

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3286

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4
5
6 AS INTRODUCED

7 An Act relating to stalking and protective orders;
8 amending 21 O.S. 2021, Section 1173, which relates to
9 penalties for stalking; increasing and adding
10 penalties; modifying scope of certain definition;
11 amending 22 O.S. 2021, Sections 60.1, 60.4 and 60.11,
12 which relate to the Protection from Domestic Abuse
13 Act; modifying scope of certain definition; allowing
14 for a continuous protective order under certain
15 circumstances; adding provisions to printed
16 protective order statement; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1173, is
20 amended to read as follows:

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

23 1. Would cause a reasonable person or a member of the immediate
24 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 ~~misdemeanor~~ felony punishable by imprisonment in a ~~county jail~~ the
6 custody of the Department of Corrections for a term not ~~more than~~
7 ~~one (1) year~~ to exceed three (3) years, or by a fine ~~of not more~~
8 ~~than One Thousand Dollars (\$1,000.00)~~ to exceed Five Thousand
9 Dollars (\$5,000.00), or by both such fine and imprisonment. Any
10 person convicted of a second violation of the provisions of this
11 subsection shall be punished by imprisonment in the custody of the
12 Department of Corrections for a term not to exceed six (6) years, or
13 by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by
14 both such fine and imprisonment. Any person convicted of a third or
15 subsequent violation of the provisions of this subsection shall be
16 punished by imprisonment in the custody of the Department of
17 Corrections for a term not to exceed twelve (12) years, or by a fine
18 not to exceed Fifteen Thousand Dollars (\$15,000.00), or by both such
19 fine and imprisonment.

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

22 1. There is a permanent or temporary restraining order, a
23 protective order, an emergency ex parte protective order, or an
24 injunction in effect prohibiting the behavior described in

1 subsection A of this section against the same party, when the person
2 violating the provisions of subsection A of this section has actual
3 notice of the issuance of such order or injunction;

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

8 3. Said person, within ten (10) years preceding the violation
9 of subsection A of this section, completed the execution of sentence
10 for a conviction of a crime involving the use or threat of violence
11 against the same party, or against any member of the immediate
12 family of such party,
13 shall, upon conviction, be guilty of a felony punishable by
14 imprisonment in the custody of the Department of Corrections for a
15 term not ~~exceeding five (5)~~ to exceed fifteen (15) years, or by a
16 fine ~~of not more than Two Thousand Five Hundred Dollars (\$2,500.00)~~
17 to exceed Twenty Thousand Dollars (\$20,000.00), or by both such fine
18 and imprisonment.

19 C. Any person who:

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

22 2. Has a prior conviction of stalking and, after being served
23 with a protective order that prohibits contact with an individual,
24 knowingly makes unconsented contact with the same individual,

1 shall, upon conviction, be guilty of a felony punishable by
2 imprisonment in the custody of the Department of Corrections for a
3 term not ~~exceeding five (5)~~ to exceed twenty (20) years, or by a
4 fine ~~of not less than Two Thousand Five Hundred Dollars (\$2,500.00)~~
5 to exceed Twenty-five Thousand Dollars (\$25,000.00), or by both such
6 fine and imprisonment.

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

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

1 F. For purposes of determining the crime of stalking, the
2 following definitions shall apply:

3 1. "Harasses" means a pattern or course of conduct directed
4 toward another individual that includes, but is not limited to,
5 repeated or continuing unconsented contact, that would cause a
6 reasonable person to suffer emotional distress, and that actually
7 causes emotional distress to the victim. Harassment shall include
8 harassing or obscene phone calls as prohibited by Section 1172 of
9 this title and conduct prohibited by Section 850 of this title.
10 Harassment does not include constitutionally protected activity or
11 conduct that serves a legitimate purpose;

12 2. "Course of conduct" means a ~~pattern of conduct composed of a~~
13 series of two or more separate acts over a period of time, however
14 short or long, evidencing a continuity of purpose, including any of
15 the following:

