



Select Victims' Rights – Oklahoma¹

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Oklahoma and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Oklahoma, see the companion resource: *Law Enforcement-Based Victim Services in Oklahoma: Privacy, Privilege and Confidentiality*.

¹ In July 2020, the United States Supreme Court held, in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), that Congress never disestablished the original boundaries of the Muscogee (Creek) Reservation, which occupies a large portion of eastern Oklahoma. By confirming that the land within the reservation's boundaries remained "Indian country"—the federal government's legal designation for Native land—*McGirt* clarified that crimes committed by or against Native people on the Muscogee (Creek) Reservation are subject to the jurisdiction of the federal government or the tribe, not the state. The Court reached this conclusion when considering McGirt's application for post-conviction relief from state convictions related to multiple sexual offenses that he committed against a four-year-old child while on Muscogee (Creek) land. McGirt, a member of the Seminole Nation of Oklahoma, argued that, because he committed his crimes within "Indian country," the federal Major Crimes Act, 18 U.S.C. § 1153, gave the federal government exclusive jurisdiction over his prosecution. The Supreme Court agreed and reversed the lower court's denial of his request for post-conviction relief. Although *McGirt* only directly applies to the Muscogee (Creek) Reservation, some Oklahoma state trial and intermediate appellate courts have found that the reservations of the four other tribes in eastern Oklahoma with similar historic treaties—the Cherokee, Chickasaw, Choctaw and Seminole Nations—also have not been disestablished. As of mid-November 2020, resolution of *McGirt*'s applicability to these other reservations is pending before the state supreme court in a case involving the Chickasaw reservation. Post-*McGirt*, the protocols surrounding criminal investigations and prosecutions have changed in regions of Oklahoma where there is tribal land. Additionally, numerous cross-deputization agreements between various state, tribal, and/or federal branches of law enforcement existed before *McGirt* and new ones are now being implemented, ensuring that valid arrests can be made without first determining who has jurisdiction over the matter. Ultimately, whether the state laws contained in this *Guide* apply to a victim in Oklahoma will depend—in part—upon whether the victim or offender is a member of a tribe, as well as whether the crime took place on tribal land that meets the legal definition of "Indian country" under 18 U.S.C. § 1151. Until state law enforcement agencies adopt policies and practices to address this post-*McGirt* jurisdictional analysis, the best practice is to treat all victims as if the crime committed against them falls under the state's jurisdiction and afford them the rights addressed in this *Guide* accordingly.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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TABLE OF CONTENTS AND INDEX OF RIGHTS²

Using This Resource 1

Select Definitions 5

Select Crime Victims' Rights 13

 Right to Assert and Enforce Rights 18–19, 32–33

 Right to Confer 17, 24–25

 Right to Due Process, Fairness, Dignity and Respect..... 13, 20–21

 Right to be Heard 14, 19–20, 25, 31, 39–40, 42–44, 59–63

 Right to Information About Victims' Rights 18, 21, 26–27, 28–29, 31–32, 32, 33–35, 54–55, 63–65

 Right to Notice 13–14, 15, 19–20, 20–21, 24–25, 26, 28–29, 32, 33–35, 42–44, 44–45, 59–63, 68–69

 Right to be Present 13–14, 14, 19–20, 27–28, 31 39–40, 42–44, 45–46, 59–63

 Right to Privacy 13, 20–21, 23, 31, 38–39, 41, 42–44 44–45, 50–54, 59–63, 63–65, 66–68, 69

² This table of contents and index of rights provides specific page references for many of the victims' rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.


Right to Protection13, 15, 20–21, 23, 32, 33–35, 36–37, 38–39,
39–40, 41, 42–44, 44–45, 46–47, 47–49, 50–54,
54–55, 56–57, 57–58, 59–63, 63–65, 66–68, 68–69

Right to Refuse Defense Interview and Other Requests.....16, 27–28

Right to Restitution.....16, 22, 37–38

Right to Return of Property.....23, 42

Right to Speedy Disposition17, 29–30

<p>SELECT DEFINITIONS</p>	<p>Oklahoma Constitutional Provisions and Statutes</p>
<p>Constitutional Definition of Victim.</p> <p>As used in this section, a “victim” includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term “victim” does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim.</p> <p> This definition applies to Oklahoma’s victim’s rights amendment, Okla. Const. art. 2, § 34. The full text of the constitutional amendment is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Okla. Const. art. 2, § 34(C).</p>
<p>Victims’ Rights Act Definitions.</p> <p>For purposes of the Oklahoma Victim’s Rights Act:</p> <p>1. “Crime victim” or “victim” means any person against whom a crime or delinquent act was committed or a person directly and proximately harmed by the commission of a crime or delinquent act, except homicide, in which case the victim may be a surviving family member including a stepbrother, stepsister or stepparent, or the estate when there are no surviving family members other than the defendant, and who, as a direct result of the crime, suffers injury, loss of earnings, out-of-pocket expenses, or loss or damage to property, and who is entitled to restitution from an offender pursuant to an order of restitution imposed by a sentencing court under the laws of this state. The term “victim” does not include the accused or a person whom the court finds would not act in the best interests of a person who is deceased or incompetent, a minor or an incapacitated victim;</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-1.</p>

2. "Injury" means any physical, mental, or emotional harm caused by the conduct of an offender and includes the expenses incurred for medical, psychiatric, psychological, or generally accepted remedial treatment of the actual bodily or mental harm, including pregnancy and death, directly resulting from a crime and aggravation of existing physical injuries, if additional losses can be attributed to the direct result of the crime;


3. "Loss of earnings" means the deprivation of earned income or of the ability to earn previous levels of income as a direct result of a crime and the loss of the cash equivalent of Social Security, railroad retirement, pension plan, retirement plan, disability, veteran's retirement, court-ordered child support or court-ordered spousal support, where the payment is the primary source of the victim's income, and where the victim is deprived of the money as a direct result of the crime;

4. "Members of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling, or a stepsibling of each victim;


5. "Out-of-pocket loss" means the unreimbursed and nonreimbursable expenses or indebtedness incurred for medical care, nonmedical care, or other services necessary for the treatment of the actual bodily or mental harm, including pregnancy and funeral expenses, directly resulting from the crime and aggravation of existing physical injuries, if additional losses can be attributed directly to the crime; the unreimbursed and nonreimbursable expenses for damage to real and personal property as a direct result of the crime, and unreimbursed and nonreimbursable economic losses incurred as a consequence of participation in prosecution and proceedings related to the crime;

6. "Property" means any real or personal property;

7. "Restitution" means the return of property to the crime victim or payments in cash or the equivalent thereof, and payment in cash or the equivalent thereof as reparation for injury, loss of earnings, and out-of-pocket loss ordered by the court in the disposition of a criminal proceeding;

<p>8. "Victim impact statements" means information about the financial, emotional, psychological, and physical effects of a violent crime on each victim and members of their immediate family, or person designated by the victim or by family members of the victim and includes information about the victim, circumstances surrounding the crime, the manner in which the crime was perpetrated, and the opinion of the victim of a recommended sentence; and</p> <p>9. "Violent crime" means any crime listed in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes or any attempt, conspiracy or solicitation to commit any such crime or the crime of negligent homicide pursuant to Section 11-903 of Title 47 of the Oklahoma Statutes or the crime of causing great bodily injury while driving under the influence of intoxicating substance pursuant to Section 11-904 of Title 47 of the Oklahoma Statutes.</p> <p> These definitions apply to the Oklahoma Victim's Rights Act, 21 Okla. Stat. Ann. tit. 21, §§ 142A through 142B. Many of the provisions of the Victim's Rights Act are included below in the section "Select Crime Victims' Rights."</p>	
<p>Victims of Rape, Forcible Sodomy or Domestic Abuse Definitions.</p> <p>As used in Sections 40 through 40.3 of this title:</p> <ol style="list-style-type: none"> 1. "Assault and battery with a deadly weapon" means assault and battery with a deadly weapon or other means likely to produce death or great bodily harm as provided in Section 652 of Title 21 of the Oklahoma Statutes; 2. "Forcible sodomy" means the act of forcing another person to engage in the detestable and abominable crime against nature pursuant to Sections 886 and 887 of Title 21 of the Oklahoma Statutes that is punishable under Section 888 of Title 21 of the Oklahoma Statutes; 3. "Kidnapping" means kidnapping or kidnapping for purposes of extortion as provided in Sections 741 and 745 of Title 21 of the Oklahoma Statutes; 	<p>Okla. Stat. Ann. tit. 22, § 40.</p>

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| <p>4. “Member of the immediate family” means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling or a stepsibling of a victim of first-degree murder;</p> <p>5. “Rape” means an act of sexual intercourse accomplished with a person pursuant to Sections 1111, 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and</p> <p>6. “Sex offense” means the following crimes:</p> <ul style="list-style-type: none">a. sexual assault as provided in Section 681 of Title 21 of the Oklahoma Statutes,b. human trafficking for commercial sex as provided in Section 748 of Title 21 of the Oklahoma Statutes,c. sexual abuse or sexual exploitation by a caretaker as provided in Section 843.1 of Title 21 of the Oklahoma Statutes,d. child sexual abuse or child sexual exploitation as provided in Section 843.5 of Title 21 of the Oklahoma Statutes,e. permitting sexual abuse of a child as provided in Section 852.1 of Title 21 of the Oklahoma Statutes,f. incest as provided in Section 885 of Title 21 of the Oklahoma Statutes,g. forcible sodomy as provided in Section 888 of Title 21 of the Oklahoma Statutes,h. child stealing for purposes of sexual abuse or sexual exploitation as provided in Section 891 of Title 21 of the Oklahoma Statutes,i. indecent exposure or solicitation of minors as provided in Section 1021 of Title 21 of the Oklahoma Statutes,j. procuring, producing, distributing or possessing child pornography as provided in Sections 1021.2 and 1024.2 of Title 21 of the Oklahoma Statutes,k. parental consent to child pornography as provided in Section 1021.3 of Title 21 of the Oklahoma Statutes,l. aggravated possession of child pornography as provided in Section 1040.12a of Title 21 of the Oklahoma Statutes,m. distributing obscene material or child pornography as provided in Section 1040.13 of Title 21 of the Oklahoma Statutes,n. offering or soliciting sexual conduct with a child as provided in Section 1040.13a of Title | |
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<p>21 of the Oklahoma Statutes, o. procuring a child for prostitution or other lewd acts as provided in Section 1087 of Title 21 of the Oklahoma Statutes, p. inducing a child to engage in prostitution as provided in Section 1088 of Title 21 of the Oklahoma Statutes, and q. lewd or indecent proposals or acts to a child or sexual battery as provided in Section 1123 of Title 21 of the Oklahoma Statutes.</p> <p> These definitions apply to the portion of Oklahoma law that extends certain rights to victims of rape, forcible sodomy and domestic abuse, Okla. Stat. Ann. tit. 22, §§ 40 through 40.3. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Protection from Domestic Abuse Act and Domestic Abuse Reporting Act Definitions.</p> <p>As used in the Protection from Domestic Abuse Act and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7 of this title and Section 150.12B of Title 74 of the Oklahoma Statutes:</p> <ol style="list-style-type: none"> 1. “Dating relationship” means intimate association, primarily characterized by affectionate or sexual involvement. For purposes of this act,¹ a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship; 2. “Domestic abuse” means any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who is currently or was previously an intimate partner or family or household member; 3. “Family or household members” means: <ol style="list-style-type: none"> a. parents, including grandparents, stepparents, adoptive parents and foster parents, b. children, including grandchildren, stepchildren, adopted children and foster children, and 	<p>Okla. Stat. Ann. tit. 22, § 60.1.</p>

