

1 **SENATE FLOOR VERSION**

2 February 15, 2024

3 SENATE BILL NO. 1722

By: Weaver

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5
6 An Act relating to the Protection from Domestic Abuse
7 Act; amending 22 O.S. 2021, Section 60.16, which
8 relates to duties of peace officers; requiring report
9 of domestic abuse by certain person; requiring
10 opening of investigation under certain circumstances;
11 and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2021, Section 60.16, is
14 amended to read as follows:

15 Section 60.16. A. A peace officer shall not discourage a
16 victim of domestic abuse from pressing charges against the assailant
17 of the victim.

18 B. 1. A peace officer may arrest without a warrant a person
19 anywhere, including a place of residence, if the peace officer has
20 probable cause to believe the person within the preceding seventy-
21 two (72) hours has committed an act of domestic abuse as defined by
22 Section 60.1 of this title, although the assault did not take place
23 in the presence of the peace officer. A peace officer may not
24 arrest a person pursuant to this section without first observing a

1 recent physical injury to, or an impairment of the physical
2 condition of, the alleged victim.

3 2. An arrest, when made pursuant to this section, shall be
4 based on an investigation by the peace officer of the circumstances
5 surrounding the incident, past history of violence between the
6 parties, statements of any children present in the residence, and
7 any other relevant factors. A determination by the peace officer
8 shall be made pursuant to the investigation as to which party is the
9 dominant aggressor in the situation. A peace officer may arrest the
10 dominant aggressor.

11 3. A peace officer who learns of domestic abuse committed by
12 another peace officer shall provide written notification of the
13 abuse to the supervising officer of the officer committing the abuse
14 as soon as is practicable. The supervising officer shall open an
15 investigation and assign an investigator.

16 C. When the court is not open for business, the victim of
17 domestic abuse may request a petition for an emergency temporary
18 order of protection. The peace officer making the preliminary
19 investigation shall:

20 1. Provide the victim with a petition for an emergency
21 temporary order of protection and, if necessary, assist the victim
22 in completing the petition form. The petition shall be in
23 substantially the same form as provided by Section 60.2 of this
24 title for a petition for protective order;

1 2. Immediately notify, by telephone or otherwise, a judge of
2 the district court of the request for an emergency temporary order
3 of protection and describe the circumstances. The judge shall
4 inform the peace officer of the decision to approve or disapprove
5 the emergency temporary order;

6 3. Inform the victim whether the judge has approved or
7 disapproved the emergency temporary order. If an emergency
8 temporary order has been approved, the officer shall provide the
9 victim, or a responsible adult if the victim is a minor child or an
10 incompetent person, with a copy of the petition and a written
11 statement signed by the officer attesting that the judge has
12 approved the emergency temporary order of protection and notify the
13 victim that the emergency temporary order shall be effective only
14 until the close of business on the next day that the court is open
15 for business;

16 4. Notify the person subject to the emergency temporary
17 protection order of the issuance and conditions of the order.
18 Notification pursuant to this paragraph may be made personally by
19 the officer or in writing. A copy of the petition and the statement
20 of the officer attesting to the order of the judge shall be made
21 available to such person; and

22 5. File a copy of the petition and the statement of the officer
23 with the district court of the county immediately upon the opening
24 of the court on the next day the court is open for business.

1 D. The forms utilized by law enforcement agencies in carrying
2 out the provisions of this section may be substantially similar to
3 those used under Section 60.2 of this title.

4 SECTION 2. This act shall become effective November 1, 2024.

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
6 February 15, 2024 - DO PASS
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