

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 4198

By: Schreiber

4

5

6 AS INTRODUCED

7 An Act relating to workplace violence; creating the
8 Protection from Workplace Violence Act; defining
9 terms; authorizing certain persons to seek protective
10 order relief; providing guidelines and procedures for
11 filing petitions for protective orders; directing
12 court clerks to provide forms; requiring the
13 Administrative Office of the Courts to develop
14 standardized forms for petitions; prohibiting the
15 assessment of filing fees and costs for plaintiffs;
16 allowing courts to assess fees and costs to
17 defendants; providing for the assessment of fees and
18 costs for frivolous filings; requiring persons
19 seeking relief to prepare petitions; authorizing
20 petitions for emergency temporary orders or emergency
21 ex parte orders; directing the Administrative Office
22 of the Courts to modify forms as necessary;
23 establishing hearing requirements when requesting
24 emergency ex parte orders; directing the
Administrative Office of the Courts to develop
standardized forms for emergency ex parte protective
orders; requiring inclusion of certain information in
protective orders; allow courts to verbally issue
orders; providing time limitations for hearings;
establishing procedures for the service of petitions
for protective orders and notices of hearings;
prioritizing the service of orders and notices of
hearings; authorizing the court to schedule hearings
within certain time period after issuing certain
orders; providing for the issuance of new orders and
hearing dates; providing for the renewal of petitions
for protective orders; allowing petitioners to
dismiss petitions at any time; requiring court orders
for dismissing protective orders; providing for
dismissal of protective orders under certain
circumstances; establishing time limitation for

granting or denying protective orders; authorizing courts to impose terms and conditions in protective orders; requiring standard forms for final protective orders; allowing for the service of protective orders by law enforcement; establishing requirements for issued protective orders; making certain acts unlawful; providing penalties; directing court clerks to send protective orders to law enforcement; requiring law enforcement to provide access to certain information; making certain acts unlawful; providing penalties; declaring statewide validity for all issued orders; providing for the seizure of weapons or instruments under certain circumstances; providing guidelines and procedures for seizure and forfeiture actions; authorizing warrantless arrests under certain circumstances; providing mandatory hearing requirements for arrested persons; allowing law enforcement to rely upon certain evidence when making arrests; making certain acts unlawful; providing penalties; requiring inclusion of certain statement on ex parte and final protective orders; providing Legislative intent regarding the validity of foreign protective orders; providing immunity from liability for law enforcement officers; amending 22 O.S. 2021, Section 40.3, as amended by Section 1, Chapter 167, O.S.L. 2025 (22 O.S. Supp. 2025, Section 40.3), which relates to emergency temporary orders of protection; allowing victims of workplace violence to petition for emergency temporary orders of protection; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified

in the Oklahoma Statutes as Section 62 of Title 22, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Protection from Workplace Violence Act".

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 62.1 of Title 22, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in the Protection from Workplace Violence Act:

5 1. "Current employee" means:

6 a. a current member of the workplace of an employer, or
7 b. a person who is a current volunteer for a nonprofit
8 agency;

9 2. "Employer" shall have the same meaning as such term is
10 defined in Section 1-208 of Title 40 of the Oklahoma Statutes;

11 3. "Foreign protective order" means any valid order of
12 protection issued by a court of another state or a tribal court;

13 4. "Former employee" means:

14 a. a former member of the workplace of an employer, or
15 b. a person who was a former volunteer for a nonprofit
16 agency;

17 5. "Harassment" means a knowing and willful course or pattern
18 of conduct by a former employee of a workplace directed at an
19 employer or current employee which seriously alarms or annoys the
20 person, and which serves no legitimate purpose. The course of
21 conduct shall be such as would cause a reasonable person to suffer
22 substantial emotional distress and shall actually cause substantial
23 distress to the person. Harassment shall include, but not be
24 limited to, harassing or obscene telephone calls in violation of

1 Section 1172 of Title 21 of the Oklahoma Statutes and fear of death
2 or bodily injury;

3 6. "Petitioner" means an employer who has reason to believe a
4 former employee at a workplace has engaged in harassment against a
5 current employee;

