

1 ENGROSSED HOUSE
2 BILL NO. 1351

By: Rousselot and Kannady of
the House

3 and

4 David of the Senate
5
6
7

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 644.1, as amended by Section 2,
10 Chapter 71, O.S.L. 2014 (21 O.S. Supp. 2015, Section
11 644.1), which relates to domestic abuse; modifying
12 certain evidentiary requirement; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 644.1, as
16 amended by Section 2, Chapter 71, O.S.L. 2014 (21 O.S. Supp. 2015,
17 Section 644.1), is amended to read as follows:

18 Section 644.1 A. Any person who commits domestic abuse, as
19 defined by subsection C of Section 644 of this title, and has a
20 prior pattern of physical abuse shall be guilty of a felony, upon
21 conviction, punishable by imprisonment in the custody of the
22 Department of Corrections for a term of not more than ten (10) years
23 or by a fine not exceeding Five Thousand Dollars (\$5,000.00) or by
24 both such fine and imprisonment.

1 B. For purposes of this section, "prior pattern of physical
2 abuse" means three or more separate ~~incidences~~ incidents, including
3 the current incident, occurring on different days, where all
4 ~~incidences~~ incidents occurred within the previous twelve-month
5 period, and each incident relates to an act constituting assault and
6 battery or domestic abuse committed by the defendant against a
7 current or former spouse, a present spouse of a former spouse,
8 parents, a foster parent, a child, a person otherwise related by
9 blood or marriage, a person with whom the defendant is in a dating
10 relationship, an individual with whom the defendant has had a child,
11 a person who formerly lived in the same household as the defendant,
12 a person living in the same household as the defendant, a current
13 intimate partner or former intimate partner, or any combination of
14 such persons, where proof of each incident prior to the present
15 incident is established by the sworn testimony of a third party who
16 was a witness to the alleged physical abuse ~~or~~, by other admissible
17 direct evidence that is independent of the testimony of the victim
18 or by circumstantial evidence that is corroborated by sworn
19 testimony of any witness to the alleged physical abuse.

20 SECTION 2. This act shall become effective November 1, 2016.
21
22
23
24

1 Passed the House of Representatives the 7th day of March, 2016.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

6
7
8 _____
9 Presiding Officer of the Senate