

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 1064

By: Boyd (Laura),
Breckinridge and Bryant
of the House

and

Williams (Penny) of the
Senate

An Act relating to criminal procedure; amending 22
O.S. 1991, Sections 60.1 and 60.6, as last amended
by Sections 54 and 59, Chapter 290, O.S.L. 1994 (22
O.S. Supp. 1994, Sections 60.1 and 60.6), which
relate to domestic abuse and sexual assault;
modifying definition; increasing a certain
punishment and fine; and providing an effective
date.

AUTHORS: Add the following Senate Coauthors: Henry and Horner

AUTHORS: Remove Boyd (Laura) as principal House Author and add as
first House Coauthor and substitute Voskuhl as principal
House Author

AUTHOR: Add the following House Coauthor: Matlock

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

"[criminal procedure - amending 22 O.S., Section 60.1 - ex
parte orders -
codification -
effective date]

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 60.1, as last amended by Section 54, Chapter 290, O.S.L. 1994 (22 O.S. Supp. 1994, Section 60.1), is amended to read as follows:

Section 60.1 As used in Section 60 et seq. of this title and in the Domestic Abuse Reporting Act, Sections 40.5 and 40.6 of this title and Section 150.12B of Title 74 of the Oklahoma Statutes:

1. "Domestic abuse" means any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor age thirteen (13) years or older against another adult, emancipated minor or minor child who are family or household members;

2. "Stalking" means the willful, malicious, and repeated following of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, with the intent of placing the person in reasonable fear of death or great bodily injury;

3. "Harassment" means a knowing and willful course or pattern of conduct by an adult, emancipated minor, or minor thirteen (13) years of age or older, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury; and

4. "Family or household members" means spouses, ex-spouses, present spouses of ex-spouses, parents, foster parents, children, persons otherwise related by blood or marriage, persons living in the same household or who formerly lived in the same household, or persons who are the biological parents of the same child, regardless of their marital status, or whether they have lived together at any time or persons who are or were in a dating, courtship, or

engagement relationship. For purposes of this act, neither a casual acquaintanceship nor ordinary fraternization between persons in business or social contexts shall be deemed to constitute a dating relationship. This shall include the elderly and handicapped.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.11 of Title 22, unless there is created a duplication in numbering, reads as follows:

In addition to any other provisions required by the Protection from Domestic Abuse Act, or otherwise required by law, each ex parte or final protective order issued pursuant to the Protection From Domestic Abuse Act shall have the following statement printed in bold-faced type or in capital letters:

"THE FILING OR NONFILING OF CRIMINAL CHARGES AND THE PROSECUTION OF THE CASE SHALL NOT BE DETERMINED BY A PERSON WHO IS PROTECTED BY THIS ORDER, BUT SHALL BE DETERMINED BY THE PROSECUTOR. NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

SECTION 3. This act shall become effective November 1, 1995."

Passed the Senate the 11th day of April, 1995.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1995.

Speaker of the House of Representatives

