

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2970

By: Coody

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6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 60.17, which relates to the
9 Protection from Domestic Abuse Act; providing for the
10 relinquishment of firearms and ammunition upon
11 certain finding by the court; providing procedures
12 for retrieving and inventorying firearms and
13 ammunition; requiring annual review of court order;
14 authorizing assistance by municipal police
15 departments when retrieving firearms and ammunition;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 22 O.S. 2011, Section 60.17, is
19 amended to read as follows:

20 Section 60.17 The court shall consider the safety of any and
21 all alleged victims of domestic violence, stalking, harassment,
22 sexual assault, or forcible sodomy where the defendant is alleged to
23 have violated a protective order, committed domestic assault and
24 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

1 emergency protective order pursuant to the Protection from Domestic
2 Abuse Act. The court may also issue to the alleged victim or
3 victims, an order restraining the alleged defendant from any
4 activity or action from which they may be restrained under the
5 Protection from Domestic Abuse Act. The protective order shall
6 remain in effect until either a plea has been accepted, sentencing
7 has occurred in the case, the case has been dismissed, or until
8 further order of the court dismissing the protective order. In
9 conjunction with any protective order or restraining order
10 authorized by this section, the court may order ~~the~~ the:

11 1. The defendant to use an active, real-time, twenty-four-hour
12 Global Positioning System (GPS) monitoring device for such term as
13 the court deems appropriate. Upon application of the victim, the
14 court may authorize the victim to monitor the location of the
15 defendant. Such monitoring by the victim shall be limited to the
16 ability of the victim to make computer or cellular inquiries to
17 determine if the defendant is within a specified distance of
18 locations, excluding the residence or workplace of the defendant, or
19 to receive a computer- or a cellular-generated signal if the
20 defendant comes within a specified distance of the victim. The
21 court shall conduct an annual review of the monitoring order to
22 determine if such order to monitor the location of the defendant is
23 still necessary. Before the court orders the use of a GPS device,
24 the court shall find that the defendant has a history that

1 demonstrates an intent to commit violence against the victim,
2 including, but not limited to, prior conviction for an offense under
3 the Protection from Domestic Abuse Act or any other violent offense,
4 or any other evidence that shows by a preponderance of the evidence
5 that the defendant is likely to commit violence against the victim.
6 The court may further order the defendant to pay costs and expenses
7 related to the GPS device and monitoring; or

8 2. The defendant to relinquish all firearms and ammunition
9 owned or under his or her control to the county sheriff or designee
10 for safekeeping during such term as the court deems appropriate.
11 Before the court orders relinquishment of the firearms and
12 ammunition of the defendant, the court shall find that the defendant
13 has a history that demonstrates an intent to commit violence against
14 the victim including, but not limited to, prior conviction for an
15 offense under the Protection from Domestic Abuse Act, any other
16 violent offense or any other evidence that shows by a preponderance
17 of the evidence that the defendant is likely to commit violence
18 against the victim. The court may further order the defendant to
19 pay costs and expenses related to the storage and safekeeping of the
20 firearms and ammunition of the defendant by the county sheriff or
21 designee. To ensure compliance with the order of the court, the
22 court shall authorize the county sheriff or designee to accompany
23 the defendant to his or her place of residence, business, vehicle
24 and any other place the court finds appropriate to conduct an

1 inventory and retrieval of firearms and ammunition owned or under
2 the control of the defendant. The court shall conduct an annual
3 review of the order to relinquish firearms and ammunition to
4 determine if such order is still necessary. Municipal police
5 departments are authorized to assist the county sheriff with the
6 retrieval, inventory and safekeeping of firearms and ammunition
7 within the jurisdictional limits of the municipality.

8 SECTION 2. This act shall become effective November 1, 2014.

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10 54-2-8700 GRS 01/02/14

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