

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 4374

By: Ford

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8 COMMITTEE SUBSTITUTE

9 An Act relating to criminal procedure; amending 22
10 O.S. 2021, Section 60.1, which relates to the
11 Protection from Domestic Abuse Act; expanding scope
12 of certain definition; adding definition; and
13 declaring an emergency.

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

15 SECTION 1. AMENDATORY 22 O.S. 2021, Section 60.1, is
16 amended to read as follows:

17 Section 60.1 As used in the Protection from Domestic Abuse Act
18 and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7
19 of this title, and Section 150.12B of Title 74 of the Oklahoma
20 Statutes:

21 1. "Dating relationship" means intimate association, primarily
22 characterized by affectionate or sexual involvement. For purposes
23 of this act, a casual acquaintance or ordinary fraternization
24

1 between persons in a business or social context shall not constitute
2 a dating relationship;

3 2. "Domestic abuse" means any act of physical harm or the
4 threat of imminent physical harm which is committed by an adult,
5 emancipated minor, or minor child thirteen (13) years of age or
6 older against another adult, emancipated minor or minor child who is
7 currently or was previously an intimate partner or family or
8 household member;

9 3. "Family or household members" means:

- 10 a. parents, including grandparents, stepparents, adoptive
11 parents and foster parents,
- 12 b. children, including grandchildren, stepchildren,
13 adopted children and foster children,
- 14 c. persons otherwise related by blood or marriage living
15 in the same household, ~~and~~
- 16 d. persons otherwise related by blood or marriage, or
- 17 e. persons not related by blood or marriage living in the
18 same household;

19 4. "Foreign protective order" means any valid order of
20 protection issued by a court of another state or a tribal court;

21 5. "Harassment" means a knowing and willful course or pattern
22 of conduct by a family or household member or an individual who is
23 or has been involved in a dating relationship with the person,
24 directed at a specific person which seriously alarms or annoys the

1 person, and which serves no legitimate purpose. The course of
2 conduct must be such as would cause a reasonable person to suffer
3 substantial emotional distress and must actually cause substantial
4 distress to the person. "Harassment" shall include, but not be
5 limited to, harassing or obscene telephone calls in violation of
6 Section 1172 of Title 21 of the Oklahoma Statutes and fear of death
7 or bodily injury;

8 6. "Intimate partner" means:

- 9 a. current or former spouses,
- 10 b. persons who are or were in a dating relationship,
- 11 c. persons who are the biological parents of the same
12 child, regardless of their marital status or whether
13 they have lived together at any time, and
- 14 d. persons who currently or formerly lived together in an
15 intimate way, primarily characterized by affectionate
16 or sexual involvement. A sexual relationship may be
17 an indicator that a person is an intimate partner, but
18 is never a necessary condition;

19 7. "Living in the same household" means:

- 20 a. persons who regularly reside in the same single-
21 dwelling unit,
- 22 b. persons who resided in the same single-dwelling unit
23 within the past year, or

1 c. persons who have individual lease agreements whereby
2 each person has his or her own private bedroom and
3 shares the common areas;

4 8. "Mutual protective order" means a final protective order or
5 orders issued to both a plaintiff who has filed a petition for a
6 protective order and a defendant included as the defendant in the
7 plaintiff's petition restraining the parties from committing
8 domestic violence, stalking, harassment or rape against each other.
9 If both parties allege domestic abuse, violence, stalking,
10 harassment or rape against each other, the parties shall do so by
11 separate petition pursuant to Section 60.4 of this title;:

12 ~~8.~~ 9. "Rape" means rape and rape by instrumentation in
13 violation of Sections 1111 and 1111.1 of Title 21 of the Oklahoma
14 Statutes;

15 ~~9.~~ 10. "Stalking" means the willful, malicious, and repeated
16 following or harassment of a person by an adult, emancipated minor,
17 or minor thirteen (13) years of age or older, in a manner that would
18 cause a reasonable person to feel frightened, intimidated,
19 threatened, harassed, or molested and actually causes the person
20 being followed or harassed to feel terrorized, frightened,
21 intimidated, threatened, harassed or molested. Stalking also means
22 a course of conduct composed of a series of two or more separate
23 acts over a period of time, however short, evidencing a continuity
24 of purpose or unconsented contact with a person that is initiated or

1 continued without the consent of the individual or in disregard of
2 the expressed desire of the individual that the contact be avoided
3 or discontinued. Unconsented contact or course of conduct includes,
4 but is not limited to:

- 5 a. following or appearing within the sight of that
6 individual,
- 7 b. approaching or confronting that individual in a public
8 place or on private property,
- 9 c. appearing at the workplace or residence of that
10 individual,
- 11 d. entering onto or remaining on property owned, leased
12 or occupied by that individual,
- 13 e. contacting that individual by telephone,
- 14 f. sending mail or electronic communications to that
15 individual, or
- 16 g. placing an object on, or delivering an object to,
17 property owned, leased or occupied by that individual;
18 and

19 ~~10.~~ 11. "Victim support person" means a person affiliated with
20 a domestic violence, sexual assault or adult human sex trafficking
21 program, certified by the Attorney General or operating under a
22 tribal government, who provides support and assistance for a person
23 who files a petition under the Protection from Domestic Abuse Act.

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1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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