EHB 1654

THE STATE SENATE
Monday, March 22, 1999

ENGROSSED

House Bill No. 1654

ENGROSSED HOUSE BILL NO. 1654 - By: GRAVES of the House and SMITH of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 60.3, as last amended by Section 31, Chapter 247, O.S.L. 1996 (22 O.S. Supp. 1998, Section 60.3), which relates to emergency ex parte orders of protection; stating times of effectiveness of order; stating exception to service of certain orders; requiring certain statement appear on order; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 60.3, as last amended by Section 31, Chapter 247, O.S.L. 1996 (22 O.S. Supp. 1998, Section 60.3), is amended to read as follows:

Section 60.3 A. If a plaintiff requests an emergency ex parte order pursuant to Section 60.2 of this title, the court shall hold an ex parte hearing on the same day the petition is filed. The court may, for good cause shown at the hearing, issue any emergency ex parte order that it finds necessary to protect the victim from immediate and present danger of domestic abuse, stalking, or harassment. The emergency ex parte order shall be in effect until after the full hearing is conducted. <u>Provided, if the defendant, after having been served, does not appear at the hearing, the emergency ex parte order shall remain in effect until the defendant</u>

is served with the permanent order. If the terms of the permanent order are the same as those in the emergency order, or are less restrictive, then it is not necessary to serve the defendant with the permanent order. Any emergency ex parte order entered shall state: "IF YOU FAIL TO APPEAR AT THE HEARING, A PERMANENT ORDER MAY BE ISSUED WITHOUT FURTHER NOTICE TO YOU." An emergency ex parte order 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 order to the defendant not to stalk the victim;

5. An order to the defendant not to harass the victim;

6. An order to the defendant to leave the residence; or

7. An order removing the defendant who is a minor child from the residence by immediately placing the child in any type of care authorized for children taken into custody pursuant to subsection A of Section 7303-1.1 of Title 10 of the Oklahoma Statutes.

B. If a plaintiff requests an emergency temporary ex parte order of protection as provided by Section 40.3 of this title, the judge who is notified of the request by a peace officer may issue such order verbally to the officer or in writing when there is reasonable cause to believe that the order is necessary to protect

the victim from immediate and present danger of domestic abuse. When the order is issued verbally the judge shall direct the officer to complete and sign a statement attesting to the order. The emergency temporary ex parte order shall be in effect until the close of business on the next day the court is open for business after the order is issued.

SECTION 2. This act shall become effective November 1, 1999.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-16-99 - DO PASS.