

ENGROSSED SENATE
BILL NO. 288

BY: CAIN of the SENATE

and

McCORKELL of the HOUSE

AN ACT RELATING TO CRIMINAL PROCEDURE; AMENDING
SECTION 3, CHAPTER 255, O.S.L. 1982, AS AMENDED BY
SECTION 1, CHAPTER 290, O.S.L. 1983, AND SECTION 6,
CHAPTER 290, O.S.L. 1983 (22 O.S. SUPP. 1990,
SECTIONS 60.2 AND 60.7), WHICH RELATE TO THE
PROTECTION FROM DOMESTIC ABUSE ACT; EXPANDING
PROVISIONS FOR FILING A PETITION TO INCLUDE COUNTY
OF DEFENDANT'S RESIDENCE; MODIFYING STATUTORY
REFERENCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 3, Chapter 255, O.S.L.
1982, as amended by Section 1, Chapter 290, O.S.L. 1983 (22 O.S.
Supp. 1990, Section 60.2), is amended to read as follows:

Section 60.2 A. A victim of domestic abuse, or any adult
household member on behalf of any other family or household member
who is a minor or incompetent, may seek relief under the provisions
of this act by filing a petition for protective order with the
district court ~~of~~ in either the county in which the victim resides
or the county in which the defendant resides.

B. The petition forms shall be provided by the clerk of the court and shall be in substantially the following form:

IN THE DISTRICT COURT IN AND FOR _____ COUNTY

STATE OF OKLAHOMA

_____)
 Plaintiff)
)
 vs.) Case No. _____
)
 _____)
 Defendant)

PETITION FOR PROTECTIVE ORDER

Plaintiff, being sworn, states:

1. (Check one or more)

 / The defendant caused or attempted to cause serious physical harm to _____.

 / The defendant threatened _____ with imminent serious physical harm.

2. The incident causing the filing of this petition occurred on or about _____.

(date)

(Describe what happened:)

3. The victim and the defendant are related as follows:

(check one)

/ married

 / divorced

 / parent and child

 / persons related by blood

 / persons related by marriage

 / persons living in the same household

 / persons formerly living in the same household

4. (Answer this question only if the plaintiff is filing on behalf of someone else, minor or incompetent)

The plaintiff and the victim are related as follows:

 / married

 / divorced

 / parent and child

- persons related by blood
- persons related by marriage
- persons living in the same household
- persons formerly living in the same household

5. (Check A or B)

(A) The victim is in immediate and present danger of abuse from

the defendant and an emergency ex parte order is necessary to protect

the victim from serious harm. The plaintiff requests the following relief in the emergency ex parte order: (check one or more)

order the defendant not to abuse or injure the victim.

order the defendant not to visit, assault, molest, harass or otherwise interfere with the victim.

order the defendant not to threaten the victim.

order the defendant to leave the residence located at _____ on or before _____.

(describe other relief that plaintiff requests)

(B) The plaintiff does not request an emergency ex parte order.

6. Plaintiff requests the following order to be made by the court following notice to the defendant and a hearing: (check one or more)

order the defendant not to abuse or injure the victim.

/ order the defendant not to visit, assault, molest, harass or otherwise interfere with the victim.

 / order the defendant not to threaten the victim.

 / order the defendant to leave the residence located at _____ on or before _____.

 / _____
(describe other relief that plaintiff requests)

 / order the defendant to pay attorney fees of the plaintiff in the sum of _____ on or before _____.

 / order the defendant to pay the court costs of this action in the sum of _____ on or before _____.

7. / Victim is a resident of the county wherein this petition is filed.

 / Defendant is a resident of the county wherein this petition is filed.

8. Plaintiff has stated the truth, the whole truth and nothing but the truth in this petition.

Plaintiff

Witness my hand and seal,

affixed on the ___ day of _____, 19__.

Court Clerk, Deputy Court Clerk,
or Notary Public

C. No filing fee shall be charged the plaintiff at the time the petition is filed. The court may assess court costs and filing fees to either party at the hearing on the petition.

D. The plaintiff shall prepare the petition as set forth above or, at the request of the plaintiff, the clerk of the court or the victim-witness coordinator shall prepare or assist the plaintiff in preparing the same.

SECTION 2. AMENDATORY Section 6, Chapter 290, O.S.L. 1983 (22 O.S. Supp. 1990, Section 60.7), is amended to read as follows:

Section 60.7 All orders issued pursuant to the provisions of the Protection from Domestic Abuse Act, Section 60 et seq. of this title, shall have statewide validity, unless specifically modified or terminated by a judge of the district courts.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 27th day of February, 1991.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1991.

Speaker of the House of Representatives