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Lobbying Report

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SB OSU-007 "Rape Shield Statute"

Concerning Senate Bill No. OSU-007 which is designed to modernize Oklahoma's rape shield statute, it would be my opinion that while filled with good intentions, it is heavily flawed. For example, by expanding and clarifying definitions which increase consistency throughout the court system, it strengthens protections for victims. When definitions are more clearly defined, it ensures the defendant's rights, by organizing both criminal and civil standards more in tune with modern evidence procedures. However, in saying that, I would argue that the bill as written includes more disadvantages than benefits for the victim or defendant. One major issue I noticed is that cases could take a much longer time to process because attorneys for the defendants or victim could spend a substantial amount of time arguing about what does or does not belong in the specific definition.

The court procedures within the case may lag because of the increase in making sure the evidence fits within the correct definition as set forth by this bill. Inexperienced courts that are inundated with numerous cases could be overwhelmed with the added steps and definitions, thus causing delays and stressing an already stressed system. The attorneys for the defendants may also argue that this bill may keep necessary evidence out of the case and limit their ability to represent their client. Some of the examples could be the victim not being totally upfront and honest about past sexual history. This could be relevant because of the credibility of past behavior. By making this so specific it could also lead to confusion by both sides which could

open an opportunity for the case to be drawn out for a longer period of time or in certain circumstances the case may have to be retried. If the case is retried, this causes extra distress and trauma for the victim. I can see attorneys arguing back and forth attempting to make sure the case fits the specific definition. This would cause unnecessary time and energy to be spent on items that are not as important as ensuring the victim and their rights are upheld.