- 16 a. maintaining a visual or physical proximity to the
17 victim,
 - 18 b. approaching or confronting the victim in a public
19 place or on private property,
 - 20 c. appearing at the workplace of the victim or contacting
21 the employer or coworkers of the victim,
 - 22 d. appearing at the home of the victim or contacting the
23 neighbors of the victim,
- 24

- 1 e. entering onto or remaining on property owned, leased,
2 or occupied by the victim,
- 3 f. contacting the victim by telephone, text message,
4 electronic message, electronic mail, or other means of
5 electronic communication or causing the telephone or
6 electronic device of the victim or the telephone or
7 electronic device of any other person to ring or
8 generate notifications repeatedly or continuously,
9 regardless of whether a conversation ensues,
- 10 g. photographing, videotaping, audiotaping, or, through
11 any other electronic means, monitoring or recording
12 the activities of the victim. This subparagraph
13 applies regardless of where the act occurs,
- 14 h. sending to the victim any physical or electronic
15 material or contacting the victim by any means,
16 including any message, comment, or other content
17 posted on any Internet site or web application,
- 18 i. sending to a family member or member of the household
19 of the victim, or any current or former employer of
20 the victim, or any current or former coworker of the
21 victim, or any friend of the victim, any physical or
22 electronic material or contacting such person by any
23 means, including any message, comment, or other
24 content posted on any Internet site or web application

1 for the purpose of obtaining information about,
2 disseminating information about, or communicating with
3 the victim,

4 j. placing an object on or delivering an object to
5 property owned, leased, or occupied by the victim,

6 k. delivering an object to a family member of the victim
7 or member of the household or an employer, coworker,
8 or friend of the victim, or placing an object on, or
9 delivering an object to, property owned, leased, or
10 occupied by such a person with the intent that the
11 object be delivered to the victim, or

12 l. causing a person to engage in any of the acts
13 described in subparagraphs a through k of this
14 paragraph.

15 Constitutionally protected activity is not included within the
16 meaning of "course of conduct";

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

20 4. "Unconsented contact" means any contact with another
21 individual that is initiated or continued without the consent of the
22 individual, or in disregard of that individual's expressed desire
23 that the contact be avoided or discontinued. Constitutionally
24 protected activity is not included within the meaning of unconsented

1 contact. Unconsented contact includes but is not limited to any of
2 the following:

- 3 a. following or appearing within the sight of that
4 individual,
- 5 b. approaching or confronting that individual in a public
6 place or on private property,
- 7 c. appearing at the workplace or residence of that
8 individual,
- 9 d. entering onto or remaining on property owned, leased,
10 or occupied by that individual,
- 11 e. contacting that individual by telephone,
- 12 f. sending mail or electronic communications to that
13 individual, and
- 14 g. placing an object on, or delivering an object to,
15 property owned, leased, or occupied by that
16 individual;

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

22 6. "Following" shall include the tracking of the movement or
23 location of an individual through the use of a Global Positioning
24 System (GPS) device or other monitoring device by a person, or

1 person who acts on behalf of another, without the consent of the
2 individual whose movement or location is being tracked; provided,
3 this shall not apply to the lawful use of a GPS device or other
4 monitoring device or to the use by a new or used motor vehicle
5 dealer or other motor vehicle creditor of a GPS device or other
6 monitoring device, including a device containing technology used to
7 remotely disable the ignition of a motor vehicle, in connection with
8 lawful action after default of the terms of a motor vehicle credit
9 sale, loan or lease, and with the express written consent of the
10 owner or lessee of the motor vehicle.