<p>c. persons otherwise related by blood or marriage living in the same household;</p> <p>4. “Foreign protective order” means any valid order of protection issued by a court of another state or a tribal court;</p> <p>5. “Harassment” means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial distress to the person. “Harassment” shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury;</p> <p>6. “Intimate partner” means:</p> <ul style="list-style-type: none"> a. current or former spouses, b. persons who are or were in a dating relationship, c. persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time, and d. persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner, but is never a necessary condition; <p>7. “Mutual protective order” means a final protective order or orders issued to both a plaintiff who has filed a petition for a protective order and a defendant included as the defendant in the plaintiff’s petition restraining the parties from committing domestic violence, stalking, harassment or rape against each other. If both parties allege domestic abuse, violence, stalking, harassment or rape against each other, the parties shall do so by separate petition pursuant to Section 60.4 of this title;</p> <p>8. “Rape” means rape and rape by instrumentation in violation of Sections 1111 and 1111.1 of Title 21 of the Oklahoma Statutes;</p>	
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9. “Stalking” means the willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. Unconsented contact or course of conduct includes, but is not limited to:


- a. following or appearing within the sight of that individual,
- b. approaching or confronting that individual in a public place or on private property,
- c. appearing at the workplace or residence of that individual,
- d. entering onto or remaining on property owned, leased or occupied by that individual,
- e. contacting that individual by telephone,
- f. sending mail or electronic communications to that individual, or
- g. placing an object on, or delivering an object to, property owned, leased or occupied by that individual; and




10. “Victim support person” means a person affiliated with a domestic violence, sexual assault or adult human sex trafficking program, certified by the Attorney General or operating under a tribal government, who provides support and assistance for a person who files a petition under the Protection from Domestic Abuse Act.




¹ Title 22, § 60 et seq.









These definitions apply to the Protection of Domestic Abuse Act, Okla. Stat. Ann. tit. 22, §§ 60 through 60.20, and the Domestic Abuse Reporting Act, Okla. Stat. Ann. tit. 22, §§ 40.5 through 40.7, Okla. Stat. Ann. tit. 74, § 150.12B. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”




<p>Address Confidentiality Program Definitions.</p> <p>As used in this section:</p> <ol style="list-style-type: none">1. "Address" means a residential street address, school address, or work address of an individual, as specified on the application of an individual to be a program participant under this section;2. "Program participant" means a person certified as a program participant under this section;3. "Domestic abuse" means an act as defined in Section 60.1 of this title and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers; and4. "Stalking" means an act as defined in Section 60.1 of this title regardless of whether the acts have been reported to law enforcement. <p> These definitions apply to Oklahoma's Address Confidentiality Program, Okla. Stat. Ann. tit. 22, § 60.14(B). This statutory provision is included below in the section "Select Crime Victims' Rights."</p>	<p>Okla. Stat. Ann. tit. 22, § 60.14(B).</p>
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<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Oklahoma Constitutional Provisions and Statutes</p>
<p>Victims' Constitutional Rights; Right to be Treated with Fairness and Respect for the Victim's Safety, Dignity and Privacy.</p> <p>To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: to be treated with fairness and respect for the victim's safety, dignity and privacy[.]</p> <p> Oklahoma also extends these rights to victims in various provisions of the Oklahoma Victim's Rights Act, Okla. Stat. Ann. tit. 21, §§ 142A through 142B. These statutory provisions are included below.</p>	<p>Okla. Const. art. 2, § 34(A).</p>
<p>Victims' Constitutional Rights; Right to Notice of and to be Present at all Proceedings.</p> <p>To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: . . . upon request, to reasonable and timely notice of and to be present at all proceedings involving the criminal or delinquent conduct[.]</p> <p> Oklahoma also extends these rights to victims in various provisions of the Oklahoma Victim's Rights Act, Okla. Stat. Ann. tit. 21, §§ 142A through 142B. These statutory provisions are included below.</p> <p> Victims' constitutional right to be present at all proceedings should provide for the victims' presence during the entirety of the trial. Even if the victim is to be a witness and</p>	<p>Okla. Const. art. 2, § 34(A).</p>



<p>the court concludes that the victim’s testimony would be materially altered if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Constitutional Rights; Right to be Heard.</p> <p>To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: . . . to be heard in any proceeding involving release, plea, sentencing, disposition, parole and any proceeding during which a right of the victim is implicated[.]</p> <p> Oklahoma also extends these rights to victims in various provisions of the Oklahoma Victim’s Rights Act, Okla. Stat. Ann. tit. 21, §§ 142A through 142B. These statutory provisions are included below.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	<p>Okla. Const. art. 2, § 34(A).</p>





<p>Victims' Constitutional Rights; Right to Protection.</p> <p>To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: . . . to reasonable protection[.]</p> <p> Oklahoma also extends these rights to victims in various provisions of the Oklahoma Victim's Rights Act, Okla. Stat. Ann. tit. 21, §§ 142A through 142B. These statutory provisions are included below.</p>	<p>Okla. Const. art. 2, § 34(A).</p>
<p>Victims' Constitutional Rights; Right to Notice of Release or Escape.</p> <p>To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: . . . upon request, to reasonable notice of any release or escape of an accused[.]</p> <p> Oklahoma also extends these rights to victims in various provisions of the Oklahoma Victim's Rights Act, Okla. Stat. Ann. tit. 21, §§ 142A through 142B. These statutory provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must "request" the exercise of certain rights. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Okla. Const. art. 2, § 34(A).</p>






<p>Victims' Constitutional Rights; Right to Refuse Interview or Other Request by Defendant or Any Person Acting on Defendant's Behalf; Exception for Subpoenas.</p> <p>To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: . . . to refuse an interview or other request made by the accused or any person acting on behalf of the accused, other than a refusal to appear if subpoenaed by defense counsel[.]</p> <p> Oklahoma also extends these rights to victims in various provisions of the Oklahoma Victim's Rights Act, Okla. Stat. Ann. tit. 21, §§ 142A through 142B. These statutory provisions are included below.</p>	<p>Okla. Const. art. 2, § 34(A).</p>
<p>Victims' Constitutional Rights; Right to Restitution.</p> <p>To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: . . . to full and timely restitution[.]</p> <p> Oklahoma also extends these rights to victims in various provisions of the Oklahoma Victim's Rights Act, Okla. Stat. Ann. tit. 21, §§ 142A through 142B. These statutory provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are informed at the earliest possible time that they are entitled to restitution upon the conviction of defendant for losses caused by defendant's criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	<p>Okla. Const. art. 2, § 34(A).</p>






<p>Victims' Constitutional Rights; Right to Proceedings Free from Unreasonable Delay and a Prompt Conclusion of the Case.</p> <p>To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: . . . to proceedings free from unreasonable delay and a prompt conclusion of the case[.]</p> <p> Oklahoma also extends these rights to victims in various provisions of the Oklahoma Victim's Rights Act, Okla. Stat. Ann. tit. 21, §§ 142A through 142B. These statutory provisions are included below.</p>	<p>Okla. Const. art. 2, § 34(A).</p>
<p>Victims' Constitutional Rights; Right to Confer.</p> <p>To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: . . . upon request, to confer with the attorney for the state[.]</p> <p> Oklahoma also extends these rights to victims in various provisions of the Oklahoma Victim's Rights Act, Okla. Stat. Ann. tit. 21, §§ 142A through 142B. These statutory provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Okla. Const. art. 2, § 34(A).</p>




<p>Victims' Constitutional Rights; Right to be Informed of Constitutional Victims' Rights.</p> <p>To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: . . . to be informed of all rights enumerated in this section.</p> <p> Oklahoma also extends these rights to victims in various provisions of the Oklahoma Victim's Rights Act, Okla. Stat. Ann. tit. 21, §§ 142A through 142B. These statutory provisions are included below.</p> <p> A promising practice is to provide victims with this information as soon as possible. This information should be provided to any victim, even if it is unclear whether, pursuant to <i>McGirt v. Oklahoma</i>, 140 S. Ct. 2452 (2020), the state will ultimately have jurisdiction over the investigation and prosecution of the crime. In instances where jurisdiction is uncertain under <i>McGirt</i>, victims should be alerted that that these rights will apply if it is determined that the state has jurisdiction over the investigation and prosecution and that, if the case falls within federal or tribal jurisdiction, some of these state-based rights may continue to apply, as may federal- or tribal-based rights. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	<p>Okla. Const. art. 2, § 34(A).</p>
<p>Victims' Constitutional Rights; Victim Standing to Assert Victims' Rights, Personally or Through an Attorney or Other Representative; Upon Request, Prosecutor Standing to Assert Victims' Rights.</p> <p>The victim, the victim's attorney or other lawful representative, or the attorney for the state upon request of the victim may assert in any trial or appellate court, or before any other authority with jurisdiction over the case, and have enforced the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with</p>	<p>Okla. Const. art. 2, § 34(B).</p>





<p>jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the state, any political subdivision of the state, any officer, employee or agent of the state or of any of its political subdivisions, or any officer or employee of the court.</p> <p> The prosecutor’s standing to enforce victims’ rights—upon the victim’s request—does not deny or diminish victims’ standing to enforce their rights.</p> <p> A promising practice is that when notifying victims that they have standing to enforce their rights in court, to let them know that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Victims’ Constitutional Rights; Victims Retain Other Rights.</p> <p>The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage other rights guaranteed by the Legislature or retained by victims.</p>	<p>Okla. Const. art. 2, § 34(E).</p>
<p>Victims’ Right to be Notified of and to be Present at All Court Proceedings Involving the Crime; Victims’ Right to be Heard at Certain Court Proceedings; Victims’ Right to Notice of Change in Schedule.</p> <p>[The office of the district attorney shall inform victims of their right] [u]pon request, to be notified and to be present at all proceedings involving the criminal or delinquent conduct, to be heard in any proceeding involving release, plea, sentencing, disposition, parole and any proceeding during which a right of the victim is implicated and to be notified that a court proceeding to which a victim or witness has been subpoenaed will or will not go on as scheduled, in order to save the person an unnecessary trip to court[.]</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(1).</p>






