

1 ENGROSSED HOUSE  
2 BILL NO. 1413

By: West (Josh) and Bashore of  
the House

3 and

4 Coleman of the Senate  
5  
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8 An Act relating to domestic violence; amending 21  
9 O.S. 2021, Section 1173, as amended by Section 2,  
10 Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2024, Section  
11 1173), which relates to stalking; making certain  
12 pleas or finding of guilt to stalking violations  
13 constitute a conviction for purposes of sentencing;  
14 amending 22 O.S. 2021, Section 60.6, which relates to  
15 the Protection from Domestic Abuse Act; making  
16 certain pleas or finding of guilty to protective  
17 order violations constitute a conviction for purposes  
18 of sentencing; and providing an effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1173, as  
18 amended by Section 2, Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2024,  
19 Section 1173), is amended to read as follows:

20 Section 1173. A. Any person who willfully, maliciously, and  
21 repeatedly follows or harasses another person in a manner that:

22 1. Would cause a reasonable person or a member of the immediate  
23 family of that person as defined in subsection F of this section to  
24 feel frightened, intimidated, threatened, harassed, or molested; and

1           2. Actually causes the person being followed or harassed to  
2 feel terrorized, frightened, intimidated, threatened, harassed, or  
3 molested,  
4 shall, upon conviction, be guilty of the crime of stalking, which is  
5 a felony punishable by imprisonment in the custody of the Department  
6 of Corrections for a term not to exceed three (3) years, or by a  
7 fine not to exceed Five Thousand Dollars (\$5,000.00), or by both  
8 such fine and imprisonment. Any person convicted of a second  
9 violation of the provisions of this subsection shall be punished by  
10 imprisonment in the custody of the Department of Corrections for a  
11 term not to exceed six (6) years, or by a fine not to exceed Ten  
12 Thousand Dollars (\$10,000.00), or by both such fine and  
13 imprisonment. Any person convicted of a third or subsequent  
14 violation of the provisions of this subsection shall be punished by  
15 imprisonment in the custody of the Department of Corrections for a  
16 term not to exceed twelve (12) years, or by a fine not to exceed  
17 Fifteen Thousand Dollars (\$15,000.00), or by both such fine and  
18 imprisonment.

19           B. Any person who violates the provisions of subsection A of  
20 this section when:

21           1. There is a permanent or temporary restraining order, a  
22 protective order, an emergency ex parte protective order, or an  
23 injunction in effect prohibiting the behavior described in  
24 subsection A of this section against the same party, when the person

1 violating the provisions of subsection A of this section has actual  
2 notice of the issuance of such order or injunction;

3 2. Said person is on probation or parole, a condition of which  
4 prohibits the behavior described in subsection A of this section  
5 against the same party or under the conditions of a community or  
6 alternative punishment; or

7 3. Said person, within ten (10) years preceding the violation  
8 of subsection A of this section, completed the execution of sentence  
9 for a conviction of a crime involving the use or threat of violence  
10 against the same party, or against any member of the immediate  
11 family of such party,  
12 shall, upon conviction, be guilty of a felony punishable by  
13 imprisonment in the custody of the Department of Corrections for a  
14 term not to exceed fifteen (15) years, or by a fine not to exceed  
15 Twenty Thousand Dollars (\$20,000.00), or by both such fine and  
16 imprisonment.

17 C. Any person who:

18 1. Commits a second act of stalking within ten (10) years of  
19 the completion of sentence for a prior conviction of stalking; or

20 2. Has a prior conviction of stalking and, after being served  
21 with a protective order that prohibits contact with an individual,  
22 knowingly makes unconsented contact with the same individual,  
23 shall, upon conviction, be guilty of a felony punishable by  
24 imprisonment in the custody of the Department of Corrections for a

1 term not to exceed twenty (20) years, or by a fine not to exceed  
2 Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and  
3 imprisonment.

4 D. Any person who commits an act of stalking within ten (10)  
5 years of the completion of execution of sentence for a prior  
6 conviction under subsection B or C of this section shall, upon  
7 conviction, be guilty of a felony punishable by imprisonment in the  
8 custody of the Department of Corrections for a term not to exceed  
9 twenty-five (25) years, or by a fine not to exceed Thirty Thousand  
10 Dollars (\$30,000.00), or by both such fine and imprisonment.

11 E. Evidence that the defendant continued to engage in a course  
12 of conduct involving repeated unconsented contact, as defined in  
13 subsection F of this section, with the victim after having been  
14 requested by the victim to discontinue the same or any other form of  
15 unconsented contact, and to refrain from any further unconsented  
16 contact with the victim, shall give rise to a rebuttable presumption  
17 that the continuation of the course of conduct caused the victim to  
18 feel terrorized, frightened, intimidated, threatened, harassed, or  
19 molested.

