

SB 2022

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THE STATE SENATE
Monday, February 22, 2010

Senate Bill No. 2022
As Amended

SENATE BILL NO. 2022 - By: Leftwich of the Senate and Tibbs of the House.

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

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

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

Section 60.17 The court shall consider the safety of any and all alleged victims of domestic violence, stalking, harassment, sexual assault, or forcible sodomy where the defendant is alleged to have violated a protective order, committed domestic assault and battery, stalked, sexually assaulted, or forcibly sodomized the alleged victim or victims prior to the release of the alleged 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 Abuse Act. The court may also issue to the alleged victim or

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-16-10 - DO
23 PASS, As Amended and Coauthored.