<p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> The Oklahoma Constitution also grants victims the right, upon request, to reasonable and timely notice of and to be present at all proceedings involving the criminal conduct at issue, as well as the right to be heard at any proceeding involving an offender’s release, plea, sentencing, disposition, or parole or any other proceeding that implicates a victim’s rights. Okla. Const. art. 2, § 34(A).</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to be Treated with Fairness and Respect for Victims’ Safety, Dignity and Privacy; Victims’ Right to Protection; Victims’ Right to Notice of an Offender’s Release or Escape.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be treated with fairness and respect for the safety, dignity and privacy of the victim, to receive protection from harm and threats of harm arising out of the cooperation of the person with law enforcement and prosecution efforts, to be provided with information as to the level of protection available and how to access protection and, upon request, to be notified of any release or escape of an accused[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(2).</p>


<p> The Oklahoma Constitution grants victims the right to be treated with fairness and respect for their safety, dignity and privacy. Okla. Const. art. 2, § 34(A). The constitution also grants victims the right to reasonable protection and to reasonable notice of an offender’s release or escape. <i>Id.</i></p> <p> A promising practice is to inform victims, at the first opportunity, that they have a right to protection related to their cooperation with law enforcement and prosecution efforts.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to Information About Financial Assistance and Other Available Social Services.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be informed of financial assistance and other social services available as a result of being a witness or a victim, including information on how to apply for the assistance and services[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have instructions ready and available to provide to victims, explaining how they may apply for and receive financial assistance and other social services, in addition to the name of a person they may contact regarding such assistance and services.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(3).</p>





<p>Victims' Right to Obtain Witness Fee.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be informed of the procedure to be followed in order to apply for and receive any witness fee to which the victim or witness is entitled[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have instructions ready and available to provide to victims, explaining how they may apply for and receive their witness fee, in addition to the name of a person they may contact to check the status of the fee.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(4).</p>
<p>Victims' Right to Restitution.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be informed of the procedure to be followed in order to apply for and receive any restitution to which the victim is entitled[.]</p> <p> Okla. Stat. Ann. tit. 21, § 142A-5 guarantees victims the right to have the district attorney provide them with an official restitution request form, regardless of whether a victim specifically requests it.</p> <p> The procedures governing restitution are set forth in Okla. Stat. Ann. tit. 22, § 991f.</p> <p> A promising practice is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(5).</p>




<p>Victims' Right to a Secure Waiting Area During Court Proceedings.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be provided, whenever possible, a secure waiting area during court proceedings that does not require close proximity to defendants and families and friends of defendants[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section "Select Definitions."</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(6).</p>
<p>Victims' Right to Prompt Return of Property.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis and property the ownership of which is disputed, shall be returned to the person[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place that clearly defines what "expeditiously" means in the context of the victim's right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, and including the name of a person they may contact to check the status of the return.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(7).</p>




<p>Victims' Right to Employer Intercession Services.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize the loss of pay and other benefits of the employee resulting from court appearances[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights.</p> <p> A promising practice is to have a policy and procedure in place to provide employers with this information.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(8).</p>
<p>Right of Homicide Victims' Family Members to Victim Services.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o have the family members of all homicide victims afforded all of the services under this section, whether or not the person is to be a witness in any criminal proceeding[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section "Select Definitions."</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(9).</p>
<p>Victims' Right to Information Regarding Plea Negotiations; Victims' Right to Confer.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be informed of any</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(10).</p>





<p>plea bargain negotiations and, upon request, to confer with the attorney for the state[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> The Oklahoma Constitution also grants victims the right, upon request, to confer with the prosecutor. Okla. Const. art. 2, § 34(A).</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	
<p>Victims’ Right to Have Impact Statements Filed with Judgment and Sentence.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o have victim impact statements filed with the judgment and sentence[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(11).</p>





<p>Victims' Right to Notice of Outcome of Appeal.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be informed if a sentence is overturned, remanded for a new trial or otherwise modified by the Oklahoma Court of Criminal Appeals[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section "Select Definitions."</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(12).</p>
<p>Victims' Right to be Informed, in Writing, of Their Rights; Law Enforcement's Obligations to Provide Victims with Such Information.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be informed in writing of all constitutional and statutory rights. Upon initial contact with a victim, a municipal, county or state law enforcement officer shall provide the victim with a written copy of the constitutional and statutory rights of the victim unless, in the judgment of the law enforcement officer making the initial contact, the circumstances of the criminal offense or delinquent act and condition of the victim indicates that the victim, family of the victim or dependents of the victim will not be able to understand the significance of the constitutional and statutory rights. If a written copy of the constitutional and statutory rights is not provided upon initial contact with the victim, a written copy of the rights shall be provided on the next contact with the victim by a law enforcement officer with the same law enforcement agency no later than twenty-four (24) hours after the initial contact. The Attorney General shall prepare and place on the official website of the Attorney General a sample notification card listing all constitutional and statutory provisions relative to the rights of victims. The card shall be suitable for law enforcement agencies to download for the purpose of providing the cards to victims in printed form. Law enforcement agencies may use the form prepared by the Attorney General or may prepare and use any other written notification form they see fit as long as all rights under the Oklahoma Victim's Rights Act are included[.]</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(13).</p>




<p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> The Oklahoma Constitution also grants victims the right to be informed of all of the victims’ rights under the victims’ rights constitutional amendment. Okla. Const. art. 2, § 34(A).</p> <p> A promising practice is to have a policy and procedure ensuring that victims are provided this information “upon initial contact” with law enforcement. This policy and procedure should note that such information should be provided to any victim, even if law enforcement is unsure whether, pursuant to <i>McGirt v. Oklahoma</i>, 140 S. Ct. 2452 (2020), the state will ultimately have jurisdiction over the investigation and prosecution of the crime. In instances where jurisdiction is uncertain under <i>McGirt</i>, victims should be alerted that that these rights will apply if it is determined that the state has jurisdiction over the investigation and prosecution and that, if the case falls within federal or tribal jurisdiction, some of these state-based rights may continue to apply, as may federal- or tribal-based rights.</p>	
<p>Victims’ Rights Regarding Witness Sequestration; Victims’ Right to Refuse an Interview or Other Defense Request, Except for Subpoenas.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be informed that when any family member is required to be a witness by a subpoena from the defense, there must be a showing that the witness can provide relevant testimony as to the guilt or innocence of the defendant before the witness may be excluded from the proceeding by invoking the rule to remove potential witnesses and to refuse an interview or other request made by the accused or any person acting on behalf of the accused, other than a refusal to appear if subpoenaed by defense counsel[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(14).</p>





<p> The Oklahoma Constitution also grants victims the right to refuse an interview or other request made by a defendant or anyone acting on the defendant’s behalf, other than a refusal to appear if subpoenaed by defense counsel. Okla. Const. art. 2, § 34(A).</p> <p> Victims’ constitutional right to be present at all proceedings should provide for the victims’ presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim’s testimony would be materially altered if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.</p>	
<p>Victims’ Right to be Informed that Governor May Commute Any Sentence.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o be informed that the Oklahoma Constitution allows, upon the recommendation of the Pardon and Parole Board and the approval of the Governor, the commutation of any sentence, including a sentence of life without parole[.]</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(15).</p>
<p>Victims’ Right to Notification of How to Access Rights Information from Interviewing Officer or Investigating Detective.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o receive written notification of how to access victim rights information from the interviewing officer or investigating detective[.]</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(16).</p>

<p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> Other statutory provisions govern the obligations of the interviewing officer or investigating detective to provide victims with written information regarding their rights. <i>See, e.g.</i>, Okla. Stat. Ann. tit. 21, § 142A-2(A)(13) (victims’ right to be informed by law enforcement of their rights upon initial contact or within twenty-four hours of initial contact); <i>id.</i> at § 142A-3 (violent crime, domestic abuse and sex offense victims’ right to written information about their rights from interviewing officer); Okla. Stat. Ann. tit. 22, § 60.15 (domestic abuse and sex offense victims’ right to written information regarding their rights from interviewing officer).</p> <p> A promising practice is to have a policy and procedure ensuring that victims are provided this written information in a timely and meaningful manner. This policy and procedure should note that such information should be provided to any victim, even if the interviewing officer or investigating detective is unsure whether, pursuant to <i>McGirt v. Oklahoma</i>, 140 S. Ct. 2452 (2020), the state will ultimately have jurisdiction over the investigation and prosecution of the crime. In instances where jurisdiction is uncertain under <i>McGirt</i>, victims should be alerted that that these rights will apply if it is determined that the state has jurisdiction over the investigation and prosecution and that, if the case falls within federal or tribal jurisdiction, some of these state-based rights may continue to apply, as may federal- or tribal-based rights. other rights might apply. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Victims’ Right to a Speedy Disposition.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o a speedy disposition of the charges free from unwarranted delay caused by or at the behest of the defendant or minor. In determining a date for any criminal trial or other important criminal</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(17).</p>

<p>or juvenile justice hearing, the court shall consider the interests of the victim of a crime to a speedy resolution of the charges under the same standards that govern the right to a speedy trial for a defendant or a minor. In ruling on any motion presented on behalf of a defendant or minor to continue a previously established trial or other important criminal or juvenile justice hearing, the court shall inquire into the circumstances requiring the delay and consider the interests of the victim of a crime to a speedy resolution of the case. If a continuance is granted, the court shall enter into the record the specific reason for the continuance and the procedures that have been taken to avoid further delays[.]</p> <p> The Oklahoma Constitution also grants victims the right to proceedings free from unreasonable delay and a prompt conclusion of the case. Okla. Const. art. 2, § 34(A).</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Constitutional Victims’ Rights.</p> <p>[The office of the district attorney shall inform victims of their right] [t]o any other rights enumerated in Section 34 of Article II of the Oklahoma Constitution.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> The Oklahoma Constitution also grants victims the right to be informed of all of their constitutional victims’ rights. Okla. Const. art. 2, § 34(A).</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(18).</p>

<p>Violent Crime Victims' Right to Information About Right to Speak at Sentencing and Parole Hearings, Right to Nondisclosure of Private Information and Other Parole-Related Rights.</p> <p>The office of the district attorney shall inform victims of violent crimes and members of the immediate family of such victims of their rights under Sections 142A-8 and 142A-9 of this title and Section 332.2 of Title 57 of the Oklahoma Statutes.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section "Select Definitions."</p> <p> Okla. Stat. Ann. tit. 21, § 142A-8 governs a victim's right to speak at sentencing and parole hearings. The full text of the statutory provision is included below.</p> <p> Okla. Stat. Ann. tit. 21, § 142A-9 governs prohibitions on disclosure of a victim's personal information. The full text of this statutory provision is included below.</p> <p> Okla. Stat. Ann. tit. 57, § 332.2 extends certain parole-related rights to crime victims. The full text of this statutory provision is included below.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(C).</p>
<p>Right of Victims of Violent Felonies or Felony Sex Offenses to Information Regarding Progress of Pretrial Proceedings.</p> <p>In any felony case involving a violent crime or a sex offense, the office of the district attorney shall inform the victim, as soon as practicable, or an adult member of the immediate family of the victim if the victim is deceased, incapacitated, or incompetent, of the progress of pretrial proceedings which could substantially delay the prosecution of the case.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(D).</p>