11 SECTION 2. AMENDATORY 22 O.S. 2021, Section 60.1, is
12 amended to read as follows:

13 Section 60.1 As used in the Protection from Domestic Abuse Act
14 and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7
15 of this title, and Section 150.12B of Title 74 of the Oklahoma
16 Statutes:

17 1. "Dating relationship" means intimate association, primarily
18 characterized by affectionate or sexual involvement. For purposes
19 of this act, a casual acquaintance or ordinary fraternization
20 between persons in a business or social context shall not constitute
21 a dating relationship;

22 2. "Domestic abuse" means any act of physical harm or the
23 threat of imminent physical harm which is committed by an adult,
24 emancipated minor, or minor child thirteen (13) years of age or

1 older against another adult, emancipated minor or minor child who is
2 currently or was previously an intimate partner or family or
3 household member;

4 3. "Family or household members" means:

5 a. parents, including grandparents, stepparents, adoptive
6 parents and foster parents,

7 b. children, including grandchildren, stepchildren,
8 adopted children and foster children,

9 c. persons otherwise related by blood or marriage living
10 in the same household, and

11 d. persons otherwise related by blood or marriage;

12 4. "Foreign protective order" means any valid order of
13 protection issued by a court of another state or a tribal court;

14 5. "Harassment" means a knowing and willful course or pattern
15 of conduct by a family or household member or an individual who is
16 or has been involved in a dating relationship with the person,
17 directed at a specific person which seriously alarms or annoys the
18 person, and which serves no legitimate purpose. The course of
19 conduct must be such as would cause a reasonable person to suffer
20 substantial emotional distress and must actually cause substantial
21 distress to the person. "Harassment" shall include, but not be
22 limited to, harassing or obscene telephone calls in violation of
23 Section 1172 of Title 21 of the Oklahoma Statutes and fear of death
24 or bodily injury;

1 6. "Intimate partner" means:

2 a. current or former spouses,

3 b. persons who are or were in a dating relationship,

4 c. persons who are the biological parents of the same
5 child, regardless of their marital status or whether
6 they have lived together at any time, and

7 d. persons who currently or formerly lived together in an
8 intimate way, primarily characterized by affectionate
9 or sexual involvement. A sexual relationship may be
10 an indicator that a person is an intimate partner, but
11 is never a necessary condition;

12 7. "Mutual protective order" means a final protective order or
13 orders issued to both a plaintiff who has filed a petition for a
14 protective order and a defendant included as the defendant in the
15 plaintiff's petition restraining the parties from committing
16 domestic violence, stalking, harassment or rape against each other.
17 If both parties allege domestic abuse, violence, stalking,
18 harassment or rape against each other, the parties shall do so by
19 separate petition pursuant to Section 60.4 of this title;

20 8. "Rape" means rape and rape by instrumentation in violation
21 of Sections 1111 and 1111.1 of Title 21 of the Oklahoma Statutes;

22 9. "Stalking" means the willful, malicious, and repeated
23 following or harassment of a person by an adult, emancipated minor,
24 or minor thirteen (13) years of age or older, in a manner that would

1 cause a reasonable person to feel frightened, intimidated,
2 threatened, harassed, or molested and actually causes the person
3 being followed or harassed to feel terrorized, frightened,
4 intimidated, threatened, harassed or molested. Stalking also means
5 a course of conduct composed of a series of two or more separate
6 acts over a period of time, however short, evidencing a continuity
7 of purpose or unconsented contact with a person that is initiated or
8 continued without the consent of the individual or in disregard of
9 the expressed desire of the individual that the contact be avoided
10 or discontinued. Unconsented contact or course of conduct includes,
11 but is not limited to:

- 12 a. ~~following or appearing within the sight of that~~
13 maintaining a visual or physical proximity to the
14 individual,
- 15 b. approaching or confronting that individual in a public
16 place or on private property,
- 17 c. appearing at the workplace ~~or~~ of the individual or
18 contacting the employer or coworkers of the
19 individual,
- 20 d. appearing at the residence of that the individual or
21 contacting the neighbors of the individual,
- 22 ~~d.~~ e. entering onto or remaining on property owned, leased
23 or occupied by ~~that~~ the individual,

24

1 e. f. contacting ~~that~~ the individual by telephone, text
2 message, electronic message, electronic mail, or other
3 means of electronic communication or causing the
4 telephone or electronic device of the individual or
5 the telephone or electronic device of any other person
6 to ring or generate notifications repeatedly or
7 continuously, regardless of whether a conversation
8 ensues,

