

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2363

By: Roussetot

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6 AS INTRODUCED

7 An Act relating to protective orders; amending 22
8 O.S. 2011, Section 60.3, which relates to the
9 Protection from Domestic Abuse Act; providing for the
inclusion of children when issuing emergency ex parte
orders of protection; and providing an effective
date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2011, Section 60.3, is
14 amended to read as follows:

15 Section 60.3 A. If a plaintiff requests an emergency ex parte
16 order pursuant to Section 60.2 of this title, the court shall hold
17 an ex parte hearing on the same day the petition is filed, if the
18 court finds sufficient grounds within the scope of the Protection
19 from Domestic Abuse Act stated in the petition to hold such a
20 hearing. The court may, for good cause shown at the hearing, issue
21 any emergency ex parte order that it finds necessary to protect the
22 victim and any child of the victim from immediate and present danger
23 of domestic abuse, stalking, or harassment. The emergency ex parte
24 order shall be in effect until after the full hearing is conducted.

1 Provided, if the defendant, after having been served, does not
2 appear at the hearing, the emergency ex parte order shall remain in
3 effect until the defendant is served with the permanent order. If
4 the terms of the permanent order are the same as those in the
5 emergency order, or are less restrictive, then it is not necessary
6 to serve the defendant with the permanent order. The Administrative
7 Office of the Courts shall develop a standard form for emergency ex
8 parte protective orders.

9 B. An emergency ex parte protective order authorized by this
10 section shall include the name, sex, race, date of birth of the
11 defendant, and the dates of issue and expiration of the protective
12 order.

13 C. If a plaintiff requests an emergency temporary ex parte
14 order of protection as provided by Section 40.3 of this title, the
15 judge who is notified of the request by a peace officer may issue
16 such order verbally to the officer or in writing when there is
17 reasonable cause to believe that the order is necessary to protect
18 the victim and any child of the victim from immediate and present
19 danger of domestic abuse. When the order is issued verbally the
20 judge shall direct the officer to complete and sign a statement
21 attesting to the order. The emergency temporary ex parte order
22 shall be in effect until the close of business on the next day the
23 court is open for business after the order is issued.
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1 SECTION 2. This act shall become effective November 1, 2016.

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