

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1933

By: Floyd

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6 AS INTRODUCED

7 An Act relating to sexual assault; creating the
8 Sexual Assault Forensic Evidence (SAFE) Board;
9 establishing duties, powers, and responsibilities of
10 the Board; providing for use of executive sessions by
11 the Board; subjecting Board to the provisions of the
12 Oklahoma Open Meeting Act; requiring submission of
13 certain reports to certain entities; providing for
14 membership; providing for qualifications for Board
15 members; stating appointment terms; establishing
16 Board procedures for election of chair and vice
17 chair; establishing meeting frequency; stating
18 quorum; allowing for certain reimbursement; requiring
19 Office of the Attorney General to provide certain
20 support; amending 25 O.S. 2021, Section 307, as
21 amended by Section 1, Chapter 182, O.S.L. 2022 (25
22 O.S. Supp. 2023, Section 307), which relates to
23 executive sessions; authorizing executive sessions
24 for certain entity; updating statutory reference;
25 providing for codification; and providing an
26 effective date.

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

30 SECTION 1. NEW LAW A new section of law to be codified
31 in the Oklahoma Statutes as Section 143 of Title 21, unless there is
32 created a duplication in numbering, reads as follows:
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1 A. There is hereby created the Sexual Assault Forensic Evidence
2 (SAFE) Board within the Office of the Attorney General. The Board
3 shall have the power and duty to:

4 1. Examine the process for gathering and analyzing sexual
5 assault forensic evidence kits in this state and work with members
6 of the Legislature to draft proposed legislation to improve the
7 response of medical and law enforcement systems to sexual assault;

8 2. Develop a plan for the prioritization and acceptance of
9 untested sexual assault forensic evidence kits identified in the
10 statewide audit conducted by the Board;

11 3. Identify possible procedures for the testing of anonymous
12 sexual assault evidence kits;

13 4. Identify possible improvements for victim access to evidence
14 other than sexual assault forensic evidence kits including, but not
15 limited to, police reports and other physical evidence;

16 5. Identify additional rights of victims concerning the sexual
17 assault forensic evidence kits testing process;

18 6. Identify and pursue grants and other funding sources to
19 address untested sexual assault forensic evidence kits, reduce
20 testing wait times, provide victim notification, and improve
21 efficiencies in the kit testing process; and

22 7. Develop a comprehensive training plan for equipping and
23 enhancing the work of law enforcement, prosecutors, victim
24 advocates, Sexual Assault Nurse Examiners, and multidisciplinary

1 Sexual Assault Response Teams (SARTs) across all jurisdictions
2 within this state.

3 B. In carrying out its duties and responsibilities, the Board
4 shall:

5 1. Promulgate rules establishing criteria for the collection of
6 sexual assault forensic evidence subject to specific, in-depth
7 review by the Board;

8 2. Establish and maintain statistical information related to
9 sexual assault forensic evidence collection including, but not
10 limited to, demographic and medical diagnostic information;

11 3. Establish procedures for obtaining initial information
12 regarding the collection of sexual assault forensic evidence from
13 medical and law enforcement entities;

14 4. Review the policies, practices, and procedures of the
15 medical and law enforcement systems and make specific
16 recommendations to the entities comprising the medical and law
17 enforcement systems for actions necessary to improve such systems;

18 5. Review the extent to which the medical and law enforcement
19 systems are coordinated and evaluate whether the state is
20 efficiently discharging its sexual assault forensic evidence
21 collection responsibilities;

22 6. Request and obtain a copy of all records and reports
23 pertaining to sexual assault forensic evidence including, but not
24 limited to:

- 1 a. hospital records,
- 2 b. court records,
- 3 c. local, state, and federal law enforcement records,
- 4 d. medical and dental records, and
- 5 e. emergency medical service records.

