

1 issued by the court shall be served upon the defendant in the same
2 manner as a bench warrant. In addition, if the service is to be in
3 another county, the court clerk may issue service to the sheriff by
4 facsimile or other electronic transmission for service by the
5 sheriff. Any fee for service of a petition for protective order,
6 notice of hearing, and emergency ex parte order shall only be
7 charged pursuant to subsection C of Section 60.2 of this title and,
8 if charged, shall be the same as the sheriff's service fee plus
9 mileage expenses.

10 2. Emergency ex parte orders shall be given priority for
11 service and can be served twenty-four (24) hours a day when the
12 location of the defendant is known. When service cannot be made
13 upon the defendant by the sheriff, the sheriff may contact another
14 law enforcement officer or a private investigator or private process
15 server to serve the defendant.

16 3. An emergency ex parte order, a petition for protective
17 order, and a notice of hearing shall have statewide validity and may
18 be transferred to any law enforcement jurisdiction to effect service
19 upon the defendant.

20 4. The return of service shall be submitted to the sheriff's
21 office in the court where the petition, notice of hearing or order
22 was issued.

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1 5. When the defendant is a minor child who is ordered removed
2 from the residence of the victim, in addition to those documents
3 served upon the defendant, a copy of the petition, notice of hearing
4 and a copy of any ex parte order issued by the court shall be
5 delivered with the child to the caretaker of the place where such
6 child is taken pursuant to Section 2-2-101 of Title 10A of the
7 Oklahoma Statutes.

8 B. 1. Within twenty (20) days of the filing of the petition
9 for a protective order, the court shall schedule a full hearing on
10 the petition, if the court finds sufficient grounds within the scope
11 of the Protection from Domestic Abuse Act stated in the petition to
12 hold such a hearing, regardless of whether an emergency ex parte
13 order has been previously issued, requested or denied. Provided,
14 however, when the defendant is a minor child who has been removed
15 from the residence pursuant to Section 2-2-101 of Title 10A of the
16 Oklahoma Statutes, the court shall schedule a full hearing on the
17 petition within seventy-two (72) hours, regardless of whether an
18 emergency ex parte order has been previously issued, requested or
19 denied.

20 2. The court may schedule a full hearing on the petition for a
21 protective order within seventy-two (72) hours when the court issues
22 an emergency ex parte order suspending child visitation rights due
23 to physical violence or threat of abuse.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 3. If service has not been made on the defendant at the time of
2 the hearing, the court shall, at the request of the petitioner,
3 issue a new emergency order reflecting a new hearing date and direct
4 service to issue.

5 4. A petition for a protective order shall, upon the request of
6 the petitioner, renew every twenty (20) days with a new hearing date
7 assigned until the defendant is served. A petition for a protective
8 order shall not expire unless the petitioner fails to appear at the
9 hearing or fails to request a new order. A petitioner may move to
10 dismiss the petition and emergency or final order at any time,
11 however, a protective order must be dismissed by court order.

12 5. Failure to serve the defendant shall not be grounds for
13 dismissal of a petition or an ex parte order unless the victim
14 requests dismissal or fails to appear for the hearing thereon.

15 C. 1. At the hearing, the court may impose any terms and
16 conditions in the protective order that the court reasonably
17 believes are necessary to bring about the cessation of domestic
18 abuse against the victim or stalking or harassment of the victim or
19 the immediate family of the victim and may order the defendant to
20 obtain domestic abuse counseling or treatment in a program certified
21 by the Attorney General at the expense of the defendant pursuant to
22 Section 644 of Title 21 of the Oklahoma Statutes.

1 2. If the court grants a protective order and the defendant is
2 a minor child, the court shall order a preliminary inquiry in a
3 juvenile proceeding to determine whether further court action
4 pursuant to the Oklahoma Juvenile Code should be taken against a
5 juvenile defendant.

6 D. Final protective orders authorized by this section shall be
7 on a standard form developed by the Administrative Office of the
8 Courts.

9 E. 1. After notice and hearing, protective orders authorized
10 by this section may require the plaintiff or the defendant or both
11 to undergo treatment or participate in the court-approved counseling
12 services necessary to bring about cessation of domestic abuse
13 against the victim pursuant to Section 644 of Title 21 of the
14 Oklahoma Statutes.

