

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1413

By: West (Josh)

4
5
6 AS INTRODUCED

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

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

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

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

24 1. Would cause a reasonable person or a member of the immediate
family of that person as defined in subsection F of this section to
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,
24

- 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.

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