6 Confidential information provided to the Board shall be
7 maintained by the Board in a confidential manner as otherwise
8 required by state and federal law. Any person damaged by disclosure
9 of such confidential information by the Board or its members which
10 is not authorized by law may maintain an action for damages, costs,
11 and attorney fees pursuant to The Governmental Tort Claims Act;

12 7. Maintain all confidential information, documents, and
13 records in possession of the Board as confidential and not subject
14 to subpoena or discovery in any civil or criminal proceedings;
15 provided, however, such information, documents, and records
16 otherwise available from other sources shall not be exempt from
17 subpoena or discovery through such sources solely because such
18 information, documents, and records were presented to or reviewed by
19 the Board; and

20 8. Exercise all incidental powers necessary and proper for the
21 implementation and administration of the Sexual Assault Forensic
22 Evidence (SAFE) Board.

23 C. The review and discussion of individual cases of sexual
24 assault evidence collection shall be conducted in executive session.

1 All discussions of individual cases and any writings produced by or
2 created for the Board in the course of determining a remedial
3 measure to be recommended by the Board, as the result of a review of
4 an individual case of sexual assault evidence collection, shall be
5 privileged and shall not be admissible in evidence in any
6 proceeding. All other business shall be conducted in accordance
7 with the provisions of the Oklahoma Open Meeting Act. The Board
8 shall periodically conduct meetings to discuss organization and
9 business matters and any actions or recommendations aimed at
10 improvement of the collection of sexual assault forensic evidence
11 which shall be subject to the Oklahoma Open Meeting Act.

12 D. The Board shall submit an annual statistical report on the
13 incidence of sexual assault forensic evidence collection in this
14 state for which the Board has completed its review during the past
15 calendar year including its recommendations, if any, to medical and
16 law enforcement systems. The Board shall also prepare and make
17 available to the public an annual report containing a summary of the
18 activities of the Board relating to the review of sexual assault
19 forensic evidence collection and an evaluation of whether the state
20 is efficiently discharging its sexual assault forensic evidence
21 collection responsibilities. The report shall be completed no later
22 than February 1 of the subsequent year.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 143.1 of Title 21, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Sexual Assault Forensic Evidence (SAFE) Board shall
5 consist of eighteen (18) members, or their designees, as follows:

6 1. Nine of the members shall be:

- 7 a. the Chief of the Victim Services Unit within the
- 8 Office of the Attorney General,
- 9 b. the Director of the Oklahoma State Bureau of
- 10 Investigation,
- 11 c. the Executive Director of the Oklahoma Sheriffs'
- 12 Association,
- 13 d. the Chief of the Oklahoma City Police Department,
- 14 e. the Chief of the Tulsa Police Department,
- 15 f. the Executive Director of the Oklahoma Association of
- 16 Chiefs of Police,
- 17 g. the Executive Coordinator of the District Attorneys
- 18 Council,
- 19 h. the Executive Director of the Native Alliance Against
- 20 Violence, and
- 21 i. the Executive Director of the Council on Law
- 22 Enforcement Education and Training; and

23 2. Nine of the members shall be appointed by the Attorney
24 General, shall serve for terms of two (2) years, and shall be

1 eligible for reappointment. The members shall be persons having
2 training or experience in matters related to sexual assault. The
3 appointed members shall include:

- 4 a. two individuals of which one is a survivor of sexual
5 assault who has experience with sexual assault
6 forensic evidence kit collection and the other is a
7 survivor of sexual assault committed in this state who
8 has participated in the justice system process,
- 9 b. a Sexual Assault Nurse Examiner selected from a list
10 of three names submitted by the Oklahoma Nurses
11 Association,
- 12 c. a chief of a municipal police department selected from
13 a list of three names submitted by the Oklahoma
14 Association of Chiefs of Police,
- 15 d. a county sheriff selected from a list of three names
16 submitted by the executive board of the Oklahoma
17 Sheriffs' Association,
- 18 e. an attorney from an office of public defenders with
19 criminal defense experience from a list of three names
20 submitted by the Oklahoma Indigent Defense System or
21 other public defenders organization,
- 22 f. an advocate of sexual assault victims from a
23 community-based organization,

1 g. a representative of the Administrative Office of the
2 Courts who is familiar with data coding and running
3 queries, and

4 h. a person with experience seeking and applying for
5 grants and other private funding.

