

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1102 By: Standridge of the Senate
3 and
4 West (Kevin) of the House
5
6

7 [deferred prosecution programs - guidelines and
8 factors - requirements for participation - fees -
effective date]
9

10 AUTHOR: Add the following Senate Coauthor: Bergstrom

11 AUTHORS: Add the following House Coauthors: Crosswhite Hader, Roe
and Moore
12

13 AMENDMENT NO. 1. Delete the stricken title, enacting clause and
entire bill and replace with:

14 "An Act relating to public health and safety;
15 amending 63 O.S. 2011, Section 6102, which relates to
the Catastrophic Health Emergency Powers Act;
16 modifying legislative findings; amending 63 O.S.
2011, Section 6103, which relates to the purpose of
17 the Catastrophic Health Emergency Powers Act;
modifying purposes; amending 63 O.S. 2011, Section
18 6105, which relates to the Oklahoma Catastrophic
Health Emergency Planning Task Force; modifying
19 membership; amending 63 O.S. 2011, Section 6301,
which relates to reports required from certain health
20 care providers; requiring executive order to
authorize reporting requirements; amending 63 O.S.
21 2011, Section 6302, which relates to investigations
of exposed individuals; requiring executive order to
22 authorize investigations; amending 63 O.S. 2011,
Section 6401, which relates to a declaration of a
23 state of catastrophic health emergency; requiring
Governor to provide certain notification to the
24 Speaker of the House of Representatives and the
President Pro Tempore of the Senate; amending 63 O.S.

1 2011, Section 6402, which relates to executive order
2 declaring a state of catastrophic health emergency;
3 requiring statement of specific authorities requested
4 in executive order; amending 63 O.S. 2011, Section
5 6403, which relates to activation of disaster
6 response and recovery aspects of emergency plans;
7 requiring certain meetings for duration of the
8 emergency; amending 63 O.S. 2011, Section 6405, which
9 relates to special session of State Legislature;
10 clarifying call of special session; modifying time of
11 special session; amending 63 O.S. 2011, Section 6802,
12 which relates to transfer of monies from state funds;
13 requiring itemized report to Legislature; amending 26
14 O.S. 2011, Section 2-107, which relates to authority
15 of the Secretary of the State Election Board;
16 authorizing Secretary to promulgate emergency rules
17 upon activation of Catastrophic Health Emergency
18 Powers Act; authorizing disapproval by Legislature;
19 and declaring an emergency.
20

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

22 SECTION 1. AMENDATORY 63 O.S. 2011, Section 6102, is
23 amended to read as follows:

24 Section 6102. The Oklahoma Legislature finds that:

1. Guided by principles of justice and antidiscrimination, it is the duty of this state to act with fairness and tolerance towards individuals and groups during catastrophic health emergencies;
2. The right of people to civil rights, liberty, bodily integrity and privacy must be respected and consistent with maintaining and preserving the health and security of the public during a catastrophic health emergency;

1 3. The government must do more to protect the health, safety,
2 and general well-being of its citizens during a catastrophic health
3 emergency;

4 ~~2.~~ 4. New and emerging dangers, including emergent and
5 resurgent infectious diseases and incidents of civilian mass
6 casualties, pose serious and immediate threats during a catastrophic
7 health emergency;

8 ~~3.~~ 5. A renewed focus on the prevention, detection, management,
9 and containment of catastrophic health emergencies is needed;

10 ~~4.~~ 6. Catastrophic health emergency threats, including those
11 caused by nuclear, biological or chemical events, may require the
12 exercise of extraordinary government powers and functions;

13 ~~5.~~ 7. This state must have the ability to respond, rapidly and
14 effectively, to potential or actual catastrophic health emergencies;

15 ~~6.~~ 8. The exercise of catastrophic health emergency powers must
16 promote the common good;

17 ~~7.~~ 9. Catastrophic ~~emergency~~ health emergency powers must be
18 grounded in a thorough scientific understanding of public health
19 threats and disease transmission;

20 ~~8.~~ ~~Guided by principles of justice and antidiscrimination, it~~
21 ~~is the duty of this state to act with fairness and tolerance towards~~
22 ~~individuals and groups during catastrophic health emergencies;~~

23 ~~9.~~ ~~The rights of people to liberty, bodily integrity, and~~
24 ~~privacy must be respected to the fullest extent possible consistent~~

1 ~~with maintaining and preserving the health and security of the~~
2 ~~public during a catastrophic health emergency;~~

3 10. This act is necessary to protect the health and safety of
4 the citizens of this state during a catastrophic health emergency;
5 and

6 11. The provisions of Sections ~~9~~ 6401 through ~~25~~ 6804 of this
7 ~~act~~ title shall only be activated upon the occurrence of a
8 catastrophic health emergency.