6 7. "Stalking" means the willful, malicious, and repeated
7 following or harassment of an employer or current employee by a
8 former employee, in a manner that would cause a reasonable person to
9 feel frightened, intimidated, threatened, harassed, or molested and
10 actually causes the person being followed or harassed to feel
11 terrorized, frightened, intimidated, threatened, harassed or
12 molested. Stalking also means a course of conduct composed of a
13 series of two or more separate acts over a period of time, however
14 short, evidencing a continuity of purpose or unconsented contact
15 with a person that is initiated or continued without the consent of
16 the individual or in disregard of the expressed desire of the
17 individual that the contact be avoided or discontinued. Unconsented
18 contact or course of conduct includes, but is not limited to:

19 a. maintaining a visual or physical proximity to the
20 individual,

21 b. approaching or confronting that individual in a public
22 place or on private property,

23
24

- c. appearing at the workplace of the individual or contacting the employer or coworkers of the individual,
- d. appearing at the residence of the individual or contacting the neighbors of the individual,
- e. entering onto or remaining on property owned, leased or occupied by the individual,
- f. contacting the individual by telephone, text message, electronic message, electronic mail, or other means of electronic communication or causing the telephone or electronic device of the individual or the telephone or electronic device of any other person to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues,
- g. photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the individual. This subparagraph applies regardless of where the act occurs,
- h. sending any physical or electronic material or contacting the individual by any means, including any message, comment, or other content posted on any Internet site or web application,
- i. sending to a family member or member of the household of the individual, or any current or former employer

of the individual, or any current or former coworker of the individual, or any friend of the individual, any physical or electronic material or contacting such person by any means, including any message, comment, or other content posted on any Internet site or web application, for the purpose of obtaining information about, disseminating information about, or communicating with the individual,

- j. placing an object on, or delivering an object to, property owned, leased or occupied by the individual,
- k. delivering an object to a family member or member of the household of the individual, or an employer, coworker, or friend of the individual, or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the individual, or
- l. causing a person to engage in any of the acts described in subparagraphs a through k of this paragraph;

8. "Volunteer" means an individual who offers his or her time skills willingly without financial compensation or expectation payment and on a regular basis; and

1 9. "Workplace" means a location where people perform tasks,
2 jobs, and projects for an employer. Workplaces may be inside a
3 building or outdoors and may be mobile.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 62.2 of Title 22, unless there
6 is created a duplication in numbering, reads as follows:

7 A. An employer of a business or agency that employs more than
8 two individuals or current employee may seek relief under the
9 provisions of the Protection from Workplace Violence Act.

10 1. The person seeking relief may file a petition for a
11 protective order with the district court in the county in which the
12 victim resides, the county in which the defendant resides, or the
13 county in which the workplace violence occurred. If the person
14 seeking relief is not the past employer of the defendant, the person
15 seeking relief shall file a complaint against the defendant with the
16 proper law enforcement agency before filing a petition for a
17 protective order with the district court. The person seeking relief
18 shall provide a copy of the complaint that was filed with the law
19 enforcement agency at the full hearing if the complaint is not
20 available from the law enforcement agency.

21 2. If the workplace violence occurs when the court is not open
22 for business, such person may request an emergency temporary order
23 of protection as authorized by Section 40.3 of Title 22 of the
24 Oklahoma Statutes.

1 B. The petition forms shall be provided by the clerk of the
2 court. The Administrative Office of the Courts shall develop a
3 standard form for the petition.

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

14 2. If the court makes specific findings that a petition for a
15 protective order has been filed frivolously and no victim exists,
16 the court may assess attorney fees and court costs against the
17 plaintiff.

