

1 ENGROSSED SENATE
2 BILL NO. 2022

By: Leftwich and Johnson
(Constance) of the Senate

3 and

4 Tibbs of the House
5

6
7 An Act relating to criminal procedure; amending
8 Section 4, Chapter 516, O.S.L. 2004, as amended by
9 Section 2, Chapter 114, O.S.L. 2008 (22 O.S. Supp.
10 2009, Section 60.17), which relates to the Protection
11 from Domestic Abuse Act; authorizing the monitoring
12 by certain persons under certain circumstances; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY Section 4, Chapter 516, O.S.L.
16 2004, as amended by Section 2, Chapter 114, O.S.L. 2008 (22 O.S.
17 Supp. 2009, Section 60.17), is amended to read as follows:

18 Section 60.17 The court shall consider the safety of any and
19 all alleged victims of domestic violence, stalking, harassment,
20 sexual assault, or forcible sodomy where the defendant is alleged to
21 have violated a protective order, committed domestic assault and
22 battery, stalked, sexually assaulted, or forcibly sodomized the
23 alleged victim or victims prior to the release of the alleged
24 defendant from custody on bond. The court, after consideration and
to ensure the safety of the alleged victim or victims, may issue an
emergency protective order pursuant to the Protection from Domestic

1 Abuse Act. The court may also issue to the alleged victim or
2 victims, an order restraining the alleged defendant from any
3 activity or action from which they may be restrained under the
4 Protection from Domestic Abuse Act. The protective order shall
5 remain in effect until either a plea has been accepted, sentencing
6 has occurred in the case, the case has been dismissed, or until
7 further order of the court dismissing the protective order. In
8 conjunction with any protective order or restraining order
9 authorized by this section, the court may order the defendant to use
10 an active, real-time, twenty-four-hour Global Positioning System
11 (GPS) monitoring device for such term as the court deems
12 appropriate. The court may authorize the victim to monitor the
13 location of the defendant. Before the court orders the use of a GPS
14 device, the court shall find that the defendant has a history that
15 demonstrates an intent to commit violence against the victim,
16 including, but not limited to, prior conviction for an offense under
17 the Protection from Domestic Abuse Act or any other violent offense,
18 or any other evidence that shows by a preponderance of the evidence
19 that the defendant is likely to commit violence against the victim.
20 The court may further order the defendant to pay costs and expenses
21 related to the GPS device and monitoring.

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