

1 **SENATE FLOOR VERSION**

2 April 6, 2021

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1007

6 By: Bush and **Munson** of the
7 House

8 and

9 Garvin of the Senate

10 **[social media harassment - rebuttable presumption -
11 Protection from Domestic Abuse Act - codification -
12 effective date]**

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2306 of Title 12, unless there
16 is created a duplication in numbering, reads as follows:

17 There shall be a rebuttable presumption that a statement
18 appearing on a social media posting or other electronic
19 communication attributed to a person testifying is the statement of
20 that individual. This presumption may be rebutted by a credible
21 denial under oath.

22 SECTION 2. AMENDATORY 22 O.S. 2011, Section 60.1, as
23 amended by Section 2, Chapter 200, O.S.L. 2019 (22 O.S. Supp. 2020,
24 Section 60.1), is amended to read as follows:

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

5 1. "Dating relationship" means intimate association, primarily
6 characterized by affectionate or sexual involvement. For purposes
7 of this act, a casual acquaintance or ordinary fraternization
8 between persons in a business or social context shall not constitute
9 a dating relationship;

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

16 3. "Family or household members" means:
17 a. parents, including grandparents, stepparents, adoptive
18 parents and foster parents,
19 b. children, including grandchildren, stepchildren,
20 adopted children and foster children, and
21 c. persons otherwise related by blood or marriage living
22 in the same household;

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

1 5. "Harassment" means a knowing and willful course or pattern
2 of conduct by a family or household member or an individual who is
3 or has been involved in a dating relationship with the person,
4 directed at a specific person which seriously alarms or annoys the
5 person, and which serves no legitimate purpose. Harassment can
6 occur via social media or other electronic communications that are
7 untrue or invade one's privacy and serves no legitimate purpose.

8 The course of conduct must be such as would cause a reasonable
9 person to suffer substantial emotional distress, and must actually
10 cause substantial distress to the person. "Harassment" shall
11 include, but not be limited to, harassing or obscene telephone calls
12 in violation of Section 1172 of Title 21 of the Oklahoma Statutes
13 and fear of death or bodily injury;

14 6. "Intimate partner" means:

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

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

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

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

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

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

20 SECTION 3. This act shall become effective November 1, 2021.

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
22 April 6, 2021 - DO PASS AS AMENDED
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