

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE BILL 1413

By: West (Josh) of the House

5 and

6 Coleman of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to domestic violence; amending 21
11 O.S. 2021, Section 1173, as amended by Section 2,
12 Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2024, Section
13 1173), which relates to stalking; making certain
14 pleas or finding of guilt to stalking violations
15 constitute a conviction for purposes of sentencing;
16 amending 22 O.S. 2021, Section 60.6, which relates to
17 the Protection from Domestic Abuse Act; making
18 certain pleas or finding of guilty to protective
19 order violations constitute a conviction for purposes
20 of sentencing; and providing an effective date.

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

24 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1173, as
amended by Section 2, Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2024,
Section 1173), is amended to read as follows:

Section 1173. A. Any person who willfully, maliciously, and
repeatedly follows or harasses another person in a manner that:

1 1. Would cause a reasonable person or a member of the immediate
2 family of that person as defined in subsection F of this section to
3 feel frightened, intimidated, threatened, harassed, or molested; and

4 2. Actually causes the person being followed or harassed to
5 feel terrorized, frightened, intimidated, threatened, harassed, or
6 molested,

7 shall, upon conviction, be guilty of the crime of stalking, which is
8 a felony punishable by imprisonment in the custody of the Department
9 of Corrections for a term not to exceed three (3) years, or by a
10 fine not to exceed Five Thousand Dollars (\$5,000.00), or by both
11 such fine and imprisonment. Any person convicted of a second
12 violation of the provisions of this subsection shall be punished by
13 imprisonment in the custody of the Department of Corrections for a
14 term not to exceed six (6) years, or by a fine not to exceed Ten
15 Thousand Dollars (\$10,000.00), or by both such fine and
16 imprisonment. Any person convicted of a third or subsequent
17 violation of the provisions of this subsection shall be punished by
18 imprisonment in the custody of the Department of Corrections for a
19 term not to exceed twelve (12) years, or by a fine not to exceed
20 Fifteen Thousand Dollars (\$15,000.00), or by both such fine and
21 imprisonment.

22 B. Any person who violates the provisions of subsection A of
23 this section when:
24

1 1. There is a permanent or temporary restraining order, a
2 protective order, an emergency ex parte protective order, or an
3 injunction in effect prohibiting the behavior described in
4 subsection A of this section against the same party, when the person
5 violating the provisions of subsection A of this section has actual
6 notice of the issuance of such order or injunction;

7 2. Said person is on probation or parole, a condition of which
8 prohibits the behavior described in subsection A of this section
9 against the same party or under the conditions of a community or
10 alternative punishment; or

11 3. Said person, within ten (10) years preceding the violation
12 of subsection A of this section, completed the execution of sentence
13 for a conviction of a crime involving the use or threat of violence
14 against the same party, or against any member of the immediate
15 family of such party,
16 shall, upon conviction, be guilty of a felony punishable by
17 imprisonment in the custody of the Department of Corrections for a
18 term not to exceed fifteen (15) years, or by a fine not to exceed
19 Twenty Thousand Dollars (\$20,000.00), or by both such fine and
20 imprisonment.

21 C. Any person who:

22 1. Commits a second act of stalking within ten (10) years of
23 the completion of sentence for a prior conviction of stalking; or
24

1 2. Has a prior conviction of stalking and, after being served
2 with a protective order that prohibits contact with an individual,
3 knowingly makes unconsented contact with the same individual,
4 shall, upon conviction, be guilty of a felony punishable by
5 imprisonment in the custody of the Department of Corrections for a
6 term not to exceed twenty (20) years, or by a fine not to exceed
7 Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and
8 imprisonment.

9 D. Any person who commits an act of stalking within ten (10)
10 years of the completion of execution of sentence for a prior
11 conviction under subsection B or C of this section shall, upon
12 conviction, be guilty of a felony punishable by imprisonment in the
13 custody of the Department of Corrections for a term not to exceed
14 twenty-five (25) years, or by a fine not to exceed Thirty Thousand
15 Dollars (\$30,000.00), or by both such fine and imprisonment.

16 E. Evidence that the defendant continued to engage in a course
17 of conduct involving repeated unconsented contact, as defined in
18 subsection F of this section, with the victim after having been
19 requested by the victim to discontinue the same or any other form of
20 unconsented contact, and to refrain from any further unconsented
21 contact with the victim, shall give rise to a rebuttable presumption
22 that the continuation of the course of conduct caused the victim to
23 feel terrorized, frightened, intimidated, threatened, harassed, or
24 molested.