15 2. Either party or both may be required to pay all or any part
16 of the cost of such treatment or counseling services. The court
17 shall not be responsible for such cost.

18 F. When necessary to protect the victim and when authorized by
19 the court, protective orders granted pursuant to the provisions of
20 this section may be served upon the defendant by a peace officer,
21 sheriff, constable, or policeman or other officer whose duty it is
22 to preserve the peace, as defined by Section 99 of Title 21 of the
23 Oklahoma Statutes.

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1 G. 1. Any protective order issued on or after November 1, ~~1999~~
2 2012, pursuant to subsection C of this section shall be:

3 a. for a fixed period not to exceed a period of ~~three (3)~~
4 five (5) years unless extended, modified, vacated or
5 rescinded upon motion by either party or if the court
6 approves any consent agreement entered into by the
7 plaintiff and defendant; provided, if the defendant is
8 incarcerated, the protective order shall remain in
9 full force and effect during the period of
10 incarceration. The period of incarceration, in any
11 jurisdiction, shall not be included in the calculation
12 of the ~~three-year~~ five-year time limitation, or

13 b. continuous upon a specific finding by the court
14 that:

15 (1) the person has a history of domestic violence or
16 a history of other violent acts,

17 (2) the person has a history of violating the orders
18 of any court or governmental entity,

19 (3) the person has previously been arrested for a
20 violent felony offense,

21 (4) the person has previously been convicted of a
22 violent felony offense,

- 1 (5) the person has a previous felony conviction for
2 stalking as provided in Section 1173 of Title 21
3 of the Oklahoma Statutes,
4 (6) the person has access to deadly weapons or has a
5 history of using deadly weapons, or
6 (7) a court order for a final Victim Protection Order
7 has previously been issued against the person in
8 this state or from another state.

9 The protective order shall remain in effect until modified, vacated
10 or rescinded upon motion by either party or if the court approves
11 any consent agreement entered into by the plaintiff and defendant.
12 If the defendant is incarcerated, the protective order shall remain
13 in full force and effect during the period of incarceration.

14 2. The court shall notify the parties at the time of the
15 issuance of the protective order of the duration of the protective
16 order.

17 3. Upon the filing of a motion by either party to modify,
18 extend, or vacate a protective order, a hearing shall be scheduled
19 and notice given to the parties. At the hearing, the issuing court
20 may take such action as is necessary under the circumstances.

21 4. If a child has been removed from the residence of a parent
22 or custodial adult because of domestic abuse committed by the child,
23 the parent or custodial adult may refuse the return of such child to
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1 the residence unless, upon further consideration by the court in a
2 juvenile proceeding, it is determined that the child is no longer a
3 threat and should be allowed to return to the residence.

4 H. 1. It shall be unlawful for any person to knowingly and
5 willfully seek a protective order against a spouse or ex-spouse
6 pursuant to the Protection from Domestic Abuse Act for purposes of
7 harassment, undue advantage, intimidation, or limitation of child
8 visitation rights in any divorce proceeding or separation action
9 without justifiable cause.

10 2. The violator shall, upon conviction thereof, be guilty of a
11 misdemeanor punishable by imprisonment in the county jail for a
12 period not exceeding one (1) year or by a fine not to exceed Five
13 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

14 3. A second or subsequent conviction under this subsection
15 shall be a felony punishable by imprisonment in the custody of the
16 Department of Corrections for a period not to exceed two (2) years,
17 or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by
18 both such fine and imprisonment.

19 I. 1. A protective order issued under the Protection from
20 Domestic Abuse Act shall not in any manner affect title to real
21 property, purport to grant to the parties a divorce or otherwise
22 purport to determine the issues between the parties as to child
23 custody, visitation or visitation schedules, child support or

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1 division of property or any other like relief obtainable pursuant to
2 Title 43 of the Oklahoma Statutes, except child visitation orders
3 may be temporarily suspended or modified to protect from threats of
4 abuse or physical violence by the defendant or a threat to violate a
5 custody order. Orders not affecting title may be entered for good
6 cause found to protect an animal owned by either of the parties or
7 any child living in the household.