6 B. Every two (2) years the Board shall elect from among its
7 membership a chair and a vice chair. The Board shall meet at least
8 quarterly and may meet more frequently as necessary as determined by
9 the chair. Ten members or their designees, as specified in
10 subsection A of this section, shall constitute a quorum.

11 C. Members shall serve without compensation but may be
12 reimbursed for necessary travel out of funds available to the Office
13 of the Attorney General pursuant to the State Travel Reimbursement
14 Act; provided, that the reimbursement shall be paid in the case of
15 state employee members by the agency employing the member.

16 D. The Office of the Attorney General shall provide
17 administrative assistance and services to the Sexual Assault
18 Forensic Evidence Board with funds appropriated or otherwise
19 available for that purpose.

20 SECTION 3. AMENDATORY 25 O.S. 2021, Section 307, as
21 amended by Section 1, Chapter 182, O.S.L. 2022 (25 O.S. Supp. 2023,
22 Section 307), is amended to read as follows:

23 Section 307. A. No public body shall hold executive sessions
24 unless otherwise specifically provided in this section.

1 B. Executive sessions of public bodies will be permitted only
2 for the purpose of:

3 1. Discussing the employment, hiring, appointment, promotion,
4 demotion, disciplining or resignation of any individual salaried
5 public officer or employee;

6 2. Discussing negotiations concerning employees and
7 representatives of employee groups;

8 3. Discussing the purchase or appraisal of real property;

9 4. Confidential communications between a public body and its
10 attorney concerning a pending investigation, claim, or action if the
11 public body, with the advice of its attorney, determines that
12 disclosure will seriously impair the ability of the public body to
13 process the claim or conduct a pending investigation, litigation, or
14 proceeding in the public interest;

15 5. Permitting district boards of education to hear evidence and
16 discuss the expulsion or suspension of a student when requested by
17 the student involved or the student's parent, attorney or legal
18 guardian;

19 6. Discussing matters involving a specific handicapped child;

20 7. Discussing any matter where disclosure of information would
21 violate confidentiality requirements of state or federal law;

22 8. Engaging in deliberations or rendering a final or
23 intermediate decision in an individual proceeding pursuant to
24 Article II of the Administrative Procedures Act;

1 9. Discussing matters involving safety and security at state
2 penal institutions or correctional facilities used to house state
3 inmates;

4 10. Discussing contract negotiations involving contracts
5 requiring approval of the State Board of Corrections, which shall be
6 limited to members of the public body, the attorney for the public
7 body, and the immediate staff of the public body. No person who may
8 profit directly or indirectly by a proposed transaction which is
9 under consideration may be present or participate in the executive
10 session; or

11 11. Discussing the following:

- 12 a. the investigation of a plan or scheme to commit an act
13 of terrorism,
- 14 b. assessments of the vulnerability of government
15 facilities or public improvements to an act of
16 terrorism,
- 17 c. plans for deterrence or prevention of or protection
18 from an act of terrorism,
- 19 d. plans for response or remediation after an act of
20 terrorism,
- 21 e. information technology of the public body but only if
22 the discussion specifically identifies:

- (1) design or functional schematics that demonstrate the relationship or connections between devices or systems,
- (2) system configuration information,
- (3) security monitoring and response equipment placement and configuration,
- (4) specific location or placement of systems, components or devices,
- (5) system identification numbers, names, or connecting circuits,
- (6) business continuity and disaster planning, or response plans, or
- (7) investigation information directly related to security penetrations or denial of services, or

f. the investigation of an act of terrorism that has already been committed.

For the purposes of this subsection, the term "terrorism" means any act encompassed by the definitions set forth in Section 1268.1 of Title 21 of the Oklahoma Statutes.