1 F. For purposes of determining the crime of stalking, the
2 following definitions shall apply:

3 1. "Harasses" means a pattern or course of conduct directed
4 toward another individual that includes, but is not limited to,
5 repeated or continuing unconsented contact, that would cause a
6 reasonable person to suffer emotional distress, and that actually
7 causes emotional distress to the victim. Harassment shall include
8 harassing or obscene phone calls as prohibited by Section 1172 of
9 this title and conduct prohibited by Section 850 of this title.
10 Harassment does not include constitutionally protected activity or
11 conduct that serves a legitimate purpose;

12 2. "Course of conduct" means a series of two or more separate
13 acts over a period of time, however short or long, evidencing a
14 continuity of purpose, including any of the following:

- 15 a. maintaining a visual or physical proximity to the
16 victim,
- 17 b. approaching or confronting the victim in a public
18 place or on private property,
- 19 c. appearing at the workplace of the victim or contacting
20 the employer or coworkers of the victim,
- 21 d. appearing at the home of the victim or contacting the
22 neighbors of the victim,
- 23 e. entering onto or remaining on property owned, leased,
24 or occupied by the victim,

- 1 f. contacting the victim by telephone, text message,
2 electronic message, electronic mail, or other means of
3 electronic communication or causing the telephone or
4 electronic device of the victim or the telephone or
5 electronic device of any other person to ring or
6 generate notifications repeatedly or continuously,
7 regardless of whether a conversation ensues,
- 8 g. photographing, videotaping, audiotaping, or, through
9 any other electronic means, monitoring or recording
10 the activities of the victim. This subparagraph
11 applies regardless of where the act occurs,
- 12 h. sending to the victim any physical or electronic
13 material or contacting the victim by any means,
14 including any message, comment, or other content
15 posted on any Internet site or web application,
- 16 i. sending to a family member or member of the household
17 of the victim, or any current or former employer of
18 the victim, or any current or former coworker of the
19 victim, or any friend of the victim, any physical or
20 electronic material or contacting such person by any
21 means, including any message, comment, or other
22 content posted on any Internet site or web
23 application, for the purpose of obtaining information
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1 about, disseminating information about, or
2 communicating with the victim,

3 j. placing an object on or delivering an object to
4 property owned, leased, or occupied by the victim,

5 k. delivering an object to a family member or member of
6 the household of the victim, or an employer, coworker,
7 or friend of the victim, or placing an object on, or
8 delivering an object to, property owned, leased, or
9 occupied by such a person with the intent that the
10 object be delivered to the victim, or

11 l. causing a person to engage in any of the acts
12 described in subparagraphs a through k of this
13 paragraph.

14 Constitutionally protected activity is not included within the
15 meaning of "course of conduct";

16 3. "Emotional distress" means significant mental suffering or
17 distress that may, but does not necessarily require, medical or
18 other professional treatment or counseling;

19 4. "Unconsented contact" means any contact with another
20 individual that is initiated or continued without the consent of the
21 individual, or in disregard of that individual's expressed desire
22 that the contact be avoided or discontinued. Constitutionally
23 protected activity is not included within the meaning of unconsented
24

1 contact. Unconsented contact includes but is not limited to any of
2 the following:

- 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, and
- 14 g. placing an object on, or delivering an object to,
15 property owned, leased, or occupied by that
16 individual;

17 5. "Member of the immediate family", for the purposes of this
18 section, means any spouse, parent, child, person related within the
19 third degree of consanguinity or affinity or any other person who
20 regularly resides in the household or who regularly resided in the
21 household within the prior six (6) months; and

22 6. "Following" shall include the tracking of the movement or
23 location of an individual through the use of a Global Positioning
24 System (GPS) device or other monitoring device by a person, or

1 person who acts on behalf of another, without the consent of the
2 individual whose movement or location is being tracked; provided,
3 this shall not apply to the lawful use of a GPS device or other
4 monitoring device or to the use by a new or used motor vehicle
5 dealer or other motor vehicle creditor of a GPS device or other
6 monitoring device, including a device containing technology used to
7 remotely disable the ignition of a motor vehicle, in connection with
8 lawful action after default of the terms of a motor vehicle credit
9 sale, loan or lease, and with the express written consent of the
10 owner or lessee of the motor vehicle.