9 SECTION 2. AMENDATORY 63 O.S. 2011, Section 6103, is
10 amended to read as follows:

11 Section 6103. The purposes of the Catastrophic Health Emergency
12 Powers Act are:

13 1. To ensure the civil rights and liberties of the citizens of
14 this state while providing for their safety;

15 2. To require the development of a comprehensive plan to
16 provide for a coordinated, appropriate response in the event of a
17 catastrophic health emergency;

18 ~~2.~~ 3. To authorize the reporting and collection of data and
19 records, the management of state property, the protection of
20 persons, and access to communications during a catastrophic health
21 emergency;

22 ~~3.~~ 4. To facilitate the early detection of a catastrophic
23 health emergency, and allow for immediate investigation of such a
24

1 catastrophic health emergency by granting access to health
2 information of individuals under specified circumstances;

3 ~~4.~~ 5. To grant state ~~and local~~ officials the authority during a
4 catastrophic health emergency to provide care, treatment, and
5 vaccination to persons who are interested in being vaccinated and to
6 persons who are ill or who have been exposed to transmissible
7 diseases, and to separate affected individuals from the population
8 at large to interrupt disease transmission;

9 ~~5.~~ 6. To ensure during a catastrophic health emergency that the
10 needs of infected or exposed persons are properly addressed to the
11 fullest extent possible, given the primary goal of controlling
12 serious health threats without unduly interfering with civil rights
13 and liberties; and

14 ~~6.~~ 7. To provide, during a catastrophic health emergency, state
15 ~~and local~~ officials with the ability to prevent, detect, manage, and
16 contain health threats without unduly interfering with civil rights
17 and liberties; and

18 8. To provide the Governor during a catastrophic health
19 emergency the power to grant local officials certain clearly defined
20 authorities.

21 SECTION 3. AMENDATORY 63 O.S. 2011, Section 6105, is
22 amended to read as follows:

23 Section 6105. A. There is hereby created the Oklahoma
24 Catastrophic Health Emergency Planning Task Force. The purpose of

1 the task force is to prepare a plan for responding to a catastrophic
2 health emergency.

3 B. The task force shall be comprised as follows:

4 1. The cabinet secretary with responsibilities for health and
5 human services, who shall serve as chair of the task force;

6 2. The State Commissioner of Health or a designee;

7 3. The Director of the Department of Public Safety or a
8 designee;

9 4. The State Attorney General or a designee;

10 5. The Administrative Director of the Courts or a designee;

11 6. The Director of Civil Emergency Management or a designee;

12 7. ~~Two~~ Three members of the State Senate, two members of the
13 majority party and one member of the minority party, to be appointed
14 by the President Pro Tempore of the Senate;

15 8. ~~Two~~ Three members of the Oklahoma House of Representatives,
16 two members of the majority party and one member of the minority
17 party, to be appointed by the Speaker of the House of
18 Representatives;

19 9. The Director of the Tulsa City-County Health Department or a
20 designee;

21 10. The Director of the Oklahoma City-County Health Department
22 or a designee;

23 11. The State Fire Marshal;

24

1 12. A representative of the Oklahoma State Board of Medical
2 Licensure and Supervision to be appointed by the State Board of
3 Medical Licensure and Supervision;

4 13. A representative of the State Board of Osteopathic
5 Examiners to be appointed by the State Board of Osteopathic
6 Examiners;

7 14. A representative of the Governor to be appointed by the
8 Governor;

9 15. A person appointed by the Governor representing a statewide
10 organization representing hospitals;

11 16. A representative of the Oklahoma Nurses Association to be
12 appointed by the Oklahoma Nurses Association; ~~and~~

13 17. A representative of the Oklahoma Psychological Association
14 to be appointed by the Oklahoma Psychological Association;

15 18. The Director of the Department of Corrections or a
16 designee;

17 19. Two members of law enforcement, who shall be a county
18 sheriff, chief of police of a municipality or other equivalent law
19 enforcement officer having administrative responsibilities or a
20 designee. One member shall be appointed by the Speaker of the House
21 of Representatives and one member shall be appointed by the
22 President Pro Tempore of the Senate;

23 20. Two members from the private sector with expertise in
24 disaster relief, one appointed by the Speaker of the House of

1 Representatives and one appointed by the President Pro Tempore of
2 the Senate; and

3 21. Four members from the private-sector business community,
4 two appointed by the Speaker of the House of Representatives and two
5 appointed by the President Pro Tempore of the Senate.