C. Notwithstanding the provisions of subsection B of this section, the following public bodies may hold executive sessions:

1. The ~~State~~ Banking Board, as provided for under Section 306.1 of Title 6 of the Oklahoma Statutes;

1 2. The Oklahoma Industrial Finance Authority, as provided for
2 in Section 854 of Title 74 of the Oklahoma Statutes;

3 3. The Oklahoma Development Finance Authority, as provided for
4 in Section 5062.6 of Title 74 of the Oklahoma Statutes;

5 4. The Oklahoma Center for the Advancement of Science and
6 Technology, as provided for in Section 5060.7 of Title 74 of the
7 Oklahoma Statutes;

8 5. The Oklahoma Health Research Committee for purposes of
9 conferring on matters pertaining to research and development of
10 products, if public disclosure of the matter discussed would
11 interfere with the development of patents, copyrights, products, or
12 services;

13 6. The Oklahoma Workers' Compensation Commission for the
14 purposes provided for in Section 20 of Title 85A of the Oklahoma
15 Statutes;

16 7. A review committee, as provided for in Section 855 of Title
17 62 of the Oklahoma Statutes;

18 8. The Child Death Review Board for purposes of receiving and
19 conferring on matters pertaining to materials declared confidential
20 by law;

21 9. The Domestic Violence Fatality Review Board as provided in
22 Section 1601 of Title 22 of the Oklahoma Statutes;

23 10. The Opioid Overdose Fatality Review Board, as provided in
24 Section 2-1001 of Title 63 of the Oklahoma Statutes;

1 11. All nonprofit foundations, boards, bureaus, commissions,
2 agencies, trusteeships, authorities, councils, committees, public
3 trusts, task forces or study groups supported in whole or part by
4 public funds or entrusted with the expenditure of public funds for
5 purposes of conferring on matters pertaining to economic development
6 including the transfer of property, financing, or the creation of a
7 proposal to entice a business to remain or to locate within their
8 jurisdiction if public disclosure of the matter discussed would
9 interfere with the development of products or services or if public
10 disclosure would violate the confidentiality of the business;

11 12. The Oklahoma Indigent Defense System Board for purposes of
12 discussing negotiating strategies in connection with making possible
13 counteroffers to offers to contract to provide legal representation
14 to indigent criminal defendants and indigent juveniles in cases for
15 which the System must provide representation pursuant to the
16 provisions of the Indigent Defense Act;

17 13. The Quality Investment Committee for purposes of discussing
18 applications and confidential materials pursuant to the terms of the
19 Oklahoma Quality Investment Act;

20 14. The Oklahoma Municipal Power Authority established pursuant
21 to Section 24-101 et seq. of Title 11 of the Oklahoma Statutes and
22 in its role as an electric utility regulated by the federal
23 government, for purposes of discussing security plans and procedures
24 including, but not limited to, cybersecurity matters; ~~and~~

1 15. The Oklahoma Tax Commission for purposes of discussing
2 confidential taxpayer matters as provided in Section 205 of Title 68
3 of the Oklahoma Statutes, and in compliance with subsection E of
4 this section; and

5 16. The Sexual Assault Forensic Evidence (SAFE) Board as
6 provided in Section 1 of this act.

7 D. Except as otherwise specified in this subsection, an
8 executive session for the purpose of discussing the purchase or
9 appraisal of real property shall be limited to members of the public
10 body, the attorney for the public body and the immediate staff of
11 the public body. No landowner, real estate salesperson, broker,
12 developer or any other person who may profit directly or indirectly
13 by a proposed transaction concerning real property which is under
14 consideration may be present or participate in the executive
15 session, unless they are operating under an existing agreement to
16 represent the public body.

17 E. No public body may go into an executive session unless the
18 following procedures are strictly complied with:

19 1. The proposed executive session is noted on the agenda as
20 provided in Section 311 of this title;

21 2. The executive session is authorized by a majority vote of a
22 quorum of the members present and the vote is a recorded vote; and

23 3. Except for matters considered in executive sessions of the
24 ~~State~~ Banking Board and the Oklahoma Tax Commission, and which are

1 required by state or federal law to be confidential, any vote or
2 action on any item of business considered in an executive session
3 shall be taken in public meeting with the vote of each member
4 publicly cast and recorded.

5 F. A willful violation of the provisions of this section shall:

6 1. Subject each member of the public body to criminal sanctions
7 as provided in Section 314 of this title; and

8 2. Cause the minutes and all other records of the executive
9 session including tape recordings, to be immediately made public.

10 SECTION 4. This act shall become effective November 1, 2024.

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