Act cases to be sent to the tribe and the BIA by certified rather than registered mail, it authorizes the court to waive notice by publication in certain cases, including DV cases in which court proceedings are sealed, and it makes the various entities that submit names to be on the DV Fatality Review Board, including the DAC, to submit three (3) names.

Effective Date: November 1, 2006

## **HB 2656 – CHILDREN’S CODE**

This bill makes a number of changes to Title 10 relating to juvenile cases. Some of those changes are as follows:

1. It amends 10 O.S. §7001-1.3 by including in the definition of “deprived child” those children who are born to a parent who have had their rights involuntarily terminated to another child and the conditions that led to that termination are still uncorrected.
2. It provides that orders by a Juvenile Court relative to child support or legal custody shall control over other orders entered by judges relative to same in other cases (e.g., divorce, etc.) during the pendency of the deprived action and will survive the termination of the deprived case until superseded by another order.

Effective Date: June 7, 2006

## **HB 2840 – KELSEY SMITH-BRIGGS CHILD PROTECTION REFORM ACT**

This bill makes a number of changes to the Juveniles Laws relating to deprived child cases. They include, but are not limited to the following:

1. Relates to mediation procedures concerning rights of foster parents in the placing of children by child-placing agencies.
2. Requires training of CASA advocates prior to their being assigned cases, as well as criminal history background checks of CASA volunteers.
3. Requires uniform orders to be developed by the Administrative Offices of the Courts and used by the Court in all deprived cases.
4. Provides for an appeal process when the District Attorney, the child’s attorney or DHS objects to the removal of a child from state custody. Provides for a written application to be filed with the Court by 5:00 p.m. the next judicial day following the entry of such Order. Upon the filing of such written application, the Court’s order removing the child from state custody shall be stayed pending final resolution of the review.
5. Provides the findings of any investigation of the Oklahoma Commission on Children and Youth Office of Juvenile System Oversight shall be made available to all parties in a deprived case and that, if warranted, certain persons may be subpoenaed to testify.

6. Requires DHS to establish a performance-based incentive compensation program for employees working exclusively as child welfare specialists.
7. Authorizes divulging certain records of DHS, the Oklahoma Commission on Children and Youth or the District Attorney in cases involving the death or near death of a child.
8. Creates the 20 member Oklahoma Children and Juvenile Law Reform Committee to review and reform the Juvenile Laws of the State of Oklahoma.
9. Authorizes the Director of DHS to request the OSBI to conduct an investigation into certain deprived cases.

Effective Date: November 1, 2006

**HB 2999 – OFFICE OF JUVENILE AFFAIRS**

This bill does a number of things in relation to programs and services that are to be offered through the juvenile system, but the main thing it does is create a larger bureaucracy in OJA by deleting reference to the Department of Juvenile Justice and creates a structure of Divisions within OJA to try to do what the Department of Juvenile Justice either was or was not doing. In essence, it seems the Legislature is providing the structure that they wanted OJA to have.

Effective Date: June 9, 2006

**SB 1756 – YOUTHFUL OFFENDER 2006: THE FELLOWSHIP OF THE RING**

This bill creates a new law at 10 O.S. §7306-2.10a that requires the J&S of any person certified as a youthful offender and who is either being given an adult sentence or is being bridged or transferred to DOC shall clearly identify such person as a YO or a previous YO and detail the history of the applications of the YO Act that resulted in the person going to DOC.



Effective Date: May 10, 2006

**SB 1760 – YOUTHFUL OFFENDER 2006: THE TWO TOWERS**

This bill is very short, but makes an profound change in Oklahoma law. It amends 10 O.S. §7306-2.5 by providing that anyone fifteen (15), sixteen (16) or seventeen (17) years of age charged with first degree murder shall be held accountable as an adult and shall not be subject to YO or certification as a juvenile.

