

**Council on Law Enforcement Education & Training  
2010 Legislative Update**



**Prepared by J.H.B. Wilson, J.D.**

**July 6, 2010**

*Legal update 2010. Please keep in mind that this is, by necessity, a summary. If we were to copy all the new laws, this document would run to several thousand pages. Even a detailed summary of every provision would be hundreds of pages long, and that is simply not feasible. You are encouraged to read the complete laws, available at [www.oscn.net](http://www.oscn.net). Click on 'legal research' and then click on 'Oklahoma Statutes Citationized'. You can get a complete history of each bill at the Oklahoma Legislature's website: <http://webserver1.lsb.state.ok.us/WebBillStatus/main.html>.*

## **TITLE 47** **MOTOR VEHICLES**

**HB 2264 (effective November 1, 2010) enacts a new law to be codified at 47 O.S. § 1132.6** to provide an additional fee of \$3.00 upon every motorcycle registered for "use on roads and highways". The money is to go to the Motorcycle Safety and Education Program Revolving Fund.

**SB 1329 (effective November 1, 2010) amends 47 O.S. § 11-202** to allow a motorcycle to proceed through a red light in these circumstances:

- (1) The motorcycle has been brought to a complete stop
- (2) The traffic control signal is programmed or engineered to change to a green signal only after detecting the approach of a motor vehicle and has failed to detect the arrival of the motorcycle, and
- (3) No motor vehicle or person is approaching on the roadway to be crossed or entered, or the motor vehicle or person is at a distance from the intersection that does not constitute an immediate hazard.
- (4) The driver of any vehicle approaching the intersection, which lawfully may enter the intersection, shall have the right-of-way over any motorcycle operator proceeding through a red light.

**HB 2901 (effective April 9, 2010) amends 47 O.S. § 15-112** to allow a pregnant woman to obtain and use a "detachable placard indicating physical disability" for purposes of parking in designated 'handicapped' parking spaces. The woman must show that she -

1. Cannot walk 200 feet without stopping to rest OR
2. Cannot walk without assistance OR
3. Has restricted breathing OR

4. Must use portable oxygen OR
5. Has functional limitations recognized by the American Heart Association OR
6. Is severely limited in ability to walk OR
7. Is *certified legally blind* OR
8. Is missing one or more limbs.

The physical condition must be certified by a physician, a physician assistant, or Registered Nurse Practitioner.

**HB 2567 (effective June 5, 2010)** makes several changes regarding handicapped parking (now called “disabled” parking). These include:

1. **Amends 47 O.S. § 15-111** to include disability stickers issued by the Department of Veterans Affairs and federal military bases, and disabled parking stickers issued by another State.
2. **Amends 47 O.S. § 15-112** to match the provisions of § 15-111.
3. **Amends 47 O.S. § 15-113** to provide:
  - a. A falsified statement in an application for a disabled parking sticker is punishable by a fine of up to \$500.
  - b. Unauthorized use of a disabled parking sticker is punishable by a fine of up to \$500. A person transporting a “physically disabled person with an authorized” sticker is not subject to the fine.
  - c. Allowing an unauthorized person to use a legitimate disabled parking sticker is punishable by a fine of up to \$500.
  - d. Making a counterfeit disabled parking sticker is punishable by a fine of up to \$500.
4. **Amends 47 O.S. § 11-1007.1** to change references to “handicapped” to “disabled” and allows “civilian volunteer disabled parking violation” units to report violations on public property and private property where the public is invited. This amendment also revokes the portion of the statute that allows confiscation of an invalid disabled parking sticker.
5. **Amends 47 O.S. § 11-1008** regarding municipal ordinances on disabled parking. This allows these ordinances to be in effect on

certain types of private property, such as motels, restaurants, schools, and stores.

6. **Amends 47 O.S. § 11-1007** to allocate fines received for violations of the disabled parking rules. 80% goes to the municipality and 20% goes to DPS. When enough is accumulated, DPS is to use this money to “develop, deploy, and administer” a database which will allow an Officer to verify a disabled parking sticker.

**HB 2325 (effective November 1, 2010) amends 47 O.S. § 2-105** to change the age range for officers commissioned by the “Commissioner of Public Safety” from 21 to 43 years of age to 23 to 46 years of age.

**HB 2276 (effective November 1, 2010) amends 47 O.S. § 11-309.** This amendment essentially removes the requirement that vehicles travel in the right-hand lane and limits the issuance of citations to situations in which the officer observes an accident or an “articulable danger to other persons on the roadway”.

**SB 1264 (effective November 1, 2010) amends 47 O.S. § 6-106** to allow the use of a P.O. box number (“mailing address”) on a drivers license.

**HB 2746 (effective November 1, 2010) amends 47 O.S. § 6-205** as it relates to revocation of driving privilege. This amendment modifies subsection A(6) to require that revocation for a CDS conviction must be for actions that occurred “while using a motor vehicle”.

**SB 1908 (effective November 1, 2010) amends 47 O.S. § 6-105** to make some changes in drivers licenses for persons under 18 years of age:

1. A driver, at least age 16, and with a learner permit may drive a Class D motor vehicle “only between the hours of 5:00 a.m. and 10:00 p.m.” and must be accompanied by a licensed driver who is at least 21 years old.
2. Learner permits and intermediate Class D Licenses may be suspended or canceled by DPS for “using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes”.

3. "Hand-held electronic device" is defined as "a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including but not limited to music and video, or sends or reads a text message while requiring the use of at least one hand".
4. "Using a hand-held electronic device" is defined as "engaging any function on an electronic device".

**SB 1779 (effective November 1, 2010) amends 47 O.S. § 6-106** to allow the inclusion of an "emergency contact person" on the application for a drivers license. This information is to be maintained by DPS and is to be used by DPS and law enforcement "for emergency purposes only". Updates of the information may be made by the applicant or the person who is the emergency contact. A person listed as an emergency contact may request to be removed at any time.

**SB 2229 (effective February 1, 2011) amends 47 O.S. § 6-110.2** to allow an exception to the computerized finger imaging process for drivers licenses. If the finger image of a person over 65 cannot be scanned, the requirement can be "overridden" if the agent personally verifies the identity. DPS must be able to "trace to the agent who authorized the override".

**SB 1387 (effective November 1, 2010) amends 47 O.S. § 11-905**, which concerns causing an accident while operating a vehicle without a valid drivers license, or while the license is suspended or revoked. This amendment makes the statute apply to any motor vehicle accident which injures a person other than the driver, even if that person is in the same vehicle.

**HB 2331 (effective November 1, 2010)** makes several changes related to proof of insurance, and suspended drivers licenses.

1. **Amends 47 O.S. § 7-600.2**, which concerns the online verification system for insurance policies. With this change, a law enforcement officer, to establish compliance with the compulsory insurance law, "Shall" access the online system to verify the verification form produced by the operator of "each" vehicle during the traffic stop or accident investigation.

- a. If compliance is not confirmed and “a subsequent investigation conducted by the officer” verifies non-compliance, the officer shall issue a citation.
  - b. Establishing compliance by the online system “shall not be the primary cause” to stop a vehicle.
2. **Amends 47 O.S. § 7-605** to require a law enforcement officer who “has been notified that the driving privilege of a person has been suspended” and has probable cause to believe that the vehicle “is not insured” as required, shall “seize the vehicle being operated by the person and cause the vehicle to be towed and stored”.
3. **Amends 47 O.S. § 7-606** to provide that a law enforcement officer who has issued a citation for failure to comply with the Compulsory Insurance Law “may seize the vehicle to be towed and stored”. The vehicle may not be seized if the operator produces what “appears to be a valid security verification form” and the Office is “unable to confirm” through the online system or investigation. A vehicle with a proper temporary license plate shall not be seized and towed.
4. **Amends 47 O.S. § 955** to include “probable cause that the vehicle is not insured” as a reason to tow a vehicle “found upon a roadway”.

**SB 1762 (effective November 1, 2010)** makes two changes related to use of motor vehicles:

1. **Amends 47 O.S. § 6-205** to add a misdemeanor conviction for manslaughter or negligent homicide to the list of crimes for which a drivers license is to be revoked.
2. **Enacts a new law to be codified at 37 O.S. § 609.** This law provides that it is a crime for a person “owning or operating a hired bus or limousine service vehicle” to knowingly transport a person under 21 years old who is “in possession of or consuming beverages, including low-point beer”. Violation is punishable by a fine of up to \$500 and “mandatory revocation” of the drivers license. A second or subsequent conviction is subject to the fine and possible revocation of the “interstate Registration Certificate or other license” for 1 year. The law enforcement agency issuing a citation shall be required to report the conviction to DPS.