18 D. The person seeking relief shall prepare the petition with
19 input from the victim of workplace violence.

20 E. The former employer of the defendant or the employer of the
21 victim may petition for an emergency temporary order or emergency ex
22 parte order regardless of any relationship or scenario pursuant to
23 the provisions of this section. The Administrative Office of the
24

1 Courts shall modify the petition forms as necessary to effectuate
2 the provisions of this subsection.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 62.3 of Title 22, unless there
5 is created a duplication in numbering, reads as follows:

6 A. If a person requests an emergency ex parte order pursuant to
7 Section 3 of this act, the court shall hold an ex parte hearing on
8 the same day the petition is filed, if the court finds sufficient
9 grounds within the scope of the Protection from Workplace Violence
10 Act stated in the petition to hold such a hearing. The court may,
11 for good cause shown at the hearing, issue any emergency ex parte
12 order that it finds necessary to protect the petitioner and his or
13 her employees from immediate and present danger of abuse, stalking,
14 or harassment. The emergency ex parte order shall be in effect
15 until after the full hearing is conducted. Provided, if the
16 defendant, after having been served, does not appear at the hearing,
17 the emergency ex parte order shall remain in effect until the
18 defendant is served with the permanent order. If the terms of the
19 permanent order are the same as those in the emergency order, or are
20 less restrictive, then it is not necessary to serve the defendant
21 with the permanent order. The Administrative Office of the Courts
22 shall develop a standard form for emergency ex parte protective
23 orders.

24

1 B. An emergency ex parte protective order authorized by this
2 section shall include the name, sex, race, date of birth of the
3 defendant, and the dates of issue and expiration of the protective
4 order.

5 C. If a person requests an emergency temporary ex parte order
6 of protection as provided by Section 40.3 of Title 22 of the
7 Oklahoma Statutes, the judge who is notified of the request by a
8 peace officer may issue such order verbally to the officer or in
9 writing when there is reasonable cause to believe that the order is
10 necessary to protect the employer or his or her employees from
11 immediate and present danger of workplace violence. When the order
12 is issued verbally the judge shall direct the officer to complete
13 and sign a statement attesting to the order. The emergency
14 temporary ex parte order shall be in effect until the court date
15 that was assigned by the court during the approval of the order.
16 Emergency temporary ex parte orders shall be heard within fourteen
17 (14) days after issuance. The court shall provide a list of
18 available court dates for hearings.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 62.4 of Title 22, unless there
21 is created a duplication in numbering, reads as follows:

22 A. 1. A copy of a petition for a protective order, any notice
23 of hearing and a copy of any emergency temporary order or emergency
24 ex parte order issued by the court shall be served upon the

1 defendant in the same manner as a bench warrant. In addition, if
2 the service is to be in another county, the court clerk may issue
3 service to the sheriff by facsimile or other electronic transmission
4 for service by the sheriff and receive the return of service from
5 the sheriff in the same manner. Any fee for service of a petition
6 for protective order, notice of hearing, and emergency ex parte
7 order shall only be charged pursuant to subsection C of Section 3 of
8 this act and, if charged, shall be the same as the sheriff's service
9 fee plus mileage expenses.

10 2. Emergency temporary orders, emergency ex parte orders and
11 notice of hearings shall be given priority for service and can be
12 served twenty-four (24) hours a day when the location of the
13 defendant is known. When service cannot be made upon the defendant
14 by the sheriff, the sheriff may contact another law enforcement
15 officer or a private investigator or private process server to serve
16 the defendant.

17 3. An emergency temporary order, emergency ex parte order, a
18 petition for protective order, and a notice of hearing shall have
19 statewide validity and may be transferred to any law enforcement
20 jurisdiction to effect service upon the defendant. The sheriff may
21 transmit the document by electronic means.

22 4. The return of service shall be submitted to the sheriff's
23 office or court clerk in the court where the petition, notice of
24 hearing or order was issued.

1 B. 1. Within fourteen (14) days of the filing of the petition
2 for a protective order, the court shall schedule a full hearing on
3 the petition, if the court finds sufficient grounds within the scope
4 of the Protection from Workplace Violence Act stated in the petition
5 to hold such a hearing, regardless of whether an emergency temporary
6 order or ex parte order has been previously issued, requested or
7 denied.

8 2. The court may schedule a full hearing on the petition for a
9 protective order within seventy-two (72) hours when the court issues
10 an emergency temporary order due to physical violence or threat of
11 abuse.