<p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Use Automatic Notification System.</p> <p>The office of the district attorney shall inform the crime victim that he or she has the right to utilize the automated notification system provided by the designated Oklahoma victim notification service provider for purposes of receiving information regarding the location of the defendant following an arrest, during a prosecution of the criminal case, during a sentence to probation or confinement, and when there is any release or escape of the defendant from confinement.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> Okla. Stat. Ann. tit. 74, § 18p-9 governs the establishment and implementation of this automated notification system.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(E).</p>
<p>Victims’ Standing to Assert Rights; Court or Other Authority to Act Promptly; Victims’ Rights Must Be Protected as Vigorously as Defendants’ Rights.</p> <p>The victim, the attorney for the victim or other lawful representative, or the attorney for the state upon request of the victim may assert in any trial or appellate court or before any other authority with jurisdiction over the case and have enforced all the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority shall act promptly on such a request. The rights afforded victims under the Oklahoma Victim’s Rights Act shall be protected in a manner no less vigorous than the rights afforded the accused.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(F).</p>

<p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> The Oklahoma Constitution also grants victims these rights regarding standing and prompt review. Okla. Const. art. 2, § 34(B).</p> <p> The prosecutor’s standing to enforce victims’ rights—upon the victim’s request—does not deny or diminish victims’ standing to enforce their rights.</p> <p> A promising practice is that when notifying victims that they have standing to enforce their rights in court, to let them know that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Interviewing Officers’ Obligation to Provide Victims of Violent Crimes, Domestic Abuse, Rape and Forcible Sodomy with Written Information About Their Rights; Interviewing Officers’ Obligation to Conduct Lethality Assessment in Cases of Intimate Partner Violence.</p> <p>A. Upon the preliminary investigation of a violent crime, it shall be the duty of the officer who interviews the victim of such crime to inform the victim, or a responsible adult if the victim is a minor child or an incompetent person, or the family member who receives death notification in the case of a homicide, in writing, of their rights as a crime victim. Written notification shall consist of handing the victim, responsible adult, if the victim is a minor child or an incompetent person, or family member receiving death notification, a preprinted card or brochure that, at a minimum, includes the following information:</p> <ol style="list-style-type: none"> 1. A statement that reads, “As a victim of crime, you have certain rights”; 2. Telephone and address information for the local District Attorney Victim-Witness Coordinator; and 	<p>Okla. Stat. Ann. tit. 21, § 142A-3.</p>

3. The website address where victims can access a full list of their rights, additional information, and how to apply for crime victim compensation assistance.

B. A victim of domestic abuse has the right to be informed by the first peace officer who interviews the victim of domestic abuse of the twenty-four-hour statewide telephone communication service established by Section 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the victim of certain rights. The notice shall consist of handing such victim the following statement:

“As a victim of domestic abuse, you have certain rights. These rights are as follows:

1. The right to request that charges be pressed against your assailant;
2. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available and to be provided with information on the level of protection available;
3. The right to be informed of financial assistance and other social services available as a result of being a victim, including information on how to apply for the assistance and services; and
4. The right to file a petition for a protective order or, when the domestic abuse occurs when the court is not open for business, to request an emergency temporary protective order.”

C. The victim of rape or forcible sodomy has the right to be informed by the officer who interviews the victim of the rape or forcible sodomy, or a responsible adult if the victim is a minor child or an incompetent person, of the twenty-four-hour statewide telephone communication service established by the Office of the Attorney General for victims of sexual assault pursuant to Section 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the victim or such responsible adult of certain rights of the victim. The notice shall consist of handing such victim or responsible adult a written statement in substantially the following form:

“As a victim of the crime of rape or forcible sodomy, you have certain rights. These rights are as follows:

1. The right to request that charges be pressed against your assailant;
2. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available

and to be provided with information on the level of protection available;
 3. The right to be informed of financial assistance and other social services available to victims, including information on how to apply for the assistance and services;
 4. The right to a free forensic medical examination; and
 5. The right to be informed by the district attorney of other victim's rights available pursuant to Section 142A-2 of Title 21 of the Oklahoma Statutes.”





D. Upon the preliminary investigation of a domestic violence crime involving intimate partner violence, the first peace officer who interviews the victim of domestic abuse shall assess the potential for danger by asking a series of questions provided on a lethality assessment form. The lethality assessment form shall include, but not be limited to, the following questions:




1. Has the person ever used a weapon against the victim or threatened the victim with a weapon?
2. Has the person threatened to kill the victim or children of the victim?
3. Does the victim think the person will try to kill the victim?
4. Has the person ever tried to choke the victim?
5. Is the person violently or constantly jealous or does the person control most of the daily activities of the victim?
6. Has the victim left or separated from the person after living together or being married?
7. Is the person unemployed?
8. Has the person ever tried to kill himself or herself?
9. Does the victim have a child that the person knows is not his or her own child?
10. Does the person follow or spy on the victim or leave the victim threatening messages?
11. Is there anything else that worries the victim about his or her safety and if so, what worries the victim?





Based upon the results of the lethality assessment, referrals to shelters, domestic violence intervention programs and other social services shall be provided to the victim.





The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”

<p> The Oklahoma Constitution also grants victims the right to be informed of all of their constitutional victims' rights. Okla. Const. art. 2, § 34(A).</p> <p> Okla. Stat. Ann. tit. 22, § 60.15 also requires interviewing officers to provide victims of violent crimes, domestic abuse, rape and forcible sodomy with similar information regarding their rights.</p> <p> The state telephone communication service for victims of rape, forcible sodomy and domestic violence is designed to “provide information to such victim regarding any immediate action which should be taken by the victim, the social services available, and the legal rights and remedies of the victim.” Okla. Stat. Ann. tit. 74, § 18p-5.</p> <p> A promising practice is to have a policy and procedure ensuring that victims are provided such written and verbal information in a timely and meaningful manner. This policy and procedure should note that such information should be provided to any victim, even if the interviewing officer is unsure whether, pursuant to <i>McGirt v. Oklahoma</i>, 140 S. Ct. 2452 (2020), the state will ultimately have jurisdiction over the investigation and prosecution of the crime. In instances where jurisdiction is uncertain under <i>McGirt</i>, victims should be alerted that that these rights will apply if it is determined that the state has jurisdiction over the investigation and prosecution and that, if the case falls within federal or tribal jurisdiction, some of these state-based rights may continue to apply, as may federal- or tribal-based rights. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Certain Victims’ Right to Seek Relief Under the Protection from Domestic Violence Act.</p> <p>A victim of domestic abuse, a victim of stalking, a victim of harassment, a victim of rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-4.</p>

<p>seventeen (17) years may seek relief under the provisions of the Protection from Domestic Abuse Act. The person seeking relief shall prepare the petition for a protective order or, at the request of the plaintiff, the court clerk or the victim-witness coordinator, victim support person, or court case manager shall prepare or assist the plaintiff in preparing the petition.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> The Protection from Domestic Abuse Act, Okla. Stat. Ann. tit. 22, §§ 60 through 60.20, sets forth a number of protections for victims of domestic violence. The statutory provisions establishing many of these protections are included below.</p>	
<p>Victims’ Right to Restitution Request Form.</p> <p>The district attorney’s office shall provide all victims, regardless of whether the crime victim makes a specific request, with an official request for restitution form to be completed and signed by the crime victim, and to include all invoices, bills, receipts, and other evidence of injury, loss of earnings and out-of-pocket loss. The crime victim shall provide all documentation and evidence of compensation or reimbursement from insurance companies or agencies of this state, any other state, or the federal government received as a direct result of the crime for injury, loss of earnings or out-of-pocket loss. The unexcused failure or refusal of the crime victim to provide all or part of the requisite information prior to the sentencing, unless disclosure is deferred by the court, shall constitute a waiver of any grounds to appeal or seek future amendment or alteration of the restitution order predicated on the undisclosed available information.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-5.</p>

<p> The Oklahoma Constitution also grants victims the right to full and timely restitution. Okla. Const. art. 2, § 34(A).</p> <p> The procedures governing restitution are set forth in Okla. Stat. Ann. tit. 22, § 991f.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are informed at the earliest possible time that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Priority Interest in Offender’s Forfeited Proceeds or Profits.</p> <p>The victims and the legal representative of a victim of a crime shall have a priority interest in any proceeds or profits received by a district court from an offender or any other person with the cooperation of the offender, who is required to forfeit any proceeds or profits from any source, as a direct or indirect result of the crime or sentence, or the notoriety which the crime or sentence has conferred upon the offender pursuant to the provisions of Section 17 of Title 22 of the Oklahoma Statutes.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-6.</p>
<p>Victims’ Right to Participate in Address Confidentiality Program.</p> <p>An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined by Section 1-111 of Title 30 of the Oklahoma Statutes, may apply to the Attorney General to have an address designated by the Attorney General serve as the address of the person or the address of the minor or incapacitated person</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-7.</p>

<p>pursuant to the Address Confidentiality Program established in Section 60.14 of Title 22 of the Oklahoma Statutes.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> Okla. Stat. Ann. tit. 22, § 60.14 establishes Oklahoma’s Address Confidentiality Program. The full text of the statute is included below.</p>	
<p>Victims’ Right to Present a Written or Oral Impact Statement at Sentencing and Parole Proceedings; Victims’ Right to Have Impact Statement Included in Presentence Report; Consideration of Impact Statements at Sentencing and Parole.</p> <p>A. Each victim, or members of the immediate family of each victim or person designated by the victim or by family members of the victim, may present a written victim impact statement, which may include religious invocations or references, or may appear personally at the sentence proceeding and present the statements orally. Provided, however, if a victim or any member of the immediate family or person designated by the victim or by family members of a victim wishes to appear personally, the person shall have the absolute right to do so. Any victim or any member of the immediate family or person designated by the victim or by family members of a victim who appears personally at the formal sentence proceeding shall not be cross-examined by opposing counsel; provided, however, such cross-examination shall not be prohibited in a proceeding before a jury or a judge acting as a finder of fact. A written victim impact statement introduced at a formal sentence proceeding shall not be amended by any person other than the author, nor shall the statement be excluded in whole or in part from the court record. The court shall allow the victim impact statement to be read into the record.</p> <p>B. If a presentence investigation report is prepared, the person preparing the report shall consult with each victim or members of the immediate family or a designee of members of the immediate family if the victim is deceased, incapacitated or incompetent, and include</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-8.</p>

any victim impact statements in the presentence investigation report. If the individual to be consulted cannot be located or declines to cooperate, a notation to that effect shall be included.

C. The judge shall make available to the parties copies of any victim impact statements.

D. In any case which is plea bargained, victim impact statements shall be presented at the time of sentencing or attached to the district attorney narrative report. In determining the appropriate sentence, the court shall consider among other factors any victim impact statements if submitted to the jury, or the judge in the event a jury was waived.

