STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 452 By: Smith

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 60.3, as last amended by Section 7, Chapter 370, O.S.L. 2000 (22 O.S. Supp. 2000, Section 60.3), which relates to ex parte victim protection orders; requiring court reporter to take complete record of emergency ex parte hearing; providing a transcript of ex parte hearing within certain time to any party after payment of transcription cost; and declaring an emergency.

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 7, Chapter 370, O.S.L. 2000 (22 O.S. Supp. 2000, 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 transcription 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 after the full hearing is conducted. 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 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 telephone, visit, assault, molest, stalk, harass or otherwise interfere with the victim;

3. An order suspending child visitation due to physical violence or threat of abuse by the defendant or a threat to violate a custody order by the defendant or an order requiring supervised visitation with the child in a neutral setting.

4. An order to the defendant not to threaten the victim;

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

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

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

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

C. 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. 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.

48-1-467 NP 6/12/2015 11:13:19 AM