

An Act

ENROLLED SENATE
BILL NO. 2039

By: Treat of the Senate

and

McCall of the House

An Act relating to domestic violence; creating the Domestic Violence and Sexual Assault Services Revolving Fund; establishing fund procedures; providing sources of funds; providing for expenditures from fund; prescribing qualifications for entities to receive certain grants; prescribing procedure for grant amounts; requiring the return of certain unused grants; providing for allocation of returned funds; amending 74 O.S. 2021, Section 18p-1, which relates to the Victim Services Unit of the Office of the Attorney General; requiring certain funds be allocated to certain entity; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Domestic Violence and Sexual Assault Services Revolving Fund

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 19.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Office of the Attorney General to be designated the "Domestic Violence and Sexual Assault Services Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all appropriations, grants, gifts,

and apportionments designated for deposit in the fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Office of the Attorney General for the purposes of:

1. Providing statewide access to and a stable system of delivery of services to victims of domestic violence and sexual assault;

2. Promoting a coordinated community approach to serving victims of domestic violence and sexual assault that includes partnerships with law enforcement, courts, hospitals, local departments of social services, and other related support agencies; and

3. Providing access to equitable, appropriate, and accessible services through dedicated support of underserved population programs. For the purposes of this section, "underserved populations" shall have the same meaning as set forth in 34 U.S.C., Section 12291.

B. To receive funds from the Domestic Violence and Sexual Assault Services Revolving Fund, an entity providing domestic violence and sexual assault victim services shall:

1. Have full certification as a domestic violence and sexual assault victim service agency by the Office of the Attorney General, as provided for in Section 18p-3 of Title 74 of the Oklahoma Statutes;

2. Be a nonprofit entity exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., 501(c)(3), for the preceding three (3) years;

3. Have an annual audit performed by a qualified and independent auditor; and

4. Have received no administrative sanctions pursuant to state law or the Oklahoma Administrative Code.

C. Subject to the availability of funds, the following amounts shall be granted each fiscal year:

1. The first five percent (5%) of deposits to the Domestic Violence and Sexual Assault Services Revolving Fund to entities qualified to receive funds pursuant to subsection B of this section for at least one (1) year that serve underserved populations;

2. Two Hundred Thousand Dollars (\$200,000.00) to each entity qualified to receive funds pursuant to subsection B of this section, certified pursuant to paragraph 1 of subsection B of this section for at least one (1) year, and operating a shelter program; and

3. One Hundred Fifty Thousand Dollars (\$150,000.00) to each entity qualified to receive funds pursuant to subsection B of this section, certified pursuant to paragraph 1 of subsection B of this section for at least one (1) year, and operating a crisis intervention center.

If the total grants made pursuant to paragraphs 2 and 3 of this subsection exceed the remaining balance of the fund in any fiscal year, after grants are disbursed pursuant to paragraph 1 of this subsection, each grant shall be proportionally reduced. Entities that receive grants pursuant to paragraph 1 of this subsection shall not receive grants pursuant to paragraphs 2 and 3 of this subsection and subsections E and F of this section.

D. Within the Domestic Violence and Sexual Assault Services Revolving Fund there shall be established two separate accounts. There shall be deposited into one account the sum of thirty percent (30%) of the amount of the remaining balance of the Domestic Violence and Sexual Assault Services Revolving Fund after expenditures are made pursuant to subsection C of this section, and the remainder shall be deposited into the other account.

E. The funds in the account that receive thirty percent (30%) of the remaining balance pursuant to subsection D of this section shall be granted to entities qualified to receive funds pursuant to subsection B of this section and certified pursuant to paragraph 1 of subsection B of this section for at least five (5) years in counties whose population exceeds six hundred thousand (600,000) according to the latest Federal Decennial Census, in amounts needed as determined by the Office of the Attorney General. Entities certified pursuant to paragraph 1 of subsection B of this section

prior to the effective date of this act shall receive priority consideration for grants provided pursuant to this subsection by the Office of the Attorney General.

F. The funds in the account that receives the remainder of the remaining balance pursuant to subsection D of this section shall be granted to entities qualified to receive funds pursuant to subsection B of this section and certified pursuant to paragraph 1 of subsection B of this section for at least five (5) years in counties whose population is less than six hundred thousand (600,000) according to the latest Federal Decennial Census by a weighted ratio to be calculated as follows:

1. The summation of the following ratios for each county:

- a. the ratio that the county in square miles bears to the total area of all counties that contain entities that qualify to receive grants pursuant to this subsection, multiplied by three-tenths (0.3), and
- b. the ratio that the population of the county bears to the total population of all the counties that contain entities that qualify to receive grants pursuant to this subsection, multiplied by seven-tenths (0.7); and

2. If two or more entities that qualify to receive grants pursuant to this subsection are located within a county, the amount to be granted within that county shall be split equally between the entities.

G. Notwithstanding any other provisions of this section, funds granted but not expended by entities that qualify to receive funds pursuant to this section shall be returned to the Domestic Violence and Sexual Assault Services Revolving Fund and allocated equally to qualifying entities with remaining services not paid for by grants issued pursuant to this section, but in no event shall the allocation exceed the amount of unpaid services.

SECTION 2. AMENDATORY 74 O.S. 2021, Section 18p-1, is amended to read as follows:

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

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

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

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

2. Victims or survivors of sexual assault;

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

4. Victims of stalking,

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

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

E. For any county in which there is more than one sexual assault program, domestic violence program, or batterers intervention program and one or more of the programs operates a shelter program, only the program or programs operating a shelter program shall receive grants or funding from the Victim Services Unit collected pursuant to subsection F of Section 153 of Title 28 of the Oklahoma Statutes and Section 2368.22 of Title 68 of the Oklahoma Statutes.

SECTION 3. This act shall become effective July 1, 2024.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 28th day of May, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 30th day of May, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____