**SB 2007 (effective November 1, 2010)** makes changes in four sections concerning drivers licenses.

1. **Amends 47 O.S. § 6-107.1** to provide that DPS can extend the term of “cancellation or denial” of a license to the date when the driver turns age 16, if it otherwise would have expired before that date.
2. **Amends 47 O.S. § 6-205.1 and § 761** to clarify that a modification of a revocation is limited to Class D licenses.
3. **Amends 47 O.S. § 754.1** to include 47 O.S. § 761 (“driving while impaired”) in the list of violations for which a revocation may be modified when “no other adequate means of transportation exists” for the violator.

**HB 2957 (effective November 1, 2010)** enacts a new law to be codified at **47 O.S. § 11-901c**. This law provides that a “public transit driver” may not operate a motor vehicle while using a cellular telephone or texting device. The penalty is a fine of up to \$500. A “public transit driver” includes the operator of any public transit vehicle owned by the state or subdivision, a school bus, or a locomotive engine. It does not include any railroad employee regulated by the Federal Railroad Administration.

**HB 2883 (effective November 1, 2010)** amends **47 O.S. § 1102** (The “Oklahoma Vehicle License and Registration Act”) to include “powersports vehicles” and “powersports vehicle dealers” in the Act. A powersports vehicle” includes “motorcycles, scooters, mopeds, all-terrain vehicles, and utility vehicles”.

**HB 2991 (effective November 1, 2010)** amends **47 O.S. § 955** which concerns towing of vehicles found on a roadway. This amendment adds to the list a vehicle which the “officer has probable cause that the vehicle has been used in the commission of a felony offense” and has obtained a search warrant authorizing the “search and seizure” of the vehicle.

**HB 2959 (effective November 1, 2010)** amends **47 O.S. § 954A**, which concerns abandoned vehicles. This amendment allows an out-of-county wrecker to be used to remove the vehicle when the property owner has been “unable to obtain the services” of a local wrecker service in a

“reasonable amount of time”. A notation must be made on the “Tow Request and Authorization Form” that the local service was not available.

This amendment also requires that the identifying information of the property owner “shall not be disclosed” without a court order or written consent from the property owner.

**HB 2969 (effective November 1, 2010)** concerns use of certain lights.

1. **Amends 47 O.S. § 11-405.1** to change the requirement that a driver move over when approaching a “wrecker or tow vehicle” to a “licensed Class AA wrecker”. This bill does not say how a driver will know if a wrecker is a “Class AA wrecker” or not. I was unable to find a statutory definition of “Class AA wrecker”.
2. **Amends 47 O.S. § 12-218.1** to make the same change. “Tow vehicle” is removed from the statute. To use flashing red and blue lights at the scene of an emergency, the vehicle must be a “licensed Class AA wrecker” or a “wrecker support vehicle.”
3. **Amends 47 O.S. § 12-229**, which concerns (non emergency) vehicles or machinery owned or operated by state agencies or counties or cities. These vehicles are to use amber lights instead of red/blue.
4. **Enacts a new law to be codified at 47 O.S. 965**, which requires that a wrecker or towing service that repossesses a vehicle at the “request of the lien holder of record” notify local law enforcement or the Sheriff within two hours of repossession. The required information includes a description of the vehicle, the location where the vehicle was repossessed, the name of the owner, and the name of the lienholder, and the name, address and phone number of the wrecker or tow service provider.

**SB 1883 (effective July 1, 2010)** amends 47 O.S. § 954 to allow any “duly appointed peace officer of the political subdivisions” of Oklahoma to “detain and arrest” any person who is operating a wrecker or tow truck “without a valid license” as required for the vehicle.

**HB 2625 (effective June 7, 2010)** amends 47 O.S. § 14-111 to except from the weight provisions any person who is transporting horses or livestock so long as the person has not “been hired to transport” the livestock and the

words "NOT FOR HIRE" are displayed on both sides of the vehicle in letters at least 2 inches tall.

**HB 2958 (effective November 1, 2010) amends 47 O.S. § 14-105**, which concerns covering of loads. The amendment excepts trucks loaded with hay, if the truck is "constructed or loaded as to prevent" the hay from escaping.

## ***Title 21***

### ***Crimes and Punishments***

**SB 2239 (effective November 1, 2010) amends 21 O.S. § 1290.12** (concealed carry permits):

1. Requires that fingerprints meeting OSBI's "Automated Fingerprint Identification System (AFIS) submission standards" be provided with the application.
2. Requires issuance or denial of the concealed handgun license within 60 days (instead of 90 days) from the date of receipt of the completed application and required information from the Sheriff, subject to some exceptions.

**SB 2150 (effective November 1, 2010) amends 21 O.S. § 644** to include (1) "a former spouse of a present spouse" and a person who "was" in a dating relationship in the domestic abuse law.

**HB 2964 (effective November 1, 2010) concerns D.A.'s and victims' rights.** (If you work closely with victims, you need to read this entire bill.)

1. **Essentially repeals 19 O.S. § 215.33** and replaces it with new sections.
2. **Amends 21 O.S. § 142A-1** to include definitions of:
  - a. "members of the immediate family" - a spouse, a child by birth or adoption, a stepchild, parent, grandparent, or sibling of the victim.
  - b. "victim impact statements" - financial, emotional, psychological, and physical effects of a violent crime; information about the victim; the circumstances of the crime; and the "opinion of the victim of a recommended sentence".
  - c. "violent crime" - any crime in 57 O.S. § 571 (or attempt, conspiracy, or solicitation); 47 O.S. § 11-903 (negligent homicide); and 47 O.S. § 11-904 (causing great bodily injury while DUI)
3. **Enacts a new law to be codified at 21 O.S. § 142A-2** which iterates the information to be given to the victim and witnesses by the District Attorney's Office. The net effect is that the provisions of 19 O.S. § 215.33 have been moved to Title 21.

4. **Enacts a new law to be codified at 21 O.S. § 142A-3** which requires the law enforcement officer who “interviews the victim” (or other “responsible adult” who represents the victim) upon the “preliminary investigation of a violent crime” to give written notice, in the form of a “preprinted card or brochure” of these rights:
  - a. A statement that reads “As a victim of a crime, you have certain rights”.
  - b. Address and phone number for the D.A. Victim-Witness Coordinator.
  - c. Website address where the victim can access victim rights and compensation information.
5. **Enacts a new law to be codified at 21 O.S. § 142A-3** which requires the “first peace officer who interviews the victim of domestic abuse” to inform the victim of the “twenty-four-hour statewide telephone service established by Section 18p-5 of Title 74” and to give written notice of these rights:
  - a. To request that charges be pressed against the perpetrator.
  - b. To request protection from any harm or threat of harm “as far as facilities are available” and “information on the level of protection available”.
  - c. To be informed of financial and other assistance available, including how to apply.
  - d. To file a petition for a Victims Protective Order or to request an emergency temporary Victims Protective Order.
6. **Enacts a new law to be codified at 21 O.S. § 142A-3** which requires “the officer who interviews the victim of (a) rape or forcible sodomy” (or other “responsible adult” who represents the victim) of the twenty-four-hour statewide telephone service established by Section 18p-5 of Title 74 and to give notice of these rights:
  - a. To request that charges be pressed against the perpetrator.
  - b. To request protection from any harm or threat of harm “as far as facilities are available” and “information on the level of protection available”.
  - c. To be informed of financial and other assistance available, including how to apply.
  - d. To a free forensic medical examination.

- e. To be informed by the District Attorney of other victim's rights available.
7. **Enacts a new law to be codified at 21 O.S. § 142A-4** which allows a victim of "domestic abuse, stalking, harassment, rape to seek relief under the Protection from Domestic Abuse Act.
8. **Enacts a new law to be codified at 21 O.S. § 142A-5** which requires the D.A.'s office to provide to the victim (even if not requested by the victim) an "official request for restitution form". The "unexcused failure or refusal" of the victim to provide the necessary information will be considered a waiver of any appeal of a restitution order.
9. **Enacts a new law to be codified at 21 O.S. § 142A-11** which allows a victim who is the "owner of an exhibit that has been introduced, filed, or held in custody of the state in any criminal action or proceeding" to make application for return of the exhibit prior to the final disposition of the action.
10. **Enacts a new law to be codified at 21 O.S. § 142A-12** which allows a victim to "contest the granting of a parole". This law also provides for procedures for contesting the parole. Has notice provisions for the victim of an inmate who has been granted parole or pardon.
11. **Enacts a new law to be codified at 21 O.S. § 142A-14** which allows persons who are at least 18 years old and "members of the immediate family of any deceased victim of the defendant" to witness the execution of the defendant. These family members who want to witness the execution will be in an area separate from other witnesses. They may also watch on closed circuit television with the approval of the Director of DOC and the Warden.