E. The Department of Corrections and the Pardon and Parole Board, in deciding whether to release an individual on parole, shall consider any victim impact statements submitted to the jury, or the judge in the event a jury was waived.






The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”









Okla. Stat. Ann. tit. 21, § 142A-2(C) requires the office of the district attorney to inform victims of violent crimes and their immediate family members of this right.







A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.


<p>Victims' Right to Request Prohibition on Disclosure of Personal Information.</p> <p>The court, upon the request of a victim, witness, or the district attorney, may order that the residential address, telephone number, place of employment, or other personal information of the victim or witness shall not be disclosed in any law enforcement record or any court document, other than the transcript of a court proceeding, if it is determined by the court to be necessary to protect the victim, witness, or immediate family of the victim or witness from harassment or physical harm and if the court determines that the information is immaterial to the defense.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims' personal information is not disclosed in cases where a court issues a non-disclosure order.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-9.</p>
<p>Right of Immediate Family Members of Murder Victim to Wear Buttons Containing Victim's Picture.</p> <p>A. A court shall permit members of the immediate family of a murder victim to wear buttons containing a picture of the victim as a symbol of grief in a trial. The button shall not exceed four (4) inches in diameter.</p> <p>B. As used in subsection A of this section, "members of the immediate family" means the</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-10.</p>



<p>spouse, children by birth or adoption, stepchildren, parents or stepparents, grandparents, grandchildren, siblings, aunts, uncles or cousins of the murder victim.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Request Return of Property Used as an Exhibit.</p> <p>If the owner of an exhibit that has been introduced, filed, or held in custody of the state in any criminal action or proceeding is the victim of the offense for which such exhibit is held, the victim may make application to the court at any time prior to the final disposition of the action or proceeding for the return of the exhibit.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> A promising practice is to have instructions ready and available to provide to victims, explaining how they may obtain their property, in addition to the name of a person they may contact to check the status of the return of the exhibit.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-11.</p>
<p>Violent Crime Victims’ Right to Contest Parole; All Victims’ Right to Notice of Parole.</p> <p>A. Any victim or representative of a victim of a violent crime as provided in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes may contest the granting of parole as</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-12.</p>

<p>provided in Section 332.7 of Title 57 of the Oklahoma Statutes.</p> <p>B. The Pardon and Parole Board shall notify all victims or representatives of a victim, if requested, in writing at least twenty (20) days before an inmate is considered for parole by the Board. The notice shall include the date, time and place of the scheduled meeting and the rules for attendance and providing information. The victim or representative of the victim shall be allowed at least five (5) minutes to address the Board. The Board shall notify all victims or representatives of a victim of the decision of the Board within twenty (20) days after the inmate is considered for parole by the Board.</p> <p>C. It is the responsibility of the victim or representative of the victim to provide the Pardon and Parole Board a current mailing address. The district attorney's office shall assist the victim or representative of the victim with supplying the address of the victim to the Board if the victim wishes to be notified. Upon failure of the Pardon and Parole Board to notify a victim who has requested notification and has provided a current mailing address, the final decision of the Board may be voidable, provided the victim who failed to receive notification requests a reconsideration hearing within thirty (30) days of the recommendation by the Board for parole.</p> <p>D. If requested by the victim of a crime, the Pardon and Parole Board shall provide written notification of the placement of the inmate on specialized parole within the county or incorporated city or town to any victim of the crime for which the inmate was convicted by mailing the notification to the last-known address of the victim. The Board shall not give the address of the inmate to any victim of the crime for which the inmate was convicted.</p> <p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section "Select Definitions."</p> <p> Okla. Stat. Ann. tit. 57, § 322.2 also addresses the parole-related rights of crime victims. This statutory provision is included below.</p>	
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<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with the district attorney’s office and any other relevant agencies.</p>	
<p>Victims’ Right to Notification of Parole, Pardon and Release.</p> <p>A. Upon the granting of a parole by the Governor, and release of the inmate to the community, the Pardon and Parole Board shall provide written notification to any victim of the crime for which the parolee was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board shall not give the address of the parolee to any victim of the crime for which the parolee was convicted.</p> <p>B. Upon the granting of a pardon by the Governor, the Pardon and Parole Board shall provide written notification to any victim of the crime for which the person receiving the pardon was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board shall not give the address of the person receiving the pardon to any victim of the crime for which the person receiving the pardon was convicted.</p> <p>C. The notification requirements provided for in subsections A and B of this section shall be made on a monthly basis by the tenth day of the month following the granting of the pardon or parole.</p> <p>D. The Department of Corrections shall provide notice of the projected date of release of an inmate to the designated Oklahoma victim notification service provider within sixty (60) days but not less than seven (7) days prior to the projected date of release of the inmate.</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-13.</p>

<p> The terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section “Select Definitions.”</p> <p> The Oklahoma Constitution also grants victims the right, upon request, to reasonable notice of an offender’s release or escape. Okla. Const. art. 2, § 34(A).</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies, such as the Pardon and Parole Board and the Department of Corrections.</p>	
<p>Right of Surviving Victims and Deceased Victims’ Family Members to Witness Execution.</p> <p>A. A judgment of death must be executed at the Oklahoma State Penitentiary at McAlester, Oklahoma, said prison to be designated by the court by which judgment is to be rendered. A place shall be provided at the Oklahoma State Penitentiary at McAlester so that individuals who are eighteen (18) years of age or older and who are members of the immediate family of any deceased victim of the defendant may witness the execution. The immediate family members shall be allowed to witness the execution from an area that is separate from the area to which other nonfamily member witnesses are admitted, provided, however, if there are multiple deceased victims, the Department of Corrections shall not be required to provide separate areas for each family of each deceased victim. If facilities are not capable or sufficient to provide all immediate family members with a direct view of the execution, the Department may broadcast the execution by means of a closed circuit television system to an area in which other immediate family members may be located.</p> <p>B. Immediate family members may request individuals not directly related to the deceased</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-14.</p>

<p>victim but who serve a close supporting role or professional role to the deceased victim or an immediate family member, including, but not limited to, a minister or licensed counselor. The warden in consultation with the Director of the Department of Corrections shall approve or disapprove such requests. Provided further, the Department may set a limit on the number of witnesses or viewers within occupancy limits.</p> <p>C. Any surviving victim of the defendant who is eighteen (18) years of age or older may view the execution by closed circuit television with the approval of both the Director of the Department of Corrections and the warden. The Director and warden shall prioritize persons to view the execution, including immediate family members, surviving victims, and supporting persons, and may set a limit on the number of viewers within occupancy limits. Any surviving victim approved to view the execution of their perpetrator may have an accompanying support person as provided for members of the immediate family of a deceased victim.</p> <p>D. As used in this section:</p> <ol style="list-style-type: none"> 1. "Members of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling, or a stepsibling of a deceased victim, or the spouse of any immediate family member; and 2. "Surviving victim" means any person who suffered serious harm or injury due to the criminal acts of the defendant of which the defendant has been convicted in a court of competent jurisdiction. <p> In addition to the terms defined in subsection (D), the terms used in this statutory provision are defined in Okla. Stat. Ann. tit. 21, § 142A-1. These definitions are included above in the section "Select Definitions."</p>	
<p>Protective Orders for Victims of Rape, Forcible Sodomy, Sex Offenses, Kidnapping or Assault and Battery with a Deadly Weapon; Right of These Victims to Not be Discouraged from Pressing Charges.</p> <p>A. A victim protection order for any victim of rape, forcible sodomy, a sex offense,</p>	<p>Okla. Stat. Ann. tit. 22, § 40.2.</p>

<p>kidnapping or assault and battery with a deadly weapon shall be substantially similar to a protective order in domestic abuse cases pursuant to the Protection from Domestic Abuse Act.¹</p> <p>B. A member of the immediate family of a victim of first-degree murder may seek a victim protection order against the following persons:</p> <ol style="list-style-type: none"> 1. The person who was charged and subsequently convicted as the principal in the crime of murder in the first degree; or 2. The person who was charged and subsequently convicted of being an accessory to the crime of murder in the first degree. <p>A victim protection order for a member of the immediate family of a victim of first-degree murder shall be substantially similar to a protective order in domestic abuse cases pursuant to the Protection from Domestic Abuse Act.</p> <p>C. No peace officer shall discourage a victim of rape, forcible sodomy, a sex offense, kidnapping or assault and battery with a deadly weapon from pressing charges against any assailant of the victim.</p> <p>¹ Title 22, § 60 et seq.</p> <p> The terms used in this statutory definition are defined in Okla. Stat. Ann. tit. 22, § 40. These definitions are included above in the section “Select Definitions.</p> <p> Oklahoma law also expressly bars law enforcement from discouraging victims of domestic abuse from pressing charges. Okla. Stat. Ann. tit. 22, § 60.20.</p>	
<p>Temporary Orders of Protection for Victims of Domestic Violence, Stalking, Harassment, Rape, Forcible Sodomy, Sex Offenses, Kidnapping or Assault and Battery with a Deadly Weapon; Investigating Officers’ Obligations.</p> <p>A. When the court is not open for business, the victim of domestic violence, stalking,</p>	<p>Okla. Stat. Ann. tit. 22, § 40.3.</p>

harassment, rape, forcible sodomy, a sex offense, kidnapping or assault and battery with a deadly weapon or member of the immediate family of a victim of first-degree murder may request a petition for an emergency temporary order of protection. The peace officer making the preliminary investigation shall:


1. Provide the victim or member of the immediate family of a victim of first-degree murder with a petition for an emergency temporary order of protection and, if necessary, assist the victim or member of the immediate family of a victim of first-degree murder in completing the petition form. The petition shall be in substantially the same form as provided by Section 60.2 of this title for a petition for protective order in domestic abuse cases;


2. Immediately notify, by telephone or otherwise, a judge of the district court of the request for an emergency temporary order of protection and describe the circumstances. The judge shall inform the peace officer of the decision to approve or disapprove the emergency temporary order;

3. Inform the victim or member of the immediate family of a victim of first-degree murder whether the judge has approved or disapproved the emergency temporary order. If an emergency temporary order has been approved, the officer shall provide the victim, or a responsible adult if the victim is a minor child or an incompetent person or member of the immediate family of a victim of first-degree murder, with a copy of the petition and a written statement signed by the officer attesting that the judge has approved the emergency temporary order of protection; and

4. Notify the person subject to the emergency temporary protection order of the issuance and conditions of the order, if known. Notification pursuant to this paragraph may be made personally by the officer upon arrest or, upon identification of the assailant, notice shall be given by any law enforcement officer. A copy of the petition and the statement of the officer attesting to the order of the judge shall be made available to the person.

B. The forms utilized by law enforcement agencies in carrying out the provisions of this section may be substantially similar to those used under Section 60.2 of this title.

