

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

(Date)

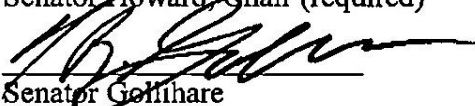
I move to amend House Bill No. 1273 by substituting the attached floor substitute (Request # 2101) for the title, enacting clause, and entire body of the measure.

Submitted by:


Senator Reinhardt

I hereby grant permission for the floor substitute to be adopted.


Senator Howard, Chair (required)

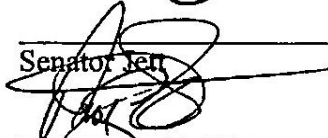

Senator Golphare

Senator Boren

Senator Brooks

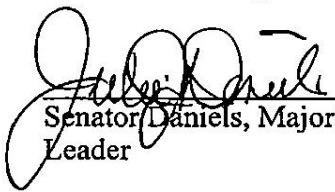
Senator Paxton, President Pro Tempore


Senator Jech


Senator Jen

Senator Rosino

Senator Standridge


Senator Daniels, Majority Floor
Leader

Note: Judiciary Committee majority requires five (5) members' signatures.

Reinhardt-TEK-FS-HB1273

5/6/2025 9:46 AM

(Floor Amendments Only)

Date and Time Filed: 5/6/25

2:11pm 

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 1273

By: Hasenbeck and Lowe (Jason)
of the House

and

Reinhardt of the Senate

FLOOR SUBSTITUTE

[domestic violence - penalties for assault and
battery - counseling requirement - programs -
assessments - alternative batterers' intervention
programs - requirements - review hearing procedures -
court - sentencing - effective date]

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 644, as last
amended by Section 6, Chapter 452, O.S.L. 2024 (21 O.S. Supp. 2024,
Section 644), is amended to read as follows:

Section 644. A. Assault shall be punishable by imprisonment in
a county jail not exceeding thirty (30) days, or by a fine of not
more than Five Hundred Dollars (\$500.00), or by both such fine and
imprisonment.

B. Assault and battery shall be punishable by imprisonment in a
county jail not exceeding ninety (90) days, or by a fine of not more

1 than One Thousand Dollars (\$1,000.00), or by both such fine and
2 imprisonment.

3 C. Any person who commits any assault and battery against a
4 current or former intimate partner or a family or household member
5 as defined by Section 60.1 of Title 22 of the Oklahoma Statutes
6 shall be guilty of domestic abuse. Upon conviction, the defendant
7 shall be punished by imprisonment in the county jail for not more
8 than one (1) year, or by a fine not exceeding Five Thousand Dollars
9 (\$5,000.00), or by both such fine and imprisonment. Upon conviction
10 for a second or subsequent offense, the person shall be punished by
11 imprisonment in the custody of the Department of Corrections for not
12 more than four (4) years, or by a fine not exceeding Five Thousand
13 Dollars (\$5,000.00), or by both such fine and imprisonment. The
14 provisions of Section 51.1 of this title shall apply to any second
15 or subsequent offense.

16 D. 1. Any person who, with intent to do bodily harm and
17 without justifiable or excusable cause, commits any assault,
18 battery, or assault and battery upon an intimate partner or a family
19 or household member as defined by Section 60.1 of Title 22 of the
20 Oklahoma Statutes with any sharp or dangerous weapon, upon
21 conviction, is guilty of domestic assault or domestic assault and
22 battery with a dangerous weapon which shall be a felony and
23 punishable by imprisonment in the custody of the Department of
24 Corrections not exceeding ten (10) years, or by imprisonment in a

1 county jail not exceeding one (1) year. The provisions of Section
2 51.1 of this title shall apply to any second or subsequent
3 conviction for a violation of this paragraph.

4 2. Any person who, without such cause, shoots an intimate
5 partner or a family or household member as defined by Section 60.1
6 of Title 22 of the Oklahoma Statutes by means of any deadly weapon
7 that is likely to produce death shall, upon conviction, be guilty of
8 domestic assault and battery with a deadly weapon which shall be a
9 felony punishable by imprisonment in the custody of the Department
10 of Corrections not exceeding life. The provisions of Section 51.1
11 of this title shall apply to any second or subsequent conviction for
12 a violation of this paragraph.

