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February 19, 2018

By: Bice

An Act relating to the Protection from Domestic Abuse Act; amending 22 O.S. 2011, Section 60.1, which relates to definitions; adding certain persons to definition of family or household member; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 60.1, is amended to read as follows:

Section 60.1. As used in the Protection from Domestic Abuse Act and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7 of this title and Section 150.12B of Title 74 of the Oklahoma Statutes:

1. "Domestic abuse" means any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who are family or household members or who are or were in a dating relationship;

1 2. "Stalking" means the willful, malicious, and repeated
2 following or harassment of a person by an adult, emancipated minor,
3 or minor thirteen (13) years of age or older, in a manner that would
4 cause a reasonable person to feel frightened, intimidated,
5 threatened, harassed, or molested and actually causes the person
6 being followed or harassed to feel terrorized, frightened,
7 intimidated, threatened, harassed or molested. Stalking also means
8 a course of conduct composed of a series of two or more separate
9 acts over a period of time, however short, evidencing a continuity
10 of purpose or unconsented contact with a person that is initiated or
11 continued without the consent of the individual or in disregard of
12 the expressed desire of the individual that the contact be avoided
13 or discontinued. Unconsented contact or course of conduct includes,
14 but is not limited to:

- 15 a. following or appearing within the sight of that
16 individual,
- 17 b. approaching or confronting that individual in a public
18 place or on private property,
- 19 c. appearing at the workplace or residence of that
20 individual,
- 21 d. entering onto or remaining on property owned, leased,
22 or occupied by that individual,
- 23 e. contacting that individual by telephone,

1 f. sending mail or electronic communications to that
2 individual, or

3 g. placing an object on, or delivering an object to,
4 property owned, leased or occupied by that individual;

5 3. "Harassment" means a knowing and willful course or pattern
6 of conduct by a family or household member or an individual who is
7 or has been involved in a dating relationship with the person,
8 directed at a specific person which seriously alarms or annoys the
9 person, and which serves no legitimate purpose. The course of
10 conduct must be such as would cause a reasonable person to suffer
11 substantial emotional distress, and must actually cause substantial
12 distress to the person. "Harassment" shall include, but not be
13 limited to, harassing or obscene telephone calls in violation of
14 Section 1172 of Title 21 of the Oklahoma Statutes and fear of death
15 or bodily injury;

16 4. "Family or household members" means:

17 a. spouses,

18 b. ex-spouses,

19 c. present spouses of ex-spouses,

20 d. parents, including grandparents, stepparents, adoptive
21 parents and foster parents, and biological parents
22 whose parental rights have been terminated,

23 e. children, including grandchildren, stepchildren,
24 adopted children and foster children,

- 1 f. persons otherwise related by blood or marriage,
2 g. persons living in the same household or who formerly
3 lived in the same household, and
4 h. persons who are the biological parents of the same
5 child, regardless of their marital status, or whether
6 they have lived together at any time. This shall
7 include the elderly and handicapped;

8 5. "Dating relationship" means a courtship or engagement
9 relationship. For purposes of this act, a casual acquaintance or
10 ordinary fraternization between persons in a business or social
11 context shall not constitute a dating relationship;

12 6. "Foreign protective order" means any valid order of
13 protection issued by a court of another state or a tribal court;

14 7. "Rape" means rape and rape by instrumentation in violation
15 of Sections 1111 and 1111.1 of Title 21 of the Oklahoma Statutes;

16 8. "Victim support person" means a person affiliated with a
17 certified domestic violence or sexual assault program, certified by
18 the Attorney General or certified by a recognized Native American
19 Tribe if operating mainly within tribal lands, who provides support
20 and assistance for a person who files a petition under the
21 Protection from Domestic Violence Act; and

22 9. "Mutual protective order" means a final protective order or
23 orders issued to both a plaintiff who has filed a petition for a
24 protective order and a defendant included as the defendant in the

1 plaintiff's petition restraining the parties from committing
2 domestic violence, stalking, harassment or rape against each other.
3 If both parties allege domestic abuse, violence, stalking,
4 harassment or rape against each other, the parties shall do so by
5 separate petition pursuant to Section 60.4 of this title.

6 SECTION 2. This act shall become effective November 1, 2018.

7 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
8 February 19, 2018 - DO PASS
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