12 3. If service has not been made on the defendant at the time of
13 the hearing, the court shall, at the request of the petitioner,
14 issue a new emergency order reflecting a new hearing date and direct
15 service to issue.

16 4. A petition for a protective order shall, upon the request of
17 the petitioner, renew every fourteen (14) days with a new hearing
18 date assigned until the defendant is served. A petition for a
19 protective order shall not expire unless the petitioner fails to
20 appear at the hearing or fails to request a new order. A petitioner
21 may move to dismiss the petition and emergency or final order at any
22 time; however, a protective order shall be dismissed by court order.

23
24

1 5. Failure to serve the defendant shall not be grounds for
2 dismissal of a petition or an ex parte order unless the petitioner
3 requests dismissal or fails to appear for the hearing thereon.

4 6. A final protective order shall be granted or denied within
5 six (6) months of service on the defendant unless all parties agree
6 that a temporary protective order remain in effect; provided, the
7 petitioner shall have the right to request a final protective order
8 hearing at any time after the passage of six (6) months.

9 C. At the hearing, the court may impose any terms and
10 conditions in the protective order that the court reasonably
11 believes are necessary to bring about the cessation of workplace
12 violence against the petitioner or his or her employees or stalking
13 or harassment of such persons but shall not impose any term and
14 condition that may compromise the safety of the petitioner or his or
15 her employees.

16 D. Final protective orders authorized by this section shall be
17 on a standard form developed by the Administrative Office of the
18 Courts.

19 E. 1. After notice and hearing, protective orders authorized
20 by this section may require the defendant to undergo treatment or
21 participate in the court-approved counseling services necessary to
22 bring about the cessation of workplace violence against the
23 petitioner or his or her employees.

24

1 2. The defendant may be required to pay all or any part of the
2 cost of such treatment or counseling services. The court shall not
3 be responsible for such cost.

4 F. When necessary to protect the petitioner or his or her
5 employees and when authorized by the court, protective orders
6 granted pursuant to the provisions of this section may be served
7 upon the defendant by a peace officer, sheriff, constable, or
8 policeman or other officer whose duty it is to preserve the peace,
9 as defined by Section 99 of Title 21 of the Oklahoma Statutes.

10 G. 1. Any protective order issued on or after the effective
11 date of this act pursuant to subsection C of this section shall be:

12 a. for a fixed period not to exceed a period of five (5)
13 years unless extended, modified, vacated or rescinded
14 upon motion by either party or if the court approves
15 any consent agreement entered into by the petitioner
16 and defendant; provided, if the defendant is
17 incarcerated, the protective order shall remain in
18 full force and effect during the period of
19 incarceration. The period of incarceration, in any
20 jurisdiction, shall not be included in the calculation
21 of the five-year time limitation, or
22 b. continuous upon a specific finding by the court of one
23 of the following:

- (1) the defendant has a history of violating the orders of any court or governmental entity,
- (2) the defendant has previously been convicted of a violent felony offense,
- (3) the defendant has a previous felony conviction for stalking as provided in Section 1173 of Title 21 of the Oklahoma Statutes,
- (4) a court order for a final Victim Protection Order has previously been issued against the defendant in this state or another state, or
- (5) the petitioner or his or her employees provides proof that a continuous protective order is necessary for the protection of the petitioner or the protection of his or her employees.

Further, the court may take into consideration whether the defendant has a history of workplace violence or a history of other violent acts. The protective order shall remain in effect until modified, vacated or rescinded upon motion by either party or if the court approves any consent agreement entered into by the parties. If the defendant is incarcerated, the protective order shall remain in full force and effect during the period of incarceration.

2. The court shall notify the parties at the time of the issuance of the protective order of the duration of the protective order.

1 3. Upon the filing of a motion by either party to modify,
2 extend, or vacate a protective order, a hearing shall be scheduled
3 and notice given to the parties. At the hearing, the issuing court
4 may take such action as is necessary under the circumstances.

5 H. 1. It shall be unlawful for any person to knowingly and
6 willfully seek a protective order against any individual pursuant to
7 the Protection from Workplace Violence Act for purposes of
8 harassment, undue advantage, or intimidation.