13 E. 1. Any person convicted of domestic abuse committed against
14 a pregnant woman with knowledge of the pregnancy shall be guilty of
15 a felony, punishable by imprisonment in the custody of the
16 Department of Corrections for not more than five (5) years.

17 2. Any person convicted of a second or subsequent offense of
18 domestic abuse against a pregnant woman with knowledge of the
19 pregnancy shall be guilty of a felony, punishable by imprisonment in
20 the custody of the Department of Corrections for not less than ten
21 (10) years.

22 3. Any person convicted of domestic abuse committed against a
23 pregnant woman with knowledge of the pregnancy and a miscarriage
24 occurs or injury to the unborn child occurs shall be guilty of a

1 felony, punishable by imprisonment in the custody of the Department
2 of Corrections for not less than twenty (20) years.

3 F. Any person convicted of domestic abuse as defined in
4 subsection C of this section that results in great bodily injury to
5 the victim shall be guilty of a felony and punished by imprisonment
6 in the custody of the Department of Corrections for not more than
7 ten (10) years, or by imprisonment in the county jail for not more
8 than one (1) year. The provisions of Section 51.1 of this title
9 shall apply to any second or subsequent conviction of a violation of
10 this subsection.

11 G. Any person convicted of domestic abuse as defined in
12 subsection C of this section that was committed in the presence of a
13 child shall be punished by imprisonment in the county jail for not
14 less than six (6) months nor more than one (1) year, or by a fine
15 not exceeding Five Thousand Dollars (\$5,000.00), or by both such
16 fine and imprisonment. Any person convicted of a second or
17 subsequent domestic abuse as defined in subsection C of this section
18 that was committed in the presence of a child shall be punished by
19 imprisonment in the custody of the Department of Corrections for not
20 less than one (1) year nor more than five (5) years, or by a fine
21 not exceeding Seven Thousand Dollars (\$7,000.00), or by both such
22 fine and imprisonment. The provisions of Section 51.1 of this title
23 shall apply to any second or subsequent offense. For every
24 conviction of a domestic abuse crime in violation of any provision

1 of this section committed against an intimate partner or a family or
2 household member as defined by Section 60.1 of Title 22 of the
3 Oklahoma Statutes, the court shall:

4 1. Specifically order as a condition of a suspended or deferred
5 sentence that a defendant ~~participate in counseling or~~ undergo
6 treatment to bring about the cessation of domestic abuse as
7 specified in paragraph 2 of this subsection;

8 2. a. The court shall require the defendant to complete an
9 assessment and follow the recommendations of a
10 batterers' intervention program to attend a fifty-two-
11 week batterers' intervention program or a pilot
12 batterers' intervention program, if available,
13 certified by the Attorney General.

14 b. If the defendant ~~is ordered to participate~~
15 participates in a batterers' intervention program, the
16 ~~order~~ program shall require the defendant to attend
17 ~~the program~~ for a minimum of fifty-two (52) weeks,
18 complete the program, and be evaluated before and
19 after attendance of the program by program staff.
20 Three unexcused absences in succession or seven
21 unexcused absences in a period of fifty-two (52) weeks
22 from any court-ordered batterers' intervention program
23 shall be prima facie evidence of the violation of the
24 conditions of probation for the district attorney to

1 seek acceleration or revocation of any probation
2 entered by the court.

3 c. To investigate the effectiveness of additional
4 batterers' intervention models, the Attorney General,
5 beginning February 1, 2026, may certify two pilot
6 batterers' intervention programs for a period of
7 thirty-six (36) months located in Oklahoma and Tulsa
8 Counties. Proposals for certification as a pilot
9 batterers' intervention program may be approved only
10 if made by an organization that was dually certified
11 as a batterers' intervention program and a domestic
12 violence and sexual assault program on or before
13 January 1, 2025, or by an organization certified as a
14 batterers' intervention program on or before January
15 1, 2025, pursuant to a written agreement with an
16 organization certified as a domestic violence and
17 sexual assault program on or before January 1, 2025.
18 Treatment provided through a pilot batterers'
19 intervention program shall be evidence-based and shall
20 be a minimum of twenty-six (26) weeks' duration.
21 Participation in a pilot batterers' intervention
22 program shall be limited to fifty participants at any
23 given time. Pilot batterers' intervention programs
24 shall be self-funded, including any fees which may be

1 charged to the participants; provided, however, state
2 or federal funding may continue for domestic violence
3 and sexual abuse programs.