6 C. Appointees shall serve at the pleasure of the appointing
7 authority.

8 D. No later than December 31, ~~2004~~ 2020, the task force shall
9 deliver a plan for responding to a catastrophic health emergency to
10 the Governor, the President Pro Tempore of the State Senate, and the
11 Speaker of the Oklahoma House of Representatives. The plan shall
12 include provisions or guidelines for the following:

13 1. Notification of and communication with the population during
14 a catastrophic health emergency;

15 2. Central coordination of resources, manpower, and services,
16 including coordination of responses by state, local, tribal, and
17 federal agencies during a catastrophic health emergency;

18 3. The location, procurement, storage, transportation,
19 maintenance, and distribution of essential materials including, but
20 not limited to, medical supplies, drugs, vaccines, food, shelter,
21 clothing, and beds during a catastrophic health emergency;

22 4. The role of law enforcement agencies in response to a
23 catastrophic health emergency;

24

- 1 5. The method of evacuating populations and housing and feeding
2 evacuated populations during a catastrophic health emergency;
- 3 6. The identification and training of health care providers to
4 diagnose and treat persons with infectious disease during a
5 catastrophic health emergency;
- 6 7. The treatment of persons who have been exposed to or who are
7 infected with diseases or health conditions that may be the cause of
8 a catastrophic health emergency;
- 9 8. The safe disposal of contaminated wastes and human remains
10 during a catastrophic health emergency;
- 11 9. The safe and effective control of persons treated during a
12 catastrophic health emergency;
- 13 10. Tracking the source and outcomes of infected persons during
14 a catastrophic health emergency;
- 15 11. Ensuring that during a catastrophic health emergency each
16 city and county within the state identifies the following:
 - 17 a. sites where medical supplies, food, and other
18 essentials can be distributed to the population,
 - 19 b. sites where public health and emergency workers can be
20 housed and fed, and
 - 21 c. routes and means of transportation of people and
22 materials;

1 12. The recognition of cultural norms, values, religious
2 principles, and traditions that may be relevant during a
3 catastrophic health emergency; and

4 13. Other measures necessary to carry out the purposes of this
5 act.

6 E. The task force shall distribute this plan to those who will
7 be responsible for its implementation, other interested persons and
8 the public and seek their review and comments.

9 F. The task force shall annually review its plan for responding
10 to a catastrophic health emergency.

11 G. Staff assistance for the task force shall be provided upon
12 request by the chair of the task force by the agency or agencies
13 determined to be appropriate by the chair.

14 H. Members of the task force shall receive no compensation for
15 serving on the task force, but shall receive travel reimbursement as
16 follows:

17 1. Legislative members of the task force shall be reimbursed
18 for their necessary travel expenses incurred in the performance of
19 their duties in accordance with Section 456 of Title 74 of the
20 Oklahoma Statutes; and

21 2. Nonlegislative members of the task force shall be reimbursed
22 pursuant to the Oklahoma Travel Reimbursement Act by their employing
23 or appointing agencies.

1 SECTION 4. AMENDATORY 63 O.S. 2011, Section 6301, is
2 amended to read as follows:

3 Section 6301. A. The provisions of this section shall be
4 contingent upon a specific executive order by the Governor
5 activating the reporting requirements.

6 B. A health care provider, coroner, or medical examiner shall
7 report all cases of persons who harbor any illness or health
8 condition that may be potential cause of a catastrophic health
9 emergency. Reportable illnesses and health conditions include, but
10 are not limited to, the diseases caused by the biological agents
11 listed in 42 C.F.R., Section 72, app. A (2000) and any illnesses or
12 health conditions identified by the public health authority.

