

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 4374

By: Ford

4  
5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2021, Section 60.1, which relates to the  
9 Protection from Domestic Abuse Act; expanding scope  
of certain definition; adding definition; and  
providing an effective date.

10  
11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

19 1. "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;

1        2. "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;

7        3. "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, and

15           e. persons living in the same household;

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

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

1 distress to the person. "Harassment" shall include, but not be  
2 limited to, harassing or obscene telephone calls in violation of  
3 Section 1172 of Title 21 of the Oklahoma Statutes and fear of death  
4 or bodily injury;

5 6. "Intimate partner" means:

6 a. current or former spouses,

7 b. persons who are or were in a dating relationship,

8 c. persons who are the biological parents of the same  
9 child, regardless of their marital status or whether  
10 they have lived together at any time, and

11 d. persons who currently or formerly lived together in an  
12 intimate way, primarily characterized by affectionate  
13 or sexual involvement. A sexual relationship may be  
14 an indicator that a person is an intimate partner, but  
15 is never a necessary condition;

16 7. "Living in the same household" means persons who regularly  
17 reside in the same, single dwelling unit;

18 8. "Mutual protective order" means a final protective order or  
19 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.

58-2-9124            GRS            01/10/22