

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2279 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Sally Kern \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2279

By: Kern

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to marriage; amending 43 O.S. 2001,  
9 Section 101, which relates to grounds for divorce;  
10 restricting the use of incompatibility as a ground  
11 for divorce; and providing an effective date.

12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 43 O.S. 2001, Section 101, is  
15 amended to read as follows:

16 Section 101. The district court may grant a divorce for any of  
17 the following causes:

18 First. Abandonment for one (1) year.

19 Second. Adultery.

20 Third. Impotency.

21 Fourth. When the wife at the time of her marriage, was pregnant  
22 by another than her husband.

23 Fifth. Extreme cruelty.

24 Sixth. Fraudulent contract.

1 Seventh. Incompatibility. Provided, however, the court shall  
2 not grant a divorce on the ground of incompatibility if the wife is  
3 pregnant or if there are living minor children born to the parties,  
4 born of either party and adopted by the other party, or adopted by  
5 both parties, except as follows:

6 a. if either party files a written objection to the  
7 granting of a divorce, the parties shall live apart  
8 for two (2) years before the divorce is granted, or

9 b. if both parties agree to the divorce, the parties  
10 shall live apart for one (1) year before the divorce  
11 is granted.

12 Eighth. Habitual drunkenness.

13 Ninth. Gross neglect of duty.

14 Tenth. Imprisonment of the other party in a state or federal  
15 penal institution under sentence thereto for the commission of a  
16 felony at the time the petition is filed.

17 Eleventh. The procurement of a final divorce decree without  
18 this state by a husband or wife which does not in this state release  
19 the other party from the obligations of the marriage.

20 Twelfth. Insanity for a period of five (5) years, the insane  
21 person having been an inmate of a state institution for the insane  
22 in the State of Oklahoma, or inmate of a state institution for the  
23 insane in some other state for such period, or of a private  
24 sanitarium, and affected with a type of insanity with a poor

1 prognosis for recovery; provided, that no divorce shall be granted  
2 because of insanity until after a thorough examination of such  
3 insane person by three physicians, one of which physicians shall be  
4 a superintendent of the hospital or sanitarium for the insane, in  
5 which the insane defendant is confined, and the other two physicians  
6 to be appointed by the court before whom the action is pending, any  
7 two of such physicians shall agree that such insane person, at the  
8 time the petition in the divorce action is filed, has a poor  
9 prognosis for recovery; provided, further, however, that no divorce  
10 shall be granted on this ground to any person whose husband or wife  
11 is an inmate of a state institution in any other than the State of  
12 Oklahoma, unless the person applying for such divorce shall have  
13 been a resident of the State of Oklahoma for at least five (5) years  
14 prior to the commencement of an action; and provided further, that a  
15 decree granted on this ground shall not relieve the successful party  
16 from contributing to the support and maintenance of the defendant.  
17 The court shall appoint a guardian ad litem to represent the insane  
18 defendant, which appointment shall be made at least ten (10) days  
19 before any decree is entered.

20 SECTION 2. This act shall become effective November 1, 2010.

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22 52-2-9579 SDR 01/27/10

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