

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 788

By: Nichols

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments;
8 criminalizing pattern of domestic abuse; setting
9 penalty; defining term; establishing Domestic
10 Violence Victims Services Revolving Fund; authorizing
11 certain expenditures from fund; providing for
12 codification; providing an effective date; and
13 declaring an emergency.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 644.1 of Title 21, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Any person who commits domestic abuse, as defined by
19 subsection C of Section 644 of Title 21 of the Oklahoma Statutes,
20 and has a prior pattern of physical abuse shall be guilty of a
21 felony, upon conviction, punishable by imprisonment in the custody
22 of the Department of Corrections for a term of not more than ten
23 (10) years. In addition, the violator, upon conviction, shall be
24 assessed a sum not to exceed Ten Thousand Dollars (\$10,000.00) to be

1 deposited into the Domestic Violence Victims Services Revolving Fund
2 upon collection.

3 B. For purposes of this section, "prior pattern of physical
4 abuse" means two or more separate incidences of assault and battery
5 or domestic abuse committed by the defendant against a current or
6 former spouse, a present spouse of a former spouse, parents, a
7 foster parent, a child, a person otherwise related by blood or
8 marriage, a person with whom the defendant is in a dating
9 relationship, an individual with whom the defendant has had a child,
10 a person who formerly lived in the same household as the defendant,
11 a person living in the same household as the defendant, a current
12 intimate partner or former intimate partner, or any combination of
13 such persons, where proof is established by the sworn testimony of a
14 third-party who was a witness to the alleged physical abuse or by
15 other admissible evidence that is independent of the testimony of
16 the victim.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 18p of Title 74, unless there is
19 created a duplication in numbering, reads as follows:

20 There is hereby created in the State Treasurer a revolving fund
21 for the Office of the Attorney General to be designated the
22 "Domestic Violence Victims Services Revolving Fund". The fund shall
23 be a continuing fund, not subject to fiscal year limitations, and
24 shall consist of all court assessments collected pursuant to Section

1 1 of this act. All monies accruing to the credit of the fund are
2 hereby appropriated and may be budgeted and expended by the Office
3 of the Attorney General for domestic violence victim services.
4 Expenditures from the fund shall be made upon warrants issued by the
5 State Treasurer against claims filed as prescribed by law with the
6 Director of State Finance for approval and payment.

7 SECTION 3. This act shall become effective July 1, 2009.

8 SECTION 4. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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