

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 1079

By: Treat of the Senate

4 and

5 McCall of the House

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7
8 AS INTRODUCED

9 An Act relating to confidentiality of records;
10 amending Section 2, Chapter 389, O.S.L. 2015 (22 O.S.
11 Supp. 2018, Section 60.31), which relates to family
12 justice centers; expanding authority of family
13 justice centers to assist victims of certain crimes;
14 requiring establishment and maintenance of certain
15 consent policy; providing for confidentiality of
16 certain records; defining term; establishing
17 exception to confidentiality requirement under
18 certain circumstances; establishing exception to
19 certain consent requirements; construing provisions;
20 requiring compliance with laws governing certain
21 professions; and providing an effective date.

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

23 SECTION 1. AMENDATORY Section 2, Chapter 389, O.S.L.
24 2015 (22 O.S. Supp. 2018, Section 60.31), is amended to read as
25 follows:

26 Section 60.31. A. Beginning on January 1, 2016, any
27 governmental entity in a county that receives sufficient funds to
28 implement such program may establish a family justice center to

1 assist victims of domestic violence, sexual assault, elder or
2 dependent adult abuse, human trafficking and stalking to ensure that
3 victims of abuse are able to access all needed services in one
4 location in order to enhance victim safety and increase offender
5 accountability. Family justice centers ~~shall comply with all~~
6 ~~applicable laws and regulations of this state,~~ and may include, but
7 not be limited to, the participation of law enforcement, the
8 prosecuting authority, and an Attorney General certified victim
9 services agency.

10 B. 1. A family justice center shall establish and maintain a
11 client consent policy and shall comply with applicable state and
12 federal law related to client confidentiality.

13 2. Except as otherwise provided by paragraph 3 of this
14 subsection, the case records, case files, case notes, client records
15 or similar records of a family justice center or of any employee or
16 trained volunteer of such center regarding an individual who is
17 utilizing the services of any family justice center program or
18 counselor shall be confidential and shall not be disclosed. For
19 purposes of this paragraph, "client records" shall include, but not
20 be limited to, all communications, records, documents, applications
21 and information regarding clients of family justice centers.

22 3. The case records, case files or case notes of programs
23 specified in paragraph 2 of this subsection shall be confidential
24 and shall not be disclosed except with the informed consent of the

1 client, or in the case of the client's death or disability, of the
2 client's personal representative or other person authorized to sue
3 on the individual's behalf, or by court order for good cause shown
4 by the judge in camera.

5 4. A family justice center shall not be required to obtain
6 consent before sharing information obtained from the client if the
7 staff member is a mandated reporter, peace officer or member of the
8 prosecution team and is therefore required to report or disclose
9 specific information or incidents. Such staff members shall inform
10 the client that they may share information obtained from the client
11 without the client's consent.

12 5. Consent by a client for sharing information within a family
13 justice center pursuant to this section shall not be construed as a
14 waiver of any existing evidentiary privilege that provides for
15 confidentiality of any communication or document between the client
16 and any service provider.

17 6. Nothing in this subsection shall be construed to abrogate
18 existing state or federal law related to privacy or information
19 sharing. All staff members of a family justice center shall comply
20 with all applicable laws governing their specific professions.

21 SECTION 2. This act shall become effective November 1, 2019.

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