

ESB 2022

THE HOUSE OF REPRESENTATIVES
Thursday, April 8, 2010

ENGROSSED
Senate Bill No. 2022
As Amended

ENGROSSED SENATE BILL NO. 2022 - By: LEFTWICH AND JOHNSON
(CONSTANCE) of the Senate and TIBBS of the House.

[criminal procedure - Protection from Domestic Abuse Act -
effective date]

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

1 SECTION 1. AMENDATORY Section 4, Chapter 516, O.S.L. 2004, as amended
2 by Section 2, Chapter 114, O.S.L. 2008 (22 O.S. Supp. 2009, Section 60.17), is amended to
3 read as follows:
4 Section 60.17 The court shall consider the safety of any and all alleged victims of
5 domestic violence, stalking, harassment, sexual assault, or forcible sodomy where the
6 defendant is alleged to have violated a protective order, committed domestic assault and
7 battery, stalked, sexually assaulted, or forcibly sodomized the alleged victim or victims
8 prior to the release of the alleged defendant from custody on bond. The court, after
9 consideration and to ensure the safety of the alleged victim or victims, may issue an
10 emergency protective order pursuant to the Protection from Domestic Abuse Act. The
11 court may also issue to the alleged victim or victims, an order restraining the alleged

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04-07-10 - DO PASS, As
18 Amended.