4 d. The Office of the Attorney General shall promulgate
5 rules for pilot batterers' intervention programs in
6 consultation with domestic violence and batterers'
7 intervention programs or advocacy organizations.
8 The Attorney General shall establish within his or her
9 administrative rules a screening and referral process
10 to review referrals to the pilot batterers'
11 intervention programs; provided, however, individuals
12 convicted of domestic abuse with a dangerous weapon or
13 domestic abuse by strangulation shall not be eligible
14 to participate in the pilot program. The Attorney
15 General shall require reporting of data necessary for
16 evaluation of the pilot programs. The pilot programs
17 shall provide the Attorney General with annual updates
18 and at the end of a pilot program term, a formal
19 evaluation shall be done by a third party agreed upon
20 by the Attorney General and the pilot program
21 operator.

22 e. All participants in the pilot program shall be subject
23 to a validated risk assessment conducted by a
24 qualified professional. The results of the assessment

1 shall be used to determine program placement based on
2 the level of risk and individual circumstances.
3 Participation in any shared or joint setting by both
4 the survivor and the individual who has caused harm
5 shall be prohibited under a pilot program. The
6 Attorney General shall adopt rules to implement this
7 subparagraph, including standards for risk assessment
8 tools and differentiated response models.

9 f. The Attorney General may provide by rule for extension
10 of no more than twenty-four (24) months beyond thirty-
11 six (36) months of a pilot batterers' intervention
12 program if recommended by the third-party evaluator.

13 g. Pilot batterers' intervention programs shall:

- 14 (1) prioritize survivors' well-being in every part of
15 the pilot program including screening,
16 participation, reporting, and evaluation,
17 (2) ensure that batterers' intervention programs use
18 appropriate intervention strategies to assist the
19 batterer in fostering the appropriate skills to:
20 (a) stop the violence committed by the batterer,
21 (b) accept personal accountability for battering
22 and personal responsibility for the decision
23 to stop or not to stop battering, and
24

1 (c) change the existing attitudes and beliefs of
2 the batterer that support the coercive
3 behavior of the batterer,

4 (3) address all forms of battering,

5 (4) be culturally informed and provide culturally
6 appropriate services to all participants,

7 (5) provide services that are affordable and
8 accessible for participants, including
9 participants with disabilities and limited
10 English proficiency,

11 (6) provide a uniform standard for evaluating the
12 performance of a batterers' intervention program,

13 (7) be informed by evidence-based practice, research,
14 and proven field experience, including risk
15 assessment, that enhances victim safety,

16 (8) foster local and statewide communication and
17 interaction between and among batterers'
18 intervention programs and victim advocacy
19 programs, and

20 (9) ensure that batterers' intervention programs
21 operate as an integrated part of the wider
22 community response to battering.

23 ~~b.~~ h. A program for anger management, couples counseling,
24 or family and marital counseling shall not solely

1 qualify for the ~~counseling or~~ treatment requirement
2 for domestic abuse pursuant to this subsection. The
3 counseling may be ordered in addition to ~~counseling~~
4 ~~specifically for~~ the treatment of domestic abuse or
5 per evaluation as set forth below. If, after
6 sufficient evaluation and attendance at required
7 ~~counseling~~ treatment sessions, the domestic violence
8 treatment program ~~or licensed professional~~ determines
9 that the defendant does not evaluate as a perpetrator
10 of domestic violence or does evaluate as a perpetrator
11 of domestic violence and should complete other
12 programs of treatment simultaneously or prior to or
13 subsequent to domestic violence treatment, including
14 but not limited to programs related to the mental
15 health, apparent substance or alcohol abuse or
16 inability or refusal to manage anger, the defendant
17 shall be ordered to complete the counseling as per the
18 recommendations of the domestic violence treatment
19 program ~~or licensed professional~~;