**SB 1250 (effective May 10, 2010) enacts a new law to be codified at 21 O.S. § 1175**, which makes it a crime for a "laboratory, medical facility, hospital, or birthing place" to store, transfer, use, or database DNA from a newborn child without "express parental consent". This statute does not provide a penalty.

**SB 2258 (effective November 1, 2010)** makes several changes in the "human trafficking" laws:

1. **Amends 21 O.S. § 446** to define a new crime: “C. It shall be unlawful for any person to intentionally destroy, hide, alter, abscond with or keep documentation, including birth certificates, visas, passports, green cards or other documents utilized in the regular course of business to either verify or legally extend an individual’s legal status within the United States for the purpose of trafficking a person in violation of Section 748 of this title.”  
Violation is punishable by a fine of at least \$1,000 and/or at least one year of imprisonment.
2. **Amends 21 O.S. § 748.2** to establish an emergency hotline number for victims, and to post signs with the hotline number in County departments of health.
3. **Amends 21 O.S. § 1488** to include “threatening to report a person as being illegally present in the United States” as a form of blackmail for purposes of these statutes.

**SB 956 (effective June 5, 2010)** makes further changes in the “human trafficking” statutes. These include:

1. **Amends 21 O.S. § 740** to define “coercion” for purposes of these statutes. Among things, coercion includes:
  - a. Abuse or threatened abuse of the legal process.
  - b. Concealing or destroying government identification documents.
  - c. Facilitating or controlling a person’s “access to any addictive or controlled substance”.
  - d. “determining, dictating, or setting” the times or places when another person will be available for prostitution.
2. **Amends this same statute** to define “commercial sex”, “debt bondage” and “human trafficking for labor”.
3. **Amends this same statute** to change the age of the victim, for purposes of enhanced punishment, from “under 14 years old” to “under 18 years old”.
4. **Amends 21 O.S. § 748.2** to allow any person who is “aggrieved by” a violation of the law to bring a lawsuit, (the statute used to read “a victim of human trafficking”) and to provide that the statute of limitations for a civil action runs from the date of the victim’s

“emancipation from the defendant” or the victim’s twenty-first birthday.

5. **Amends 21 O.S. § 1738** to allow forfeiture of any vehicle or other property used to “facilitate or participate in the commission of any human trafficking offense”, and any vehicle used “in any manner by a prostitute, pimp, or panderer” in the commission of prostitution. However, the vehicle or other property of a “customer or anyone merely procuring the services of a prostitute shall not be included” in these forfeiture provisions.

**SB 1645 (effective February 22, 2010)** makes several house-keeping changes to Title 21, related to the changes made in Title 10 during the 2009 legislative session.

**SB 1928 (effective July 1, 2010) amends 21 O.S. § 443**, which concerns escapes. A specific punishment is provided for a juvenile who escapes from a “juvenile detention facility or secure juvenile facility, other than a community intervention center. The punishment is 1 to 3 years.

**SB 2064 (effective April 19, 2010) amends 21 O.S. § 1125** (concerning registered sex offenders) in several ways:

1. Extends the “zone of safety” around schools and parks to “permitted child care centers”, and expands the zone from 300 feet to 500 feet.
2. Limits the amount of time a registered sex offender may be in these zones to a “reasonable time to complete” tasks like enrolling, delivering, or retrieving the registered sex offender’s child from school.
3. Requires that the registered sex offender inform the school or child care center of his or her status, and provide regular updates about the “specific times” the person will be at the school or child care center.

## ***Title 10A***

### ***Children and Juvenile Code***

**HB 2729 (effective November 1, 2010)** amends 10A O.S. § 2-7-604 to provide that the use of “chemical agents and electroshock weapons” in secure facilities “operated by or through contract with” O.J.A. “shall be minimal” and such use is prohibited except as “specifically provided for in the rules of the Office of Juvenile Affairs”.

**HB 1741 (effective November 1, 2010)** makes several changes related to juvenile law. (if you work closely with juvenile matters, you need to read this entire bill.)

1. **Amends 10A O.S. § 1-2-105** to clarify that DHS Child Welfare should both “refer” families to services and “arrange” for those services. If DHS refers and arranges for these services, and the services are “directly related to the safety of the child” and the family refuses or does not access those services, this can be the basis for emergency custody or the filing of a deprived petition.
2. **Amends 10A O.S. § 1-3-102** to make “the provision of psychotropic medications” a part of “routine and ordinary medical care and treatment” instead of “Extraordinary medical care and treatment”. The result is to make it easier to have such medicine administered to a child in DHS custody.
3. **Amends 10A O.S. § 1-4-304** to change the rules for publishing of notice of a deprived hearing if the parent cannot be found. Upon court approval, publication must be made one time instead of three times.
4. **Amends 10A O.S. § 1-4-502** to limit jury trials requested by a parent to “the sole issue of termination of parental rights”. If the Petition is to adjudicate the child as deprived AND terminate parental rights, the decision on adjudication is made by the Court, and the decision on termination is made by the jury.
5. **Amends 10A O.S. § 1-4-503** to provide that the rules of evidence apply only to adjudicative and termination hearings. All other hearings pursuant to the juvenile code shall “be informal and the rules of evidence shall not apply”. This amendment also applies to

proceedings under the Inpatient Mental Health and Substance Abuse Treatment of Minors Act if the subject child is “alleged or adjudicated to be a deprived child”.

6. **Enacts new laws to be codified at 10A O.S. §§ 1-4-712 – 716** to create a “family drug court” for the purpose of treating children “adjudicated as deprived and their families in cases where the parent, parents or legal guardian has a substance abuse disorder”.

DHS&SHS is to assist in establishing these family drug courts. The provisions are lengthy, but here are some highlights:

- a. A “family drug court assessment” can be ordered by the Court on application of the District Attorney, DHS, the child’s attorney, parent, legal guardian, or the Court’s own motion.
- b. If participation in family drug court is denied, the case proceeds as a regular deprived action.
- c. When ordered by the Court, the “family drug court treatment staff” is to determine whether:
  - i. Reunification is the permanency plan and in the child’s best interest.
  - ii. The alcohol or substance abuse of the parent, parents, or legal guardian is a “substantial contributing condition” to the adjudication of the child.
  - iii. The assessment is to be done through a “standardized screening test and personal interview”.
  - iv. The assessment is to determine the “elements of the family drug court treatment plan” and the parent, parents, or legal guardian “shall be required to comply” with that plan.
- d. Statements made by the parent or legal guardian during the assessment or during family drug court “shall not be admissible in any other case” unless the same statements or evidence is “obtained by the state from independent sources”.
- e. A family cannot be denied admittance to family drug court because of the inability of the family to pay court costs or other costs or fees.
- f. If admitted to the family drug court program, any “bail or undertaking on behalf of the child or children or family shall be exonerated”.

- g. A family is to participate in treatment for at least six months.
  - h. The Court may order “progressively increasing sanctions” or “program incentives” instead of removing the children from the home when a relapse occurs, unless “the conduct of the child or children or family requires removal” from the program.
7. **Amends 10A O.S. § 1-4-804** to change the date of notice for when a child in the custody of DHS is moved from one location to another. It is changed from “two judicial days” to “five judicial days”.
  8. **Amends 10A O.S. § 1-4-806** which concerns trial reunifications.
    - a. The Court may extend the six month trial reunification period by an additional six months.
    - b. The Court can remove the child to foster court when necessary.
    - c. The Court, on expiration of the term, can award legal custody of the child to the parent, subject to DHS supervision.
  9. **Amends 10A O.S. § 2-2-702** to allow the appointment of a court referee for juvenile cases in any county with a population of 80,000 or more.
  10. **Amends 22 O.S. § 20**, which concerns court procedure when a person who is the “single custodial parent” of a child is sentenced to imprisonment. If the Court is not satisfied with the arrangements that have been made for the child, the Court is to refer the matter to DHS.
  11. **Amends 43A O.S. § 5-511** to allow “teleconference” hearings for juvenile inpatient mental health proceedings.
  12. A lot of housekeeping changes to make references and section numbers match the massive changes made in the juvenile code in 2009.

**HB 1964 (effective June 7, 2010)** makes several changes related to juveniles. These include:

1. **Enacts a new law to be codified at 10 O.S. § 7800** which establishes a presumption that the mother of a child whose “paternity has not been established” has custody of the child until paternity is determined.

