

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1002

7 By: Rosecrants

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to stalking; amending Section 3,
10 Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2024, Section
11 1173.1), which relates to procedures for serving
12 Stalking Warning Letters; directing law enforcement
13 agencies to provide certain notification to victims
14 of stalking; specifying additional procedures for
15 serving Stalking Warning Letters; authorizing service
16 of Stalking Warning Letters after arresting the
17 accused person; requiring entrance of Stalking
18 Warning Letter onto national database; providing for
19 the filing of documents with the court clerk; and
20 providing an effective date.

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

22 SECTION 1. AMENDATORY Section 3, Chapter 318, O.S.L.
23 2022 (21 O.S. Supp. 2024, Section 1173.1), is amended to read as
24 follows:

25 Section 1173.1. A. Whenever a law enforcement agency receives
26 a complaint of stalking and finds that such conduct has occurred,
27 the law enforcement agency shall be required to provide:

1 1. Notify the victim of the availability to meet with a
2 representative of a certified domestic violence program, as provided
3 for in Section 18p-1 of Title 74 of the Oklahoma Statutes; and

4 2. Serve a copy of a the Stalking Warning Letter to on the
5 accused provided that unless the victim does not otherwise request,
6 in consultation with a certified domestic violence advocate if the
7 victim so chooses, requests that such letter not be served upon the
8 accused. The Stalking Warning Letter shall be served upon the
9 accused in the same manner as a bench warrant. If the service is to
10 be in another county jurisdiction, the court clerk law enforcement
11 agency may issue service to the sheriff by facsimile or other
12 electronic transmission for service by the sheriff and may receive
13 the return of service from the sheriff request assistance to serve
14 the Stalking Warning Letter from a law enforcement agency in that
15 jurisdiction in the same manner as prescribed in subsection B of
16 this section.

17 B. The law enforcement agency that serves the Stalking Warning
18 Letter shall serve one (1) copy on the accused in person, keep one
19 (1) copy for the case file of the law enforcement agency, and
20 prepare a report detailing all communications and interactions
21 between the accused and law enforcement during the service of the
22 Stalking Warning Letter. The law enforcement agency shall provide
23 the victim with a copy of the Stalking Warning Letter after the
24 letter is served upon the accused.

1 C. The decision of the victim to decline service of the
2 Stalking Warning Letter on the accused shall not be a bar to the
3 arrest of the accused if there is probable cause for an arrest.

4 ~~B.~~ D. The law enforcement agency shall not be required to serve
5 the Stalking Warning Letter on the accused prior to arresting the
6 accused where there is probable cause to arrest. The Stalking
7 Warning Letter may be served on the accused after the arrest of the
8 accused.

9 E. The following statutory form of the Stalking Warning Letter,
10 as required by the provisions of ~~subsection A~~ of this section, shall
11 be utilized by law enforcement agencies throughout the state:

12 _____ COUNTY, STATE OF OKLAHOMA

13 CITY OF _____

14 RE: _____

15 (COMPLAINANT)

16 Stalking Warning Letter served to: _____

17 _____

18 (HOME ADDRESS)

19 _____

20 (DATE OF BIRTH)

21 The _____ has recently investigated a complaint

22 (LAW ENFORCEMENT AGENCY)

23 about your behavior towards the above-named individual.

24

1 The behavior you have engaged in could be interpreted as "stalking"
2 as provided for in Section 1173 of Title 21 of the Oklahoma
3 Statutes. Stalking can be described as intentionally engaging in a
4 course of conduct directed at a specific person that would cause a
5 reasonable person under the same circumstances to suffer serious
6 emotional distress, or place the specific person in reasonable fear
7 of bodily injury. Your behavior has induced such fear or distress
8 in the above-named individual.

9 Oklahoma law makes stalking a crime. The _____
10 (LAW ENFORCEMENT AGENCY)

11 takes this law very seriously.

12 Please consider this a formal warning that any future conduct by you
13 towards the above-named individual could result in arrest by law
14 enforcement and prosecution by the _____ County
15 District Attorney's Office.

16 _____

17 Print name of Chief of Law Enforcement Agency

18 _____

19 Signature of Chief of Law Enforcement Agency or designee

20 Served in hand _____ by _____

21 (DATE)

(NAME OF OFFICER)

22 On behalf of the _____

23 (LAW ENFORCEMENT AGENCY)

24 at _____

(LOCATION)

F. The fact of the issuance of the Stalking Warning Letter shall be entered into the National Crime Information Center (NCIC) database.

G. The law enforcement agency that serves the Stalking Warning Letter shall file one copy of the Stalking Warning Letter with one copy of the report that details all communications and interactions between the accused and law enforcement during service of the Stalking Warning Letter with the court clerk of the county where the Stalking Warning Letter was issued.

SECTION 2. This act shall become effective November 1, 2025.

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