9 2. The violator shall, upon conviction thereof, be guilty of a
10 misdemeanor punishable by imprisonment in the county jail for a
11 period not exceeding one (1) year, or by a fine not exceeding Five
12 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

13 3. A second or subsequent conviction under this subsection
14 shall be a felony offense punishable by imprisonment in the custody
15 of the Department of Corrections for a period not exceeding two (2)
16 years, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00),
17 or by both such fine and imprisonment.

18 SECTION 6. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 62.5 of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Within twenty-four (24) hours of the return of service of
22 any emergency temporary, ex parte or final protective order, the
23 clerk of the issuing court shall send certified copies thereof to
24 all appropriate law enforcement agencies designated by the

1 petitioner. A certified copy of any extension, modification,
2 vacation, cancellation or consent agreement concerning a final
3 protective order shall be sent within twenty-four (24) hours by the
4 clerk of the issuing court to those law enforcement agencies
5 receiving the original orders pursuant to this section and to any
6 law enforcement agencies designated by the court.

7 B. Any law enforcement agency receiving copies of the documents
8 listed in subsection A of this section shall be required to ensure
9 that other law enforcement agencies have access twenty-four (24)
10 hours a day to the information contained in the documents which may
11 include entry of information about the emergency temporary, ex parte
12 or final protective order in the National Crime Information Center
13 database.

14 SECTION 7. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 62.6 of Title 22, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Except as otherwise provided by this section, any person
18 who:

19 1. Has been served with an emergency temporary, ex parte or
20 final protective order or foreign protective order and is in
21 violation of such protective order, upon conviction, shall be guilty
22 of a misdemeanor and shall be punished by a fine not exceeding One
23 Thousand Dollars (\$1,000.00), or by a term of imprisonment in the

1 county jail not exceeding one (1) year, or by both such fine and
2 imprisonment; and

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

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

20 2. Any person who is convicted of a second or subsequent
21 violation of a protective order which causes physical injury or
22 physical impairment to a petitioner or to any other person named in
23 the protective order shall be guilty of a felony punishable by a
24 term of imprisonment in the custody of the Department of Corrections

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

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

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

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

18 SECTION 8. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 62.7 of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

21 All orders issued pursuant to the provisions of the Protection
22 from Workplace Violence Act shall have statewide and nationwide
23 validity, unless specifically modified or terminated by a judge of
24 the district courts.

1 SECTION 9. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 62.8 of Title 22, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Each peace officer of this state shall seize any weapon or
5 instrument when such officer has probable cause to believe such
6 weapon or instrument has been used to commit an act of workplace
7 violence as defined by Section 2 of this act, provided an arrest is
8 made, if possible, at the same time.

9 B. After any such seizure, the district attorney shall file a
10 notice of seizure and forfeiture as provided in this section within
11 ten (10) days of such seizure, or any weapon or instrument seized
12 pursuant to this section shall be returned to the owner.

13 C. The seizure and forfeiture provisions of Section 991a-19 of
14 Title 22 of the Oklahoma Statutes shall be followed for any seizure
15 and forfeiture of property pursuant to this section. No weapon or
16 instrument seized pursuant to this section or monies from the sale
17 of any such seized weapon or instrument shall be turned over to the
18 person from whom such property was seized if a forfeiture action has
19 been filed within the time required by subsection B of this section,
20 unless authorized by this section. Provided further, the owner may
21 prove at the forfeiture hearing that the conduct giving rise to the
22 seizure was justified, and if the owner proves justification, the
23 seized property shall be returned to the owner. Any proceeds gained
24

1 from this seizure shall be placed in the Crime Victims Compensation
2 Revolving Fund.

3 SECTION 10. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 62.9 of Title 22, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A peace officer, without a warrant, shall arrest and take
7 into custody a person if the peace officer has reasonable cause to
8 believe that:

9 1. An emergency ex parte or final protective order has been
10 issued and served upon the person, pursuant to the Protection from
11 Workplace Violence Act;

12 2. A true copy and proof of service of the order has been filed
13 with the law enforcement agency having jurisdiction of the area in
14 which the petitioner or any other persons named in the order resides
15 or a certified copy of the order and proof of service is presented
16 to the peace officer as provided in subsection D of this section;

17 3. The person named in the order has received notice of the
18 order and has had a reasonable time to comply with such order; and

19 4. The person named in the order has violated the order or is
20 then acting in violation of the order.