9 ~~f.~~ g. photographing, videotaping, audiotaping, or, through
10 any other electronic means, monitoring or recording
11 the activities of the victim. This subparagraph
12 applies regardless of where the act occurs,

13 h. sending ~~mail~~ any physical or electronic communications
14 ~~to that~~ material or contacting the individual by any
15 means, including any message, comment, or other
16 content posted on any Internet site or web
17 application, or

18 ~~g.~~ i. sending to a family member or member of the household
19 of the individual, or any current or former employer
20 of the individual, or any current or former coworker
21 of the individual, or any friend of the individual,
22 any physical or electronic material or contacting such
23 person by any means, including any message, comment,
24 or other content posted on any Internet site or web

1 application for the purpose of obtaining information
2 about, disseminating information about, or
3 communicating with the individual,

4 j. placing an object on, or delivering an object to,
5 property owned, leased or occupied by ~~that~~ the
6 individual,

7 k. delivering an object to a family member of the
8 individual or member of the household or an employer,
9 coworker, or friend of the individual, or placing an
10 object on, or delivering an object to, property owned,
11 leased, or occupied by such a person with the intent
12 that the object be delivered to the individual, or

13 l. causing a person to engage in any of the acts
14 described in subparagraphs a through k of this
15 paragraph; and

16 10. "Victim support person" means a person affiliated with a
17 domestic violence, sexual assault or adult human sex trafficking
18 program, certified by the Attorney General or operating under a
19 tribal government, who provides support and assistance for a person
20 who files a petition under the Protection from Domestic Abuse Act.

21 SECTION 3. AMENDATORY 22 O.S. 2021, Section 60.4, is
22 amended to read as follows:

23 Section 60.4 A. 1. A copy of a petition for a protective
24 order, any notice of hearing and a copy of any emergency temporary

1 order or emergency ex parte order issued by the court shall be
2 served upon the defendant in the same manner as a bench warrant. In
3 addition, if the service is to be in another county, the court clerk
4 may issue service to the sheriff by facsimile or other electronic
5 transmission for service by the sheriff and receive the return of
6 service from the sheriff in the same manner. Any fee for service of
7 a petition for protective order, notice of hearing, and emergency ex
8 parte order shall only be charged pursuant to subsection C of
9 Section 60.2 of this title and, if charged, shall be the same as the
10 sheriff's service fee plus mileage expenses.

11 2. Emergency temporary orders, emergency ex parte orders and
12 notice of hearings shall be given priority for service and can be
13 served twenty-four (24) hours a day when the location of the
14 defendant is known. When service cannot be made upon the defendant
15 by the sheriff, the sheriff may contact another law enforcement
16 officer or a private investigator or private process server to serve
17 the defendant.

18 3. An emergency temporary order, emergency ex parte order, a
19 petition for protective order, and a notice of hearing shall have
20 statewide validity and may be transferred to any law enforcement
21 jurisdiction to effect service upon the defendant. The sheriff may
22 transmit the document by electronic means.

23
24

1 4. The return of service shall be submitted to the sheriff's
2 office or court clerk in the court where the petition, notice of
3 hearing or order was issued.

4 5. When the defendant is a minor child who is ordered removed
5 from the residence of the victim, in addition to those documents
6 served upon the defendant, a copy of the petition, notice of hearing
7 and a copy of any temporary order or ex parte order issued by the
8 court shall be delivered with the child to the caretaker of the
9 place where such child is taken pursuant to Section 2-2-101 of Title
10 10A of the Oklahoma Statutes.

