

1 ENGROSSED SENATE
2 BILL NO. 2069

By: Coffee of the Senate

and

Steele of the House

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7 An Act relating to protection orders; creating the
8 Uniform Interstate Enforcement of Domestic Violence
9 Protection Orders Act; providing short title;
10 defining terms; providing for judicial enforcement of
11 certain orders; establishing requirements for
12 validity of certain orders; requiring law enforcement
13 to enforce certain orders; establishing certain
14 service requirements; establishing requirements for
15 registration of certain orders; prohibiting fee for
16 registration of certain orders; exempting certain
17 entities or officers from liability for certain acts;
18 authorizing use of various remedies; construing
19 provisions; providing for codification; and providing
20 an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 60.21 of Title 22, unless there
24 is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Uniform
Interstate Enforcement of Domestic Violence Protection Orders Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 60.22 of Title 22, unless there
is created a duplication in numbering, reads as follows:

1 As used in the Uniform Interstate Enforcement of Domestic
2 Violence Protection Orders Act:

3 1. "Foreign protection order" means a protection order issued
4 by a tribunal of another state;

5 2. "Issuing state" means the state whose tribunal issues a
6 protection order;

7 3. "Mutual foreign protection order" means a foreign protection
8 order that includes provisions in favor of both the protected
9 individual seeking enforcement of the order and the respondent;

10 4. "Protected individual" means an individual protected by a
11 protection order;

12 5. "Protection order" means an injunction or other order,
13 issued by a tribunal under the domestic violence, family violence,
14 or anti-stalking laws of the issuing state, to prevent an individual
15 from engaging in violent or threatening acts against, harassment of,
16 contact or communication with, or physical proximity to, another
17 individual;

18 6. "Respondent" means the individual against whom enforcement
19 of a protection order is sought;

20 7. "State" means a state of the United States, the District of
21 Columbia, Puerto Rico, the United States Virgin Islands, or any
22 territory or insular possession subject to the jurisdiction of the
23 United States. The term includes an Indian tribe or band that has
24 jurisdiction to issue protection orders; and

1 8. "Tribunal" means a court, agency, or other entity authorized
2 by law to issue or modify a protection order.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 60.23 of Title 22, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A person authorized by the law of this state to seek
7 enforcement of a protection order may seek enforcement of a valid
8 foreign protection order in a tribunal of this state. The tribunal
9 shall enforce the terms of the order, including terms that provide
10 relief that a tribunal of this state would lack power to provide but
11 for this section. The tribunal shall enforce the order, whether the
12 order was obtained by independent action or in another proceeding,
13 if it is an order issued in response to a complaint, petition, or
14 motion filed by or on behalf of an individual seeking protection.
15 In a proceeding to enforce a foreign protection order, the tribunal
16 shall follow the procedures of this state for the enforcement of
17 protection orders.

18 B. A tribunal of this state may not enforce a foreign
19 protection order issued by a tribunal of a state that does not
20 recognize the standing of a protected individual to seek enforcement
21 of the order.

22 C. A tribunal of this state shall enforce the provisions of a
23 valid foreign protection order which govern custody and visitation,
24 if the order was issued in accordance with the jurisdictional

1 requirements governing the issuance of custody and visitation orders
2 in the issuing state.

3 D. A foreign protection order is valid if it:

4 1. Identifies the protected individual and the respondent;

5 2. Is currently in effect;

6 3. Was issued by a tribunal that had jurisdiction over the
7 parties and subject matter under the law of the issuing state; and

8 4. Was issued after the respondent was given reasonable notice
9 and had an opportunity to be heard before the tribunal issued the
10 order or, in the case of an order ex parte, the respondent was given
11 notice and has had or will have an opportunity to be heard within a
12 reasonable time after the order was issued, in a manner consistent
13 with the rights of the respondent to due process.

14 E. A foreign protection order valid on its face is prima facie
15 evidence of its validity.

16 F. Absence of any of the criteria for validity of a foreign
17 protection order is an affirmative defense in an action seeking
18 enforcement of the order.