20 F. For purposes of determining the crime of stalking, the  
21 following definitions shall apply:

22 1. "Harasses" means a pattern or course of conduct directed  
23 toward another individual that includes, but is not limited to,  
24 repeated or continuing unconsented contact, that would cause a

1 reasonable person to suffer emotional distress, and that actually  
2 causes emotional distress to the victim. Harassment shall include  
3 harassing or obscene phone calls as prohibited by Section 1172 of  
4 this title and conduct prohibited by Section 850 of this title.  
5 Harassment does not include constitutionally protected activity or  
6 conduct that serves a legitimate purpose;

7 2. "Course of conduct" means a series of two or more separate  
8 acts over a period of time, however short or long, evidencing a  
9 continuity of purpose, including any of the following:

- 10 a. maintaining a visual or physical proximity to the  
11 victim,
- 12 b. approaching or confronting the victim in a public  
13 place or on private property,
- 14 c. appearing at the workplace of the victim or contacting  
15 the employer or coworkers of the victim,
- 16 d. appearing at the home of the victim or contacting the  
17 neighbors of the victim,
- 18 e. entering onto or remaining on property owned, leased,  
19 or occupied by the victim,
- 20 f. contacting the victim by telephone, text message,  
21 electronic message, electronic mail, or other means of  
22 electronic communication or causing the telephone or  
23 electronic device of the victim or the telephone or  
24 electronic device of any other person to ring or

- 1 generate notifications repeatedly or continuously,  
2 regardless of whether a conversation ensues,  
3 g. photographing, videotaping, audiotaping, or, through  
4 any other electronic means, monitoring or recording  
5 the activities of the victim. This subparagraph  
6 applies regardless of where the act occurs,  
7 h. sending to the victim any physical or electronic  
8 material or contacting the victim by any means,  
9 including any message, comment, or other content  
10 posted on any Internet site or web application,  
11 i. sending to a family member or member of the household  
12 of the victim, or any current or former employer of  
13 the victim, or any current or former coworker of the  
14 victim, or any friend of the victim, any physical or  
15 electronic material or contacting such person by any  
16 means, including any message, comment, or other  
17 content posted on any Internet site or web  
18 application, for the purpose of obtaining information  
19 about, disseminating information about, or  
20 communicating with the victim,  
21 j. placing an object on or delivering an object to  
22 property owned, leased, or occupied by the victim,  
23 k. delivering an object to a family member or member of  
24 the household of the victim, or an employer, coworker,

1 or friend of the victim, or placing an object on, or  
2 delivering an object to, property owned, leased, or  
3 occupied by such a person with the intent that the  
4 object be delivered to the victim, or

- 5 1. causing a person to engage in any of the acts  
6 described in subparagraphs a through k of this  
7 paragraph.

8 Constitutionally protected activity is not included within the  
9 meaning of "course of conduct";

10 3. "Emotional distress" means significant mental suffering or  
11 distress that may, but does not necessarily require, medical or  
12 other professional treatment or counseling;

13 4. "Unconsented contact" means any contact with another  
14 individual that is initiated or continued without the consent of the  
15 individual, or in disregard of that individual's expressed desire  
16 that the contact be avoided or discontinued. Constitutionally  
17 protected activity is not included within the meaning of unconsented  
18 contact. Unconsented contact includes but is not limited to any of  
19 the following:

- 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,

- 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, and
- g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual;

5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months; and

6. "Following" shall include the tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) device or other monitoring device by a person, or person who acts on behalf of another, without the consent of the individual whose movement or location is being tracked; provided, this shall not apply to the lawful use of a GPS device or other monitoring device or to the use by a new or used motor vehicle dealer or other motor vehicle creditor of a GPS device or other monitoring device, including a device containing technology used to



1 remotely disable the ignition of a motor vehicle, in connection with  
2 lawful action after default of the terms of a motor vehicle credit  
3 sale, loan or lease, and with the express written consent of the  
4 owner or lessee of the motor vehicle.

5 G. Any pleas of guilty or nolo contendere or finding of guilt  
6 to a violation of any provision of this section shall constitute a  
7 conviction of the offense for the purpose of any subsection of this  
8 section under which the existence of a prior conviction is relevant  
9 for a period of ten (10) years following the completion of any  
10 sentence or court imposed probationary term.