2. **Amends 10A O.S. § 1-3-102** to make “the provision of psychotropic medications” a part of “routine and ordinary medical care and treatment” instead of “Extraordinary medical care and treatment”. The result is to make it easier to have such medicine administered to a child in DHS custody.
3. **Amends 10A O.S. § 1-7-105** to require DHS policies for child placement facilities to include “daily access to showers” and to “clothing which is clean”.
4. **Amends 30 O.S. § 2-109** to require that any Guardian of a minor be subject to a Court Order requiring a review of any transfer of permanent care and custody of a child with one year after transfer.
5. **Enacts a new law to be codified at 30 O.S. § 2-117** to allow a court to grant custody of a minor who has been “abandoned” (as defined by statute) to a qualified relative, and includes forms for that purpose. This new law also establishes court procedures for custody, review of the placement, and possible recovery of the child by the parent.
6. **Amends 10A O.S. § 1-2-101** to provide that the existing reporting requirements do not apply to actions for “custody by abandonment”.
7. **Enacts a new law not to be codified** which establishes the “Adoption review task force”. This is related to some recent cases concerning what expenses may be paid by the potential adoptive parents.
8. Makes some housekeeping changes consistent with the massive revision of Title 10 in 2009.

**SB 1793 (effective November 1, 2010) amends 10A O.S. § 1-4-502** to provide that, if a parent requests a jury trial on a motion to terminate parental rights, and then fails to appear for the trial, after “proper notice and without good cause”, the person may be deemed by the court “to have waived the right to be present at such trial”.

**SB 1771 (effective June 8, 2010)** makes several changes to juveniles and youthful offenders:

1. **Amends 10A O.S. § 2-5-207 (Youthful Offenders)** to express the legislative intent that a youthful offender not remain in custody of OJA (or supervision by OJA) after age 18 years and 5 months.

2. **Amends 10A O.S. § 2-7-605** to provide that a juvenile or youthful offender who is AWOL from a placement can be detained by any law enforcement agency.
3. **Amends 59 O.S. § 540.3** to provide that a person who provides “services in a state facility or to children in state custody” is not considered to be engaging in the unlicensed practice of “therapeutic recreation”.

**SB 1938 (effective November 1, 2010) amends 10A O.S. § 1-4-101** to make the venue provisions on deprived actions mandatory instead of permissive.

**HB 2313 (effective November 1, 2010)** makes several changes:

1. **Amends 10A O.S. § 2-2-102** to provide that a juvenile delinquency action may be filed within one year after the 18<sup>th</sup> birthday if the act would constitute a felony if committed by an adult, or within 5 months after the 18<sup>th</sup> birthday if the act would constitute a misdemeanor if committed by an adult.
2. **Amends 10A O.S. § 2-5-206** (youthful offender, ages 15, 16, or 17)
  - a. Changes “Robbery with a dangerous weapon” to “Robbery with a dangerous weapon or a firearm”
  - b. Changes “robbery with a firearm” to “robbery in the first degree”
3. **Amends 19 O.S. § 215.11** to change the reporting requirements for District Attorneys, related to funds received by the District Attorney’s office, and to require deposit of those moneys with the County Treasurer within 10 days of receipt.
4. **Amends 21 O.S. § 444** to make it a crime to remove an “electronic monitoring device” without court authorization. If the underlying offense is a misdemeanor, removing the device is a misdemeanor. If the underlying offense is a felony, removing the device is a felony.
5. **Amends 21 O.S. § 1123** to modify the elements of the crime of molesting children and similar crimes. The provision that the perpetrator must be at least 3 years older than the victim does not apply if the crime is “accomplished by the use of force or fear”.
6. **Amends 21 O.S. § 1123** to include in the definition of “sexual battery” a crime committed upon a person at least 16 and less than 20, and who is a student, or in the legal custody or supervision of any

“public or private elementary or secondary school, or technology center school” when the perpetrator is 18 or older and is an employee of the same school system. The term “employee of the same school system” includes a teacher, principal, or “other duly appointed person employed by a school system or an employee of a firm contracting with a school system who exercises authority over the victim”

7. **Amends 21 O.S. § 1123** to include “lewdly or lasciviously” doing very creepy things to a corpse.
8. **Amends 22 O.S. § 996.1** to include a charge of child pornography in the “delayed sentencing program for young adults” (RIDD).
9. **Amends 22 O.S. § 996.3** to provide that any offender previously admitted to the delayed sentencing program for young adults “shall be ineligible” for that program for subsequent offenses.
10. **Amends 63 O.S. § 1-323** to allow the provision of “certified copies of birth certificates and death certificates” to the Attorney General or a District Attorney upon request “in the course of a criminal investigation” without cost and without a court order.
11. **Repeals 22 O.S. § 1291, 1292, 1293, and 1294.** These sections provided for “compromise” of a criminal action when the victim tells the court they have “received satisfaction for the injury”.

## ***Title 11*** ***Cities and Towns***

**SB 1812 (effective November 1, 2010) amends 11 O.S. § 34-104.** This section concerns disposition of property which has come into the possession of the municipal chief of police, and is ready for disposition. This amendment changes the requirements for mailing notice, on property worth at least \$100, from “certified mail” to “first class mail, postage prepaid”. As a reminder, the items which may be disposed of include –

1. “The owner of the personal property or money or legal tender is unknown or has not claimed the property;
2. The property or money or legal tender has been in the custody of the chief of police for at least ninety (90) days; and
3. The property or money or legal tender or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation.”

**HB 2602 (effective November 1, 2010) amends 11 O.S. § 34-101 and 19 O.S. § 547** as those sections concern hours a reserve officer or reserve deputy may work. The former population requirements are removed so that a reserve municipal officer or reserve deputy may work no more than 140 hours per calendar month.

**HB 3240 (effective November 1, 2010) enacts a new law to be codified at 11 O.S. § 28-102b.** This law requires a person who has been convicted of DUI under a municipal ordinance to, prior to sentencing, participate in an “Alcohol and drug substance abuse evaluation program” from a certified assessor. DPS may not reinstate driving privileges until the defendant has complied in full.

**SB 1989 (effective June 9, 2010) makes several technical changes to the “Oklahoma Police Pension and Retirement System”:**

1. **Amends 11 O.S. § 50-101** to determine “base salary” on the “calendar year” instead of the “plan year”.

2. **Amends 11 O.S. § 50-111.3** to require an “irrevocable election” to participate in the “Oklahoma Police Deferred Option Plan” instead of a simple election, which would possibly be revocable.
3. **Amends 11 O.S. § 50-114** to provide that no “minimum distribution” is required for 2009.
4. **Amends 11 O.S. § 50-114.1** to change the computation of “limitation years prior to July 1, 2007” and the computation of the “annual amount of the straight life annuity” to comply with Internal Revenue rulings.
5. **Amends 11 O.S. § 50-114.2** to allow a distribution after December 31, 2007 to be paid to a “Roth IRA”, subject to any IRS limitations. This bill also clarifies how a distribution to a “nonspouse designated beneficiary” will be made, to comply with Internal Revenue Rulings.
6. **Amends 11 O.S. § 50-128**, which concerns Police Officers who are war-time veterans, to comply with Internal Revenue Rulings.

(a similar change is made in the Oklahoma Law Enforcement Retirement System found at 47 O.S. § 2-300 *et seq.*)

***Title 19***  
***Counties and County Officers***

**HB 2552 (effective November 1, 2010) amends 19 O.S. § 215.9,** to allow an Assistant District Attorney, who has been trained by a state-certified firearms instructor (and that training meets the “minimum requirements for firearms training” as set forth by CLEET) to carry a firearm statewide, at the discretion of the District Attorney.

**HB 2277 (effective November 1, 2010) amends 19 O.S. § 547** to require that a Reserve Deputy who has not completed reserve academy must be accompanied by a “CLEET-certified deputy sheriff” while on duty.

**HB 3242 (effective November 1, 2010) amends 19 O.S. § 514.4 and § 514.5** to include warrants for “failure-to-pay” to the list of warrants for which a county may contract with private parties to locate and notify persons who have failed to pay. This also changes the amount kept by the private contractor from 20% to 30%.

## ***Title 70 Schools***

**HB 2321 (effective November 1, 2010) enacts a new law to be codified at 70 O.S. § 11-103.11.** This allows a school district to offer, beginning in grade 9, an elective course on the Hebrew Scriptures or the New Testament or both. The teacher must be certified to teach social studies or literature. A course offered “shall not endorse, favor, or promote, or disfavor or show hostility toward, any particular religion or nonreligious faith or religious perspective”.