- 20 3. a. The court shall set a review hearing no more than one
21 hundred twenty (120) days after the defendant is
22 ordered to ~~participate in a domestic abuse counseling~~
23 ~~program or~~ undergo treatment for domestic abuse to
24 assure the attendance and compliance of the defendant

1 with the provisions of this subsection ~~and the~~
2 ~~domestic abuse counseling or treatment requirements.~~
3 The court may ~~suspend~~ delay sentencing of the
4 defendant until the defendant has presented proof to
5 the court of enrollment in a ~~program of treatment for~~
6 ~~domestic abuse by an individual licensed practitioner~~
7 ~~or~~ a domestic abuse treatment program certified by the
8 Attorney General and attendance at weekly sessions of
9 such program. Such proof shall be presented to the
10 court by the defendant no later than one hundred
11 twenty (120) days after the defendant is ordered to
12 such ~~counseling or~~ treatment. At such time, the court
13 may complete sentencing, beginning the period of the
14 sentence from the date that proof of enrollment is
15 presented to the court, and schedule reviews as
16 required by subparagraphs a and b of this paragraph
17 and paragraphs 4 and 5 of this subsection. Three
18 unexcused absences in succession or seven unexcused
19 absences in a period of fifty-two (52) weeks from any
20 court-ordered ~~domestic abuse counseling or~~ treatment
21 program shall be prima facie evidence of the violation
22 of the conditions of probation for the district
23 attorney to seek acceleration or revocation of any
24 probation entered by the court.

1 b. The court shall set a second review hearing after the
2 completion of the ~~counseling or~~ treatment to assure
3 the attendance and compliance of the defendant with
4 the provisions of this subsection and the ~~domestic~~
5 ~~abuse counseling or~~ treatment requirements. The court
6 shall retain continuing jurisdiction over the
7 defendant during the course of ordered counseling
8 through the final review hearing;

9 4. The court may set subsequent or other review hearings as the
10 court determines necessary to assure the defendant attends and fully
11 complies with the provisions of this subsection and the ~~domestic~~
12 ~~abuse counseling or~~ treatment requirements;

13 5. At any review hearing, if the defendant is not
14 satisfactorily attending ~~individual counseling or a domestic abuse~~
15 ~~counseling or~~ treatment program or is not in compliance with ~~any~~
16 ~~domestic abuse counseling or~~ treatment requirements, the court may
17 order the defendant to further or continue ~~counseling,~~ treatment, or
18 other necessary services. The court may revoke all or any part of a
19 suspended sentence, deferred sentence, or probation pursuant to
20 Section 991b of Title 22 of the Oklahoma Statutes and subject the
21 defendant to any or all remaining portions of the original sentence;

22 6. At the first review hearing, the court shall require the
23 defendant to appear in court. Thereafter, for any subsequent review
24 hearings, the court may accept a report on the progress of the

1 defendant from ~~individual counseling, domestic abuse counseling, or~~
2 the treatment program. There shall be no requirement for the victim
3 to attend review hearings; and

4 7. If funding is available, a referee may be appointed and
5 assigned by the presiding judge of the district court to hear
6 designated cases set for review under this subsection. Reasonable
7 compensation for the referees shall be fixed by the presiding judge.
8 The referee shall meet the requirements and perform all duties in
9 the same manner and procedure as set forth in Sections 1-8-103 and
10 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees
11 appointed in juvenile proceedings.

12 The defendant may be required to pay all or part of the cost of
13 the ~~counseling or~~ treatment, in the discretion of the court.

14 H. As used in subsection G of this section, "in the presence of
15 a child" means in the physical presence of a child; or having
16 knowledge that a child is present and may see or hear an act of
17 domestic violence. For the purposes of subsections C and G of this
18 section, "child" may be any child whether or not related to the
19 victim or the defendant.

