

1 **SENATE FLOOR VERSION**

2 April 12, 2022

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 4374

6 By: Ford of the House

7 and

8 Weaver of the Senate

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

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

16 **SECTION 1. NEW LAW A new section of law not to be**
17 **codified in the Oklahoma Statutes reads as follows:**

18 **This act shall be known and may be cited as the "Stephen Bernius**
19 **Memorial Act".**

20 **SECTION 2. AMENDATORY 22 O.S. 2021, Section 60.1, is**
21 amended to read as follows:

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

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

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

12 3. "Family or household members" means:

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

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

24

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

12 6. "Intimate partner" means:

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

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

24

- 1 a. persons who regularly reside in the same single-
2 dwelling unit,
- 3 b. persons who resided in the same single-dwelling unit
4 within the past year, or
- 5 c. persons who have individual lease agreements whereby
6 each person has his or her own private bedroom and
7 shares the common areas;

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

16 ~~8.~~ 9. "Rape" means rape and rape by instrumentation in
17 violation of Sections 1111 and 1111.1 of Title 21 of the Oklahoma
18 Statutes;

19 ~~9.~~ 10. "Stalking" means the willful, malicious, and repeated
20 following or harassment of a person by an adult, emancipated minor,
21 or minor thirteen (13) years of age or older, in a manner that would
22 cause a reasonable person to feel frightened, intimidated,
23 threatened, harassed, or molested and actually causes the person
24 being followed or harassed to feel terrorized, frightened,

1 intimidated, threatened, harassed or molested. Stalking also means
2 a course of conduct composed of a series of two or more separate
3 acts over a period of time, however short, evidencing a continuity
4 of purpose or unconsented contact with a person that is initiated or
5 continued without the consent of the individual or in disregard of
6 the expressed desire of the individual that the contact be avoided
7 or discontinued. Unconsented contact or course of conduct includes,
8 but is not limited to:

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

23 ~~10.~~ 11. "Victim support person" means a person affiliated with
24 a domestic violence, sexual assault or adult human sex trafficking

1 program, certified by the Attorney General or operating under a
2 tribal government, who provides support and assistance for a person
3 who files a petition under the Protection from Domestic Abuse Act.

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

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
9 April 12, 2022 - DO PASS AS AMENDED

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