

ENGROSSED HOUSE
BILL NO. 1373

By: Matlock and Boyd (Laura)
of the House

and

Henry of the Senate

An Act relating to domestic abuse; designating authority to determine whether charges will be filed relating to domestic abuse; requiring certain statement be included in certain orders; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.10 of Title 22, unless there is created a duplication in numbering, reads as follows:

The filing or nonfiling of criminal charges and the prosecution of any offense that constitutes domestic abuse shall be determined by the prosecutor and not the victim.

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 House of Representatives the 7th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate