

SB 994

Senate Bill No. 994  
As Amended

SENATE BILL NO. 994 - By: SHURDEN of the Senate and ERWIN of the House.

[ criminal procedure - ex parte victim protection orders - emergency ]

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

SECTION 1. AMENDATORY 22 O.S. 2001, 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. A court reporter shall be present and take a complete record of every ex parte hearing for a victim protection order, except as provided in subsection C of this section for emergency temporary orders. A transcript of an ex parte hearing shall be made available after payment of the transcript cost to any party within five (5) days of the full hearing as provided by Section 60.4 of this title. 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

1 after the full hearing is conducted. Provided, if the defendant,  
2 after having been served, does not appear at the hearing, the  
3 emergency ex parte order shall remain in effect until the defendant  
4 is served with the permanent order. If the terms of the permanent  
5 order are the same as those in the emergency order, or are less  
6 restrictive, then it is not necessary to serve the defendant with  
7 the permanent order. Any emergency ex parte order entered shall  
8 state: "IF YOU FAIL TO APPEAR AT THE HEARING, A PERMANENT ORDER MAY  
9 BE ISSUED WITHOUT FURTHER NOTICE TO YOU." An emergency ex parte  
10 order authorized by this section may include the following:

- 11 1. An order to the defendant not to abuse or injure the victim;
- 12 2. An order to the defendant not to telephone, visit, assault,  
13 molest, stalk, harass or otherwise interfere with the victim;
- 14 3. An order suspending child visitation due to physical  
15 violence or threat of abuse by the defendant or a threat to violate  
16 a custody order by the defendant or an order requiring supervised  
17 visitation with the child in a neutral setting;
- 18 4. An order to the defendant not to threaten the victim;
- 19 5. An order to the defendant not to stalk the victim;
- 20 6. An order to the defendant not to harass the victim;
- 21 7. An order to the defendant to leave the residence located at  
22 \_\_\_\_\_ on or before \_\_\_\_\_;

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

5           9. An order granting other relief as requested by the victim.

6           B. An emergency ex parte protective order authorized by this  
7 section shall include the name, sex, race, date of birth of the  
8 defendant, and the dates of issue and expiration of the protective  
9 order.

10          C. If a plaintiff requests an emergency temporary ex parte  
11 order of protection as provided by Section 40.3 of this title, the  
12 judge who is notified of the request by a peace officer may issue  
13 such order verbally to the officer or in writing when there is  
14 reasonable cause to believe that the order is necessary to protect  
15 the victim from immediate and present danger of domestic abuse.  
16 When the order is issued verbally, the judge shall direct the  
17 officer to complete and sign a statement attesting to the order.  
18 The emergency temporary ex parte order shall be in effect until the  
19 close of business on the next day the court is open for business  
20 after the order is issued.

21          SECTION 2. It being immediately necessary for the preservation  
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.  
3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-02 - DO  
4 PASS, As Amended and Coauthored.