 The terms used in this statutory definition are defined in Okla. Stat. Ann. tit. 22, § 40. These definitions are included above in the section “Select Definitions.”	
<p>Reporting of Rape, Sodomy or Sexual Assault Incidents; Referral to Victims’ Services Programs; Production of Records to Law Enforcement.</p> <p>A. Any physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating the victim of what appears to be or is reported by the victim to be rape, rape by instrumentation or forcible sodomy, as defined in Section 1111, 1111.1 or 888 of Title 21 of the Oklahoma Statutes or any form of sexual assault, shall not be required to report any incident of what appears to be or is reported to be such crimes if:</p> <ol style="list-style-type: none"> 1. Committed upon a person who is over the age of eighteen (18) years; and 2. The person is not an incapacitated adult. <p>B. Any physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating a victim shall be required to report any incident of what appears to be or is reported to be rape, rape by instrumentation, forcible sodomy or any form of sexual assault, if requested to do so either orally or in writing by the victim and shall be required to inform the victim of the victim’s right to have a report made. A requested report of any incident shall be promptly made orally or by telephone to the nearest law enforcement agency in the county wherein the sexual assault occurred or, if the location where the sexual assault occurred is unknown, the report shall be made to the law enforcement agency nearest to the location where the injury is treated.</p> <p>C. In all cases of what appears to be or is reported to be rape, rape by instrumentation, forcible sodomy or any form of sexual assault, the physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating the victim of what appears to be such crimes, shall clearly and legibly document the incident and injuries observed and reported, as well as any treatment provided or prescribed.</p>	<p>Okla. Stat. Ann. tit. 22, § 40.3A.</p>

<p>D. In all cases of what appears to be or is reported to be rape, rape by instrumentation, forcible sodomy or any form of sexual assault, the physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating the victim of what appears to be rape, rape by instrumentation, forcible sodomy or any form of sexual assault, shall refer the victim to sexual assault and victim services programs, including providing the victim with twenty-four-hour statewide telephone communication service established by Section 18p-5 of Title 74 of the Oklahoma Statutes.</p> <p>E. Every physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional making a report of rape, rape by instrumentation, forcible sodomy or any form of sexual assault pursuant to this section or examining such victims to determine the likelihood of such crimes, and every hospital or related institution in which the victims were examined or treated shall, upon the request of a law enforcement officer conducting a criminal investigation into the case, provide to the officer copies of the results of the examination or copies of the examination on which the report was based, and any other clinical notes, X-rays, photographs, and other previous or current records relevant to the case.</p> <p> The terms used in this statutory definition are defined in Okla. Stat. Ann. tit. 22, § 40. These definitions are included above in the section “Select Definitions.”</p>	
<p>Address Confidentiality Program.</p> <p>A. The Legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this section is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic abuse, sexual assault, or stalking, to enable interagency cooperation with the Attorney General in providing address confidentiality for victims of domestic abuse, sexual assault, or stalking, and to enable state and local agencies</p>	<p>Okla. Stat. Ann. tit. 22, § 60.14.</p>

to accept an address designated by the Attorney General by a program participant as a substitute mailing address.

B. As used in this section: [definitions; *see* "Select Definitions"].

C. The Address Confidentiality Program shall be staffed by unclassified employees, who have been subjected to a criminal history records search.

D. 1. An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined by Section 1-111 of Title 30 of the Oklahoma Statutes, may apply to the Attorney General to have an address designated by the Attorney General serve as the address of the person or the address of the minor or incapacitated person. The Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if it contains:

a. a sworn statement by the applicant that the applicant has good reason to believe:

(1) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic abuse, sexual assault, or stalking, and

(2) that the applicant fears for the safety of self or children, or the safety of the minor or incapacitated person on whose behalf the application is made,

b. a designation of the Attorney General as agent for purposes of service of process and for the purpose of receipt of mail,

c. the mailing address where the applicant can be contacted by the Attorney General, and the phone number or numbers where the applicant can be called by the Attorney General,

d. the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic abuse, sexual assault, or stalking, and

e. the signature of the applicant and application assistant who assisted in the preparation of the application, and the date on which the applicant signed the application.

2. An adult or minor child who resides with the applicant who also needs to be a program participant in order to ensure the safety of the applicant may apply. Each adult living in the household must complete a separate application. An adult may apply on behalf of a minor.

3. Applications shall be filed with the Office of the Attorney General.

4. Upon filing a properly completed application, the Attorney General shall certify the applicant as a program participant. Applicants shall be certified for four (4) years following

the date of filing unless the certification is withdrawn or invalidated before that date. The Attorney General shall by rule establish a renewal procedure.

5. A person who falsely attests in an application that disclosure of the address of the applicant would endanger the safety of the applicant or the safety of the children of the applicant or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, may be found guilty of perjury under Sections 500 and 504 of Title 21 of the Oklahoma Statutes.

E. 1. If the program participant obtains a name change, the participant loses certification as a program participant.

2. The Attorney General may cancel the certification of a program participant if there is a change in the residential address, unless the program participant provides the Attorney General notice no later than seven (7) days after the change occurs.

3. The Attorney General may cancel certification of a program participant if mail forwarded by the Attorney General to the address of the program participant is returned as nondeliverable.

4. The Attorney General shall cancel certification of a program participant who applies using false information.

F. 1. A program participant may request that state and local agencies use the address designated by the Attorney General as the address of the participant. When creating a new public record, state and local agencies shall accept the address designated by the Attorney General as a substitute address for the program participant, unless the Attorney General has determined that:

- a. the agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this section, and
- b. this address will be used only for those statutory and administrative purposes.

2. A program participant may use the address designated by the Attorney General as a work address.

3. The Office of the Attorney General shall forward all first class, certified and registered mail to the appropriate program participants for no charge. The Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a participant unless the mail is certified or registered mail.

G. The Attorney General may not make any records in a file of a program participant available for inspection or copying, other than the address designated by the Attorney General, except under the following circumstances:


1. If directed by a court order, to a person identified in the order; or
2. To verify the participation of a specific program participant to a state or local agency, in which case the Attorney General may only confirm information supplied by the requester.

No employee of a state or local agency shall knowingly and intentionally disclose a program participant's actual address unless disclosure is permitted by law.

H. The Attorney General shall designate state and local agencies, federal government, federally recognized tribes, and nonprofit agencies to assist persons in applying to be program participants. A volunteer or employee of a designated entity that provides counseling, referral, shelter, or other services to victims of domestic abuse, sexual assault, or stalking and has been trained by the Attorney General shall be known as an application assistant. Any assistance and counseling rendered by the Office of the Attorney General or an application assistant to applicants shall in no way be construed as legal advice.

I. The Attorney General may enter into agreements with the federal government and federally recognized tribes in the State of Oklahoma or other entities for purposes of the implementation of the Address Confidentiality Program, including the use and acceptance of the substitute address designated by the Attorney General.

J. Effective July 1, 2008, all administrative rules promulgated by the Office of the Secretary of State to implement this program shall be transferred to and become part of the administrative rules of the Office of the Attorney General. The Office of Administrative Rules in the Office of the Secretary of State shall provide adequate notice in "The Oklahoma Register" of the transfer of such rules, and shall place the transferred rules under the Administrative Code section of the Attorney General. Such rules shall continue in force and effect as rules of the Office of the Attorney General from and after July 1, 2008, and any amendment, repeal or addition to the transferred rules shall be under the jurisdiction of the Attorney General. The Attorney General shall adopt and promulgate rules to implement this program, as applicable.

<p>K. Beginning July 1, 2008, the Director of the Address Confidentiality Program shall cease to be a position within the Office of the Secretary of State. All unexpended funds, property, records, personnel, and outstanding financial obligations and encumbrances related to the position and the Office of Address Confidentiality Program with the Office of the Secretary of State shall be transferred to the Office of the Attorney General. All personnel shall retain their employment position and status as unclassified employees, any leave, sick and annual time earned, and any retirement and longevity benefits which have accrued during tenure with the Office of the Secretary of State.</p> <p> Okla. Stat. Ann. tit. 22, §§ 60.14(B) and 60.1 define the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Interviewing Officers’ Obligation to Inform Victims of Domestic Abuse, Rape, Forcible Sodomy or Stalking of Information Regarding their Rights, Including Access to 24-Hr Statewide Telephone Service.</p> <p>Upon the preliminary investigation of any crime involving domestic abuse, rape, forcible sodomy or stalking, it shall be the duty of the first peace officer who interviews the victim of the domestic abuse, rape, forcible sodomy or stalking to inform the victim of the twenty-four-hour statewide telephone communication service established by Section 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the victim of certain rights. The notice shall consist of handing such victim the following statement:</p> <p>“As a victim of domestic abuse, rape, forcible sodomy or stalking you have certain rights. These rights are as follows:</p> <ol style="list-style-type: none"> 1. The right to request that charges be pressed against your assailant; 2. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available and to be provided with information on the level of protection available; 	<p>Okla. Stat. Ann. tit. 22, § 60.15.</p>

3. The right to be informed of financial assistance and other social services available as a result of being a victim, including information on how to apply for the assistance and services; and

4. The right to file a petition for a protective order or, when the domestic abuse occurs when the court is not open for business, to request an emergency temporary protective order.”



Okla. Stat. Ann. tit. 22, § 60.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”



Okla. Stat. Ann. tit. 21, § 142A-3(A)–(C) also requires interviewing officers to provide victims of violent crimes, domestic abuse, rape and forcible sodomy with similar information regarding their rights.



A promising practice is to have a policy and procedure ensuring that victims are provided such written information in a timely and meaningful manner. This policy and procedure should note that such information should be provided to any victim, even if the interviewing officer is unsure whether, pursuant to *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), the state will ultimately have jurisdiction over the investigation and prosecution of the crime. In instances where jurisdiction is uncertain under *McGirt*, victims should be alerted that that these rights will apply if it is determined that the state has jurisdiction over the investigation and prosecution and that, if the case falls within federal or tribal jurisdiction, some of these state-based rights may continue to apply, as may federal- or tribal-based rights. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.

Domestic Abuse Victims' Right to Not Be Discouraged From Pressing Charges; Peace Officers' Obligations Regarding Domestic Abuse.

Okla. Stat. Ann. tit. 22, § 60.20.

A. A peace officer shall not discourage a victim of domestic abuse from pressing charges against the assailant of the victim.

B. 1. A peace officer may arrest without a warrant a person anywhere, including a place of residence, if the peace officer has probable cause to believe the person within the preceding seventy-two (72) hours has committed an act of domestic abuse as defined by Section 60.1 of this title, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this section without first observing a recent physical injury to, or an impairment of the physical condition of, the alleged victim.



2. An arrest, when made pursuant to this section, shall be based on an investigation by the peace officer of the circumstances surrounding the incident, past history of violence between the parties, statements of any children present in the residence, and any other relevant factors. A determination by the peace officer shall be made pursuant to the investigation as to which party is the dominant aggressor in the situation. A peace officer may arrest the dominant aggressor.

