

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1491

By: Marlatt

AS INTRODUCED

An Act relating to domestic violence; amending 21 O.S. 2011, Section 644.1, as amended by Section 2, Chapter 71, O.S.L. 2014 (21 O.S. Supp. 2015, Section 644.1), which relates to domestic abuse; modifying definition; and providing an effective date.

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

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

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

B. For purposes of this section, "prior pattern of physical abuse" means ~~three~~ two or more separate incidences, including the

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

16 SECTION 2. This act shall become effective November 1, 2016.

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