11 B. 1. Within fourteen (14) days of the filing of the petition
12 for a protective order, the court shall schedule a full hearing on
13 the petition, if the court finds sufficient grounds within the scope
14 of the Protection from Domestic Abuse Act stated in the petition to
15 hold such a hearing, regardless of whether an emergency temporary
16 order or ex parte order has been previously issued, requested or
17 denied. Provided, however, when the defendant is a minor child who
18 has been removed from the residence pursuant to Section 2-2-101 of
19 Title 10A of the Oklahoma Statutes, the court shall schedule a full
20 hearing on the petition within seventy-two (72) hours, regardless of
21 whether an emergency temporary order or ex parte order has been
22 previously issued, requested or denied.

23 2. The court may schedule a full hearing on the petition for a
24 protective order within seventy-two (72) hours when the court issues

1 an emergency temporary order or ex parte order suspending child
2 visitation rights due to physical violence or threat of abuse.

3 3. If service has not been made on the defendant at the time of
4 the hearing, the court shall, at the request of the petitioner,
5 issue a new emergency order reflecting a new hearing date and direct
6 service to issue.

7 4. A petition for a protective order shall, upon the request of
8 the petitioner, renew every fourteen (14) days with a new hearing
9 date assigned until the defendant is served. A petition for a
10 protective order shall not expire unless the petitioner fails to
11 appear at the hearing or fails to request a new order. A petitioner
12 may move to dismiss the petition and emergency or final order at any
13 time; however, a protective order must be dismissed by court order.

14 5. Failure to serve the defendant shall not be grounds for
15 dismissal of a petition or an ex parte order unless the victim
16 requests dismissal or fails to appear for the hearing thereon.

17 6. A final protective order shall be granted or denied within
18 six (6) months of service on the defendant unless all parties agree
19 that a temporary protective order remain in effect; provided, a
20 victim shall have the right to request a final protective order
21 hearing at any time after the passage of six (6) months.

22 C. 1. At the hearing, the court may impose any terms and
23 conditions in the protective order that the court reasonably
24 believes are necessary to bring about the cessation of domestic

1 abuse against the victim or stalking or harassment of the victim or
2 the immediate family of the victim but shall not impose any term and
3 condition that may compromise the safety of the victim including,
4 but not limited to, mediation, couples counseling, family
5 counseling, parenting classes or joint victim-offender counseling
6 sessions. The court may order the defendant to obtain domestic
7 abuse counseling or treatment in a program certified by the Attorney
8 General at the expense of the defendant pursuant to Section 644 of
9 Title 21 of the Oklahoma Statutes.

10 2. If the court grants a protective order and the defendant is
11 a minor child, the court shall order a preliminary inquiry in a
12 juvenile proceeding to determine whether further court action
13 pursuant to the Oklahoma Juvenile Code should be taken against a
14 juvenile defendant.

15 D. Final protective orders authorized by this section shall be
16 on a standard form developed by the Administrative Office of the
17 Courts.

18 E. 1. After notice and hearing, protective orders authorized
19 by this section may require the defendant to undergo treatment or
20 participate in the court-approved counseling services necessary to
21 bring about cessation of domestic abuse against the victim pursuant
22 to Section 644 of Title 21 of the Oklahoma Statutes but shall not
23 order any treatment or counseling that may compromise the safety of
24 the victim including, but not limited to, mediation, couples

1 counseling, family counseling, parenting classes or joint victim-
2 offender counseling sessions.

3 2. The defendant may be required to pay all or any part of the
4 cost of such treatment or counseling services. The court shall not
5 be responsible for such cost.

6 3. Should the plaintiff choose to undergo treatment or
7 participate in court-approved counseling services for victims of
8 domestic abuse, the court may order the defendant to pay all or any
9 part of the cost of such treatment or counseling services if the
10 court determines that payment by the defendant is appropriate.

11 F. When necessary to protect the victim and when authorized by
12 the court, protective orders granted pursuant to the provisions of
13 this section may be served upon the defendant by a peace officer,
14 sheriff, constable, or policeman or other officer whose duty it is
15 to preserve the peace, as defined by Section 99 of Title 21 of the
16 Oklahoma Statutes.

