

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1002

By: Rosecrants

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5
6 AS INTRODUCED

7 An Act relating to stalking; amending Section 3,
8 Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2024, Section
9 1173.1), which relates to procedures for serving
10 Stalking Warning Letters; directing law enforcement
11 agencies to provide certain notification to victims
12 of stalking; specifying additional procedures for
13 serving Stalking Warning Letters; authorizing service
14 of Stalking Warning Letters after arresting the
15 accused person; requiring entrance of Stalking
16 Warning Letter onto national database; providing for
17 the service of documents to the court clerk;
18 directing court clerks to enter and publish certain
19 information on the Oklahoma Supreme Court Network;
20 amending 22 O.S. 2021, Section 60.2, as last amended
21 by Section 1, Chapter 305, O.S.L. 2023 (22 O.S. Supp.
22 2024, Section 60.2), which relates to the Protection
23 from Domestic Abuse Act; deleting requirement that
24 victims file complaints with law enforcement prior to
-- filing petitions for protective orders and related
procedures; and providing an effective date.

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

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

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

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

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

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

1 Stalking Warning Letter. The law enforcement agency shall provide
2 the victim with a copy of the Stalking Warning Letter after the
3 letter is served upon the accused.

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

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

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

15 _____ COUNTY, STATE OF OKLAHOMA

16 CITY OF _____

17 RE: _____

18 (COMPLAINANT)

19 Stalking Warning Letter served to: _____

20 _____
21 (HOME ADDRESS)

22 _____
23 (DATE OF BIRTH)

24 The _____ has recently investigated a complaint
--

1 (LAW ENFORCEMENT AGENCY)

2 about your behavior towards the above-named individual.

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

11 Oklahoma law makes stalking a crime. The _____

12 (LAW ENFORCEMENT AGENCY)

13 takes this law very seriously.

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

18 _____
19 Print name of Chief of Law Enforcement Agency

20 _____
21 Signature of Chief of Law Enforcement Agency or designee

22 Served in hand _____ by _____

23 (DATE)

(NAME OF OFFICER)

24 On behalf of the _____
--

1 (LAW ENFORCEMENT AGENCY)

2 at _____

3 (LOCATION)

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

7 G. The law enforcement agency that serves the Stalking Warning
8 Letter shall serve one copy of the Stalking Warning Letter with one
9 copy of the report that details all communications and interactions
10 between the accused and law enforcement during service of the
11 Stalking Warning Letter upon the court clerk in the court where the
12 Stalking Warning Letter was issued. The court clerk shall enter and
13 publish service of the Stalking Warning Letter on the Oklahoma
14 Supreme Court Network.

15 SECTION 2. AMENDATORY 22 O.S. 2021, Section 60.2, as
16 last amended by Section 1, Chapter 305, O.S.L. 2023 (22 O.S. Supp.
17 2024, Section 60.2), is amended to read as follows:

18 Section 60.2. A. A victim of domestic abuse, a victim of
19 stalking, a victim of harassment, a victim of rape, any adult or
20 emancipated minor household member on behalf of any other family or
21 household member who is a minor or incompetent, any minor age
22 sixteen (16) or seventeen (17) years, or any adult victim of a crime
23 may seek relief under the provisions of the Protection from Domestic
24 Abuse Act.

1 1. The person seeking relief may file a petition for a
2 protective order with the district court in the county in which the
3 victim resides, the county in which the defendant resides, or the
4 county in which the domestic violence occurred. ~~If the person
5 seeking relief is not a family or household member or an individual
6 who is or has been in a dating relationship with the defendant, the
7 person seeking relief must file a complaint against the defendant
8 with the proper law enforcement agency before filing a petition for
9 a protective order with the district court. The person seeking
10 relief shall provide a copy of the complaint that was filed with the
11 law enforcement agency at the full hearing if the complaint is not
12 available from the law enforcement agency. Failure to provide a
13 copy of the complaint filed with the law enforcement agency shall
14 constitute a frivolous filing and the court may assess attorney fees
15 and court costs against the plaintiff pursuant to paragraph 2 of
16 subsection C of this section.~~ The filing of a petition for a
17 protective order shall not require jurisdiction or venue of the
18 criminal offense if either the plaintiff or defendant resides in the
19 county. If a petition has been filed in an action for divorce or
20 separate maintenance and either party to the action files a petition
21 for a protective order in the same county where the action for
22 divorce or separate maintenance is filed, the petition for the
23 protective order may be heard by the court hearing the divorce or
24 separate maintenance action if:
..

- 1 a. there is no established protective order docket in
2 such court, or
3 b. the court finds that, in the interest of judicial
4 economy, both actions may be heard together; provided,
5 however, the petition for a protective order,
6 including, but not limited to, a petition in which
7 children are named as petitioners, shall remain a
8 separate action and a separate order shall be entered
9 in the protective order action. Protective orders may
10 be dismissed in favor of restraining orders in the
11 divorce or separate maintenance action if the court
12 specifically finds, upon hearing, that such dismissal
13 is in the best interests of the parties and does not
14 compromise the safety of any petitioner.

15 If the defendant is a minor child, the petition shall be filed
16 with the court having jurisdiction over juvenile matters.

17 2. When the abuse occurs when the court is not open for
18 business, such person may request an emergency temporary order of
19 protection as authorized by Section 40.3 of this title.

20 B. The petition forms shall be provided by the clerk of the
21 court. The Administrative Office of the Courts shall develop a
22 standard form for the petition.

23 C. 1. Except as otherwise provided by this section, no filing
24 fee, service of process fee, attorney fees or any other fee or costs
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1 shall be charged the plaintiff or victim at any time for filing a
2 petition for a protective order whether a protective order is
3 granted or not granted. The court may assess court costs, service
4 of process fees, attorney fees, other fees and filing fees against
5 the defendant at the hearing on the petition, if a protective order
6 is granted against the defendant; provided, the court shall have
7 authority to waive the costs and fees if the court finds that the
8 party does not have the ability to pay the costs and fees.

9 2. If the court makes specific findings that a petition for a
10 protective order has been filed frivolously and no victim exists,
11 the court may assess attorney fees and court costs against the
12 plaintiff.

13 D. The person seeking relief shall prepare the petition or, at
14 the request of the plaintiff, the court clerk or the victim-witness
15 coordinator, victim support person, and court case manager shall
16 prepare or assist the plaintiff in preparing the petition.

17 E. The person seeking a protective order may further request
18 the exclusive care, possession, or control of any animal owned,
19 possessed, leased, kept, or held by either the petitioner, defendant
20 or minor child residing in the residence of the petitioner or
21 defendant. The court may order the defendant to make no contact
22 with the animal and forbid the defendant from taking, transferring,
23 encumbering, concealing, molesting, attacking, striking,
24 threatening, harming, or otherwise disposing of the animal.

1 F. A court may not require the victim to seek legal sanctions
2 against the defendant including, but not limited to, divorce,
3 separation, paternity or criminal proceedings prior to hearing a
4 petition for protective order.

5 G. A victim of rape, forcible sodomy, a sex offense,
6 kidnapping, assault and battery with a deadly weapon, child abuse,
7 or member of the immediate family of a victim of first-degree
8 murder, as such terms are defined in Section 40 of this title, may
9 petition, or have a petition filed on the victim's behalf if the
10 victim is a minor, for an emergency temporary order or emergency ex
11 parte order regardless of any relationship or scenario pursuant to
12 the provisions of this section. The Administrative Office of the
13 Courts shall modify the petition forms as necessary to effectuate
14 the provisions of this subsection.

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

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17 60-1-10004 GRS 11/18/24
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