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

17 SECTION 2. AMENDATORY 22 O.S. 2021, Section 60.6, is
18 amended to read as follows:

19 Section 60.6. A. Except as otherwise provided by this section,
20 any person who:

21 1. Has been served with an emergency temporary, ex parte or
22 final protective order or foreign protective order and is in
23 violation of such protective order, upon conviction, shall be guilty
24 of a misdemeanor and shall be punished by a fine of not more than

1 One Thousand Dollars (\$1,000.00) or by a term of imprisonment in the
2 county jail of not more than one (1) year, or by both such fine and
3 imprisonment; and

4 2. After a previous conviction of a violation of a protective
5 order, is convicted of a second or subsequent offense pursuant to
6 the provisions of this section shall, upon conviction, be guilty of
7 a felony and shall be punished by a term of imprisonment in the
8 custody of the Department of Corrections for not less than one (1)
9 year nor more than three (3) years, or by a fine of not less than
10 Two Thousand Dollars (\$2,000.00) nor more than Ten Thousand Dollars
11 (\$10,000.00), or by both such fine and imprisonment.

12 B. 1. Any person who has been served with an emergency
13 temporary, ex parte or final protective order or foreign protective
14 order who violates the protective order and causes physical injury
15 or physical impairment to the plaintiff or to any other person named
16 in said protective order shall, upon conviction, be guilty of a
17 misdemeanor and shall be punished by a term of imprisonment in the
18 county jail for not less than twenty (20) days nor more than one (1)
19 year. In addition to the term of imprisonment, the person may be
20 punished by a fine not to exceed Five Thousand Dollars (\$5,000.00).

21 2. Any person who is convicted of a second or subsequent
22 violation of a protective order which causes physical injury or
23 physical impairment to a plaintiff or to any other person named in
24 the protective order shall be guilty of a felony and shall be

1 punished by a term of imprisonment in the custody of the Department
2 of Corrections of not less than one (1) year nor more than five (5)
3 years, or by a fine of not less than Three Thousand Dollars
4 (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by
5 both such fine and imprisonment.

6 3. In determining the term of imprisonment required by this
7 section, the jury or sentencing judge shall consider the degree of
8 physical injury or physical impairment to the victim.

9 4. The provisions of this subsection shall not affect the
10 applicability of Sections 644, 645, 647 and 652 of Title 21 of the
11 Oklahoma Statutes.

12 C. The minimum sentence of imprisonment issued pursuant to the
13 provisions of paragraph 2 of subsection A and paragraph 2 of
14 subsection B of this section shall not be subject to statutory
15 provisions for suspended sentences, deferred sentences or probation,
16 provided the court may subject any remaining penalty under the
17 jurisdiction of the court to the statutory provisions for suspended
18 sentences, deferred sentences or probation.

19 D. In addition to any other penalty specified by this section,
20 the court shall require a defendant to undergo the treatment or
21 participate in the counseling services necessary to bring about the
22 cessation of domestic abuse against the victim or to bring about the
23 cessation of stalking or harassment of the victim. For every
24 conviction of violation of a protective order:

1 1. The court shall specifically order as a condition of a
2 suspended sentence or probation that a defendant participate in
3 counseling or undergo treatment to bring about the cessation of
4 domestic abuse as specified in paragraph 2 of this subsection;

5 2. a. The court shall require the defendant to participate
6 in counseling or undergo treatment for domestic abuse
7 by an individual licensed practitioner or a domestic
8 abuse treatment program certified by the Attorney
9 General. If the defendant is ordered to participate
10 in a domestic abuse counseling or treatment program,
11 the order shall require the defendant to attend the
12 program for a minimum of fifty-two (52) weeks,
13 complete the program, and be evaluated before and
14 after attendance of the program by a program counselor
15 or a private counselor.

16 b. A program for anger management, couples counseling, or
17 family and marital counseling shall not solely qualify
18 for the counseling or treatment requirement for
19 domestic abuse pursuant to this subsection. The
20 counseling may be ordered in addition to counseling
21 specifically for the treatment of domestic abuse or
22 per evaluation as set forth below. If, after
23 sufficient evaluation and attendance at required
24 counseling sessions, the domestic violence treatment

1 program or licensed professional determines that the
2 defendant does not evaluate as a perpetrator of
3 domestic violence or does evaluate as a perpetrator of
4 domestic violence and should complete other programs
5 of treatment simultaneously or prior to domestic
6 violence treatment, including but not limited to
7 programs related to the mental health, apparent
8 substance or alcohol abuse or inability or refusal to
9 manage anger, the defendant shall be ordered to
10 complete the counseling as per the recommendations of
11 the domestic violence treatment program or licensed
12 professional;

13 3. a. The court shall set a review hearing no more than one
14 hundred twenty (120) days after the defendant is
15 ordered to participate in a domestic abuse counseling
16 program or undergo treatment for domestic abuse to
17 assure the attendance and compliance of the defendant
18 with the provisions of this subsection and the
19 domestic abuse counseling or treatment requirements.