21 B. A peace officer, without a warrant, shall arrest and take
22 into custody a person if the following conditions have been met:

23
24

1 1. The peace officer has reasonable cause to believe that a
2 foreign protective order has been issued, pursuant to the law of the
3 state or tribal court where the foreign protective order was issued;

4 2. A certified copy of the foreign protective order has been
5 presented to the peace officer that appears valid on its face; and

6 3. The peace officer has reasonable cause to believe the person
7 named in the order has violated the order or is then acting in
8 violation of the order.

9 C. A person arrested pursuant to this section shall be brought
10 before the court within twenty-four (24) hours of arrest to answer
11 to a charge for violation of the order pursuant to Section 9 of this
12 act, at which time the court shall do each of the following:

13 1. Set a time certain for a hearing on the alleged violation of
14 the order within seventy-two (72) hours after arrest, unless
15 extended by the court on the motion of the arrested person;

16 2. Set a reasonable bond pending a hearing of the alleged
17 violation of the order; and

18 3. Notify the party who has procured the order and direct the
19 party to appear at the hearing and give evidence on the charge.

20 The court may also consider the safety of any and all alleged
21 victims that are subject to the protection of the order prior to the
22 court setting a reasonable bond pending a hearing of the alleged
23 violation of the order.

24

1 D. A copy of a protective order shall be *prima facie* evidence
2 that such order is valid in this state when such documentation is
3 presented to a law enforcement officer by the petitioner, defendant,
4 or another person on behalf of the petitioner named in the order.
5 Any law enforcement officer may rely on such evidence to make an
6 arrest for a violation of such order, if there is reason to believe
7 the defendant has violated or is then acting in violation of the
8 order without justifiable excuse. When a law enforcement officer
9 relies upon the evidence specified in this subsection, such officer
10 and the employing agency of the law enforcement officer shall be
11 immune from liability for the arrest of the defendant if it is later
12 proved that the evidence was false.

13 E. Any person who knowingly and willfully presents any false or
14 materially altered protective order to any law enforcement officer
15 to effect an arrest of any person shall, upon conviction, be guilty
16 of a felony punishable by imprisonment in the custody of the
17 Department of Corrections for a period not exceeding two (2) years,
18 or by a fine not exceeding Five Thousand Dollars (\$5,000.00), and
19 shall, in addition, be liable for any civil damages to the
20 defendant.

21 SECTION 11. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 62.10 of Title 22, unless there
23 is created a duplication in numbering, reads as follows:
24

1 In addition to any other provisions required by the Protection
2 from Workplace Violence Act, or otherwise required by law, each ex-
3 parte or final protective order issued pursuant to the Protection
4 from Workplace Violence Act shall have a statement printed in bold-
5 faced type font or in capital letters containing the following
6 information:

7 1. The filing or nonfiling of criminal charges and the
8 prosecution of the case shall not be determined by a person who is
9 protected by the protective order, but shall be determined by the
10 prosecutor;

11 2. No person, including a person who is protected by the order,
12 may give permission to anyone to ignore or violate any provision of
13 the order. During the time in which the order is valid, every
14 provision of the order shall be in full force and effect unless a
15 court changes the order;

16 3. The order shall be in effect for a fixed period of five (5)
17 years unless extended, modified, vacated or rescinded by the court
18 or shall be continuous upon a specific finding by the court as
19 provided in subparagraph b of paragraph 1 of subsection G of Section
20 5 of this act unless modified, vacated or rescinded by the court;

21 4. The order shall be entered into the National Crime
22 Information Center (NCIC) database;

23 5. A violation of the order is a misdemeanor punishable by a
24 fine not exceeding One Thousand Dollars (\$1,000.00), or by

