

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 1007, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Garvin

Garvin-TEK-FS-Req#2085
4/15/2021 3:43 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 1007

By: Bush and Munson of the
House

6 and

7 Garvin of the Senate

8
9 FLOOR SUBSTITUTE

10 [social media harassment - rebuttable presumption -
11 Protection from Domestic Abuse Act - codification -
effective date]

12
13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2306 of Title 12, unless there
17 is created a duplication in numbering, reads as follows:

18 There shall be a rebuttable presumption that a statement
19 appearing on a social media posting or other electronic
20 communication attributed to a person testifying is the statement of
21 that individual. This presumption may be rebutted by a credible
22 denial under oath.

1 SECTION 2. AMENDATORY 22 O.S. 2011, Section 60.1, as
2 amended by Section 2, Chapter 200, O.S.L. 2019 (22 O.S. Supp. 2020,
3 Section 60.1), is amended to read as follows:

4 Section 60.1. As used in the Protection from Domestic Abuse Act
5 and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7
6 of this title, and Section 150.12B of Title 74 of the Oklahoma
7 Statutes:

8 1. "Dating relationship" means intimate association, primarily
9 characterized by affectionate or sexual involvement. For purposes
10 of this act, a casual acquaintance or ordinary fraternization
11 between persons in a business or social context shall not constitute
12 a dating relationship;

13 2. "Domestic abuse" means any act of physical harm, or the
14 threat of imminent physical harm which is committed by an adult,
15 emancipated minor, or minor child thirteen (13) years of age or
16 older against another adult, emancipated minor or minor child who is
17 currently or was previously an intimate partner or family or
18 household member;

19 3. "Family or household members" means:
20 a. parents, including grandparents, stepparents, adoptive
21 parents and foster parents,
22 b. children, including grandchildren, stepchildren,
23 adopted children and foster children, and
24

1 c. persons otherwise related by blood or marriage living
2 in the same household;

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

5 5. "Harassment" means a knowing and willful course or pattern
6 of conduct by a family or household member or an individual who is
7 or has been involved in a dating relationship with the person,
8 directed at a specific person which seriously alarms or annoys the
9 person, and which serves no legitimate purpose. The course of
10 conduct must be such as would cause a reasonable person to suffer
11 substantial emotional distress, and must actually cause substantial
12 distress to the person. "Harassment" shall include, but not be
13 limited to, harassing or obscene telephone calls in violation of
14 Section 1172 of Title 21 of the Oklahoma Statutes and fear of death
15 or bodily injury. Harassment can occur through social media or
16 other electronic communication and may include, but not be limited
17 to, the use of social media or other electronic communication to:

18 a. post abusive or threatening messages that endanger the
19 physical wellbeing or safety of the person or
20 immediate family of the person,

21 b. post or disseminate sensitive, private or embarrassing
22 information without consent of the person,

1 c. impersonate a person without his or her consent in
2 violation of Section 1450 of Title 12 of the Oklahoma
3 Statutes, or

4 d. create or utilize a fake account or profile to acquire
5 private information with the intent to threaten or
6 cause humiliation to a person;

7 6. "Intimate partner" means:

8 a. current or former spouses,

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

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

13 d. persons who currently or formerly lived together in an
14 intimate way, primarily characterized by affectionate
15 or sexual involvement. A sexual relationship may be
16 an indicator that a person is an intimate partner, but
17 is never a necessary condition;

18 7. "Mutual protective order" means a final protective order or
19 orders issued to both a plaintiff who has filed a petition for a
20 protective order and a defendant included as the defendant in the
21 plaintiff's petition restraining the parties from committing
22 domestic violence, stalking, harassment or rape against each other.
23 If both parties allege domestic abuse, violence, stalking,

1 harassment or rape against each other, the parties shall do so by
2 separate petition pursuant to Section 60.4 of this title;

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

5 9. "Stalking" means the willful, malicious, and repeated
6 following or harassment of a person by an adult, emancipated minor,
7 or minor thirteen (13) years of age or older, in a manner that would
8 cause a reasonable person to feel frightened, intimidated,
9 threatened, harassed, or molested and actually causes the person
10 being followed or harassed to feel terrorized, frightened,
11 intimidated, threatened, harassed or molested. Stalking also means
12 a course of conduct composed of a series of two or more separate
13 acts over a period of time, however short, evidencing a continuity
14 of purpose or unconsented contact with a person that is initiated or
15 continued without the consent of the individual or in disregard of
16 the expressed desire of the individual that the contact be avoided
17 or discontinued. Unconsented contact or course of conduct includes,
18 but is not limited to:

- 19 a. following or appearing within the sight of that
20 individual,
21 b. approaching or confronting that individual in a public
22 place or on private property,
23 c. appearing at the workplace or residence of that
24 individual,

- 1 d. entering onto or remaining on property owned, leased
2 or occupied by that individual,
3 e. contacting that individual by telephone,
4 f. sending mail or electronic communications to that
5 individual, or
6 g. placing an object on, or delivering an object to,
7 property owned, leased or occupied by that individual;
8 and

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

14 SECTION 3. This act shall become effective November 1, 2021.
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16 58-1-2085 TEK 4/15/2021 3:43:14 PM
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