11 SECTION 2. AMENDATORY 22 O.S. 2021, Section 60.6, is  
12 amended to read as follows:

13 Section 60.6. A. Except as otherwise provided by this section,  
14 any person who:

15 1. Has been served with an emergency temporary, ex parte or  
16 final protective order or foreign protective order and is in  
17 violation of such protective order, upon conviction, shall be guilty  
18 of a misdemeanor and shall be punished by a fine of not more than  
19 One Thousand Dollars (\$1,000.00) or by a term of imprisonment in the  
20 county jail of not more than one (1) year, or by both such fine and  
21 imprisonment; and

22 2. After a previous conviction of a violation of a protective  
23 order, is convicted of a second or subsequent offense pursuant to  
24 the provisions of this section shall, upon conviction, be guilty of

1 a felony and shall be punished by a term of imprisonment in the  
2 custody of the Department of Corrections for not less than one (1)  
3 year nor more than three (3) years, or by a fine of not less than  
4 Two Thousand Dollars (\$2,000.00) nor more than Ten Thousand Dollars  
5 (\$10,000.00), or by both such fine and imprisonment.

6 B. 1. Any person who has been served with an emergency  
7 temporary, ex parte or final protective order or foreign protective  
8 order who violates the protective order and causes physical injury  
9 or physical impairment to the plaintiff or to any other person named  
10 in said protective order shall, upon conviction, be guilty of a  
11 misdemeanor and shall be punished by a term of imprisonment in the  
12 county jail for not less than twenty (20) days nor more than one (1)  
13 year. In addition to the term of imprisonment, the person may be  
14 punished by a fine not to exceed Five Thousand Dollars (\$5,000.00).

15 2. Any person who is convicted of a second or subsequent  
16 violation of a protective order which causes physical injury or  
17 physical impairment to a plaintiff or to any other person named in  
18 the protective order shall be guilty of a felony and shall be  
19 punished by a term of imprisonment in the custody of the Department  
20 of Corrections of not less than one (1) year nor more than five (5)  
21 years, or by a fine of not less than Three Thousand Dollars  
22 (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by  
23 both such fine and imprisonment.

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1           3. In determining the term of imprisonment required by this  
2 section, the jury or sentencing judge shall consider the degree of  
3 physical injury or physical impairment to the victim.

4           4. The provisions of this subsection shall not affect the  
5 applicability of Sections 644, 645, 647 and 652 of Title 21 of the  
6 Oklahoma Statutes.

7           C. The minimum sentence of imprisonment issued pursuant to the  
8 provisions of paragraph 2 of subsection A and paragraph 2 of  
9 subsection B of this section shall not be subject to statutory  
10 provisions for suspended sentences, deferred sentences or probation,  
11 provided the court may subject any remaining penalty under the  
12 jurisdiction of the court to the statutory provisions for suspended  
13 sentences, deferred sentences or probation.

14           D. In addition to any other penalty specified by this section,  
15 the court shall require a defendant to undergo the treatment or  
16 participate in the counseling services necessary to bring about the  
17 cessation of domestic abuse against the victim or to bring about the  
18 cessation of stalking or harassment of the victim. For every  
19 conviction of violation of a protective order:

20           1. The court shall specifically order as a condition of a  
21 suspended sentence or probation that a defendant participate in  
22 counseling or undergo treatment to bring about the cessation of  
23 domestic abuse as specified in paragraph 2 of this subsection;

1        2.    a.    The court shall require the defendant to participate  
2                    in counseling or undergo treatment for domestic abuse  
3                    by an individual licensed practitioner or a domestic  
4                    abuse treatment program certified by the Attorney  
5                    General.  If the defendant is ordered to participate  
6                    in a domestic abuse counseling or treatment program,  
7                    the order shall require the defendant to attend the  
8                    program for a minimum of fifty-two (52) weeks,  
9                    complete the program, and be evaluated before and  
10                   after attendance of the program by a program counselor  
11                   or a private counselor.

12                b.    A program for anger management, couples counseling, or  
13                   family and marital counseling shall not solely qualify  
14                   for the counseling or treatment requirement for  
15                   domestic abuse pursuant to this subsection.  The  
16                   counseling may be ordered in addition to counseling  
17                   specifically for the treatment of domestic abuse or  
18                   per evaluation as set forth below.  If, after  
19                   sufficient evaluation and attendance at required  
20                   counseling sessions, the domestic violence treatment  
21                   program or licensed professional determines that the  
22                   defendant does not evaluate as a perpetrator of  
23                   domestic violence or does evaluate as a perpetrator of  
24                   domestic violence and should complete other programs

1 of treatment simultaneously or prior to domestic  
2 violence treatment, including but not limited to  
3 programs related to the mental health, apparent  
4 substance or alcohol abuse or inability or refusal to  
5 manage anger, the defendant shall be ordered to  
6 complete the counseling as per the recommendations of  
7 the domestic violence treatment program or licensed  
8 professional;

9 3. a. The court shall set a review hearing no more than one  
10 hundred twenty (120) days after the defendant is  
11 ordered to participate in a domestic abuse counseling  
12 program or undergo treatment for domestic abuse to  
13 assure the attendance and compliance of the defendant  
14 with the provisions of this subsection and the  
15 domestic abuse counseling or treatment requirements.

