

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 667

BY: BROWN of the SENATE

and

LARASON of the HOUSE

AN ACT RELATING TO DOMESTIC ABUSE; AMENDING 22
O.S. 1991, SECTIONS 60.4 AND 991a, WHICH RELATE TO
VICTIM PROTECTION ORDERS AND SENTENCING POWERS OF
THE COURT; # # # AND DECLARING AN EMERGENCY.

AUTHOR: Add the following House Coauthor: FALLIN

AMENDMENT NO. 1. Page 1, lines 15 through 21 on page 2, delete
Section 1 and insert

"SECTION 1. AMENDATORY 22 O.S. 1991, Section 60.4, as
amended by Section 4 of Enrolled House Bill No. 2306 of the 2nd
Session of the 43rd Oklahoma Legislature, is amended to read as
follows:

Section 60.4 A. A copy of the petition, notice of hearing and
a copy of any ex parte order issued by the court shall be served
upon the defendant in the same manner as a summons. Ex parte orders
shall be given priority for service by the sheriff's office and can
be served twenty-four (24) hours a day.

B. Within ten (10) days of the filing of the petition the court
shall schedule a full hearing on the petition, regardless of whether
an emergency ex parte order has been previously issued, requested or
denied.

C. At the hearing, the court may grant any protective order to bring about the cessation of domestic abuse against the victim or beginning September 1, 1992, stalking or harassment of the victim.

D. Protective orders authorized by this section may include the following:

1. An order to the defendant not to abuse or injure the victim;
2. An order to the defendant not to visit, assault, molest, harass or otherwise interfere with the victim;
3. An order to the defendant not to threaten the victim;
4. ~~An~~ Beginning September 1, 1992, an order to the defendant to cease stalking the victim;
5. ~~An~~ Beginning September 1, 1992, an order to the defendant to cease harassment of the victim;
6. An order to the defendant to leave the residence;
7. An order awarding attorney fees; and
8. An order awarding court costs.

E. After notice and hearing, protective orders authorized by this section may require the plaintiff or the defendant or both to undergo treatment or participate in the counseling services necessary to bring about cessation of domestic abuse against the victim. Either party or both may be required to pay all or any part of the cost of such treatment or counseling services. The court shall not be responsible for such cost.

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

~~F.~~ G. Any protective order issued pursuant to subsection C of this section shall not be for a fixed period but shall be continuous until modified or rescinded upon motion by either party or if the

court approves any consent agreement entered into by the plaintiff and defendant.

H. No order issued under the Protection from Domestic Abuse Act, Section 60 et seq. of this title, shall in any manner affect title to real property, purport to grant to the parties a divorce or otherwise purport to determine the issues between the parties as to child custody, visitation, child support or division of property or any other like relief obtainable under Sections 101 et seq. of Title 43 of the Oklahoma Statutes."

and in the title, page 1, lines 7 1/2 through 11, delete all language beginning with the word "AMENDING" on line 7 1/2 through the word "SERVICES;" on line 11, and insert

"AMENDING 22 O.S. 1991, SECTIONS 60.4, AS AMENDED BY SECTION 4 OF ENROLLED HOUSE BILL NO. 2306 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE AND 991a, WHICH RELATE TO VICTIM PROTECTION ORDERS AND SENTENCING POWERS OF THE COURT; AUTHORIZING THE COURT TO ORDER TREATMENT OR COUNSELING SERVICES FOR DOMESTIC ABUSE OFFENDERS OR DOMESTIC ABUSE VICTIMS; AUTHORIZING THE COURT TO ORDER PAYMENT FOR COST OF TREATMENT OR COUNSELING SERVICES;"

Passed the House of Representatives the 15th day of April, 1992.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate