

1 **SENATE FLOOR VERSION**

2 February 8, 2022

3 SENATE BILL NO. 1674

By: Rader

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5
6 An Act relating to protective orders; amending 22
7 O.S. 2021, Section 60.2, which relates to petition
8 for protective order; modifying eligibility
9 requirements for filing petition for protective
10 order; and providing an effective date.

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

12 SECTION 1. AMENDATORY 22 O.S. 2021, Section 60.2, is
13 amended to read as follows:

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

20 1. The person seeking relief may file a petition for a
21 protective order with the district court in the county in which the
22 victim resides, the county in which the defendant resides, or the
23 county in which the domestic violence occurred. ~~If the person~~
24 ~~seeking relief is a victim of stalking but is not a family or~~

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

- 21 a. there is no established protective order docket in
- 22 such court, or
- 23 b. the court finds that, in the interest of judicial
- 24 economy, both actions may be heard together; provided,

1 however, the petition for a protective order,⁷
2 including, but not limited to, a petition in which
3 children are named as petitioners, shall remain a
4 separate action and a separate order shall be entered
5 in the protective order action. Protective orders may
6 be dismissed in favor of restraining orders in the
7 divorce or separate maintenance action if the court
8 specifically finds, upon hearing, that such dismissal
9 is in the best interests of the parties and does not
10 compromise the safety of any petitioner.

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

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

16 B. The petition forms shall be provided by the clerk of the
17 court. The Administrative Office of the Courts shall develop a
18 standard form for the petition.

19 C. 1. Except as otherwise provided by this section, no filing
20 fee, service of process fee, attorney fees or any other fee or costs
21 shall be charged the plaintiff or victim at any time for filing a
22 petition for a protective order whether a protective order is
23 granted or not granted. The court may assess court costs, service
24 of process fees, attorney fees, other fees and filing fees against

1 the defendant at the hearing on the petition, if a protective order
2 is granted against the defendant; provided, the court shall have
3 authority to waive the costs and fees if the court finds that the
4 party does not have the ability to pay the costs and fees.

5 2. If the court makes specific findings that a petition for a
6 protective order has been filed frivolously and no victim exists,
7 the court may assess attorney fees and court costs against the
8 plaintiff.

9 D. The person seeking relief shall prepare the petition or, at
10 the request of the plaintiff, the court clerk or the victim-witness
11 coordinator, victim support person, and court case manager shall
12 prepare or assist the plaintiff in preparing the petition.

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

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

1 G. A victim of rape, forcible sodomy, a sex offense,
2 kidnapping, assault and battery with a deadly weapon or member of
3 the immediate family of a victim of first-degree murder, as such
4 terms are defined in Section 40 of this title, may petition for an
5 emergency temporary order or emergency ex parte order regardless of
6 any relationship or scenario pursuant to the provisions of this
7 section. The Administrative Office of the Courts shall modify the
8 petition forms as necessary to effectuate the provisions of this
9 subsection.

10 SECTION 2. This act shall become effective November 1, 2022.

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
12 February 8, 2022 - DO PASS
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