13 ~~B.~~ C. In addition to the foregoing requirements for health care
14 providers, a pharmacist shall report any unusual or increased
15 prescription rates, unusual types of prescriptions, or unusual
16 trends in pharmacy visits that may be potential causes of a
17 catastrophic health emergency. Prescription-related events that
18 require a report include, but are not limited to:

19 1. An unusual increase in the number of prescriptions or over-
20 the-counter pharmaceuticals to treat conditions that the public
21 health authority identifies through regulations;

22 2. An unusual increase in the number of prescriptions for
23 antibiotics; and

24

1 3. Any prescription that treats a disease that is relatively
2 uncommon or may be associated with bioterrorism.

3 ~~C.~~ D. The report shall be made electronically or in writing
4 within twenty-four (24) hours to the public health authority. The
5 report shall include as much of the following information as is
6 available: the specific illness or health condition that is the
7 subject of the report; the name of the patient, date of birth, sex,
8 race, occupation, and current home and work addresses, including
9 city and county; the name and address of the health care provider,
10 coroner, or medical examiner and of the reporting individual, if
11 different; and any other information needed to locate the patient
12 for follow-up. For cases related to animal or insect bites, the
13 suspected locating information of the biting animal or insect, and
14 the name and address of any known owner, shall be reported.

15 ~~D.~~ E. Any animal case of a zoonotic disease that is suspected
16 to be a bioterrorism event or associated with an outbreak shall be
17 reported to the State Veterinarian. Appropriate clinical specimens
18 will be required to be rapidly submitted for laboratory
19 confirmation. The State Veterinarian or State Veterinary Diagnostic
20 Laboratory Director or a designee will immediately report by
21 telephone confirmed veterinary cases of public health importance to
22 the State Department of Health.

23 ~~E.~~ F. For the purposes of this section, "health care provider"
24 shall include out-of-state medical laboratories, provided that the

1 out-of-state laboratories have agreed to the reporting requirements
2 of this state. Results must be reported by the laboratory that
3 performs the test, but an in-state laboratory that sends specimens
4 to an out-of-state laboratory is also responsible for reporting
5 results.

6 ~~F.~~ G. The public health authority may enforce the provisions of
7 this section in accordance with existing enforcement rules.

8 SECTION 5. AMENDATORY 63 O.S. 2011, Section 6302, is
9 amended to read as follows:

10 Section 6302. A. The provisions of subsection B of this
11 section shall be contingent upon a specific executive order by the
12 Governor activating the investigatory requirements.

13 B. The public health authority shall ascertain the existence of
14 cases of an illness or health condition that may be potential causes
15 of a catastrophic health emergency~~;~~, investigate all such cases for
16 sources of infection or contamination and to ensure that they are
17 subject to proper control measures~~;~~, and define the distribution of
18 the illness or health condition. To fulfill these duties, the
19 public health authority shall identify exposed individuals as
20 follows:

21 1. Acting on information developed in accordance with Section ~~6~~
22 6301 of this ~~act~~ title, or other reliable information, the public
23 health authority shall identify all individuals thought to have been
24

1 exposed to an illness or health condition that may be a potential
2 cause of a catastrophic health emergency; and

3 2. The public health authority shall counsel and interview such
4 individuals where needed to assist in the positive identification of
5 exposed individuals and develop information relating to the source
6 and spread of the illness or health condition. Such information
7 includes the name and address, including city and county, of any
8 person from whom the illness or health condition may have been
9 contracted and to whom the illness or health condition may have
10 spread.

11 ~~B.~~ C. The public health authority, for examination purposes,
12 shall close, evacuate, or decontaminate any facility or
13 decontaminate or destroy any material when the authority reasonably
14 suspects that such facility or material may endanger the public
15 health.

16 ~~C.~~ D. The public health authority may enforce the provisions of
17 this section in accordance with existing enforcement rules. An
18 order of the public health authority given to effectuate the
19 purposes of this section shall be enforceable immediately by the
20 public safety authority.

21 SECTION 6. AMENDATORY 63 O.S. 2011, Section 6401, is
22 amended to read as follows:

23 Section 6401. A state of catastrophic health emergency may be
24 declared by the Governor upon the occurrence of a "catastrophic

1 health emergency" as defined in paragraph 2 of Section 4 6104 of
2 this ~~act~~ title. Prior to such a declaration, the Governor shall
3 consult with the public health authority and may consult with any
4 additional public health or other experts as needed. The Governor
5 shall notify the Speaker of the House of Representatives and the
6 President Pro Tempore of the Senate of the powers being requested.