20 I. For the purposes of subsections C and G of this section, any
21 conviction for assault and battery against an intimate partner or a
22 family or household member as defined by Section 60.1 of Title 22 of
23 the Oklahoma Statutes shall constitute a sufficient basis for a
24 felony charge:

1 1. If that conviction is rendered in any state, county or
2 parish court of record of this or any other state; or

3 2. If that conviction is rendered in any municipal court of
4 record of this or any other state for which any jail time was
5 served; provided, no conviction in a municipal court of record
6 entered prior to November 1, 1997, shall constitute a prior
7 conviction for purposes of a felony charge.

8 J. Any person who commits any assault and battery by
9 strangulation or attempted strangulation against an intimate partner
10 or a family or household member as defined by Section 60.1 of Title
11 22 of the Oklahoma Statutes shall, upon conviction, be guilty of
12 domestic abuse by strangulation and shall be punished by
13 imprisonment in the custody of the Department of Corrections for a
14 period of not less than one (1) year nor more than three (3) years,
15 or by a fine of not more than Three Thousand Dollars (\$3,000.00), or
16 by both such fine and imprisonment. Upon a second or subsequent
17 conviction for a violation of this section, the defendant shall be
18 punished by imprisonment in the custody of the Department of
19 Corrections for a period of not less than three (3) years nor more
20 than ten (10) years, or by a fine of not more than Twenty Thousand
21 Dollars (\$20,000.00), or by both such fine and imprisonment. The
22 provisions of Section 51.1 of this title shall apply to any second
23 or subsequent conviction of a violation of this subsection. As used
24 in this subsection, "strangulation" means any form of asphyxia;

1 including, but not limited to, asphyxia characterized by closure of
2 the blood vessels or air passages of the neck as a result of
3 external pressure on the neck or the closure of the nostrils or
4 mouth as a result of external pressure on the head.

5 K. Any district court of this state and any judge thereof shall
6 be immune from any liability or prosecution for issuing an order
7 that requires a defendant to:

8 1. Attend a treatment program for domestic abusers certified by
9 the Attorney General;

10 2. Attend counseling or treatment services ordered as part of
11 any suspended or deferred sentence or probation; and

12 3. Attend, complete, and be evaluated before and after
13 attendance by a treatment program for domestic abusers, certified by
14 the Attorney General.

15 L. There shall be no charge of fees or costs to any victim of
16 domestic violence, stalking, or sexual assault in connection with
17 the prosecution of a domestic violence, stalking, or sexual assault
18 offense in this state.

19 M. In the course of prosecuting any charge of domestic abuse,
20 stalking, harassment, rape, or violation of a protective order, the
21 prosecutor shall provide the court, prior to sentencing or any plea
22 agreement, a local history and any other available history of past
23 convictions of the defendant within the last ten (10) years relating
24 to domestic abuse, stalking, harassment, rape, violation of a

1 protective order, or any other violent misdemeanor or felony
2 convictions.

3 N. Any plea of guilty or finding of guilt for a violation of
4 subsection C, F, G, I or J of this section shall constitute a
5 conviction of the offense for the purpose of this act or any other
6 criminal statute under which the existence of a prior conviction is
7 relevant for a period of ten (10) years following the completion of
8 any court imposed probationary term; provided, the person has not,
9 in the meantime, been convicted of a misdemeanor involving moral
10 turpitude or a felony.

11 O. For purposes of subsection F of this section, "great bodily
12 injury" means bone fracture, protracted and obvious disfigurement,
13 protracted loss or impairment of the function of a body part, organ
14 or mental faculty, or substantial risk of death.

15 P. Any pleas of guilty or nolo contendere or finding of guilt
16 to a violation of any provision of this section shall constitute a
17 conviction of the offense for the purpose of any subsection of this
18 section under which the existence of a prior conviction is relevant
19 for a period of ten (10) years following the completion of any
20 sentence or court imposed probationary term.

21 SECTION 2. This act shall become effective November 1, 2025.

22

23 60-1-2101 TEK 5/6/2025 2:32:29 PM

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