

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 ENGROSSED SENATE
5 BILL NO. 1491

By: Marlatt, Ford, Justice,
6 David, Griffin, Bingman,
7 Pittman and Floyd of the
8 Senate

and

9 Biggs and Munson of the
10 House

11 An Act relating to domestic violence; providing short
12 title; amending 21 O.S. 2011, Section 644.1, as
13 amended by Section 2, Chapter 71, O.S.L. 2014 (21
14 O.S. Supp. 2015, Section 644.1), which relates to
15 domestic abuse; modifying definition; providing for
16 noncodification; and providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law not to be
19 codified in the Oklahoma Statutes reads as follows:

20 This act shall be known and may be cited as Kristin's Law.

21 SECTION 2. AMENDATORY 21 O.S. 2011, Section 644.1, as
22 amended by Section 2, Chapter 71, O.S.L. 2014 (21 O.S. Supp. 2015,
23 Section 644.1), is amended to read as follows:
24

1 Section 644.1. A. Any person who commits domestic abuse, as
2 defined by subsection C of Section 644 of this title, and has a
3 prior pattern of physical abuse shall be guilty of a felony, upon
4 conviction, punishable by imprisonment in the custody of the
5 Department of Corrections for a term of not more than ten (10) years
6 or by a fine not exceeding Five Thousand Dollars (\$5,000.00) or by
7 both such fine and imprisonment.

8 B. For purposes of this section, "prior pattern of physical
9 abuse" means ~~three~~ two or more separate incidences, including the
10 current incident, occurring on different days, ~~where all incidences~~
11 ~~occurred within the previous twelve month period,~~ and each incident
12 relates to an act constituting assault and battery or domestic abuse
13 committed by the defendant against a current or former spouse, a
14 present spouse of a former spouse, parents, a foster parent, a
15 child, a person otherwise related by blood or marriage, a person
16 with whom the defendant is in a dating relationship, an individual
17 with whom the defendant has had a child, a person who formerly lived
18 in the same household as the defendant, a person living in the same
19 household as the defendant, a current intimate partner or former
20 intimate partner, or any combination of such persons, where proof of
21 each incident prior to the present incident is established by the
22 sworn testimony of a third party who was a witness to the alleged
23 physical abuse or by other admissible direct evidence that is
24 independent of the testimony of the victim.

1 SECTION 3. This act shall become effective November 1, 2016.

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3 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
4 dated 04/06/2016 - DO PASS, As Coauthored.
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