17 G. 1. Any protective order issued on or after November 1,
18 2012, pursuant to subsection C of this section shall be:

19 a. for a fixed period not to exceed a period of five (5)
20 years unless extended, modified, vacated or rescinded
21 upon motion by either party or if the court approves
22 any consent agreement entered into by the plaintiff
23 and defendant; provided, if the defendant is
24 incarcerated, the protective order shall remain in

1 full force and effect during the period of
2 incarceration. The period of incarceration, in any
3 jurisdiction, shall not be included in the calculation
4 of the five-year time limitation, or

5 b. continuous upon a specific finding by the court of one
6 of the following:

7 (1) the person has a history of violating the orders
8 of any court or governmental entity,

9 (2) the person has previously been convicted of a
10 violent felony offense,

11 (3) the person has a previous felony conviction for
12 stalking as provided in Section 1173 of Title 21
13 of the Oklahoma Statutes, ~~or~~

14 (4) a court order for a final Victim Protection Order
15 has previously been issued against the person in
16 this state or another state, or

17 (5) the victim provides proof that a continuous
18 protective order is necessary for his or her
19 protection.

20 Further, the court may take into consideration whether the person
21 has a history of domestic violence or a history of other violent
22 acts. The protective order shall remain in effect until modified,
23 vacated or rescinded upon motion by either party or if the court
24 approves any consent agreement entered into by the plaintiff and

1 defendant. If the defendant is incarcerated, the protective order
2 shall remain in full force and effect during the period of
3 incarceration.

4 2. The court shall notify the parties at the time of the
5 issuance of the protective order of the duration of the protective
6 order.

7 3. Upon the filing of a motion by either party to modify,
8 extend, or vacate a protective order, a hearing shall be scheduled
9 and notice given to the parties. At the hearing, the issuing court
10 may take such action as is necessary under the circumstances.

11 4. If a child has been removed from the residence of a parent
12 or custodial adult because of domestic abuse committed by the child,
13 the parent or custodial adult may refuse the return of such child to
14 the residence unless, upon further consideration by the court in a
15 juvenile proceeding, it is determined that the child is no longer a
16 threat and should be allowed to return to the residence.

17 H. 1. It shall be unlawful for any person to knowingly and
18 willfully seek a protective order against a spouse or ex-spouse
19 pursuant to the Protection from Domestic Abuse Act for purposes of
20 harassment, undue advantage, intimidation, or limitation of child
21 visitation rights in any divorce proceeding or separation action
22 without justifiable cause.

23 2. The violator shall, upon conviction thereof, be guilty of a
24 misdemeanor punishable by imprisonment in the county jail for a

1 period not exceeding one (1) year or by a fine not to exceed Five
2 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

3 3. A second or subsequent conviction under this subsection
4 shall be a felony punishable by imprisonment in the custody of the
5 Department of Corrections for a period not to exceed two (2) years,
6 or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by
7 both such fine and imprisonment.

8 I. 1. A protective order issued under the Protection from
9 Domestic Abuse Act shall not in any manner affect title to real
10 property, purport to grant to the parties a divorce or otherwise
11 purport to determine the issues between the parties as to child
12 custody, visitation or visitation schedules, child support or
13 division of property or any other like relief obtainable pursuant to
14 Title 43 of the Oklahoma Statutes, except child visitation orders
15 may be temporarily suspended or modified to protect from threats of
16 abuse or physical violence by the defendant or a threat to violate a
17 custody order. Orders not affecting title may be entered for good
18 cause found to protect an animal owned by either of the parties or
19 any child living in the household.

20 2. When granting any protective order for the protection of a
21 minor child from violence or threats of abuse, the court shall allow
22 visitation only under conditions that provide adequate supervision
23 and protection to the child while maintaining the integrity of a
24 divorce decree or temporary order.

1 J. 1. In order to ensure that a petitioner can maintain an
2 existing wireless telephone number or household utility account, the
3 court, after providing notice and a hearing, may issue an order
4 directing a wireless service provider or public utility provider to
5 transfer the billing responsibility for and rights to the wireless
6 telephone number or numbers of any minor children in the care of the
7 petitioning party or household utility account to the petitioner if
8 the petitioner is not the wireless service or public utility account
9 holder.

