

1 STATE OF OKLAHOMA

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

3 SENATE BILL 728

By: Coleman

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5
6 AS INTRODUCED

7 An Act relating to the Protection from Domestic Abuse
8 Act; amending 22 O.S. 2021, Sections 60.6 and 60.17,
9 which relate to violations of protective orders;
10 requiring court to order Global Positioning System
11 monitoring of certain persons served with protective
12 order; providing an effective date; and declaring an
13 emergency.

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

15 SECTION 1. AMENDATORY 22 O.S. 2021, Section 60.6, is
16 amended to read as follows:

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

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

1 2. After a previous conviction of a violation of a protective
2 order, is convicted of a second or subsequent offense pursuant to
3 the provisions of this section shall, upon conviction, be guilty of
4 a felony and shall be punished by a term of imprisonment in the
5 custody of the Department of Corrections for not less than one (1)
6 year nor more than three (3) years, or by a fine of not less than
7 Two Thousand Dollars (\$2,000.00) nor more than Ten Thousand Dollars
8 (\$10,000.00), or by both such fine and imprisonment.

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

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

1 (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by
2 both such fine and imprisonment.

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

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

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

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

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

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

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

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

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

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

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

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

21 5. At any review hearing, if the defendant is not
22 satisfactorily attending individual counseling or a domestic abuse
23 counseling or treatment program or is not in compliance with any
24 domestic abuse counseling or treatment requirements, the court may

1 order the defendant to further or continue counseling, treatment, or
2 other necessary services. The court may revoke all or any part of a
3 suspended sentence, deferred sentence, or probation pursuant to
4 Section 991b of this title and subject the defendant to any or all
5 remaining portions of the original sentence;

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

12 7. If funding is available, a referee may be appointed and
13 assigned by the presiding judge of the district court to hear
14 designated cases set for review under this subsection. Reasonable
15 compensation for the referees shall be fixed by the presiding judge.
16 The referee shall meet the requirements and perform all duties in
17 the same manner and procedure as set forth in Sections 1-8-103 and
18 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees
19 appointed in juvenile proceedings.

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

22 F. When a minor child violates the provisions of any protective
23 order, the violation shall be heard in a juvenile proceeding and the
24 court may order the child and the parent or parents of the child to

1 participate in family counseling services necessary to bring about
2 the cessation of domestic abuse against the victim and may order
3 community service hours to be performed in lieu of any fine or
4 imprisonment authorized by this section.

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

8 1. Attend a treatment program for domestic abusers certified by
9 the Attorney General;

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

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

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

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

3 SECTION 2. AMENDATORY 22 O.S. 2021, Section 60.17, is
4 amended to read as follows:

5 Section 60.17. The court shall consider the safety of any and
6 all alleged victims of domestic violence, stalking, harassment,
7 sexual assault, or forcible sodomy where the defendant is alleged to
8 have violated a protective order, committed domestic assault and
9 battery, stalked, sexually assaulted, or forcibly sodomized the
10 alleged victim or victims prior to the release of the alleged
11 defendant from custody on bond. The court, after consideration and
12 to ensure the safety of the alleged victim or victims, may issue an
13 emergency protective order pursuant to the Protection from Domestic
14 Abuse Act. The court may also issue to the alleged victim or
15 victims an order restraining the alleged defendant from any activity
16 or action from which they may be restrained under the Protection
17 from Domestic Abuse Act. The court shall not consider a "no contact
18 order as condition of bond" as a factor when determining whether the
19 petitioner is eligible for relief. The protective order shall
20 remain in effect until either a plea has been accepted, sentencing
21 has occurred in the case, the case has been dismissed, or until
22 further order of the court dismissing the protective order. In
23 conjunction with any protective order or restraining order
24 authorized by this section, the court ~~may~~ shall order the defendant

1 to use an active, real-time, twenty-four-hour Global Positioning
2 System (GPS) monitoring device for ~~such term as the court deems~~
3 ~~appropriate~~ as long as the protective order or restraining order
4 remains in effect. Upon application of the victim, the court may
5 authorize the victim to monitor the location of the defendant. Such
6 monitoring by the victim shall be limited to the ability of the
7 victim to make computer or cellular inquiries to determine if the
8 defendant is within a specified distance of locations, excluding the
9 residence or workplace of the defendant, or to receive a computer-
10 or a cellular-generated signal if the defendant comes within a
11 specified distance of the victim. The court shall conduct an annual
12 review of the monitoring order to determine if such order to monitor
13 the location of the defendant is still necessary. Before the court
14 orders the use of a GPS device, the court shall find that the
15 defendant has a history that demonstrates an intent to commit
16 violence against the victim, including, but not limited to, prior
17 conviction for an offense under the Protection from Domestic Abuse
18 Act or any other violent offense, or any other evidence that shows
19 by a preponderance of the evidence that the defendant is likely to
20 commit violence against the victim. The court may further order the
21 defendant to pay costs and expenses related to the GPS device and
22 monitoring.

23 SECTION 3. This act shall become effective July 1, 2025.
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1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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