19 G. A tribunal of this state may enforce provisions of a mutual
20 foreign protection order which favor a respondent only if:

21 1. The respondent filed a written pleading seeking a protection
22 order from the tribunal of the issuing state; and

23 2. The tribunal of the issuing state made specific findings in
24 favor of the respondent.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 60.24 of Title 22, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A law enforcement officer of this state, upon determining
5 that there is probable cause to believe that a valid foreign
6 protection order exists and that the order has been violated, shall
7 enforce the order as if it were the order of a tribunal of this
8 state. Presentation of a protection order that identifies both the
9 protected individual and the respondent and, on its face, is
10 currently in effect constitutes probable cause to believe that a
11 valid foreign protection order exists. For the purposes of this
12 section, the protection order may be inscribed on a tangible medium
13 or may have been stored in an electronic or other medium if it is
14 retrievable in perceivable form. Presentation of a certified copy
15 of a protection order is not required for enforcement.

16 B. If a foreign protection order is not presented, a law
17 enforcement officer of this state may consider other information in
18 determining whether there is probable cause to believe that a valid
19 foreign protection order exists.

20 C. If a law enforcement officer of this state determines that
21 an otherwise valid foreign protection order cannot be enforced
22 because the respondent has not been notified or served with the
23 order, the officer shall inform the respondent of the order, make a
24 reasonable effort to serve the order upon the respondent, and allow

1 the respondent a reasonable opportunity to comply with the order
2 before enforcing the order.

3 D. Registration or filing of an order in this state is not
4 required for the enforcement of a valid foreign protection order
5 pursuant to this act.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 60.25 of Title 22, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Any individual may register a foreign protection order in
10 this state. To register a foreign protection order, an individual
11 shall:

12 1. Present a certified copy of the order to the Secretary of
13 State; or

14 2. Present a certified copy of the order to a law enforcement
15 officer and request that the order be registered with the Secretary
16 of State.

17 B. Upon receipt of a foreign protection order, the Secretary of
18 State shall register the order in accordance with this section.
19 After the order is registered, the Secretary of State shall furnish
20 to the individual registering the order a certified copy of the
21 registered order.

22 C. The Secretary of State shall register an order upon
23 presentation of a copy of a protection order which has been
24 certified by the issuing state. A registered foreign protection

1 order that is inaccurate or is not currently in effect must be
2 corrected or removed from the registry in accordance with the law of
3 this state.

4 D. An individual registering a foreign protection order shall
5 file an affidavit by the protected individual stating that, to the
6 best of the protected individual's knowledge, the order is currently
7 in effect.

8 E. A foreign protection order registered under this act may be
9 entered in any existing state or federal registry of protection
10 orders, in accordance with applicable law.

11 F. A fee may not be charged for the registration of a foreign
12 protection order.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 60.26 of Title 22, unless there
15 is created a duplication in numbering, reads as follows:

16 This state or a local governmental agency, or a law enforcement
17 officer, prosecuting attorney, clerk of court, or any state or local
18 governmental official acting in an official capacity, is immune from
19 civil and criminal liability for an act or omission arising out of
20 the registration or enforcement of a foreign protection order or the
21 detention or arrest of an alleged violator of a foreign protection
22 order if the act or omission was done in good faith in an effort to
23 comply with this act.

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1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 60.27 of Title 22, unless there
3 is created a duplication in numbering, reads as follows:

4 A protected individual who pursues remedies under this act is
5 not precluded from pursuing other legal or equitable remedies
6 against the respondent.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 60.28 of Title 22, unless there
9 is created a duplication in numbering, reads as follows:

10 In applying and construing this act, consideration must be given
11 to the need to promote uniformity of the law with respect to its
12 subject matter among states that enact it.

13 SECTION 9. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 60.29 of Title 22, unless there
15 is created a duplication in numbering, reads as follows:

16 This act applies to protection orders issued before November 1,
17 2008, and to continuing actions for enforcement of foreign
18 protection orders commenced before November 1, 2008. A request for
19 enforcement of a foreign protection order made on or after November
20 1, 2008, for violations of a foreign protection order occurring
21 before November 1, 2008, is governed by this act.

22 SECTION 10. This act shall become effective November 1, 2008.
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1 Passed the Senate the 10th day of March, 2008.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2008.

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9 Presiding Officer of the House
10 of Representatives