

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1007

By: Bush of the House and Garvin of the Senate

Title: Social media harassment; rebuttable presumption; Protection from Domestic Abuse Act;
definition; codification; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from its amendments; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES

Garvin _____
Daniels _____
Paxton _____
Jech _____
Boren _____
Floyd _____

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1007

By: Bush and Munson of the
House

7 and

8 Garvin of the Senate

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to social media harassment; creating
12 a rebuttable presumption relating to statements made
13 on social media or through other electronic
14 communication methods; amending 22 O.S. 2011, Section
15 60.1, as last amended by Section 1 of Enrolled House
16 Bill No. 1948 of the 1st Session of the 58th Oklahoma
17 Legislature, which relates to the Protection from
18 Domestic Abuse Act; modifying definition; providing
19 for codification; and providing an effective date.

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

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

24 There shall be a rebuttable presumption that a statement
appearing on a social media posting or other electronic
communication attributed to a person testifying is the statement of

1 that individual. This presumption may be rebutted by a credible
2 denial under oath.

3 SECTION 2. AMENDATORY 22 O.S. 2011, Section 60.1, as
4 last amended by Section 1 of Enrolled House Bill No. 1948 of the 1st
5 Session of the 58th Oklahoma Legislature, is amended to read as
6 follows:

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

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

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

22 3. "Family or household members" means:

23 a. parents, including grandparents, stepparents, adoptive
24 parents and foster parents,

- 1 b. children, including grandchildren, stepchildren,
2 adopted children and foster children,
3 c. persons otherwise related by blood or marriage living
4 in the same household, and
5 d. persons otherwise related by blood or marriage;

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

8 5. "Harassment" means a knowing and willful course or pattern
9 of conduct by a family or household member or an individual who is
10 or has been involved in a dating relationship with the person,
11 directed at a specific person which seriously alarms or annoys the
12 person, and which serves no legitimate purpose. Harassment can
13 occur via social media or other electronic communications. The
14 course of conduct must be such as would cause a reasonable person to
15 suffer substantial emotional distress and must actually cause
16 substantial distress to the person. "Harassment" shall include, but
17 not be limited to, harassing or obscene telephone calls in violation
18 of Section 1172 of Title 21 of the Oklahoma Statutes and fear of
19 death or bodily injury;

20 6. "Intimate partner" means:

- 21 a. current or former spouses,
22 b. persons who are or were in a dating relationship,
23
24

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

4 d. persons who currently or formerly lived together in an
5 intimate way, primarily characterized by affectionate
6 or sexual involvement. A sexual relationship may be
7 an indicator that a person is an intimate partner, but
8 is never a necessary condition;

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

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

19 9. "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. "Victim support person" means a person affiliated with a
24 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. This act shall become effective November 1, 2021.

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6 58-1-8248 CMA 05/05/21

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