

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1948

By: Cruz

4
5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 60.1, as amended by Section 2,
9 Chapter 200, O.S.L. 2019 (22 O.S. Supp. 2020, Section
10 60.1), which relates to the Protection from Domestic
11 Abuse Act; modifying scope of certain definition; and
12 providing an effective date.

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

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

17 Section 60.1 As used in the Protection from Domestic Abuse Act
18 and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7
19 of this title, and Section 150.12B of Title 74 of the Oklahoma
20 Statutes:

21 1. "Dating relationship" means intimate association, primarily
22 characterized by affectionate or sexual involvement. For purposes
23 of this act, a casual acquaintance or ordinary fraternization
24

1 between persons in a business or social context shall not constitute
2 a dating relationship;

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

9 3. "Family or household members" means:

10 a. parents, including grandparents, stepparents, adoptive
11 parents and foster parents,

12 b. children, including grandchildren, stepchildren,
13 adopted children and foster children, ~~and~~

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

16 d. persons otherwise related by blood or marriage;

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

19 5. "Harassment" means a knowing and willful course or pattern
20 of conduct by a family or household member or an individual who is
21 or has been involved in a dating relationship with the person,
22 directed at a specific person which seriously alarms or annoys the
23 person, and which serves no legitimate purpose. The course of
24 conduct must be such as would cause a reasonable person to suffer

1 substantial emotional distress, and must actually cause substantial
2 distress to the person. "Harassment" shall include, but not be
3 limited to, harassing or obscene telephone calls in violation of
4 Section 1172 of Title 21 of the Oklahoma Statutes and fear of death
5 or bodily injury;

6 6. "Intimate partner" means:

- 7 a. current or former spouses,
- 8 b. persons who are or were in a dating relationship,
- 9 c. persons who are the biological parents of the same
10 child, regardless of their marital status or whether
11 they have lived together at any time, and
- 12 d. persons who currently or formerly lived together in an
13 intimate way, primarily characterized by affectionate
14 or sexual involvement. A sexual relationship may be
15 an indicator that a person is an intimate partner, but
16 is never a necessary condition;

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

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

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

- 17 a. following or appearing within the sight of that
18 individual,
- 19 b. approaching or confronting that individual in a public
20 place or on private property,
- 21 c. appearing at the workplace or residence of that
22 individual,
- 23 d. entering onto or remaining on property owned, leased
24 or occupied by that individual,

- e. contacting that individual by telephone,
- f. sending mail or electronic communications to that individual, or
- g. placing an object on, or delivering an object to, property owned, leased or occupied by that individual; and

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

SECTION 2. This act shall become effective November 1, 2021.

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