10 2. The order transferring billing responsibility for and rights
11 to the wireless telephone number or numbers or household utility
12 account to the petitioner shall list the name and billing telephone
13 number of the account holder, the name and contact information of
14 the person to whom the telephone number or numbers or household
15 utility account will be transferred and each telephone number or
16 household utility to be transferred to that person. The court shall
17 ensure that the contact information of the petitioner is not
18 provided to the account holder in proceedings held under this
19 subsection.

20 3. Upon issuance, a copy of the final order of protection shall
21 be transmitted, either electronically or by certified mail, to the
22 registered agent of the wireless service provider or public utility
23 provider listed with the Secretary of State or Corporation
24 Commission of Oklahoma or electronically to the email address

1 provided by the wireless service provider or public utility
2 provider. Such transmittal shall constitute adequate notice for the
3 wireless service provider or public utility provider.

4 4. If the wireless service provider or public utility provider
5 cannot operationally or technically effectuate the order due to
6 certain circumstances, the wireless service provider or public
7 utility provider shall notify the petitioner. Such circumstances
8 shall include, but not be limited to, the following:

- 9 a. the account holder has already terminated the account,
- 10 b. the differences in network technology prevent the
11 functionality of a mobile device on the network, or
- 12 c. there are geographic or other limitations on network
13 or service availability.

14 5. Upon transfer of billing responsibility for and rights to a
15 wireless telephone number or numbers or household utility account to
16 the petitioner under the provisions of this subsection by a wireless
17 service provider or public utility provider, the petitioner shall
18 assume all financial responsibility for the transferred wireless
19 telephone number or numbers or household utility account, monthly
20 service and utility billing costs and costs for any mobile device
21 associated with the wireless telephone number or numbers. The
22 wireless service provider or public utility provider shall have the
23 right to pursue the original account holder for purposes of
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1 collecting any past due amounts owed to the wireless service
2 provider or public utility provider.

3 6. The provisions of this subsection shall not preclude a
4 wireless service provider or public utility provider from applying
5 any routine and customary requirements for account establishment to
6 the petitioner as part of this transfer of billing responsibility
7 for a household utility account or for a wireless telephone number
8 or numbers and any mobile devices attached to that number including,
9 but not limited to, identification, financial information and
10 customer preferences.

11 7. The provisions of this subsection shall not affect the
12 ability of the court to apportion the assets and debts of the
13 parties as provided for in law or the ability to determine the
14 temporary use, possession and control of personal property.

15 8. No cause of action shall lie against any wireless service
16 provider or public utility provider, its officers, employees or
17 agents for actions taken in accordance with the terms of a court
18 order issued under the provisions of this subsection.

19 9. As used in this subsection:

20 a. "wireless service provider" means a provider of
21 commercial mobile service under Section 332(d) of the
22 federal Telecommunications Act of 1996,

23 b. "public utility provider" means every corporation
24 organized or doing business in this state that owns,

1 operates or manages any plant or equipment for the
2 manufacture, production, transmission, transportation,
3 delivery or furnishing of water, heat or light with
4 gas or electric current for heat, light or power, for
5 public use in this state, and

6 c. "household utility account" shall include utility
7 services for water, heat, light, power or gas that are
8 provided by a public utility provider.

9 K. 1. A court shall not issue any mutual protective orders.

10 2. If both parties allege domestic abuse by the other party,
11 the parties shall do so by separate petitions. The court shall
12 review each petition separately in an individual or a consolidated
13 hearing and grant or deny each petition on its individual merits.
14 If the court finds cause to grant both motions, the court shall do
15 so by separate orders and with specific findings justifying the
16 issuance of each order.