7 SECTION 7. AMENDATORY 63 O.S. 2011, Section 6402, is
8 amended to read as follows:

9 Section 6402. A. A state of catastrophic health emergency
10 shall be declared by an executive order that specifies:

- 11 1. The nature of the catastrophic health emergency;
- 12 2. The political subdivisions or geographic areas subject to
13 the declaration;
- 14 3. The conditions that have brought about the catastrophic
15 health emergency;
- 16 4. The duration of the state of the catastrophic health
17 emergency, if less than thirty (30) days; and
- 18 5. The primary public health authority responding to the
19 catastrophic health emergency.

20 B. In the event of an extension of the duration of the state of
21 the catastrophic health emergency, the Governor shall state the
22 specific authorities he or she is requesting in the executive order.

23 SECTION 8. AMENDATORY 63 O.S. 2011, Section 6403, is
24 amended to read as follows:

1 Section 6403. A. The declaration of a state of catastrophic
2 health emergency shall activate the disaster response and recovery
3 aspects of the state, local, and inter-jurisdictional disaster
4 emergency plans in the affected political subdivisions or geographic
5 areas. Such declaration authorizes the deployment and use of any
6 forces to which the plans apply and the use or distribution of any
7 supplies, equipment, and materials and facilities assembled,
8 stockpiled, or available pursuant to this act.

9 B. During a state of catastrophic health emergency, the
10 Governor may:

11 1. Suspend the provisions of any regulatory statute prescribing
12 procedures for conducting state business, or the orders and rules of
13 any state agency, to the extent that strict compliance with the same
14 would prevent, hinder, or delay necessary action (including
15 emergency purchases) by the public health authority to respond to
16 the catastrophic health emergency, or increase the health threat to
17 the population;

18 2. Utilize all available resources of the state government and
19 its political subdivisions, as reasonably necessary, to respond to
20 the catastrophic health emergency;

21 3. Transfer the direction, personnel, or functions of state
22 departments and agencies in order to perform or facilitate response
23 and recovery programs regarding the catastrophic health emergency;

24

1 4. Mobilize all or any part of the National Guard into service
2 of the state. An order directing the National Guard to report for
3 active duty shall state the purpose for which it is mobilized and
4 the objectives to be accomplished;

5 5. Provide aid to and seek aid from other states during the
6 catastrophic health emergency in accordance with any interstate
7 emergency compact made with this state; and

8 6. Seek aid from the federal government for the catastrophic
9 health emergency in accordance with federal programs or
10 requirements.

11 C. The public health authority shall coordinate all matters
12 pertaining to the catastrophic health emergency response of the
13 state. The public health authority shall have primary jurisdiction,
14 responsibility, and authority for:

15 1. Planning and executing catastrophic health emergency
16 assessment, mitigation, preparedness response, and recovery for the
17 state;

18 2. Coordinating catastrophic health emergency response between
19 state and local authorities during a catastrophic health emergency;

20 3. Collaborating with relevant federal government authorities,
21 elected officials of other states, private organizations or
22 companies during a catastrophic health emergency;

23 4. Coordinating recovery operations and mitigation initiatives
24 subsequent to catastrophic health emergencies; and

1 5. Organizing public information activities regarding
2 catastrophic health emergency response operations.

3 D. After the declaration of a state of catastrophic health
4 emergency, special identification for all public health personnel
5 working during the catastrophic health emergency shall be issued as
6 soon as possible. The identification shall indicate the authority
7 of the bearer to exercise public health functions and emergency
8 powers during the state of catastrophic health emergency. Public
9 health personnel shall wear the identification in plain view.

10 E. The Governor or a designee shall meet at a minimum twice per
11 week with the House and Senate members of the Oklahoma Catastrophic
12 Health Emergency Planning Task Force for the duration of the
13 emergency to discuss actions that have been taken and actions that
14 will be taken. The House and Senate task force members may report
15 updates back to their respective chamber.

16 SECTION 9. AMENDATORY 63 O.S. 2011, Section 6405, is
17 amended to read as follows:

18 Section 6405. A. The Governor shall terminate the declaration
19 of a state of catastrophic health emergency by executive order upon
20 finding that the occurrence of the condition that caused the
21 catastrophic health emergency no longer poses a high probability of
22 a large number of deaths in the affected population, a large number
23 of incidents of serious permanent or long-term disability in the
24

1 affected population, or a significant risk of substantial future
2 harm to a large number of people in the affected population.