**SB 1313 (effective November 1, 2010) enacts a new law to be codified at 70 O.S. § 3311.12,** which authorizes CLEET to establish and host “law enforcement youth camps” at the CLEET training facility.

**HB 3343 (effective November 1, 2010) makes two changes in fees for private security and private investigator and Agency licensing fees.**

1. **Amends 59 O.S. § 1750.6** to increase licensing fees and lengthen the terms of the licenses.
2. **Enacts a new law to be codified at 70 O.S. § 3311.12** which establishes the “CLEET Private Security Revolving Fund” which dedicates a portion of the fees to be used for “fulfilling all statutory obligations” pursuant to the Private Security Guard and Private Investigator Act, including training and education programs.

**SB 2199 (effective July 1, 2010) amends 70 OS. § 5-142,** which concerns background checks for school employees.

1. Removes the enrollment limit for purposes of background checks.
2. Makes it a nationwide search and removes the requirement that the background check be limited to felonies.
3. Any “follow-up” information received is to be forwarded to the employing board of education.
4. **Repeals 70 O.S. § 5-142.1,** which had similar provisions.

## ***Title 63***

### ***Public Health and Safety***

**HB 2529 (effective November 1, 2010) amends 63 O.S. § 2-105** to require OBN to compile a yearly report of all “fatal and nonfatal drug overdoses” and makes related reporting requirements. “The determination of a drug overdose shall be made solely at the discretion of the treating medical professional based on the education, experience and professional opinion of the medical professional.

**Also amends 63 O.S. § 2-106** to accomplish the same purpose. The report is to be contain “statistical information” including county, age, race, gender, type of CDS involved, and the “method in which the controlled dangerous substance was obtained by the person”.

**HB 2571 (effective November 1, 2010) amends 63 O.S. § 1-238** to allow the “unclaimed cremated remains” of a military veteran to be transferred to a charitable organization “approved by the Military Department” of Oklahoma for the purpose of providing a “dignified and honorable funeral” at a veterans cemetery.

**HB 3251 (effective November 1, 2010)** makes two changes:

1. **Amends 63 O.S. § 2-302** to require that each entity which “prescribes, administers, or dispenses” methadone must check the prescription profile of the patient on the OBNDD central repository.
2. **Enacts a new law to be codified at 63 O.S. § 2-101.2.** This law makes it a crime for a retailer to “offer for retail sale to any patron a glass tube as defined in the statute. This is a misdemeanor punishable by up to one year and/or a fine of at least \$1,000. A “glass tube” is defined as:

“an object which meets all of the following requirements:

- a. a hollow glass cylinder, either open or closed at either end,
- b. not less than two (2) nor more than seven (7) inches in length,
- c. not less than one-eighth (1/8) inch nor more than three-fourths (3/4) inch in diameter,

- d. may be used to facilitate, or intended or designed to facilitate, violations of the Uniform Controlled Dangerous Substances Act including, but not limited to, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, and concealing controlled substances and injecting, ingesting, inhaling, or otherwise introducing controlled substances into the human body, and
- e. sold individually, or in connection with another object such as a novelty holder, flower vase, or pen. The foregoing descriptions are intended to be illustrative and not exclusive”

**SB 1289 (effective November 1, 2010) amends 63 O.S. § 1-1950.1** which prevents persons convicted of certain crimes from being hired as a “nurse aid”. The prohibition used to be limited to convictions. This amendment adds any crime for which the applicant has pled guilty or no contest, or received a deferred sentence. The disqualifying crimes are:

- a. assault, battery, or assault and battery with a dangerous weapon,
- b. aggravated assault and battery,
- c. murder or attempted murder,
- d. manslaughter, except involuntary manslaughter,
- e. rape, incest or sodomy,
- f. indecent exposure and indecent exhibition,
- g. pandering,
- h. child abuse,
- i. abuse, neglect or financial exploitation of any person entrusted to the care or possession of such person,
- j. burglary in the first or second degree,
- k. robbery in the first or second degree,
- l. robbery or attempted robbery with a dangerous weapon, or imitation firearm,
- m. arson in the first or second degree,
- n. unlawful possession or distribution, or intent to distribute unlawfully, Schedule I through V drugs as defined by the Uniform Controlled Dangerous Substances Act,
- o. grand larceny, or

p. petit larceny or shoplifting within the past seven (7) years.

**HB 2730 (effective November 1, 2010) enacts a new law to be codified at 63 O.S. § 2-503A**, which allows a law enforcement agency that has seized a vehicle in which CDS was manufactured to request OTC to brand the certificate of title with the notation “Drug Manufacture Vehicle”.

**HB 3380 (effective November 1, 2010) makes several meth-related changes:**

1. **Enacts a new law to be codified at 63 O.S. § 2-701** which creates a registry for persons who, after November 1, 2010, “have been convicted, whether upon a verdict or plea of guilty or upon a verdict or plea of nolo contendere, or received a suspended sentence or any deferred or probationary term, or are currently serving a sentence or any form of probation or parole” for a crime (or attempt) related to methamphetamines. A person on the registry may not purchase, possess, or have control of meth or pseudoephedrine, or similar substances, even if prescribed. The restriction does not apply to compounds in “liquid, liquid capsule, or gel capsule form if pseudoephedrine is not the only active ingredient. A violation is punishable by 2 to 10 years and/or a fine of up to \$5,000.

The registry shall be available to registrants who sell these products.

Names may be removed from the registry after 10 years or after the expiration of a deferred sentence.

2. **Enacts a new law to be codified at 63 O.S. § 2-212**, which allows OBNDD to do background checks on companies and individuals who provide janitorial services to the Bureau.
3. **Amends 63 O.S. § 2-212** to allow the use of a passport or military I.D. by a person who lawfully purchases pseudoephedrine-related substances.

**SB 1902 (effective April 2, 2010) enacts a new law to be codified at 63 O.S. § 1-8-729a.** This law makes it illegal for any person other than a licensed physician with certain specific training and skills to “knowingly or recklessly give, sell, dispense, administer, prescribe, or otherwise provide

RU-486, also known as mifepristone” to any pregnant female for the purpose of “inducing an abortion. The law also provides very specific procedures for the administration of the drug, including the physical presence of the physician, and follow up., and reporting of certain circumstances.

No criminal penalty is provided, but a cause of action is allowed for the woman, or certain relatives against the “person who performed the abortion in knowing or reckless violation” of the law, including punitive damages and attorney fees. No such action may be brought against the female whose pregnancy was terminated.

This law **also repeals 63 O.S. § 1-729**, which was similar but provided for criminal penalties.

**SB 673 (effective November 1, 2010) amends 63 O.S. § 1-1013** to clarify that the term “public bathing place” does *not* include “spray pads or spray grounds” which are defined as “interactive recreation areas intended for use by children in which the water is supplied by a system of sprays and is not allowed to accumulate above ground”. (Although not a change in the law, it is interesting to note that the definition of “public bathing place” does not include “public or semipublic baths where the main object is the external cleansing of the body”.)

**SB 1879 (effective November 1, 2010) amends 63 O.S. § 1-1939** to require a nursing facility to report any crime to local law enforcement “immediately”. The facility is to make “every effort to preserve the scene” until law enforcement Officers have arrived.

**HB 2551 (effective April 13, 2010) amends 63 O.S. § 1-2505.1 *et seq.*** to add a person who is a “registered emergency medical responder” to the death benefit formerly limited to an “emergency medical technician”.

## ***Title 22***

### ***Criminal Procedure***

**HB 2827 (effective November 1, 2010)** makes several changes to VPO's.

These changes include:

1. **Amends 22 O.S. §40.3** to add victims of domestic violence, stalking, and harassment to the list of people who may request an emergency VPO. Also, deletes the requirement that the responding Peace Officer must file a copy of the petition and the Officer's statement the next court day.
2. **Amends 22 O.S. § 60.1** to expand the definition of "stalking". Stalking now 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;

3. **Amends 22 O.S. § 60.2** to provide that a VPO may order the Respondent “make no contact with” an animal “owned, possessed, leased, kept, or held by the Petitioner, the Respondent, or a minor child residing in the residence”, and forbidding the Respondent from “taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing” of the animal.
4. **Amends 22 O.S. § 60.15** to include victims of “rape, forcible sodomy, or stalking” to the list of persons to be given a victim notice of rights.
5. **Amends 22 O.S. § 1105** to allow the judge, when determining bond for a person arrested for domestic violence, or violation of a VPO, to consider:
  - “1. Whether the person has a history of domestic violence or a history of other violent acts;
  2. The mental health of the person;
  3. Whether the person has a history of violating the orders of any court or governmental entity;
  4. Whether the person is potentially a threat to any other person;
  5. Whether the person has a history of abusing alcohol or any controlled substance;
  6. Whether the person has access to deadly weapons or a history of using deadly weapons;
  7. The severity of the alleged violence that is the basis of the alleged offense including, but not limited to:
    - a. the duration of the alleged violent incident,
    - b. whether the alleged violent incident involved serious physical injury,
    - c. whether the alleged violent incident involved sexual assault,
    - d. whether the alleged violent incident involved strangulation,
    - e. whether the alleged violent incident involved abuse during the pregnancy of the alleged victim,
    - f. whether the alleged violent incident involved the abuse of pets, or
    - g. whether the alleged violent incident involved forcible entry to gain access to the alleged victim;

8. Whether a separation of the person from the alleged victim or a termination of the relationship between the person and the alleged victim has recently occurred or is pending;
9. Whether the person has exhibited obsessive or controlling behaviors toward the alleged victim including, but not limited to, stalking, surveillance, or isolation of the alleged victim;
10. Whether the person has expressed suicidal or homicidal ideations; and
11. Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.”

