

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1128

By: Phillips

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to state government; amending 74 O.S.
10 2011, Sections 18p-1 and 18p-6, which relate to the
11 Office of the Attorney General; providing for certain
12 exemptions; and providing an effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2011, Section 18p-1, is
15 amended to read as follows:

16 Section 18p-1. A. There is hereby created within the Office of
17 the Attorney General a Victims Services Unit.

18 B. The duty of the Unit is to provide services for persons who
19 require domestic violence or sexual assault services through a
20 domestic violence or sexual assault program.

21 C. As used in this act, "domestic violence program" or "sexual
22 assault program" means an agency, organization, facility or person
23 that offers, provides or engages in the offering of any shelter,
24 residential services or support services, with the exception of

1 programs run by organizations that have legal nonprofit status, work
2 exclusively with human trafficking victims and receive no federal or
3 state funding, to:

4 1. Victims or survivors of domestic abuse as defined in Section
5 60.1 of Title 22 of the Oklahoma Statutes, any dependent children of
6 such victim or survivor, and any other member of the family or
7 household of such victim or survivor;

8 2. Victims or survivors of sexual assault;

9 3. Persons who are homeless as a result of domestic abuse or
10 sexual assault or both domestic abuse and sexual assault; and

11 4. Victims of stalking,

12 and which may provide other services, including, but not limited to,
13 counseling, case management, referrals or other similar services to
14 victims or survivors of domestic abuse, sexual assault or stalking.

15 D. As used in this act, "batterers intervention program" or
16 "batterers treatment program" means an agency, organization,
17 facility or person who offers, provides or engages in the offering
18 of counseling or intervention services to persons who commit
19 domestic abuse.

20 E. Organizations that have legal nonprofit status, specialize
21 in providing services to human trafficking victims according to
22 Section 748.2 of Title 21 of the Oklahoma Statutes and receive no
23 funding from federal or state governments are exempt from this act.

1 SECTION 2. AMENDATORY 74 O.S. 2011, Section 18p-6, is
2 amended to read as follows:

3 Section 18p-6. A. Effective July 1, 2005, all administrative
4 rules promulgated by the Department of Mental Health and Substance
5 Abuse Services relating to domestic violence and sexual assault
6 programs shall be transferred to and become a part of the
7 administrative rules of the Office of the Attorney General. The
8 Office of Administrative Rules in the Secretary of State's office
9 shall provide adequate notice in the Oklahoma Register of the
10 transfer of such rules, and shall place the transferred rules under
11 the Administrative Code section of the Attorney General. Such rules
12 shall continue in force and effect as rules of the Office of the
13 Attorney General from and after July 1, 2005, and any amendment,
14 repeal or addition to the transferred rules shall be under the
15 jurisdiction of the Attorney General.

16 B. The Attorney General shall adopt and promulgate rules and
17 standards for certification of batterers intervention and domestic
18 violence programs and for private facilities and organizations which
19 offer domestic and sexual assault services in this state. These
20 facilities shall be known as "certified domestic violence shelters"
21 or "certified domestic violence programs" or "certified sexual
22 assault programs" or "certified treatment programs for batterers",
23 as applicable. Organizations that have legal nonprofit status,
24 specialize in providing services to human trafficking victims

1 according to Section 748.2 of Title 21 of the Oklahoma Statutes and
2 receive no funding from federal or state governments are exempt from
3 this act.

4 C. Applications for certification as a certified domestic
5 violence shelter, domestic violence program, sexual assault program
6 or treatment program for batterers, pursuant to the provisions of
7 this section, shall be made to the Office of the Attorney General on
8 prescribed forms. The Attorney General may certify the shelter or
9 program for a period of three (3) years subject to renewal as
10 provided in the rules promulgated by the Attorney General. Nothing
11 in this section shall preclude the Office of the Attorney General
12 from making inspection visits to a shelter or program to determine
13 contract or program compliance.

14 D. Licensed physicians, licensed psychologists, licensed social
15 workers, individual members of the clergy, licensed marital and
16 family therapists, licensed behavioral practitioners, and licensed
17 professional counselors shall be exempt from certification
18 requirements; provided, however, these exemptions shall only apply
19 to individual professional persons in private practice and not to
20 any domestic violence program or sexual assault program operated by
21 such person.

22 E. Facilities providing services for persons who commit
23 domestic abuse, victims or survivors of domestic abuse or sexual
24 assault and any dependent children of such victims or survivors

1 shall comply with standards promulgated by the Attorney General;
2 provided, that the certification requirements and standards
3 promulgated by the Attorney General shall not apply to programs and
4 services offered by the Department of Health, the Department of
5 Mental Health and Substance Abuse Services, the Department of
6 Corrections or the Department of Human Services. The batterers
7 intervention, domestic violence or sexual assault programs certified
8 pursuant to the provisions of this section shall cooperate with
9 inspection personnel of this state and shall promptly file all
10 reports required by the Attorney General. Failure to comply with
11 rules and standards of the Attorney General shall be grounds for
12 revocation of certification, after proper notice and hearing.

13 F. The Attorney General is hereby authorized to collect from
14 each applicant the sum of One Hundred Fifty Dollars (\$150.00) to
15 help defray the costs incurred in the certification process.

16 SECTION 3. This act shall become effective November 1, 2021.

17
18 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
19 dated 03/01/2021 - DO PASS, As Amended.
20
21
22
23
24