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February 8, 2022

By: Floyd

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

a. intentionally isolating a family or household member from friends, relatives, or other sources of support,

b. depriving a family or household member of basic necessities,

- 1 c. controlling, regulating, or monitoring a family or
2 household member's movements, communications, daily
3 behavior, finances, economic resources, or access to
4 services, which includes stalking or cyberstalking,
5 d. compelling a family or household member by force,
6 threat, or intimidation including, but not limited to,
7 threats based on actual or suspected immigration
8 status, engaging in conduct from which such family or
9 household member has a right to abstain, or abstaining
10 from conduct that such family or household member has
11 a right to pursue,
12 e. committing or threatening to commit cruelty to an
13 animal that intimidates a family or household member,
14 f. forced sex acts or threats of a sexual nature
15 including, but not limited to, threatened acts of
16 sexual conduct or threats to release sexual images, or
17 g. making demands on a family or household member which
18 limits free will and leads to compliance;

19 2. "Dating relationship" means intimate association, primarily
20 characterized by affectionate or sexual involvement. For purposes
21 of this act, a casual acquaintance or ordinary fraternization
22 between persons in a business or social context shall not constitute
23 a dating relationship;
24

1 ~~2.~~ 3. "Domestic abuse" means any act of physical harm or the
2 threat of imminent physical harm which is committed by an adult,
3 emancipated minor, or minor child thirteen (13) years of age or
4 older against another adult, emancipated minor or minor child who is
5 currently or was previously an intimate partner or family or
6 household member or coercive control as defined by this section;

7 ~~3.~~ 4. "Family or household members" means:

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

15 ~~4.~~ 5. "Foreign protective order" means any valid order of
16 protection issued by a court of another state or a tribal court;

17 ~~5.~~ 6. "Harassment" means a knowing and willful course or
18 pattern of conduct by a family or household member or an individual
19 who is or has been involved in a dating relationship with the
20 person, directed at a specific person which seriously alarms or
21 annoys the person, and which serves no legitimate purpose. The
22 course of conduct must be such as would cause a reasonable person to
23 suffer substantial emotional distress and must actually cause
24 substantial distress to the person. "Harassment" shall include, but

1 not be limited to, harassing or obscene telephone calls in violation
2 of Section 1172 of Title 21 of the Oklahoma Statutes and fear of
3 death or bodily injury;

4 ~~6.~~ 7. "Intimate partner" means:

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

15 ~~7.~~ 8. "Mutual protective order" means a final protective order
16 or orders issued to both a plaintiff who has filed a petition for a
17 protective order and a defendant included as the defendant in the
18 plaintiff's petition restraining the parties from committing
19 domestic violence, stalking, harassment or rape against each other.
20 If both parties allege domestic abuse, violence, stalking,
21 harassment or rape against each other, the parties shall do so by
22 separate petition pursuant to Section 60.4 of this title;

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24

1 ~~8.~~ 9. "Rape" means rape and rape by instrumentation in
2 violation of Sections 1111 and 1111.1 of Title 21 of the Oklahoma
3 Statutes;

4 ~~9.~~ 10. "Stalking" means the willful, malicious, and repeated
5 following or harassment of a person by an adult, emancipated minor,
6 or minor thirteen (13) years of age or older, in a manner that would
7 cause a reasonable person to feel frightened, intimidated,
8 threatened, harassed, or molested and actually causes the person
9 being followed or harassed to feel terrorized, frightened,
10 intimidated, threatened, harassed or molested. Stalking also means
11 a course of conduct composed of a series of two or more separate
12 acts over a period of time, however short, evidencing a continuity
13 of purpose or unconsented contact with a person that is initiated or
14 continued without the consent of the individual or in disregard of
15 the expressed desire of the individual that the contact be avoided
16 or discontinued. Unconsented contact or course of conduct includes,
17 but is not limited to:

18 a. following or appearing within the sight of that
19 individual,

20 b. approaching or confronting that individual in a public
21 place or on private property,

22 c. appearing at the workplace or residence of that
23 individual,

- 1 d. entering onto or remaining on property owned, leased
2 or occupied by that individual,
3 e. contacting that individual by telephone,
4 f. sending mail or electronic communications to that
5 individual, or
6 g. placing an object on, or delivering an object to,
7 property owned, leased or occupied by that individual;
8 and

9 ~~10.~~ 11. "Victim support person" means a person affiliated with
10 a domestic violence, sexual assault or adult human sex trafficking
11 program, certified by the Attorney General or operating under a
12 tribal government, who provides support and assistance for a person
13 who files a petition under the Protection from Domestic Abuse Act.

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

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
16 February 8, 2022 - DO PASS
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