1 imprisonment in the county jail for a term not exceeding one (1)
2 year, or by both such fine and imprisonment. A violation of the
3 order which causes injury is a misdemeanor punishable by a fine not
4 exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in
5 the county jail for a term of not less than twenty (20) days nor
6 more than one (1) year, or by both such fine and imprisonment;

7 6. Possession of a firearm or ammunition by a defendant while
8 an order is in effect may subject the defendant to prosecution for a
9 violation of federal law even if the order does not specifically
10 prohibit the defendant from possession of a firearm or ammunition;

11 7. The defendant shall avoid the workplace and residence of the
12 petitioner or any premises temporarily occupied by the petitioner;

13 8. The defendant shall avoid contact that harasses or
14 intimidates the petitioner or employees of the petitioner. Contact
15 includes, but is not limited to, contact at the home, work, or
16 school of the petitioner, public places, in person, by phone, in
17 writing, by electronic communication or device, or in any other
18 manner;

19 9. The defendant shall not impersonate or adopt the
20 personification of the petitioner or employees of the petitioner by
21 pretending to be the petitioner or employees of the petitioner,
22 ordering items, posting information or making inquiries, or
23 publishing photographs of the petitioner or employees of the

24

1 petitioner, by use of social media, or by use of computer,
2 telephone, texting, emailing, or by use of any electronic means; and

3 10. The defendant shall avoid contacting the petitioner or
4 employees of the petitioner or causing any person other than an
5 attorney for the petitioner or law enforcement officer to contact
6 the petitioner or employees of the petitioner unless the petitioner
7 consents in writing.

8 SECTION 12. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 62.11 of Title 22, unless there
10 is created a duplication in numbering, reads as follows:

11 A. It is the intent of the Legislature that all foreign
12 protective orders shall have the rebuttable presumption of validity,
13 even if the foreign protective order contains provisions which could
14 not be contained in a protective order issued by an Oklahoma court.
15 The validity of a foreign protective order shall only be determined
16 by a court of competent jurisdiction. Until a foreign protective
17 order is declared invalid by a court of competent jurisdiction it
18 shall be given full faith and credit by all peace officers and
19 courts in the State of Oklahoma.

20 B. A peace officer of this state shall be immune from liability
21 for enforcing provisions of a foreign protective order.

22 SECTION 13. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 62.12 of Title 22, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Persons authorized to file a motion for expungement of
2 victim protective orders (VPOs) issued pursuant to the Protection
3 from Workplace Violence Act in this state shall be within one of the
4 following categories:

5 1. An ex parte order was issued to the petitioner but later
6 terminated due to dismissal of the petition before the full hearing,
7 or denial of the petition upon full hearing, or failure of the
8 petitioner to appear for full hearing, and at least ninety (90) days
9 have passed since the date set for full hearing;

10 2. The petitioner filed an application for a victim protective
11 order and failed to appear for the full hearing and at least ninety
12 (90) days have passed since the date last set by the court for the
13 full hearing, including the last date set for any continuance,
14 postponement or rescheduling of the hearing;

15 3. The petitioner or defendant has had the order vacated and
16 three (3) years have passed since the order to vacate was entered;
17 or

18 4. The petitioner or defendant is deceased.

19 B. For purposes of this section:

20 1. "Defendant" means the person or persons to whom the victim
21 protective order was directed.

22 2. "Expungement" means the sealing of victim protective order
23 (VPO) court records from public inspection, but not from law
24 enforcement agencies, the court or the district attorney;

1 3. "Petitioner" means the person or persons who sought the
2 original victim protective order for cause; and

3 C. 1. Any person qualified under subsection A of this section
4 may petition the district court of the district in which the
5 protective order pertaining to the person is located for the
6 expungement and sealing of the court records from public inspection.

7 The face of the petition shall state whether the defendant in the
8 protective order has been convicted of any violation of the
9 protective order and whether any prosecution or complaint is pending
10 in this state or any other state for a violation or alleged
11 violation of the protective order that is sought to be expunged.

12 The petition shall further state the authority pursuant to
13 subsection A of this section for eligibility for requesting the
14 expungement. The other party to the protective order shall be
15 mailed a copy of the petition by certified mail within ten (10) days
16 of filing the petition. A written answer or objection may be filed
17 within thirty (30) days of receiving the notice and petition.

