

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 1446, by substituting the attached floor substitute (Request # 3626) for the title, enacting clause and entire body of the measure.

Submitted by:

Kay Floyd
Senator Floyd

I hereby grant permission for the floor substitute to be adopted.

Brent Howard
Senator Howard, Chair (required)

Kay Floyd
Senator Floyd

Senator Daniels

Senator Jech

Senator Boren

Senator Leewright

Senator Brooks

Senator Paxton

Senator Bullard

Senator Weaver

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Judiciary committee majority requires six (6) members' signatures.

Floyd-TEK-FS-SB1446

2/18/2022 1:01 PM

(Floor Amendments Only)

Date and Time Filed: 2-21-22 2:59 PM

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1446

By: Floyd of the Senate

and

Bush of the House

FLOOR SUBSTITUTE

An Act relating to the Protection from Domestic Abuse Act; amending 22 O.S. 2021, Section 60.1, which relates to definitions; modifying definitions; and providing an effective date.

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

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

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

1. "Coercive control" means unreasonably engaging in any of the following conduct with a current or former spouse, persons who are or were in an intimate partner or dating relationship, or persons who are biological parents of the same child:

- a. intentionally isolating the person from friends, relatives, or other sources of support,
- b. depriving the person of basic necessities,
- c. controlling, regulating, or monitoring the person's movements, communications, daily behavior, finances, economic resources, or access to services, which includes stalking or cyberstalking,
- d. compelling the person by force, threat, or intimidation including but not limited to threats based on actual or suspected immigration status, to engage in conduct from which the person has a right to abstain, or to abstain from conduct that the person has a right to pursue,
- e. committing or threatening to commit cruelty to an animal that intimidates the person,
- f. forced sex acts or threats of a sexual nature including, but not limited to, threatened acts of sexual conduct or threats to release sexual images, or
- g. making demands on the person that limits free will and leads to compliance;

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

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

3 ~~2.~~ 3. "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. Domestic abuse shall include acts of coercive
9 control as defined by this section;

10 ~~3.~~ 4. "Family or household members" means:

- 11 a. parents, including grandparents, stepparents, adoptive
12 parents and foster parents,
- 13 b. children, including grandchildren, stepchildren,
14 adopted children and foster children,
- 15 c. persons otherwise related by blood or marriage living
16 in the same household, and
- 17 d. persons otherwise related by blood or marriage;

18 ~~4.~~ 5. "Foreign protective order" means any valid order of
19 protection issued by a court of another state or a tribal court;

20 ~~5.~~ 6. "Harassment" means a knowing and willful course or
21 pattern of conduct by a family or household member or an individual
22 who is or has been involved in a dating relationship with the
23 person, directed at a specific person which seriously alarms or
24 annoys the person, and which serves no legitimate purpose. The

1 course of conduct must be such as would cause a reasonable person to
2 suffer substantial emotional distress and must actually cause
3 substantial distress to the person. ~~"Harassment"~~ Harassment shall
4 include, but not be limited to, harassing or obscene telephone calls
5 in violation of Section 1172 of Title 21 of the Oklahoma Statutes
6 and fear of death or bodily injury;

7 ~~6.~~ 7. "Intimate partner" means:

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

18 ~~7.~~ 8. "Mutual protective order" means a final protective order
19 or orders issued to both a plaintiff who has filed a petition for a
20 protective order and a defendant included as the defendant in the
21 plaintiff's petition restraining the parties from committing
22 domestic violence, stalking, harassment or rape against each other.
23 If both parties allege domestic abuse, violence, stalking,
24

1 harassment or rape against each other, the parties shall do so by
2 separate petition pursuant to Section 60.4 of this title;

3 ~~8.~~ 9. "Rape" means rape and rape by instrumentation in
4 violation of Sections 1111 and 1111.1 of Title 21 of the Oklahoma
5 Statutes;

6 ~~9.~~ 10. "Stalking" means the willful, malicious, and repeated
7 following or harassment of a person by an adult, emancipated minor,
8 or minor thirteen (13) years of age or older, in a manner that would
9 cause a reasonable person to feel frightened, intimidated,
10 threatened, harassed, or molested and actually causes the person
11 being followed or harassed to feel terrorized, frightened,
12 intimidated, threatened, harassed or molested. Stalking also means
13 a course of conduct composed of a series of two or more separate
14 acts over a period of time, however short, evidencing a continuity
15 of purpose or unconsented contact with a person that is initiated or
16 continued without the consent of the individual or in disregard of
17 the expressed desire of the individual that the contact be avoided
18 or discontinued. Unconsented contact or course of conduct includes,
19 but is not limited to:

20 a. following or appearing within the sight of that
21 individual,

22 b. approaching or confronting that individual in a public
23 place or on private property,
24

- c. appearing at the workplace or residence of that individual,
- d. entering onto or remaining on property owned, leased or occupied by that individual,
- e. contacting that individual by telephone,
- f. sending mail or electronic communications to that individual, or
- g. placing an object on, or delivering an object to, property owned, leased or occupied by that individual; and

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

SECTION 2. This act shall become effective November 1, 2022.

58-2-3626 TEK 2/21/2022 3:45:15 PM