

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3063

By: Rosecrants

AS INTRODUCED

An Act relating to victim services; amending Section 3, Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2023, Section 1173.1), which relates to stalking warning letters; directing law enforcement agencies to notify victims of certain program; clarifying procedures for serving Stalking Warning Letters; modifying certain signature requirement on form letter; amending 22 O.S. 2021, Section 60.2, as last amended by Section 1, Chapter 305, O.S.L. 2023 (22 O.S. Supp. 2023, Section 60.2), which relates to the Protection from Domestic Abuse Act; deleting complaint filing requirements and procedures; providing an emergency temporary order of protection upon the filing of a petition for a protective order; and providing an effective date.

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

SECTION 1. AMENDATORY Section 3, Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2023, Section 1173.1), is amended to read as follows:

Section 1173.1 A. Whenever a law enforcement agency receives a complaint of stalking and finds that such conduct has occurred, the law enforcement agency shall be required to provide:

1 1. Notify the victim of the availability to meet with a
2 representative of a domestic violence program certified by the
3 Victims Services Unit of the Office of the Attorney General, as
4 provided for in Section 18p-1 of Title 74 of the Oklahoma Statutes;
5 and

6 2. Serve a copy of a the Stalking Warning Letter to on the
7 accused provided that unless the victim does, in consultation with a
8 representative of a certified domestic violence program, chooses to
9 not otherwise request that have such letter not be served upon the
10 accused. The Stalking Warning Letter shall be served upon the
11 accused in the same manner as a bench warrant. If the service is to
12 be in another county jurisdiction, the court clerk may issue service
13 to the sheriff by facsimile or other electronic transmission for
14 service by the sheriff and law enforcement agency may receive the
15 return of service from the sheriff in the same manner request
16 assistance from law enforcement in the other jurisdiction in the
17 matter prescribed in subsection B of this section.

18 B. The law enforcement agency that serves the Stalking Warning
19 Letter shall serve one copy on the accused, in person, and shall
20 keep one copy for the case file. A written report shall be prepared
21 by the law enforcement agency describing the manner of service and
22 contact made with the accused. The law enforcement agency shall
23 provide the victim with a copy of the Stalking Warning Letter after
24 the letter has been serviced on the accused.

1 of bodily injury. Your behavior has induced such fear or distress
2 in the above-named individual.

3 Oklahoma law makes stalking a crime. The _____
4 (LAW ENFORCEMENT AGENCY)

5 takes this law very seriously.

6 Please consider this a formal warning that any future conduct by you
7 towards the above-named individual could result in arrest by law
8 enforcement and prosecution by the _____ County
9 District Attorney's Office.

10 _____

11 Print name of Chief of Law Enforcement Agency or designee

12 _____

13 Signature of Chief of Law Enforcement Agency or designee

14 Served in hand _____ by _____

15 (DATE) (NAME OF OFFICER)

16 On behalf of the _____

17 (LAW ENFORCEMENT AGENCY)

18 at _____ "

19 (LOCATION)

20 SECTION 2. AMENDATORY 22 O.S. 2021, Section 60.2, as
21 last amended by Section 1, Chapter 305, O.S.L. 2023 (22 O.S. Supp.
22 2023, Section 60.2), is amended to read as follows:

23 Section 60.2 A. A victim of domestic abuse, a victim of
24 stalking, a victim of harassment, a victim of rape, any adult or
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1 emancipated minor household member on behalf of any other family or
2 household member who is a minor or incompetent, any minor age
3 sixteen (16) or seventeen (17) years, or any adult victim of a crime
4 may seek relief under the provisions of the Protection from Domestic
5 Abuse Act.

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

1 separate maintenance and either party to the action files a petition
2 for a protective order in the same county where the action for
3 divorce or separate maintenance is filed, the petition for the
4 protective order may be heard by the court hearing the divorce or
5 separate maintenance action if:

- 6 a. there is no established protective order docket in
7 such court, or
- 8 b. the court finds that, in the interest of judicial
9 economy, both actions may be heard together; provided,
10 however, the petition for a protective order,
11 including, but not limited to, a petition in which
12 children are named as petitioners, shall remain a
13 separate action and a separate order shall be entered
14 in the protective order action. Protective orders may
15 be dismissed in favor of restraining orders in the
16 divorce or separate maintenance action if the court
17 specifically finds, upon hearing, that such dismissal
18 is in the best interests of the parties and does not
19 compromise the safety of any petitioner.

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

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

1 3. When a petition for a protective order has been filed, the
2 court shall automatically issue an emergency temporary order of
3 protection which shall remain in effect until a final protective
4 order is granted or denied.

5 B. The petition forms shall be provided by the clerk of the
6 court. The Administrative Office of the Courts shall develop a
7 standard form for the petition.

8 C. 1. Except as otherwise provided by this section, no filing
9 fee, service of process fee, attorney fees or any other fee or costs
10 shall be charged the plaintiff or victim at any time for filing a
11 petition for a protective order whether a protective order is
12 granted or not granted. The court may assess court costs, service
13 of process fees, attorney fees, other fees and filing fees against
14 the defendant at the hearing on the petition, if a protective order
15 is granted against the defendant; provided, the court shall have
16 authority to waive the costs and fees if the court finds that the
17 party does not have the ability to pay the costs and fees.

18 2. If the court makes specific findings that a petition for a
19 protective order has been filed frivolously and no victim exists,
20 the court may assess attorney fees and court costs against the
21 plaintiff.

22 D. The person seeking relief shall prepare the petition or, at
23 the request of the plaintiff, the court clerk or the victim-witness
24

1 coordinator, victim support person, and court case manager shall
2 prepare or assist the plaintiff in preparing the petition.

3 E. The person seeking a protective order may further request
4 the exclusive care, possession, or control of any animal owned,
5 possessed, leased, kept, or held by either the petitioner, defendant
6 or minor child residing in the residence of the petitioner or
7 defendant. The court may order the defendant to make no contact
8 with the animal and forbid the defendant from taking, transferring,
9 encumbering, concealing, molesting, attacking, striking,
10 threatening, harming, or otherwise disposing of the animal.

11 F. A court may not require the victim to seek legal sanctions
12 against the defendant including, but not limited to, divorce,
13 separation, paternity or criminal proceedings prior to hearing a
14 petition for protective order.

15 G. A victim of rape, forcible sodomy, a sex offense,
16 kidnapping, assault and battery with a deadly weapon, child abuse,
17 or member of the immediate family of a victim of first-degree
18 murder, as such terms are defined in Section 40 of this title, may
19 petition, or have a petition filed on the victim's behalf if the
20 victim is a minor, for an emergency temporary order or emergency ex
21 parte order regardless of any relationship or scenario pursuant to
22 the provisions of this section. The Administrative Office of the
23 Courts shall modify the petition forms as necessary to effectuate
24 the provisions of this subsection.

1 SECTION 3. This act shall become effective November 1, 2024.

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