Effective Date: July 1, 2006

**SB 1765 – YOUTHFUL OFFENDER 2006: THE RETURN OF THE KING**

This bill makes some significant changes in the way District Attorneys and the Courts are to handle YO cases. Anyone who handles such cases must read this bill carefully! Some of the more important changes are as follows:

1. **10 O.S. §7306-2.4** – Persons arrested and detained as a YO may be detained in a county jail if separated by sight and sound from the adult population. If no jail is available and a YO must be placed in a juvenile detention facility, the sheriff, the chief of police or the detention facility officer shall notify the Department of Juvenile Justice. It goes on to clarify that anyone tried as an adult shall forever be tried as an adult if they are convicted or receive a deferred sentence for the offense alleged.
2. **10 O.S. §7306-2.5** – In a YO case, the PH shall be commenced within ninety (90) days of the filing of the charge. If it is not, the court shall hold a hearing to determine the reasons for the delay.
3. **10 O.S. §7306-2.6** – This section is amended regarding the crimes that qualify for the filing as a YO. For fifteen (15), sixteen (16) or seventeen (17) year olds, any violation of 21 O.S. §652 will qualify (not just Shooting With Intent to Kill), and it removes the requirement that Kidnapping be for the purposes of Extortion. Now it will be simply Kidnapping.) Further, upon the filing of a YO charge, the District Attorney shall notify the Department of Juvenile Justice.
4. **10 O.S. §7306-2.8** – This changes some of the requirements for filing for the imposition of an adult sentence. The motion must be filed within thirty (30) days after the Formal Arraignment or within fourteen (14) days prior to the PH. In either case, the judge hearing the case at that time will hear the motion. **CAVEAT:** Once the motion is filed and heard, the motion shall not be filed and ruled upon again.
5. **10 O.S. §7306-2.9** – This section deals with the sentencing of YOs. It now provides that the court shall impose a sentence on a YO within the range of punishment for adults charged with that crime, except in capital offenses. The ten (10) year cap is dead! The section also changes some of the dates upon which semiannual reviews must be heard and with regard to the filings for Motions to Extend Jurisdiction or Transfer to DOC. Jurisdiction over YOs will now be extended only until their twentieth (20<sup>th</sup>) birthday, unless a YO detention facility is ever built. In that case, jurisdiction may be extended until their twenty-first (21<sup>st</sup>) birthday.

Effective Date: July 1, 2006

**SB 1799 – YOUTHFUL OFFENDER 2006: THE HOBBIT**

This bill does exactly, verbatim what SB 1765 did, in part. The only difference is that the Legislature enacted a new law at 10 O.S. §7306-2.7a that simply clarifies the Legislative intent to fully utilize the YO Act and that 17 year olds who are otherwise lawfully eligible to be handled through the system as YO should receive the same consideration as anyone else. To do otherwise “circumvent(s) the original intent of the Legislature.”

Effective Date: November 1, 2006



**HB 2771 – E-TICKETS**

This bill authorizes law enforcement agencies to forward traffic tickets in electronic format to the district court or the district attorney for filing.

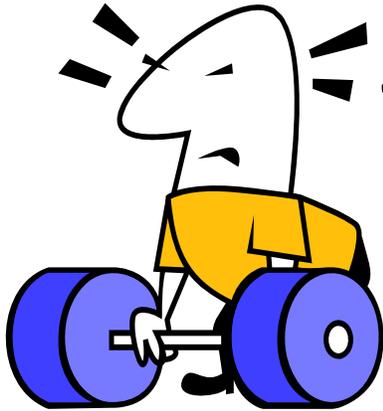
Effective Date: November 1, 2006

**HB 2926 – BICYCLE RULES OF THE ROAD**



Yes, it was important to address the rules of the road with regard to bicycles this Session. One thing the bill does is create a misdemeanor at 47 O.S. §11-1208 that prohibits passing within 3 feet of a bicycle. If failure to do same results in serious physical injury to another, the fine shall be up to five hundred dollars (\$500.00). If death of another ensues, the fine shall be up to one thousand dollars (\$1,000.00), in addition to any other penalties prescribed by law.

Effective Date: July 1, 2006



# Weighty Matters Of State

## HB 2358 – BREAST-FEEDING

This bill creates a new law at 40 O.S. §435 that provides guidelines for employers relative to breast-feeding mothers and allowances for same.

Effective Date: November 1, 2006

## SB 1613 – OFFICIAL STATE GAME BIRD AND DINOSAUR



This bill designates the wild turkey *Meleagris gallopavo* as the official state game bird and the *Acrocanthosaurus atokensis* as the state dinosaur. I know this was at the fore of your concerns during the last year. Not only was it important that these be so designated, it was imperative that it be enacted immediately!



Effective Date: June 6, 2006

## SB 1678 – OFFICIAL STATE FLYING MAMMAL

This bill designates the Mexican Free-Tailed Bat (*Tadarida Brasiliensis*) as the official state flying mammal of Oklahoma. Now, don't you feel better for Oklahoma having an official flying mammal?



Effective Date: November 1, 2006