

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1166

By: Stone

AS INTRODUCED

An Act relating to criminal procedure; creating Sandy's Law; amending 22 O.S. 2011, Sections 40, 40.2 and 40.3, which relate to victim protection orders; defining term; authorizing victim protection orders for witnesses of domestic violence; authorizing emergency temporary orders of protection for witnesses of domestic violence; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as "Sandy's Law".

SECTION 2. AMENDATORY 22 O.S. 2011, Section 40, is amended to read as follows:

Section 40. As used in Sections 40 through 40.3 of this title:

1. "Rape" means an act of sexual intercourse accomplished with a person pursuant to Sections 1111, 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; ~~and~~

2. "Forcible sodomy" means the act of forcing another person to engage in the detestable and abominable crime against nature

1 pursuant to Sections 886 and 887 of Title 21 of the Oklahoma  
2 Statutes that is punishable under Section 888 of Title 21 of the  
3 Oklahoma Statutes; and

4 3. "Witness of domestic violence" means a person who reported  
5 or was a witness to domestic violence and who, as a result, has been  
6 abused, threatened, harassed or who has been the subject of other  
7 actions intended to intimidate the person.

8 SECTION 3. AMENDATORY 22 O.S. 2011, Section 40.2, is  
9 amended to read as follows:

10 Section 40.2 A. A victim protection order for any victim of  
11 rape ~~or~~, forcible sodomy or witness of domestic violence shall be  
12 substantially similar to a protective order in domestic abuse cases  
13 pursuant to ~~Section 60 et seq. of this title~~ the Protection from  
14 Domestic Abuse Act.

15 B. No peace officer shall discourage a victim of rape or  
16 forcible sodomy from pressing charges against any assailant of the  
17 victim.

18 SECTION 4. AMENDATORY 22 O.S. 2011, Section 40.3, is  
19 amended to read as follows:

20 Section 40.3 A. When the court is not open for business, the  
21 victim of domestic violence, stalking, harassment, rape or forcible  
22 sodomy or witness of domestic violence may request a petition for an  
23 emergency temporary order of protection. The peace officer making  
24 the preliminary investigation shall:

1           1. Provide the victim or witness with a petition for an  
2 emergency temporary order of protection and, if necessary, assist  
3 the victim or witness in completing the petition form. The petition  
4 shall be in substantially the same form as provided by Section 60.2  
5 of this title for a petition for protective order in domestic abuse  
6 cases;

7           2. Immediately notify, by telephone or otherwise, a judge of  
8 the district court of the request for an emergency temporary order  
9 of protection and describe the circumstances. The judge shall  
10 inform the peace officer of the decision to approve or disapprove  
11 the emergency temporary order;

12           3. Inform the victim or witness whether the judge has approved  
13 or disapproved the emergency temporary order. If an emergency  
14 temporary order has been approved, the officer shall provide the  
15 victim or witness, or a responsible adult if the victim is a minor  
16 child or an incompetent person, with a copy of the petition and a  
17 written statement signed by the officer attesting that the judge has  
18 approved the emergency temporary order of protection; and

19           4. Notify the person subject to the emergency temporary  
20 protection order of the issuance and conditions of the order if  
21 known. Notification pursuant to this paragraph may be made  
22 personally by the officer upon arrest, or upon identification of the  
23 assailant notice shall be given by any law enforcement officer. A  
24

1 copy of the petition and the statement of the officer attesting to  
2 the order of the judge shall be made available to the person.

3 B. The forms utilized by law enforcement agencies in carrying  
4 out the provisions of this section may be substantially similar to  
5 those used under Section 60.2 of this title.

6 SECTION 5. This act shall become effective November 1, 2015.

7

8 55-1-6219 GRS 01/05/15

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24