C. When the court is not open for business, the victim of domestic abuse may request a petition for an emergency temporary order of protection. The peace officer making the preliminary investigation shall:


1. Provide the victim with a petition for an emergency temporary order of protection and, if necessary, assist the victim in completing the petition form. The petition shall be in substantially the same form as provided by Section 60.2 of this title for a petition for protective order;


2. Immediately notify, by telephone or otherwise, a judge of the district court of the request for an emergency temporary order of protection and describe the circumstances. The judge shall inform the peace officer of the decision to approve or disapprove the emergency temporary order;

3. Inform the victim whether the judge has approved or disapproved the emergency temporary order. If an emergency temporary order has been approved, the officer shall

<p>provide the victim, or a responsible adult if the victim is a minor child or an incompetent person, with a copy of the petition and a written statement signed by the officer attesting that the judge has approved the emergency temporary order of protection and notify the victim that the emergency temporary order shall be effective only until the close of business on the next day that the court is open for business;</p> <p>4. Notify the person subject to the emergency temporary protection order of the issuance and conditions of the order. Notification pursuant to this paragraph may be made personally by the officer or in writing. A copy of the petition and the statement of the officer attesting to the order of the judge shall be made available to such person; and</p> <p>5. File a copy of the petition and the statement of the officer with the district court of the county immediately upon the opening of the court on the next day the court is open for business.</p> <p>D. The forms utilized by law enforcement agencies in carrying out the provisions of this section may be substantially similar to those used under Section 60.2 of this title.</p> <p> Okla. Stat. Ann. tit. 22, § 60.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Oklahoma law also expressly bars law enforcement from discouraging victims of rape, forcible sodomy, a sex offense, kidnapping or assault and battery with a deadly weapon from pressing charges. Okla. Stat. Ann. tit. 22, § 40.2.</p>	
<p>Certain Victims’ Rights to Have Safety Considered Prior to a Defendant’s Release; Protective Orders.</p> <p>The court shall consider the safety of any and all alleged victims of domestic violence, stalking, harassment, sexual assault, or forcible sodomy where the defendant is alleged to have violated a protective order, committed domestic assault and battery, stalked, sexually assaulted, or forcibly sodomized the alleged victim or victims prior to the release of the alleged defendant from custody on bond. The court, after consideration and to ensure the</p>	<p>Okla. Stat. Ann. tit. 22, § 60.17.</p>

safety of the alleged victim or victims, may issue an emergency protective order pursuant to the Protection from Domestic Abuse Act. The court may also issue to the alleged victim or victims an order restraining the alleged defendant from any activity or action from which they may be restrained under the Protection from Domestic Abuse Act. The court shall not consider a “no contact order as condition of bond” as a factor when determining whether the petitioner is eligible for relief. The protective order shall remain in effect until either a plea has been accepted, sentencing has occurred in the case, the case has been dismissed, or until further order of the court dismissing the protective order. In conjunction with any protective order or restraining order authorized by this section, the court may order the defendant to use an active, real-time, twenty-four-hour Global Positioning System (GPS) monitoring device for such term as the court deems appropriate. Upon application of the victim, the court may authorize the victim to monitor the location of the defendant. Such monitoring by the victim shall be limited to the ability of the victim to make computer or cellular inquiries to determine if the defendant is within a specified distance of locations, excluding the residence or workplace of the defendant, or to receive a computer- or a cellular-generated signal if the defendant comes within a specified distance of the victim. The court shall conduct an annual review of the monitoring order to determine if such order to monitor the location of the defendant is still necessary. Before the court orders the use of a GPS device, the court shall find that the defendant has a history that demonstrates an intent to commit violence against the victim, including, but not limited to, prior conviction for an offense under the Protection from Domestic Abuse Act or any other violent offense, or any other evidence that shows by a preponderance of the evidence that the defendant is likely to commit violence against the victim. The court may further order the defendant to pay costs and expenses related to the GPS device and monitoring.

 Okla. Stat. Ann. tit. 22, § 60.1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”

 The Oklahoma Constitution grants victims the right to be treated with fairness and respect for their safety, dignity and privacy. Okla. Const. art. 2, § 34(A). The constitution also grants victims the right to reasonable protection and to reasonable notice of an offender’s release or escape. *Id.*

Victims' Pardon- and Parole-Related Rights: Notice, to Give Recommendation or Protest, to Testify and to Confidentiality.

Okla. Stat. Ann. tit. 57, § 322.2.

A. The Pardon and Parole Board, which shall meet only on the call of the Chairman, is authorized, if and when an application made to the Governor for a reprieve, commutation, parole, pardon, or other act of clemency is certified thereto by the Governor, to examine into the merits of said application and make recommendations to the Governor in relation thereto, said recommendation being advisory to the Governor and not binding thereon.

B. Any consideration for commutation shall be made only after application is made to the Pardon and Parole Board pursuant to the procedures set forth in this section. The Pardon and Parole Board shall provide a copy of the application to the district attorney, the victim or representative of the victim and the Office of the Attorney General within ten (10) business days of receipt of such application.

C. An application for commutation, other than those provided for in subsection F of this section, must be sent to the trial officials, who shall have twenty (20) business days to provide a written recommendation or protest prior to consideration of the application. Trial officials shall include:

1. The current elected judge of the court where the conviction was had;
2. The current elected district attorney of the jurisdiction where the conviction was had; or
3. The chief or head administrative officer of the arresting law enforcement agency.

D. In cases resolved prior to the tenure of the present officeholders, the recommendation or protest of persons holding such offices at the time of conviction may also be considered by the Board.

E. The recommendation for commutation of a sentence by a trial official may include the following:

1. A statement that the penalty now appears to be excessive;
 2. A recommendation of a definite term now considered by the official as just and proper;
- and

3. A statement of the reasons for the recommendation based upon facts directly related to the case which were not available to the court or jury at the time of the trial or based upon there having been a statutory change in penalty for the crime which makes the original penalty appear excessive.

F. The Pardon and Parole Board shall establish an accelerated, single-stage commutation docket for any applicant who has been convicted of a crime that has been reclassified from a felony to a misdemeanor under Oklahoma law. The Pardon and Parole Board shall be empowered to recommend to the Governor for commutation, by majority vote, any commutation application placed on the accelerated, single-stage commutation docket that meets the eligibility criteria provided above. The Department of Corrections shall certify a list of potentially eligible inmates to the Pardon and Parole Board within thirty (30) days of the effective date of this act.¹

G. The Pardon and Parole Board shall schedule the application on a commutation docket in compliance with the notice requirements set forth herein. The Board shall provide the victim or representative of the victim at least twenty (20) days to offer recommendations or protests before consideration of the application.

H. Applications for commutation shall be given impartial review as required in Section 10 of Article VI of the Oklahoma Constitution.

I. Any consideration for pardon shall be made only after application is made to the Pardon and Parole Board. Upon receipt of an application for pardon, the Board shall provide a copy of the application to the district attorney, the victim or representative of the victim and the Office of the Attorney General within twenty (20) business days of receipt of such application. The district attorney and the victim or representative of the victim shall have twenty (20) business days to provide written recommendation or protest prior to the consideration of the application. The Board shall schedule the application on a pardon docket in compliance with the notice requirements set forth herein.

J. In accordance with Section 10 of Article VI of the Oklahoma Constitution, the Board shall communicate to the Legislature, at each regular session, by providing a summary of the

activities of the Board. This summary shall include, but not be limited to, the following Board activity:

1. The approval or recommendation rates of the Board for both violent and nonviolent offenses;
2. The parole approval rates for each individual Board member for both violent and nonviolent offenses; and
3. The percentage of public comments to and personal appearances before the Board including victim protests and personal appearances, district attorney protests and personal appearances, and delegate recommendations and personal appearances on behalf of the offender.

This summary shall be made available to the public through publication on the website of the Pardon and Parole Board.

K. The Pardon and Parole Board shall provide a copy of their regular docket and administrative parole docket to each district attorney in this state at least twenty (20) days before such docket is considered by the Board, or in the case of a supplemental, addendum or special docket, at least ten (10) days before such docket is considered by the Board, and shall notify the district attorney of any recommendations for commutations or paroles no later than twenty (20) days after the docket is considered by the Board.

L. The Pardon and Parole Board shall notify all victims or representatives of the victim in writing at least twenty (20) days before an inmate is considered by the Board provided the Board has received a request from the victim or representatives of the victim for notice. The Board shall provide all victims or representatives of the victim with the date, time and place of the scheduled meeting and rules for attendance and providing information or input to the Board regarding the inmate or the crime. If requested by the victim or representatives of the victim, the Board shall allow the victim or representatives of the victim to testify at the parole hearing of the inmate for at least five (5) minutes.

M. The Pardon and Parole Board shall notify all victims or representatives of the victim in writing of the decision of the Board no later than twenty (20) days after the inmate is considered by the Board.

N. Any notice required to be provided to the victims or the representatives of the victim shall be mailed by first-class mail to the last-known address of the victim or representatives of the victim. It is the responsibility of the victims or representatives of the victim to provide the Pardon and Parole Board a current mailing address. The victim-witness coordinator of the district attorney shall assist the victims or representatives of the victim with supplying their address to the Board if they wish to be notified. Upon failure of the Pardon and Parole Board to notify a victim who has requested notification and has provided a current mailing address, the final decision of the Board may be voidable, provided, the victim who failed to receive notification requests a reconsideration hearing within thirty (30) days of the recommendation by the Board for parole. The Pardon and Parole Board may reconsider previous action and may rescind a recommendation if deemed appropriate as determined by the Board.



O. For purposes of this section, “victim” shall mean all persons who have suffered direct or threatened physical or emotional harm, or financial loss as the result of the commission or attempted commission of criminally injurious conduct, and “representatives of the victim” shall mean those persons who are members of the immediate family of the victim, including stepparents, stepbrothers, stepsisters, and stepchildren.

P. All meetings of the Pardon and Parole Board shall comply with Section 301 et seq. of Title 25 of the Oklahoma Statutes; provided that the Board shall have the authority to limit the number of persons attending in support of, or in opposition to, any inmate being considered for parole and shall have the authority to exclude persons from attendance in accordance with prison security regulations and the capacity of the meeting room. Persons excluded from attending the meeting under this provision shall be informed of their right to be informed of the vote of the Board in accordance with Section 312 of Title 25 of the Oklahoma Statutes. Provided further, nothing in this section shall be construed to prevent any member of the press or any public official from attending any meeting of the Pardon and Parole Board, except as provided by the Oklahoma Open Meeting Act.²

Q. All victim information maintained by the Department of Corrections and the Pardon and Parole Board shall be confidential and shall not be released.

¹ O.S.L. 2019, c. 459, eff. Nov. 1, 2019.

² Title 25, § 301 et seq.

