

Legislative Update – Rep. Emily Virgin, January 3, 2018

“Bills that May Affect Your Practice”

Compiled by Angela Ailles Bahm, Legislative Monitoring Committee Chairperson

HB 1127 Relates to the definition of sexual assault; directing courts to instruct the jury on the definition of consent.

HB 1243 Relates to investment of money belonging to the estates of minors and incapacitated persons.

HB 1429 Relates to the commencement of an action based on a website accessibility claim.

HB 1466 Relates to the Protection from Domestic Abuse Act authorizing transfer of cell phone numbers under certain circumstances.

HB 1468 Modifies the time limitation for prosecuting criminal offenses for sexual crimes against children.

HB 1825 Relates to the Deployed Parents Custody and Visitation Act; modifies definitions.

HB 1894 Modifies the definition of a person legally authorized to make healthcare decisions within the Nondiscrimination in Treatment Act.

HB 2247 Relates to guardians and allows for the initiation of guardianship proceedings for an incapacitated minor approaching adulthood.

HB 2275 Relates to designation of the record in appeals to the Supreme Court.

HB 2314 Relates to liens for service on personal property and changes the time allowed for resubmission of title application.

SB 34 Prohibits lack of knowledge of the age of a victim as a defense to human trafficking of a minor.

SB 50 Modifies the duties of guardians *ad litem* and their written reports.

SB 64 Relates to affidavits of heirship and increases the amount allowable of certain transfers by banks or credit unions to \$50,000.

SB 322 Relates to Indian child custody proceedings and modifies certain notice provisions.

SB 425 Creates new law allowing a cause of action by a public or private institution of higher education to pursue a third party who engages or conspires to engage in certain conduct.

SB 645 Modifies the civil penalties relating to the Medicaid False Claims Act.

Other bills of note:

HB 1470

- As introduced, this bill extended the statutes of limitation for alleged victims of childhood sexual abuse or exploitation by allowing them to sue for civil damages until their 45th birthday. The measure also removes the requirement that evidence of the alleged abuse include both proof that the victim had psychologically repressed the memory of the facts upon which the claim was predicated and that there is corroborating evidence that the sexual abuse, exploitation or incest actually occurred.

- HB 1468, listed above, enacts the same policy for criminal cases.
- A Senate Committee amendment was added to the bill that essentially did away with the American Rule, and instated “loser pay” in civil actions.
- This bill was on the Governor’s desk before anyone noticed what the Senate amendment did. The Governor was alerted but chose to sign the bill anyway.
- HB 1570 was passed later in the session, and signed by the Governor. This bill resintated the American Rule.

SB 643

- “2017 Impaired Driving Elimination Act 2”
 - Eliminated DPS Administrative Hearings for DUIs
 - Made refusing a breath test illegal
 - Allowed seizure and destruction of a driver’s license without an administrative hearing
 - Expanded use of interlock devices
- Supreme Court struck down on two grounds:
 - Violated single-subject rule
 - Justice Patrick Wyrick wrote a strong dissenting opinion on this grounds for overturning the law. From *The Oklahoman*, December 19, 2017:

"The entirety of the bill relates to impaired driving," Justice Patrick Wyrick wrote in his dissent. "There is nothing to suggest that this overwhelmingly popular piece of legislation passed only because our legislators were bamboozled as to its contents or were forced to vote for it despite their objection to unpopular provisions related to impaired driving." He suggested the Legislature no longer can tell from "amorphous" Supreme Court rulings what the single subject rule requires. He suggested the public no longer has confidence justices are applying the rule in an evenhanded way."
 - Seizure & destruction of license without hearing violated driver’s due process rights
- DPS strongly supported
 - Expect similar bills to be introduced this session

Update on efforts to modify/eliminate JNC

Special Session/budget negotiations update

2018 Ballot Questions

Questions?