**HB 2865 (effective November 1, 2010) amends 22 O.S. § 152** to provide that any prosecution for “criminal violations in which a deadly weapon is used to commit a felony” (or an attempt) must be commenced within 7 years of the commission of the crime.

**HB 3340 (effective November 1, 2010) amends 22 O.S. § 751** to include reports containing data collected and required to be transmitted by a “registrant” to OBNDD Central Repository set up pursuant to the “Anti-Drug Diversion Act” to the list of reports which can be presented at a court hearing without the testimony of the party reporting. This act **also amends 63 O.S. § 2-309E** to make the Director of OBNDD, or the Director’s designee, the “keeper of the records”.

**HB 2168 (effective November 1, 2010)** amends two sections related to sentencing.

1. **Amends 22 O.S. § 991c** to allow deferral of judgment and sentence for up to 10 years, instead of 5 years.
2. **Amends 21 O.S. § 644** to provide that any previous conviction under this statute may be used as a sentence enhancer for a term of 10 years following the “completion of any court imposed probationary term”. An older conviction can be used as an enhancer if, in the meantime, the person has been convicted of a felony or a misdemeanor of moral turpitude.
3. Makes some technical housekeeping changes.

**HB 2837 (effective November 1, 2010) amends 22 O.S. § 991a and 12 O.S. § 1510.1** to require that a “Crime stoppers organization” be certified by the Oklahoma Crime Stoppers Association by meeting the “certification standards” of that Association.

**HB 2934 (effective November 1, 2010)** makes changes in Sex Offender Registration laws.

1. **Amends 22 O.S. § 991a** to require that a registered sex offender give information on email or similar internet communication identifications.
2. **Amends 57 O.S. § 584** to require the same information, and also allows DOC to release this information to an “internet entity” upon a request that gives information specified in the statute.

**HB 3158 (effective November 1, 2010) amends 22 O.S. § 471.6** to allow the judge to extend the term of supervision for no more than 6 months (past the former limit of 1 year). No “treatment dollars” may be used during this extension.

**SB 2022 (effective November 1, 2010) amends 22 O.S. § 60.17.** Under this amendment, and upon application, the court may allow the victim of domestic abuse to “monitor the location of the defendant” using computer and cell phone technology. The monitoring is limited to determining if the defendant is within a specified distance of the victim. It excludes the “residence or workplace” of the defendant. The court is to conduct an annual review to determine if monitoring is necessary.

## ***Title 29 Game and Fish***

**HB 2861 (effective April 12, 2010)** makes several changes related to hunting and fishing.

1. **Repeals 29 O.S. § 1002** (denial or cancellation of hunting and fishing licenses for “habitual wildlife violators”)
2. **Amends 29 O.S. 5-203** to remove the provision for punishment of persons who violate the rules for use of a firearm while training a “bird hunting dogs”.
3. **Amends 29 O.S. § 5-402** to provide the penalty deleted from § 5-203. A violation of Section 5-203 or Sections 5-401 through 5-410 is punishable by a fine of \$750 to \$1,250 and/or 10 to 30 days in jail.
4. **Amends 29 O.S. § 5-402** to allow a court to suspend, revoke, or deny a hunting and fishing license if a person is found guilty of violation of these sections based on previous conviction history, not to exceed 10 years. Also makes provision for restitution (paid to the Oklahoma Department of Wildlife Conservation) and for applications for re-instatement.

**SB 1594 (effective July 1, 2010)** enacts a new law to be codified at **29 O.S. § 213**, which allows the use of crossbows and conventional longbows “with a device that permits the bow to be held mechanically at full or partial draw” during any open season when conventional longbows are allowed. This bill also repeals several sections which formerly prohibited use of such weapons.

**HB 2963 (effective January 1, 2011)** makes a lot of changes in the rules on hunting and fishing licenses. (If you deal with these matters often, you need to read the entire bill. There is not enough space in this summary to list all the fee changes.) Here are some highlights:

1. **Amends 29 O.S. § 2-138** to clarify that a ‘member of the Armed Forces of the United States’ and dependents are considered to retain their “residency status” for purposes of hunting and fishing licenses. This status terminates if the person obtains a hunting, fishing, trapping, or drivers license from another State.

2. **Amends 29 O.S. § 4-101** to provide that certain licenses expire on June 30 instead of December 31. The list is simply too long to include in this summary.
3. **Amends 29 O.S. § 4-110** to include certain nonresidents in the list of persons exempt from “annual nonresident fishing licenses”.
4. **Amends 29 O.S. § 4-130** to allow a person “arrested for hunting or taking waterfowl during the open season on waterfowl without a valid Oklahoma waterfowl hunting stamp or license” to “purchase a substitute temporary thirty-day stamp or license from the arresting game warden” instead of posting bond. Proof of “hunter safety certification” is not required for this purchase. The cost for residents is \$50 and the cost for nonresidents is \$145.00.

**HB 1889 (effective November 1, 2010)** makes several changes related to Oklahoma’s adoption of the “Interstate Wildlife Violator Compact”. These include:

1. **Enacts a new law to be codified at 29 O.S. § 10-101.** This law adopts the Interstate Compact, provides a legislative statement of purpose (“to ensure compliance with the terms of a wildlife citation by the cited person who... could return to the home state of the person and disregard their duty under the terms of the citation”), defines terms, and gives procedures for both the issuing State and the home State.

Upon receipt of a report of conviction from the issuing state, the home State may treat the conviction “as though it occurred in the home state for the purposes of suspension of license privileges”

2. **Enacts a new law to be codified at 29 O.S. § 10-103** which specifies the procedures for suspension of a license and provides penalties. Hunting, trapping, or fishing, or purchasing a license, or refusing to surrender a license after being suspended is punishable by a fine of \$100 to \$500.
3. **Enacts a new law to be codified at 29 O.S. § 10-104** which provides similar procedures and penalties for persons who do not comply with the terms of a citation from another State.

4. **Enacts a new law to be codified at 29 O.S. § 10-105** to provide a procedure for appeals of suspensions issued pursuant to the Compact.

## ***Title 43A*** ***Mental Health***

**HB 2776 (effective November 1, 2010) enacts a new law to be codified at 43A O.S. § 10-110.1** requiring the release of certain information whenever a person "responsible for the care of a vulnerable adult" has been charged with a crime which results in the "death or near death" of the vulnerable adult. This law provides a presumption that the public is best served by the public disclosure of information including:

1. The circumstances of the investigation
2. Any other investigations concerning the adult, "other vulnerable adults living in the same facility" or an "individual provider of services" within 3 years before the death or near death and one year after.
3. The release of information is to be made by the Judge, the District Attorney, the Court Clerk, or DHS APS.

**SB 1601 (effective July 1, 2010) amends 43A O.S. § 10-110** to provide that records of investigations of crimes involving "vulnerable adults" cannot be expunged except by court order, and requires notice of such motions to the alleged victim, DHS, and Guardians.

**Also enacts a new law to be codified at 43A O.S. § 10-112** which establishes a "Vulnerable Adult Intervention Task force" to study how best to provide community referral, assistance, and intervention.

## ***Title 2***

### ***Agriculture***

**HB 3210 (effective April 12, 2010) amends 2 O.S. § 16-26** to extend the term of a burn ban, passed by County Commissioners, from 7 days to 30 days. Also, allows the sale of fireworks during a burn ban.