8 2. When granting any protective order for the protection of a
9 minor child from violence or threats of abuse, the court shall allow
10 visitation only under conditions that provide adequate supervision
11 and protection to the child while maintaining the integrity of a
12 divorce decree or temporary order.

13 J. 1. A court shall not issue any mutual protective orders.

14 2. If both parties allege domestic abuse by the other party,
15 the parties shall do so by separate petitions. The court shall
16 review each petition separately in an individual or a consolidated
17 hearing and grant or deny each petition on its individual merits.
18 If the court finds cause to grant both motions, the court shall do
19 so by separate orders and with specific findings justifying the
20 issuance of each order.

21 3. The court may only consolidate a hearing if:

22 a. the court makes specific findings that:
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1 (1) sufficient evidence exists of domestic abuse,
2 stalking, harassment or rape against each party,
3 and

4 (2) each party acted primarily as aggressors, and

5 b. the defendant filed a petition with the court for a
6 protective order no less than three (3) days, not
7 including weekends or holidays, prior to the first
8 scheduled full hearing on the petition filed by the
9 plaintiff, and

10 c. the defendant had no less than forty-eight (48) hours'
11 notice prior to the full hearing on the petition filed
12 by the plaintiff.

13 K. The court may allow a plaintiff or victim to be accompanied
14 by a victim support person at court proceedings. A victim support
15 person shall not make legal arguments; however, a victim support
16 person who is not a licensed attorney may offer the plaintiff or
17 victim comfort or support and may remain in close proximity to the
18 plaintiff or victim.

19 SECTION 2. AMENDATORY 22 O.S. 2011, Section 60.11, is
20 amended to read as follows:

21 Section 60.11 In addition to any other provisions required by
22 the Protection from Domestic Abuse Act, or otherwise required by
23 law, each ex parte or final protective order issued pursuant to the

1 Protection from Domestic Abuse Act shall have a statement printed in
2 bold-faced type or in capital letters containing the following
3 information:

4 1. The filing or nonfiling of criminal charges and the
5 prosecution of the case shall not be determined by a person who is
6 protected by the protective order, but shall be determined by the
7 prosecutor;

8 2. No person, including a person who is protected by the order,
9 may give permission to anyone to ignore or violate any provision of
10 the order. During the time in which the order is valid, every
11 provision of the order shall be in full force and effect unless a
12 court changes the order;

13 3. The order ~~will~~ shall be in effect for ~~three (3)~~ a fixed
14 period of five (5) years unless extended, modified, vacated or
15 rescinded by the court or shall be continuous unless modified,
16 vacated or rescinded by the court;

17 4. A violation of the order is punishable by a fine of up to
18 One Thousand Dollars (\$1,000.00) or imprisonment for up to one (1)
19 year in the county jail, or by both such fine and imprisonment. A
20 violation of the order which causes injury is punishable by
21 imprisonment for twenty (20) days to one (1) year in the county jail
22 or a fine of up to Five Thousand Dollars (\$5,000.00), or by both
23 such fine and imprisonment; and

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1 5. Possession of a firearm or ammunition by a defendant while
2 an order is in effect may subject the defendant to prosecution for a
3 violation of federal law even if the order does not specifically
4 prohibit the defendant from possession of a firearm or ammunition.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 60.20 of Title 22, unless there
7 is created a duplication in numbering, reads as follows:

8 A. Upon the issuance of a valid, final protective order, the
9 plaintiff or person acting on behalf of a family or household member
10 named in the protective order may apply to the Office of the
11 Attorney General for a portable, laminated protective order
12 identification card.

13 B. The Attorney General shall approve an application if the
14 application is filed in the manner and on the form prescribed by the
15 Attorney General. The Attorney General shall not issue a protective
16 order identification card for emergency temporary ex parte orders of
17 protection.

18 C. The Office of the Attorney General shall adopt and
19 promulgate rules and procedures to implement the provisions of this
20 section.

21 SECTION 4. This act shall become effective November 1, 2012.

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/14/2012 - DO
24 PASS, As Coauthored.