3 B. Notwithstanding any other provision of the Catastrophic
4 Health Emergency Powers Act, the declaration of a state of
5 catastrophic health emergency shall be terminated automatically
6 after thirty (30) days unless renewed by the Governor under the same
7 standards and procedures set forth in this act. Any such renewal
8 shall also be terminated automatically after thirty (30) days unless
9 renewed by the Governor under the same standards and procedures set
10 forth in the Catastrophic Health Emergency Powers Act.

11 C. If the Governor declares a catastrophic health emergency,
12 the State Legislature shall ~~automatically~~ be called into Special
13 Session by call of the Governor at ~~8:00 a.m.~~ 10:00 a.m. on the
14 morning of the second business day following the date of such
15 declaration for the purpose of concurring with or terminating the
16 catastrophic health emergency. The State Legislature, by concurrent
17 resolution, may terminate a state of catastrophic health emergency
18 at any time. Thereupon, the Governor shall, by appropriate action,
19 end the state of catastrophic health emergency. Such termination by
20 the State Legislature shall override any renewal by the Governor.

21 D. All orders or legislative actions terminating the
22 declaration of a state of catastrophic health emergency shall
23 indicate the nature of the emergency, the area or areas threatened,
24

1 and the conditions that make possible the termination of the
2 declaration.

3 SECTION 10. AMENDATORY 63 O.S. 2011, Section 6802, is
4 amended to read as follows:

5 Section 6802. A. During a catastrophic health emergency, the
6 Governor may transfer from any fund available to the Governor in the
7 State Treasury sums of money as may be necessary during a state of
8 catastrophic health emergency.

9 B. Monies so transferred shall be repaid to the fund from which
10 they were transferred when monies become available for that purpose,
11 by legislative appropriation or otherwise.

12 C. A transfer of funds by the Governor under the provisions of
13 this section may be made only when one or more of the following
14 conditions exist:

15 1. No appropriation or other authorization is available to meet
16 the catastrophic health emergency;

17 2. An appropriation is insufficient to meet the catastrophic
18 health emergency; or

19 3. Federal monies available for such a catastrophic health
20 emergency require the use of state or other public monies.

21 D. All expenses incurred by the state during a state of
22 catastrophic health emergency shall be subject to the following
23 limitations:

24

1 1. No expense shall be incurred against the monies authorized
2 under this section, without the general approval of the Governor;

3 2. The aggregate amount of all expenses incurred pursuant to
4 this section shall not exceed Fifty Million Dollars (\$50,000,000.00)
5 for any fiscal year; and

6 3. Monies authorized for a state of catastrophic health
7 emergency in prior fiscal years may be used in subsequent fiscal
8 years only for the catastrophic health emergency for which they were
9 authorized. Monies authorized for a catastrophic health emergency
10 in prior fiscal years, and expended in subsequent fiscal years for
11 the catastrophic health emergency for which they were authorized,
12 apply toward the fifty-million-dollar expense limit for the fiscal
13 year in which they were authorized.

14 Itemized reports detailing any use of state dollars shall be
15 provided every ten (10) days to the Speaker of the House of
16 Representatives and the President Pro Tempore of the Senate.

17 SECTION 11. AMENDATORY 26 O.S. 2011, Section 2-107, is
18 amended to read as follows:

19 Section 2-107. A. The Secretary of the State Election Board
20 shall be the administrative officer of the State Election Board and
21 shall have general supervisory authority over county election boards
22 and shall have the authority to provide administrative supervision
23 to any county election board, as well as the authority to stand in
24 the place of the secretary of the county election board for the