**HB 2295 (effective July 1, 2010)** makes several changes related to “farmed cervidae” (deer)

1. **Amends 2 O.S. § 6-502** to clarify that the Oklahoma Department of Agriculture, Food, and Forestry is the department to handle these matters, and to specify how ownership of the animals may be proved.
2. **Amends 2 O.S. § 6-504** to provide specifics about the information required for issuance of a license. It also allows the Department to license a person who obtained deer from a legal source, in good faith, but “failed to recognize a license was required”.
3. **Amends 2 O.S. § 6-505** to specify rules for the application and licensing process, including license terms. This section requires annual reports on the animals and facilities. Also, provides procedures for record keeping and transfer of ownership.
4. **Amends 2 O.S. § 6-508** to allow an “owner or operator” to slaughter their own farmed deer for personal or noncommercial consumption, and provides very specific rules on sale of antlers. Carcasses may be disposed of by rendering, landfill, burial, incineration, or composting.
5. **Enacts a new law to be codified at 2 O.S. § 6-512** to require a pre-licensing inspection, and inspection at least once every other year, or on any change in ownership or in the facilities.
6. **Enacts a new law to be codified at 2 O.S. § 6-514** providing for revocation of a license upon violations by the owner or operator.
7. **Enacts a new law to be codified at 2 O.S. § 6-515.** This requires that, upon the expiration of a license, the deer be disposed of (“in no case shall the farmed cervidae be released into the wild”), and cleaning and disinfection of the premises.

## ***Title 37*** ***Intoxicating Liquors***

**HB 2348 (effective November 1, 2010) amends several sections in Title 37**

1. **Amends 37 O.S. § 163.1** to allow the making of “low-point beer” by an individual for “personal use” if the person has a valid “personal use permit” issued by ABLE. The total volume produced in a calendar year may not exceed 200 gallons. This beverage may not be sold or offered for sale.
2. **Amends 37 O.S. § 163.3** to provide that “personal use” beer is not taxed under this statute
3. **Enacts a new law to be codified at 37 O.S. § 520A** which authorized ABLE to issue a personal use permit for home brew of low-point beer, beer, fermented non-distilled ciders, and wine. The applicant must be at least 21 years old.
4. Makes some technical, housekeeping changes.

**SB 1964 (effective June 6, 2010) makes some changes related to caterers and restaurants:**

1. **Amends 37 O.S. § 594** to allow a “caterer license” to be issued for sale, delivery, or distribution of alcoholic beverages “incidental to the sale or distribution of food” on an unlicensed premise. To be eligible, food sales must constitute at least 35% of the caterer’s “total combined annual sales”. Such a license may not be issued to a person “whose main purpose is the sale of alcoholic beverages or low-point beer”. The caterer is required to submit an annual sales report, and to submit a monthly event report on all events scheduled “for the subsequent month”.
2. **Amends 37 O.S. § 598**, which concerns licensee premises that contain a “separate or enclosed lounge or bar area, which has as its main purpose the sale or distribution of alcoholic beverages for on-premises consumption” in addition to food. Sales of low-point beer are to be counted separately, and are not to be “considered a food or an alcoholic beverage”. If the licensee fails to show that it meets the qualifications, the “licensee’s main purpose shall automatically convert to the sale of alcoholic beverages”.

**SB 2210 (effective July 1, 2010)** makes some changes regarding liquor “package stores”:

1. **Amends 37 O.S. § 534** to provide that the spouse of a package store license holder cannot hold another license, except a “package store license, beer and wine license, or a mixed beverage license”.
2. **Amends 37 O.S. § 537** to be open and make sales on election day, unless otherwise prohibited from opening.
3. **Amends 37 O.S. § 591** to allow sale of liquor by the drink (in Counties where allowed) on election day, if sales on that day are not otherwise prohibited.

## ***Title 74*** ***State Government***

**HB 2330 (effective November 1, 2010) amends 74 O.S. § 150.23** to include a retiree from the “office of Inspector General and the Oklahoma Child Support Services divisions of the Department of Human Services” to the list of persons who may retain their firearm and badge upon retirement.

**HB 3294 (effective May 10, 2010) amends 74 O.S. § 150.5** to allow the use of OSBI records in two specific circumstances:

1. “training or educational purposes” if at least 10 years has passed since “production of the information or record”.
2. If release of the information has been “authorized by the Director of the Bureau for purposes of developing or obtaining further information reasonably necessary to the successful conclusion” of an investigation being conducted by OBNDD.

**HB 2698 (effective November 1, 2010) enacts a new law to be codified at 74 O.S. § 3106.3 *et seq.*** which requires any “public body” that uses a general website to include the following information on the website by January 1, 2011

- any administrative rules used by the public body to operate
- proposed administrative rules
- statutes affecting the public body and its operations
- statutes the public “may find useful in interacting with the public body.

“Public Body” is defined in 25 O.S. § 304:

“1. ‘Public body’ means the governing bodies of all municipalities located within this state, boards of county commissioners of the counties in this state, boards of public and higher education in this state and all boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts or any entity created by a public trust, task forces or study groups in this state supported in whole or in part by public funds or entrusted with the expending of public funds, or administering public property, and shall include all committees or subcommittees of any public body. ...”

## ***Title 12***

### ***Civil Procedure***

**SB 994 (effective November 1, 2010)** amends **12 O.S. § 2503**, which relates to the physician-patient privilege. This change makes any communication, the disclosure of which would be allowed under “state and federal privacy law”, not subject to the evidentiary privilege.

**HB 2572 (effective November 1, 2010)** enacts a new law to be codified at **12 O.S. § 3011**, which makes inadmissible “evidence of assemblage in the exercise of free speech or display of religious beliefs” so long as it is “not connected to the direct conduct of planning, conspiring, or committing an act of violence as prescribed by law”.

**SB 2039 (effective November 1, 2010)** makes several changes related to subpoenas, discovery requests, and production of evidence:

1. **Amends 12 O.S. § 158.1** to allow for licensing of a state-wide process server, in addition to the county-wide process server. The license fee for state-wide is \$150.00. The amendment provides procedures for notice and protests of the application.
2. **Amends 12 O.S. § 2004.1** to cover production of evidentiary materials in electronic format. A person responding to a subpoena:
  - a. May produce the information in a form “in which the person ordinarily maintains it’ or that is “reasonably usable”.
  - b. Is not required to produce the “same electronically stored information in more than one form”.
  - c. Is not required to produce information that “is not reasonably accessible because of undue burden or cost”. In this instance, the court may specify conditions for production of the materials.
  - d. Is not required to immediately produce information which may be privileged. In this instance, the person is required to give notice of the claim of privilege and may present it to the court under seal until the question of privilege is resolved.

3. **Amends this same statute** to allow the court to make specific orders if the production of materials is unduly burdensome, duplicative, or the expense of producing the materials “outweighs its likely benefit”
4. **Amends this same statute** to allow the recording of a deposition by some method “in addition to stenographic means”. Notice must be given before the deposition.
5. **Amends this same statute** to provide that a court, in the absence of exceptional circumstances, “may not impose sanctions on a party for failure to provide electronically stored information lost as a result of the routine, good-faith operation of an electronic information system”.

## ***Miscellaneous***

### ***Title 4 Animals***

**HB 3285 (effective November 1, 2010) amends 4 O.S. § 85.6** to allow a stray animal to be sold to the nearest “approved and licensed slaughter facility” if the owner cannot be determined after publication of notice.

### ***Title 57 Prisons***

**HB 2968 (effective November 1, 2010) amends a few sections in Title 57** to tighten up the rules on registration of sex offenders.

1. **Amends 57 O.S. § 584** to require that a registration include a “mappable address and a zip code”
2. **Amends 57 O.S. § 290** to add a “property or campsite used by an organization whose primary purpose is working with children” to the list of places for the 2000 foot limit.

**HB 2998 (effective November 1, 2010) enacts a new law to be codified at 57 O.S. § 510.8b.** This law requires DOC to set up a “pilot program” to address the problem of “increased community diversion programs and reentry services” for incarcerated persons (or persons about to be incarcerated) who are the “primary caregivers” of minor children.

### ***Title 51 Officers***

**HB 2541 (effective November 1, 2010) amends 51 O.S. § 24A.29** to require municipal courts to keep confidential (except to report to the Oklahoma Tax Commission for “purposes of collection of municipal court fees”) the following information:

1. Credit card numbers
2. Social security numbers
3. Bank account numbers

**SB 499 (effective November 1, 2010) amends 51 O.S. § 6** to allow a member of the Council on Judicial Complaints to hold another state office without violating the “dual office holding” provisions.

**SB 2126 (effective November 1, 2010) amends 51 O.S. § 152 (the Governmental Tort Claims Act)** to include a “technology center school district” as a political subdivision.