16 b. The court shall set a second review hearing after the  
17 completion of the counseling or treatment to assure  
18 the attendance and compliance of the defendant with  
19 the provisions of this subsection and the domestic  
20 abuse counseling or treatment requirements. The court  
21 may suspend sentencing of the defendant until the  
22 defendant has presented proof to the court of  
23 enrollment in a program of treatment for domestic  
24 abuse by an individual licensed practitioner or a

1 domestic abuse treatment program certified by the  
2 Attorney General and attendance at weekly sessions of  
3 such program. Such proof shall be presented to the  
4 court by the defendant no later than one hundred  
5 twenty (120) days after the defendant is ordered to  
6 such counseling or treatment. At such time, the court  
7 may complete sentencing, beginning the period of the  
8 sentence from the date that proof of enrollment is  
9 presented to the court, and schedule reviews as  
10 required by subparagraphs a and b of this paragraph  
11 and paragraphs 4 and 5 of this subsection. The court  
12 shall retain continuing jurisdiction over the  
13 defendant during the course of ordered counseling  
14 through the final review hearing;

15 4. The court may set subsequent or other review hearings as the  
16 court determines necessary to assure the defendant attends and fully  
17 complies with the provisions of this subsection and the domestic  
18 abuse counseling or treatment requirements;

19 5. At any review hearing, if the defendant is not  
20 satisfactorily attending individual counseling or a domestic abuse  
21 counseling or treatment program or is not in compliance with any  
22 domestic abuse counseling or treatment requirements, the court may  
23 order the defendant to further or continue counseling, treatment, or  
24 other necessary services. The court may revoke all or any part of a

1 suspended sentence, deferred sentence, or probation pursuant to  
2 Section 991b of this title and subject the defendant to any or all  
3 remaining portions of the original sentence;

4 6. At the first review hearing, the court shall require the  
5 defendant to appear in court. Thereafter, for any subsequent review  
6 hearings, the court may accept a report on the progress of the  
7 defendant from individual counseling, domestic abuse counseling, or  
8 the treatment program. There shall be no requirement for the victim  
9 to attend review hearings; and

10 7. If funding is available, a referee may be appointed and  
11 assigned by the presiding judge of the district court to hear  
12 designated cases set for review under this subsection. Reasonable  
13 compensation for the referees shall be fixed by the presiding judge.  
14 The referee shall meet the requirements and perform all duties in  
15 the same manner and procedure as set forth in Sections 1-8-103 and  
16 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees  
17 appointed in juvenile proceedings.

18 E. Emergency temporary, ex parte and final protective orders  
19 shall include notice of these penalties.

20 F. When a minor child violates the provisions of any protective  
21 order, the violation shall be heard in a juvenile proceeding and the  
22 court may order the child and the parent or parents of the child to  
23 participate in family counseling services necessary to bring about  
24 the cessation of domestic abuse against the victim and may order

1 community service hours to be performed in lieu of any fine or  
2 imprisonment authorized by this section.

3 G. Any district court of this state and any judge thereof shall  
4 be immune from any liability or prosecution for issuing an order  
5 that requires a defendant to:

6 1. Attend a treatment program for domestic abusers certified by  
7 the Attorney General;

8 2. Attend counseling or treatment services ordered as part of  
9 any final protective order or for any violation of a protective  
10 order; and

11 3. Attend, complete, and be evaluated before and after  
12 attendance by a treatment program for domestic abusers certified by  
13 the Attorney General.

14 H. At no time, under any proceeding, may a person protected by  
15 a protective order be held to be in violation of that protective  
16 order. Only a defendant against whom a protective order has been  
17 issued may be held to have violated the order.

18 I. In addition to any other penalty specified by this section,  
19 the court may order a defendant to use an active, real-time, twenty-  
20 four-hour Global Positioning System (GPS) monitoring device as a  
21 condition of a sentence. The court may further order the defendant  
22 to pay costs and expenses related to the GPS device and monitoring.

23 J. Any pleas of guilty or nolo contendere or finding of guilt  
24 to a violation of any provision of this section shall constitute a



1 conviction of the offense for the purpose of any subsection of this  
2 section under which the existence of a prior conviction is relevant  
3 for a period of ten (10) years following the completion of any  
4 sentence or court imposed probationary term.

5 SECTION 3. This act shall become effective November 1, 2025.

6 Passed the House of Representatives the 11th day of March, 2025.

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Presiding Officer of the House  
of Representatives

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11 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2025.

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Presiding Officer of the Senate

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