1 purpose of employing county election board personnel when a vacancy
2 exists in the office of the secretary of the county election board.
3 The Secretary shall have the authority to employ and fix the
4 salaries and duties of such personnel as may be necessary to perform
5 the duties of the State Election Board. The Secretary may
6 promulgate, repeal or modify such rules or regulations as the
7 Secretary deems necessary to facilitate and assist in achieving and
8 maintaining uniformity in the application, operation and
9 interpretation of the state and federal election laws and a maximum
10 degree of correctness, impartiality and efficiency in administration
11 of the election laws; provided, however, that such rules or
12 regulations, to be binding and effective, must have been officially
13 adopted by the Secretary of the State Election Board; the procedure
14 and adoption of such rules and regulations shall be subject to the
15 provisions of the Administrative Procedures Act. The Secretary
16 shall promote and encourage voter registration and voter
17 participation in elections. The Secretary shall be the chief state
18 election official responsible for coordination of state
19 responsibilities under the National Voter Registration Act of 1993
20 and under the Help America Vote Act of 2002. The Secretary shall
21 have the authority to implement programs for confirmation of voter
22 registration and for removal of ineligible voters in compliance with
23 general Oklahoma election law and requirements of the National Voter
24 Registration Act of 1993.

1 B. If the Catastrophic Health Emergency Powers Act has been
2 activated pursuant to an executive order, the Secretary of the State
3 Election Board may promulgate emergency rules, which the Secretary
4 deems necessary to protect the public health while simultaneously
5 maintaining the integrity of the election process. Emergency rules
6 promulgated under this subsection shall not be subject to the
7 provisions of the Administrative Procedures Act and shall remain
8 effective unless disapproved by adoption of a concurrent resolution
9 by a constitutional majority of each chamber of the Legislature.

10 SECTION 12. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval."

14 Passed the House of Representatives the 14th day of May, 2020.

15

16

17

Presiding Officer of the House of
Representatives

18

19

Passed the Senate the ____ day of _____, 2020.

20

21

22

Presiding Officer of the Senate

23

24

ENGROSSED SENATE
BILL NO. 1102

By: Standridge of the Senate

and

West (Kevin) of the House

[deferred prosecution programs - guidelines and
factors - requirements for participation - fees -
effective date]

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

SECTION 13. AMENDATORY 22 O.S. 2011, Section 305.1, is
amended to read as follows:

Section 305.1. A. Before the filing of an information against
a person accused of committing a crime, the State of Oklahoma,
through its district attorney, may agree with an accused to defer
the filing of a criminal information for a period not to exceed
three (3) years.

The State of Oklahoma may include any person in a deferred
prosecution program if it is in the best interests of the accused
and not contrary to the public interest. Each district attorney
shall adopt and promulgate guidelines which shall indicate what
factors shall be considered in including an accused in the deferred
prosecution program. The guidelines shall ~~insure~~ ensure that the

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 State of Oklahoma considers in each case at least the following
2 factors:

3 1. Whether the State of Oklahoma has sufficient evidence to
4 achieve conviction;

5 2. The nature of the offense with priority given to first
6 offenders and nonviolent crimes;

7 3. Any special characteristics of the accused;

8 4. Whether the accused will cooperate and benefit from a
9 deferred prosecution program;

10 5. Whether available programs are appropriate to the accused
11 person's needs;

12 6. Whether the services for the accused are more readily
13 available from the community or from the corrections system;

14 7. Whether the accused constitutes a substantial danger to
15 others;

16 8. The impact of the deferred prosecution on the community;

17 9. The recommendations of the law enforcement agency involved
18 in the case;

19 10. The opinions of the victim; and

20 11. Any mitigating or aggravating circumstances.

21 B. The State of Oklahoma, in the discretion of the district
22 attorney, may include a person accused of committing the offense of
23 domestic abuse or domestic assault as defined by Section 644 of
24 Title 21 of the Oklahoma Statutes in a deferred prosecution program.

1 The accused shall participate in the same counseling or other
2 treatment as required by paragraph 2 of subsection G of Section 644
3 of Title 21 of the Oklahoma Statutes; provided, however, the accused
4 shall participate in the certified batterers' intervention program
5 (BIP) for the required fifty-two (52) weeks and shall not reside in
6 the same household as the victim nor have any contact with the
7 victim, children residing in the home, victim's immediate family or
8 other household member for, at a minimum, the first ninety (90) days
9 of the counseling or BIP treatment. The accused shall pay all
10 supervisory, program and other fees as required pursuant to Section
11 305.2 of this title. An accused shall be eligible one time only for
12 participation in a deferred prosecution program pursuant to this
13 subsection.

14 SECTION 14. This act shall become effective November 1, 2020.

15 Passed the Senate the 11th day of March, 2020.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the ____ day of _____,

20 2020.

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Presiding Officer of the House
of Representatives

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