17 3. The court may only consolidate a hearing if:

18 a. the court makes specific findings that:

19 (1) sufficient evidence exists of domestic abuse,
20 stalking, harassment or rape against each party,
21 and

22 (2) each party acted primarily as aggressors,

23 b. the defendant filed a petition with the court for a
24 protective order no less than three (3) days, not

1 including weekends or holidays, prior to the first
2 scheduled full hearing on the petition filed by the
3 plaintiff, and

4 c. the defendant had no less than forty-eight (48) hours
5 of notice prior to the full hearing on the petition
6 filed by the plaintiff.

7 L. The court may allow a plaintiff or victim to be accompanied
8 by a victim support person at court proceedings. A victim support
9 person shall not make legal arguments; however, a victim support
10 person who is not a licensed attorney may offer the plaintiff or
11 victim comfort or support and may remain in close proximity to the
12 plaintiff or victim.

13 SECTION 4. AMENDATORY 22 O.S. 2021, Section 60.11, is
14 amended to read as follows:

15 Section 60.11 In addition to any other provisions required by
16 the Protection from Domestic Abuse Act, or otherwise required by
17 law, each ex parte or final protective order issued pursuant to the
18 Protection from Domestic Abuse Act shall have a statement printed in
19 bold-faced type or in capital letters containing the following
20 information:

21 1. The filing or nonfiling of criminal charges and the
22 prosecution of the case shall not be determined by a person who is
23 protected by the protective order, but shall be determined by the
24 prosecutor;

1 2. No person, including a person who is protected by the order,
2 may give permission to anyone to ignore or violate any provision of
3 the order. During the time in which the order is valid, every
4 provision of the order shall be in full force and effect unless a
5 court changes the order;

6 3. The order shall be in effect for a fixed period of five (5)
7 years unless extended, modified, vacated or rescinded by the court
8 or shall be continuous upon a specific finding by the court as
9 provided in subparagraph b of paragraph 1 of subsection G of Section
10 60.4 of this title unless modified, vacated or rescinded by the
11 court;

12 4. The order shall be entered into the National Crime
13 Information Center (NCIC) database;

14 5. A violation of the order is punishable by a fine of up to
15 One Thousand Dollars (\$1,000.00) or imprisonment for up to one (1)
16 year in the county jail, or by both such fine and imprisonment. A
17 violation of the order which causes injury is punishable by
18 imprisonment for twenty (20) days to one (1) year in the county jail
19 or a fine of up to Five Thousand Dollars (\$5,000.00), or by both
20 such fine and imprisonment; ~~and~~

21 ~~5.~~ 6. Possession of a firearm or ammunition by a defendant
22 while an order is in effect may subject the defendant to prosecution
23 for a violation of federal law even if the order does not
24

1 specifically prohibit the defendant from possession of a firearm or
2 ammunition;

3 7. The defendant must avoid the residence of the petitioner or
4 any premises temporarily occupied by the petitioner;

5 8. The defendant must avoid contact that harasses or
6 intimidates the petitioner. Contact includes: contact at the home,
7 work, or school of the petitioner, public places, in person, by
8 phone, in writing, by electronic communication or device, or in any
9 other manner;

10 9. The defendant shall not impersonate or adopt the
11 personification of the petitioner by pretending to be the
12 petitioner, ordering items, posting information or making inquiries,
13 or publishing photographs of the petitioner, by use of social media,
14 or by use of computer, telephone, texting, emailing, or by use of
15 any electronic means;

16 10. The defendant must refrain from removing, hiding, damaging,
17 harming, or mistreating, or disposing of, a household pet;

18 11. The defendant must allow the petitioner or a family member
19 or household member of the petitioner acting on his or her behalf to
20 retrieve a household pet;

21 12. The defendant must avoid contacting the petitioner or
22 causing any person other than an attorney for the petitioner or law
23 enforcement officer to contact the petitioner unless the petitioner
24 consents in writing; and

1 13. The sheriff will accompany the petitioner and assist in
2 placing the petitioner in physical possession of his or her
3 residence, if requested.

4 SECTION 5. This act shall become effective November 1, 2022.

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