

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2146

By: Jolley

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2001, Section 60.3, as amended by Section 3,
9 Chapter 407, O.S.L. 2003 (22 O.S. Supp. 2009, Section
10 60.3), which relates to emergency ex parte orders;
11 clarifying language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2001, Section 60.3, as
14 amended by Section 3, Chapter 407, O.S.L. 2003 (22 O.S. Supp. 2009,
15 Section 60.3), is amended to read as follows:

16 Section 60.3. A. If a plaintiff requests an emergency ex parte
17 order pursuant to Section 60.2 of this title, the court shall hold
18 an ex parte hearing on the same day the petition is filed, if the
19 court finds sufficient grounds within the scope of the Protection
20 from Domestic Abuse Act stated in the petition to hold such a
21 hearing. The court may, for good cause shown at the hearing, issue
22 any emergency ex parte order that it finds necessary to protect the
23 victim from immediate and present danger of domestic abuse,
24 stalking, or harassment. The emergency ex parte order shall be in

1 effect until after the full hearing is conducted.—~~Provided~~ i
2 provided, if the defendant, after having been served, does not
3 appear at the hearing, the emergency ex parte order shall remain in
4 effect until the defendant is served with the permanent order. If
5 the terms of the permanent order are the same as those in the
6 emergency order, or are less restrictive, then it is not necessary
7 to serve the defendant with the permanent order. The Administrative
8 Office of the Courts shall develop a standard form for emergency ex
9 parte protective orders.

10 B. An emergency ex parte protective order authorized by this
11 section shall include the name, sex, race, date of birth of the
12 defendant, and the dates of issue and expiration of the protective
13 order.

14 C. If a plaintiff requests an emergency temporary ex parte
15 order of protection as provided by Section 40.3 of this title, the
16 judge who is notified of the request by a peace officer may issue
17 such order verbally to the officer or in writing when there is
18 reasonable cause to believe that the order is necessary to protect
19 the victim from immediate and present danger of domestic abuse.
20 When the order is issued verbally the judge shall direct the officer
21 to complete and sign a statement attesting to the order. The
22 emergency temporary ex parte order shall be in effect until the
23 close of business on the next day the court is open for business
24 after the order is issued.

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

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