## ***Title 41*** ***Landlord and Tenant***

**HB 3021 (effective November 1, 2010) amends 41 O.S. § 118** to require that a landlord disclose to a potential tenant whether the landlord “knows or has reason to know that the dwelling unit or any part of the premises was used in the manufacture of methamphetamine”. This disclosure is not required if the landlord has had the “level of contamination assessed” and it has been determined that the level of contamination does not exceed 0.1 microgram per 100 cm<sup>2</sup> of the surface.

## ***Title 26*** ***Elections***

**SB 1921 (effective January 1, 2011)** makes several changes related to elections:

1. **Amends 26 O.S. § 16-110** to increase the possible fine for a misdemeanor violation of this Act from \$1,000 to \$10,000.
2. **Amends 26 O.S. § 16-101** to increase the penalty for a felony violation of this Act from up to 2 years and/or a fine of up to \$5,000 to up to 5 years and/or a fine of up to \$50,000.
3. **Amends 26 O.S. § 16-102** to provide that any person who “knowingly votes and submits an absentee ballot issued to another person shall be deemed guilty of a felony”.
4. **Enacts a new law to be codified at 26 O.S. § 16-102.1.** This law provides that any “unauthorized person” who removes a ballot from a polling place or knowingly carries a ballot into a polling place” is guilty of a felony.

5. **Enacts a new law to be codified at 26 O.S. § 16-102.2** which provides that any person who “knowingly executed a false application for an absentee ballot” is guilty of a felony.
6. **Amends 26 O.S. § 16-103** to require proof that a person “knowingly” swore a false affidavit related to elections before that person can be convicted of the crime.
7. **Amends 26 O.S. § 16-103.1** to provide that any person who “knowingly causes the collection or submission” of false voter registration forms is guilty of a felony.
8. **Amends 26 O.S. § 16-105** to include conspiracy to commit fraud in an election to the list of felony crimes.

## ***Title 28***

### ***Fees***

**HB 2944 (effective November 1, 2010) amends 28 O.S. § 84.1** to require that court appearances of “public school district employees” should be scheduled to minimize the disruption of class time. If such an employee is subpoenaed in a civil case (unless the school or district is a party) the school district shall be entitled to a witness fee equal to the “amount of the substitute teacher cost”, not to exceed \$100 per day.

## ***Title 85***

### ***Workers’ Compensation***

HB 2650 (effective November 1, 2010) makes several changes to tighten the workers’ compensation laws, including:

1. Amends 85 O.S. § 12 to limit the circumstances in which an injured employee can file suit in District Court (instead of workers’ compensation court). An “intentional tort” which would allow such a lawsuit is limited to an injury which was a result of “willful, deliberate, specific intent of the employer to cause such injury”. The fact that the employer had knowledge that such injury “was substantially certain to result from its conduct shall not constitute an intentional tort”. The issue of whether an act was an intentional tort is a question of law for the court.

2. Amends 85 O.S. § 11 to limit “scope of employment” for workers’ compensation cases. The “scope of employment” is deemed to commence when the employee “arrives at the employee’s place of employment to report for work and shall terminate when the employee leaves the employee’s place of employment.”
  - a. When the employer instructs the employee to work at another location, the employee is considered in the “scope of employment” while the employee “is engaged in the performance of job duties directly related to the task” assigned, including “travel time that is solely related and necessary to the employee’s performance of the task”.
  - b. Travel by a policeman, fireman, or a member of a first aid or rescue squad, in responding to and returning from an emergency” is considered in the “scope of employment”.
3. Amends 85 O.S. § 3 to provide guidelines for “objective” evaluation of injuries, including the provision that, “when considering physical or anatomical impairment, a physician or other medical provider, and the courts, may not “consider complaints of pain”.

## ***Title 36***

### ***Insurance***

**SB 1251 (effective November 1, 2010) enacts a new law to be codified at 36 O.S. § 6060.10A.** This law provides that a health insurance plan may not “deny coverage, refuse to issue or renew, cancel or otherwise terminate, restrict or exclude any person” from a policy issued after November 1, 2010, on the basis of the applicant’s “status as a victim of domestic abuse” as defined in Title 22. A claim may not be denied on the basis that the claimant is a “victim of domestic violence”. Domestic abuse cannot be considered a “preexisting condition”.

The domestic abuse must have been reported to a law enforcement agency, giving the relevant facts, before this law applies.

## ***Title 52***

### ***Oil and Gas***

HB 2912 (effective November 1, 2010) enacts a new law to be codified at 52 O.S. § 320.2. This law makes it “unlawful” to intentionally or maliciously “injure, deface, alter, destroy, or tamper with” any safety equipment used in the “drilling or production of an oil or gas well”. Exceptions are made for equipment owned by the person, or changes made with consent of the owner. No specific penalty is provided.

## ***Title 56***

### ***Poor Persons***

HB 3323 (effective November 1, 2010) amends 56 O.S. § 183 to require an “authorized person” who accesses “service recipient information within a home record” to sign an acknowledgement that they are aware of the confidentiality rules and the possible criminal penalties for unauthorized disclosure of those records. (It is a felony punishable by up to 2 years in prison.)

## ***Title 58***

### ***Probate Procedure***

HB 2800 (effective November 1, 2010) enacts a new law to be codified at 58 O.S. § 269, which authorized the executor or administrator of an estate to “take control of, conduct, continue, or terminate” any accounts the deceased may have had on any social networking or e-mail services.

## ***Title 68***

### ***Revenue and Taxation***

SB 2253 (effective June 8, 2010) makes several changes regarding fireworks:

1. Amends 68 O.S. § 1622 to conform the definitions of various fireworks to the definitions in CFR, and to clarify that the term “consumer fireworks” does not include “toy cap pistols and caps,

blank cartridges, railroad flares, model rockets, or “any novelty”. A “novelty” is defined as a “device containing small amounts of pyrotechnic and/or explosive composition. Such devices produce limited visible or audible effects. These items must be approved by the United States Department of Transportation (DOT) or have been deregulated by DOT”.

2. **Amends 68 O.S. § 1623** to provide that “novelties” may be legally stored, transported, sold, and used. This amendment also changes the dates when fireworks may be sold. Licensed “manufacturers, distributors or wholesalers” may sell year round. “Retailers” may sell from June 15 to July 6, and from December 15 to January 2.
3. **Amends 68 O.S. § 1624** to substitute the definition of “skyrockets with sticks” used by the Consumer Safety Commission instead of the definition used by the Department of Transportation.

## ***Title 76***

### ***Torts***

**HB 1658 (effective January 1, 2011) enacts a new law to be codified at 76 O.S. § 32.1**, which provides immunity for any “physician or health care provider” who provides volunteer services to an injured participant in a “secondary school function” who is in need of immediate medical aid, unless the acts involve “gross negligence or willful or wanton negligence”.

### ***Not Codified***

**SB 2170 (effective April 2, 2010) enacts a new law not to be codified.** This act creates a Task Force on Standardization of Courtroom Security Procedures to study the current security systems for courthouses and to develop a “standard statewide protocol for security procedures.” The Task Force is to report no later than November 31, 2010. The bill does not say how Counties are to pay for measures which may eventually be required.

## ***Title 59***

### ***Professions and Occupations***

**HB 2530 (effective November 1, 2010) amends 59 O.S. § 3021** to provide that the Elevator Safety Act does *not* apply to an elevator in an “existing building” of two stories or less that is “owned by a municipal public trust that is used solely for independent living apartments” for persons 62 years old or older.

**HB 3202 (effective November 1, 2010) amends 59 O.S. § 698.2** (“The Oklahoma Veterinary Practice Act”) to define “Teeth Floating”:

“as provided by a nonveterinary equine dental care provider, means the removal of enamel points and the smoothing, contouring and leveling of dental arcades and incisors of equine and other farm animals. It shall not include dental procedures on canines and felines.”

## ***Title 60***

### ***Property***

**SB 1541 (effective November 1, 2010) enacts a new law to be codified at 60 O.S. § 199** which allows the creation and enforcement of a Trust “for the care of designated domestic or pet animals”.

## ***Title 25***

### ***Definitions and General Provisions***

**SB 1814 (effective November 1, 2010) amends 25 O.S. § 1301** to provide that “women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes as other persons not so affected but similar in their ability or inability to work”.

**HB 3052 (effective November 1, 2010) amends 25 O.S. § 82.1** to change how the State Christmas holiday is determined. The holiday will include December 25 and “the day before or after Christmas if Christmas is not on a Saturday or Sunday, the Thursday and Friday before Christmas if

Christmas is on a Saturday, the Monday and Tuesday after Christmas, if  
Christmas is on a Sunday”