

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 4374

By: Ford of the House  
and  
Weaver of the Senate

An Act relating to criminal procedure; amending 22  
O.S. 2021, Section 60.1, which relates to the  
Protection from Domestic Abuse Act; expanding scope  
of certain definition; adding definition; and  
declaring an emergency.

AMENDMENT NO. 1. Page 1, line 12 1/2, insert a new Section 1 to  
read

"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 the "Stephen Bernius  
Memorial Act".

and amend the title to conform  
and renumber subsequent sections

1 Passed the Senate the 20th day of April, 2022.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2022.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 4374

By: Ford of the House

3 and

4 Weaver of the Senate  
5  
6

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2021, Section 60.1, which relates to the  
9 Protection from Domestic Abuse Act; expanding scope  
10 of certain definition; adding definition; and  
11 declaring an emergency.

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

13 SECTION 1. AMENDATORY 22 O.S. 2021, Section 60.1, is  
14 amended to read as follows:

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

19 1. "Dating relationship" means intimate association, primarily  
20 characterized by affectionate or sexual involvement. For purposes  
21 of this act, a casual acquaintance or ordinary fraternization  
22 between persons in a business or social context shall not constitute  
23 a dating relationship;  
24

1        2. "Domestic abuse" means any act of physical harm or the  
2 threat of imminent physical harm which is committed by an adult,  
3 emancipated minor, or minor child thirteen (13) years of age or  
4 older against another adult, emancipated minor or minor child who is  
5 currently or was previously an intimate partner or family or  
6 household member;

7        3. "Family or household members" means:

- 8            a. parents, including grandparents, stepparents, adoptive  
9                parents and foster parents,
- 10           b. children, including grandchildren, stepchildren,  
11                adopted children and foster children,
- 12           c. persons otherwise related by blood or marriage living  
13                in the same household, ~~and~~
- 14           d. persons otherwise related by blood or marriage, or
- 15           e. persons not related by blood or marriage living in the  
16                same household;

17        4. "Foreign protective order" means any valid order of  
18 protection issued by a court of another state or a tribal court;

19        5. "Harassment" means a knowing and willful course or pattern  
20 of conduct by a family or household member or an individual who is  
21 or has been involved in a dating relationship with the person,  
22 directed at a specific person which seriously alarms or annoys the  
23 person, and which serves no legitimate purpose. The course of  
24 conduct must be such as would cause a reasonable person to suffer

1 substantial emotional distress and must actually cause substantial  
2 distress to the person. "Harassment" shall include, but not be  
3 limited to, harassing or obscene telephone calls in violation of  
4 Section 1172 of Title 21 of the Oklahoma Statutes and fear of death  
5 or bodily injury;

6 6. "Intimate partner" means:

- 7 a. current or former spouses,
- 8 b. persons who are or were in a dating relationship,
- 9 c. persons who are the biological parents of the same  
10 child, regardless of their marital status or whether  
11 they have lived together at any time, and
- 12 d. persons who currently or formerly lived together in an  
13 intimate way, primarily characterized by affectionate  
14 or sexual involvement. A sexual relationship may be  
15 an indicator that a person is an intimate partner, but  
16 is never a necessary condition;

17 7. "Living in the same household" means:

- 18 a. persons who regularly reside in the same single-  
19 dwelling unit,
- 20 b. persons who resided in the same single-dwelling unit  
21 within the past year, or
- 22 c. persons who have individual lease agreements whereby  
23 each person has his or her own private bedroom and  
24 shares the common areas;

1        8. "Mutual protective order" means a final protective order or  
2 orders issued to both a plaintiff who has filed a petition for a  
3 protective order and a defendant included as the defendant in the  
4 plaintiff's petition restraining the parties from committing  
5 domestic violence, stalking, harassment or rape against each other.  
6 If both parties allege domestic abuse, violence, stalking,  
7 harassment or rape against each other, the parties shall do so by  
8 separate petition pursuant to Section 60.4 of this title;

9        ~~8.~~ 9. "Rape" means rape and rape by instrumentation in  
10 violation of Sections 1111 and 1111.1 of Title 21 of the Oklahoma  
11 Statutes;

12        ~~9.~~ 10. "Stalking" means the willful, malicious, and repeated  
13 following or harassment of a person by an adult, emancipated minor,  
14 or minor thirteen (13) years of age or older, in a manner that would  
15 cause a reasonable person to feel frightened, intimidated,  
16 threatened, harassed, or molested and actually causes the person  
17 being followed or harassed to feel terrorized, frightened,  
18 intimidated, threatened, harassed or molested. Stalking also means  
19 a course of conduct composed of a series of two or more separate  
20 acts over a period of time, however short, evidencing a continuity  
21 of purpose or unconsented contact with a person that is initiated or  
22 continued without the consent of the individual or in disregard of  
23 the expressed desire of the individual that the contact be avoided  
24

1 or discontinued. Unconsented contact or course of conduct includes,  
2 but is not limited to:

- 3 a. following or appearing within the sight of that  
4 individual,
- 5 b. approaching or confronting that individual in a public  
6 place or on private property,
- 7 c. appearing at the workplace or residence of that  
8 individual,
- 9 d. entering onto or remaining on property owned, leased  
10 or occupied by that individual,
- 11 e. contacting that individual by telephone,
- 12 f. sending mail or electronic communications to that  
13 individual, or
- 14 g. placing an object on, or delivering an object to,  
15 property owned, leased or occupied by that individual;  
16 and

17 ~~10.~~ 11. "Victim support person" means a person affiliated with  
18 a domestic violence, sexual assault or adult human sex trafficking  
19 program, certified by the Attorney General or operating under a  
20 tribal government, who provides support and assistance for a person  
21 who files a petition under the Protection from Domestic Abuse Act.

22 SECTION 2. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 Passed the House of Representatives the 9th day of March, 2022.

4  
5 \_\_\_\_\_  
6 Presiding Officer of the House  
7 of Representatives

8 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

9  
10 \_\_\_\_\_  
11 Presiding Officer of the Senate  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24