

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1713

By: Murdock

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5  
6 AS INTRODUCED

7 An Act relating to victim protective orders; amending  
8 22 O.S. 2021, Section 60.2, which relate to petition;  
9 modifying eligibility for filing petition for  
emergency protective order; 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. 2021, Section 60.2, is  
14 amended to read as follows:

15 Section 60.2. A. A victim of domestic abuse, a victim of  
16 stalking, a victim of harassment, a victim of rape, any adult or  
17 emancipated minor household member on behalf of any other family or  
18 household member who is a minor or incompetent, or any minor age  
19 sixteen (16) or seventeen (17) years may seek relief under the  
20 provisions of the Protection from Domestic Abuse Act.

21 1. The person seeking relief may file a petition for a  
22 protective order with the district court in the county in which the  
23 victim resides, the county in which the defendant resides, or the  
24 county in which the domestic violence occurred. If the person

1 seeking relief is a victim of stalking but is not a family or  
2 household member or an individual who is or has been in a dating  
3 relationship with the defendant, the person seeking relief must file  
4 a complaint against the defendant with the proper law enforcement  
5 agency before filing a petition for a protective order with the  
6 district court. The person seeking relief shall provide a copy of  
7 the complaint that was filed with the law enforcement agency at the  
8 full hearing if the complaint is not available from the law  
9 enforcement agency. Failure to provide a copy of the complaint  
10 filed with the law enforcement agency shall constitute a frivolous  
11 filing and the court may assess attorney fees and court costs  
12 against the plaintiff pursuant to paragraph 2 of subsection C of  
13 this section. The filing of a petition for a protective order shall  
14 not require jurisdiction or venue of the criminal offense if either  
15 the plaintiff or defendant resides in the county. If a petition has  
16 been filed in an action for divorce or separate maintenance and  
17 either party to the action files a petition for a protective order  
18 in the same county where the action for divorce or separate  
19 maintenance is filed, the petition for the protective order may be  
20 heard by the court hearing the divorce or separate maintenance  
21 action if:

- 22 a. there is no established protective order docket in  
23 such court, or

1           b.    the court finds that, in the interest of judicial  
2                   economy, both actions may be heard together; provided,  
3                   however, the petition for a protective order,  
4                   including, but not limited to, a petition in which  
5                   children are named as petitioners, shall remain a  
6                   separate action and a separate order shall be entered  
7                   in the protective order action. Protective orders may  
8                   be dismissed in favor of restraining orders in the  
9                   divorce or separate maintenance action if the court  
10                  specifically finds, upon hearing, that such dismissal  
11                  is in the best interests of the parties and does not  
12                  compromise the safety of any petitioner.

13            If the defendant is a minor child, the petition shall be filed  
14 with the court having jurisdiction over juvenile matters.

15            2.    When the abuse occurs when the court is not open for  
16 business, such person may request an emergency temporary order of  
17 protection as authorized by Section 40.3 of this title.

18            B.    The petition forms shall be provided by the clerk of the  
19 court. The Administrative Office of the Courts shall develop a  
20 standard form for the petition.

21            C.    1.   Except as otherwise provided by this section, no filing  
22 fee, service of process fee, attorney fees or any other fee or costs  
23 shall be charged the plaintiff or victim at any time for filing a  
24 petition for a protective order whether a protective order is

1 granted or not granted. The court may assess court costs, service  
2 of process fees, attorney fees, other fees and filing fees against  
3 the defendant at the hearing on the petition, if a protective order  
4 is granted against the defendant; provided, the court shall have  
5 authority to waive the costs and fees if the court finds that the  
6 party does not have the ability to pay the costs and fees.

7 2. If the court makes specific findings that a petition for a  
8 protective order has been filed frivolously and no victim exists,  
9 the court may assess attorney fees and court costs against the  
10 plaintiff.

11 D. The person seeking relief shall prepare the petition or, at  
12 the request of the plaintiff, the court clerk or the victim-witness  
13 coordinator, victim support person, and court case manager shall  
14 prepare or assist the plaintiff in preparing the petition.

15 E. The person seeking a protective order may further request  
16 the exclusive care, possession, or control of any animal owned,  
17 possessed, leased, kept, or held by either the petitioner, defendant  
18 or minor child residing in the residence of the petitioner or  
19 defendant. The court may order the defendant to make no contact  
20 with the animal and forbid the defendant from taking, transferring,  
21 encumbering, concealing, molesting, attacking, striking,  
22 threatening, harming, or otherwise disposing of the animal.

23 F. A court may not require the victim to seek legal sanctions  
24 against the defendant including, but not limited to, divorce,

1 separation, paternity or criminal proceedings prior to hearing a  
2 petition for protective order.

3 G. A victim of rape, forcible sodomy, a sex offense,  
4 kidnapping, assault and battery with a deadly weapon, child abuse,  
5 or member of the immediate family of a victim of first-degree  
6 murder, as such terms are defined in Section 40 of this title, may  
7 petition, or have a petition filed on the victim's behalf if the  
8 victim is a minor, for an emergency temporary order or emergency ex  
9 parte order regardless of any relationship or scenario pursuant to  
10 the provisions of this section. The Administrative Office of the  
11 Courts shall modify the petition forms as necessary to effectuate  
12 the provisions of this subsection.

13 SECTION 2. This act shall become effective November 1, 2022.

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