20 b. The court shall set a second review hearing after the
21 completion of the counseling or treatment to assure
22 the attendance and compliance of the defendant with
23 the provisions of this subsection and the domestic
24 abuse counseling or treatment requirements. The court

1 may suspend sentencing of the defendant until the
2 defendant has presented proof to the court of
3 enrollment in a program of treatment for domestic
4 abuse by an individual licensed practitioner or a
5 domestic abuse treatment program certified by the
6 Attorney General and attendance at weekly sessions of
7 such program. Such proof shall be presented to the
8 court by the defendant no later than one hundred
9 twenty (120) days after the defendant is ordered to
10 such counseling or treatment. At such time, the court
11 may complete sentencing, beginning the period of the
12 sentence from the date that proof of enrollment is
13 presented to the court, and schedule reviews as
14 required by subparagraphs a and b of this paragraph
15 and paragraphs 4 and 5 of this subsection. The court
16 shall retain continuing jurisdiction over the
17 defendant during the course of ordered counseling
18 through the final review hearing;

19 4. The court may set subsequent or other review hearings as the
20 court determines necessary to assure the defendant attends and fully
21 complies with the provisions of this subsection and the domestic
22 abuse counseling or treatment requirements;

23 5. At any review hearing, if the defendant is not
24 satisfactorily attending individual counseling or a domestic abuse

1 counseling or treatment program or is not in compliance with any
2 domestic abuse counseling or treatment requirements, the court may
3 order the defendant to further or continue counseling, treatment, or
4 other necessary services. The court may revoke all or any part of a
5 suspended sentence, deferred sentence, or probation pursuant to
6 Section 991b of this title and subject the defendant to any or all
7 remaining portions of the original sentence;

8 6. At the first review hearing, the court shall require the
9 defendant to appear in court. Thereafter, for any subsequent review
10 hearings, the court may accept a report on the progress of the
11 defendant from individual counseling, domestic abuse counseling, or
12 the treatment program. There shall be no requirement for the victim
13 to attend review hearings; and

14 7. If funding is available, a referee may be appointed and
15 assigned by the presiding judge of the district court to hear
16 designated cases set for review under this subsection. Reasonable
17 compensation for the referees shall be fixed by the presiding judge.
18 The referee shall meet the requirements and perform all duties in
19 the same manner and procedure as set forth in Sections 1-8-103 and
20 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees
21 appointed in juvenile proceedings.

22 E. Emergency temporary, ex parte and final protective orders
23 shall include notice of these penalties.

1 F. When a minor child violates the provisions of any protective
2 order, the violation shall be heard in a juvenile proceeding and the
3 court may order the child and the parent or parents of the child to
4 participate in family counseling services necessary to bring about
5 the cessation of domestic abuse against the victim and may order
6 community service hours to be performed in lieu of any fine or
7 imprisonment authorized by this section.

8 G. Any district court of this state and any judge thereof shall
9 be immune from any liability or prosecution for issuing an order
10 that requires a defendant to:

11 1. Attend a treatment program for domestic abusers certified by
12 the Attorney General;

13 2. Attend counseling or treatment services ordered as part of
14 any final protective order or for any violation of a protective
15 order; and

16 3. Attend, complete, and be evaluated before and after
17 attendance by a treatment program for domestic abusers certified by
18 the Attorney General.

19 H. At no time, under any proceeding, may a person protected by
20 a protective order be held to be in violation of that protective
21 order. Only a defendant against whom a protective order has been
22 issued may be held to have violated the order.

23 I. In addition to any other penalty specified by this section,
24 the court may order a defendant to use an active, real-time, twenty-

1 four-hour Global Positioning System (GPS) monitoring device as a
2 condition of a sentence. The court may further order the defendant
3 to pay costs and expenses related to the GPS device and monitoring.

4 J. Any pleas of guilty or nolo contendere or finding of guilt
5 to a violation of any provision of this section shall constitute a
6 conviction of the offense for the purpose of any subsection of this
7 section under which the existence of a prior conviction is relevant
8 for a period of ten (10) years following the completion of any
9 sentence or court imposed probationary term.

10 SECTION 3. This act shall become effective November 1, 2025.

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12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
13 OVERSIGHT, dated 02/27/2025 - DO PASS.
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