<p> Okla. Stat. Ann. tit. 21, § 142A-2(C) requires the office of the district attorney to inform victims of violent crimes and their immediate family members of the rights under this statutory provision.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Rights of Victims of Human Trafficking.</p> <p>A. Human trafficking victims shall:</p> <ol style="list-style-type: none"> 1. Be housed in an appropriate shelter as soon as practicable; 2. Not be detained in facilities inappropriate to their status as crime victims; 3. Not be jailed, fined, or otherwise penalized due to having been trafficked; 4. Receive prompt medical care, mental health care, food, and other assistance, as necessary; 5. Have access to legal assistance, information about their rights, and translation services, as necessary; and 6. Be provided protection if the safety of the victim is at risk or if there is a danger of additional harm by recapture of the victim by a trafficker, including: <ol style="list-style-type: none"> a. taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals, and b. ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public. <p>B. Any person aggrieved by a violation of subsection B of Section 748 of this title may bring a civil action against the person or persons who committed the violation to recover actual and punitive damages and reasonable attorney fees and costs. The civil action brought under this section may be instituted in the district court in this state in the county in which the</p>	<p>Okla. Stat. Ann. tit. 21, § 748.2.</p>

prospective defendant resides or has committed any act which subjects him or her to liability under this section. A criminal case or prosecution is not a necessary precedent to the civil action. The statute of limitations for the cause of action shall not commence until the latter of the victim's emancipation from the defendant, the victim's twenty-first birthday, or the plaintiff discovers or reasonably should have discovered that he or she was a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking.


C. Upon availability of funds, the Attorney General is authorized to establish an emergency hotline number for victims of human trafficking to call in order to request assistance or rescue. The Attorney General is authorized to enter into agreements with the county departments of health to require posting of the rights contained in this section along with the hotline number for publication in locations as directed by the State Department of Health.


D. Any peace officer who comes in contact with a human trafficking victim shall inform the victim of the human trafficking emergency hotline number and give notice to the victim of certain rights. The notice shall consist of handing the victim a written statement of the rights provided for in subsection A of this section.

E. Any peace officer or employee of a district court, juvenile bureau or Office of Juvenile Affairs who has reasonable suspicion that a minor may be a victim of human trafficking and is in need of immediate protection shall assume protective custody over the minor and immediately notify the Department of Human Services. The minor shall be transferred to the emergency custody of the Department pursuant to the provisions of Section 1-4-201 of Title 10A of the Oklahoma Statutes. While in custody of the Department, the minor shall be provided with any necessary emergency social services which include, but shall not be limited to, medical examination or treatment, or a mental health assessment.

Law enforcement and the Department of Human Services shall conduct a joint investigation into the claim.

The minor shall remain in the custody of the Department of Human Services until the investigation has been completed, but for no longer than two (2) judicial days, for the show-cause hearing. The Department may release the minor to the custody of a parent or legal guardian if it determines the minor will not be subject to further exploitation. If no such

<p>determination is made, the minor shall be subject to the deprived child provisions of the Oklahoma Children’s Code and made eligible for appropriate child welfare services. The minor shall not be subject to juvenile delinquency proceedings for prostitution or other nonviolent misdemeanor offenses committed as a direct result of being a victim of human trafficking. It shall be an affirmative defense to delinquency or criminal prosecution for any misdemeanor or felony offense that the offense was committed during the time of and as the direct result of the minor being the victim of human trafficking.</p> <p> The Oklahoma Constitution grants victims the right to be treated with fairness and respect for their safety, dignity and privacy. Okla. Const. art. 2, § 34(A). The constitution also grants victims the right to reasonable protection and to reasonable notice of an offender’s release or escape. <i>Id.</i></p>	
<p>Victims’ Rights Regarding Standardized Sexual Assault Evidence Kits; Law Enforcement’s Obligations.</p> <p>A. All accredited crime laboratories in the State of Oklahoma must supply to all law enforcement agencies the same standardized sexual assault evidence kit for the collection of DNA or other evidence as a result of an alleged crime of sexual assault.</p> <p>B. A sexual assault evidence kit, or other DNA evidence if a kit is not collected, must be submitted to the appropriate accredited crime laboratory for forensic testing within twenty (20) days after receipt of the evidence by a law enforcement agency if a report of the sexual assault is made to the law enforcement agency, unless the victim requests that the sexual assault evidence kit not be tested.</p> <p>C. If, at the time the forensic medical examination is conducted, a report of the sexual assault is not made or if the victim requests that the sexual assault evidence kit not be tested, the medical provider shall inform the victim in writing of his or her right to request the testing of the sexual assault evidence kit at any future time. The law enforcement agency shall submit the sexual assault evidence kit to the appropriate accredited crime laboratory for forensic testing within twenty (20) days of such request. However, nothing in this subsection</p>	<p>Okla. Stat. Ann. tit. 74, § 150.28b.</p>

<p>shall negate the responsibility of a medical provider to report a suspected sexual assault as provided for in Section 40.3A of Title 22 of the Oklahoma Statutes.</p> <p>D. A collected sexual assault evidence kit, whether tested or untested, must be retained in a secure, environmentally safe manner for not less than fifty (50) years or for the length of the statute of limitations for the alleged crime, whichever is longer.</p> <p>E. Each law enforcement agency is responsible for the maintenance and storage of untested kits either in their own evidence storage or through an agreement with another agency with larger capacity.</p> <p>F. By January 1, 2020, the Oklahoma State Bureau of Investigation and each accredited crime laboratory, in coordination with Oklahoma Sexual Assault Forensic Evidence Task Force, shall adopt and disseminate guidelines and procedures for the collection, submission and testing of DNA evidence that is obtained in connection with an alleged sexual assault. Priority testing shall be given for sexual assault evidence kits that will yield evidentiary value to the investigation and prosecution of the alleged sexual assault.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Confidentiality of Domestic Violence and Sexual Assault Victims’ Records and Location.</p> <p>A. The Attorney General is hereby authorized and directed to enter into agreements and to contract for the shelter and other services that are needed for victims of domestic abuse, sexual assault or batterers intervention programs. Any domestic violence, sexual assault or batterers intervention program providing services pursuant to certification by the Attorney General or a contract or subcontract with the Attorney General and receiving funds from the</p>	<p>Okla. Stat. Ann. tit. 74, § 18p-3.</p>

Attorney General or any contractor with the Attorney General shall be subject to the provisions of the administrative rules of the Attorney General.

B. 1. Except as otherwise provided by paragraph 3 of this subsection, the case records, case files, case notes, client records, or similar records of a domestic violence or sexual assault program certified by the Attorney General or of any employee or trained volunteer of a program regarding an individual who is residing or has resided in such program or who has otherwise utilized or is utilizing the services of any domestic violence or sexual assault program or counselor shall be confidential and shall not be disclosed.

2. For purposes of this subsection, the term “client records” shall include, but not be limited to, all communications, records, and information regarding clients of domestic violence and sexual assault programs.

3. The case records, case files, or case notes of programs specified in paragraph 1 of this subsection shall be confidential and shall not be disclosed except with the written consent of the individual, or in the case of the individual’s death or disability, of the individual’s personal representative or other person authorized to sue on the individual’s behalf or by court order for good cause shown by the judge in camera.


C. The district court shall not order the disclosure of the address of a domestic violence shelter, the location of any person seeking or receiving services from a domestic violence or sexual assault program, or any other information which is required to be kept confidential pursuant to subsection B of this section.

D. The home address, personal telephone numbers and social security number of board members, staff and volunteers of certified domestic violence and sexual assault programs shall not be construed to be open records pursuant to the Oklahoma Open Records Act.¹

¹ Title 51, § 24A.1 et seq.



The Oklahoma Constitution grants victims the right to be treated with fairness and respect for their safety, dignity and privacy. Okla. Const. art. 2, § 34(A). The constitution

<p>also grants victims the right to reasonable protection and to reasonable notice of an offender's release or escape. <i>Id.</i></p>	
<p>Confidentiality of Domestic Violence and Sexual Assault Victims' Records and Information as Provided to the Attorney General.</p> <p>A. The Office of the Attorney General shall have the authority to collect information sufficient to meet its responsibilities related to oversight, management, evaluation, performance improvement and auditing of domestic violence and sexual assault services and combating and preventing domestic violence and sexual assault in this state.</p> <p>B. The individual forms, computer and electronic data, and other forms of information collected by and furnished to the Attorney General shall be confidential and shall not be public records as defined in the Oklahoma Open Records Act [Title 51, § 24A.1 et seq.].</p> <p>C. Except as otherwise provided by state and federal confidentiality laws, identifying information shall not be disclosed and shall not be used for any public purpose other than the creation and maintenance of anonymous datasets for statistical reporting and data analysis.</p> <p> The Oklahoma Constitution grants victims the right to be treated with fairness and respect for their safety, dignity and privacy. Okla. Const. art. 2, § 34(A). The constitution also grants victims the right to reasonable protection and to reasonable notice of an offender's release or escape. <i>Id.</i></p>	<p>Okla. Stat. Ann. tit. 74, § 18p-8.</p>
<p>Establishment and Implementation of Crime Victim and Witness Notification and Victim Protective Order System; Limitations on Liability; Effect of Failure to Notify Victims.</p> <p>A. The Attorney General may establish a crime victim and witness notification and victim protective order system to assist public officials in carrying out their duties to notify and</p>	<p>Okla. Stat. Ann. tit. 74, § 18p-9.</p>

inform crime victims and witnesses as the Attorney General specifies by rule. The system shall download necessary information from participating officials into its computers, where it shall be maintained, updated, and automatically transmitted to victims and witnesses by telephone, computer, or written notice.

B. The Department of Corrections, the Pardon and Parole Board, and each county sheriff office within the state shall cooperate with the Attorney General in the implementation of this section and shall provide information as necessary to the effective operation of the system.

C. District attorneys and local law enforcement and other authorities may enter into agreements with the Attorney General for participation in the system. The Attorney General may provide those who elect to participate with the equipment, software, or training necessary to bring their offices into the system.

D. The Attorney General may provide for telephonic, electronic, or other public access to the database established under this section.

E. This section does not limit any rights or responsibilities otherwise enjoyed by or imposed upon victims or witnesses of violent crimes, nor does it grant any person a cause of action for damages or attorney fees. Any act of omission or commission by any law enforcement officer or district attorney, by the Attorney General, Department of Corrections, Pardon and Parole Board, or other state agency, or private entity under contract with the state, or by any employee of any state agency or private entity under contract with the state acting in good faith in rendering crime victim's assistance or otherwise enforcing this section shall not impose civil liability upon the individual or entity or his or her supervisor or employer. Nothing in this section shall create a basis for vacating a conviction or a ground for appellate relief in any criminal case. Failure of the crime victim to receive notice as required, however, shall not deprive the court of the power to act regarding the proceeding before it; nor shall any such failure grant the defendant the right to seek a continuance.



Okla. Stat. Ann. tit. 21, § 142A-2(E) guarantees victims the right to be informed of their right to utilize the state's automatic notification system.

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