18 2. Upon the filing of a petition, the court shall set a date
19 for a hearing and shall provide at least a thirty-day notice of the
20 hearing to all parties to the protective order, the district
21 attorney, and any other person or agency whom the court has reason
22 to believe may have relevant information related to the sealing of
23 the victim protective order court record.

24

1 3. Without objection from the other party to the victim
2 protective order or upon a finding that the harm to the privacy of
3 the person in interest or dangers of unwarranted adverse
4 consequences outweigh the public and safety interests of the parties
5 to the protective order in retaining the records, the court may
6 order the court record, or any part thereof, to be sealed from
7 public inspection. Any order entered pursuant to this section shall
8 not limit or restrict any law enforcement agency, the district
9 attorney or the court from accessing said records without the
10 necessity of a court order. Any order entered pursuant to this
11 subsection may be appealed by any party to the protective order or
12 by the district attorney to the Oklahoma Supreme Court in accordance
13 with the rules of the Oklahoma Supreme Court.

14 4. Upon the entry of an order to expunge and seal from public
15 inspection a victim protective order court record, or any part
16 thereof, the subject official actions shall be deemed never to have
17 occurred, and the persons in interest and the public may properly
18 reply, upon any inquiry in the matter, that no such action ever
19 occurred and that no such record exists with respect to the persons.

20 5. Inspection of the protective order court records included in
21 the expungement order issued pursuant to this section may thereafter
22 be permitted only upon petition by the persons in interest who are
23 the subjects of the records, or without petition by the district

24

1 attorney or a law enforcement agency in the due course of
2 investigation of a crime.

3 6. Employers, educational institutions, state and local
4 government agencies, officials, and employees shall not require, in
5 any application or interview or otherwise, an applicant to disclose
6 any information contained in sealed protective order court records.

7 An applicant need not, in answer to any question concerning the
8 records, provide information that has been sealed, including any
9 reference to or information concerning the sealed information and
10 may state that no such action has ever occurred. The application
11 may not be denied solely because of the refusal of the applicant to
12 disclose protective order court records information that has been
13 sealed.

14 7. The provisions of this section shall apply to all protective
15 order court records existing in the district courts of this state
16 on, before and after the effective date of this section.

17 8. Nothing in this section shall be construed to authorize the
18 physical destruction of any court records, except as otherwise
19 provided by law for records no longer required to be maintained by
20 the court.

21 9. For the purposes of this section, sealed materials which are
22 recorded in the same document as unsealed material may be recorded
23 in a separate document, and sealed, then obliterated in the original
24 document.

1 10. For the purposes of this act, district court index
2 reference of sealed material shall be destroyed, removed or
3 obliterated.

4 11. Any record ordered to be sealed pursuant to this section
5 may be obliterated or destroyed at the end of the ten-year period.

6 12. Nothing herein shall prohibit the introduction of evidence
7 regarding actions sealed pursuant to the provisions of this section
8 at any hearing or trial for purposes of impeaching the credibility
9 of a witness or as evidence of character testimony pursuant to
10 Section 2608 of Title 12 of the Oklahoma Statutes.

11 SECTION 14. AMENDATORY 22 O.S. 2021, Section 40.3, as
12 amended by Section 1, Chapter 167, O.S.L. 2025 (22 O.S. Supp. 2025,
13 Section 40.3), is amended to read as follows:

14 Section 40.3. A. When the court is not open for business, the
15 victim of domestic violence, stalking, harassment, rape, forcible
16 sodomy, a sex offense, kidnapping, or assault and battery with a
17 deadly weapon or, a member of the immediate family of a victim of
18 first-degree murder, or an employer, as defined in the Protection
19 for Workplace Violence Act, may request a petition for an emergency
20 temporary order of protection. The peace officer making the
21 preliminary investigation shall:

22 1. Provide the victim or, member of the immediate family of a
23 victim of first-degree murder, or employer with a petition for an
24 emergency temporary order of protection and, if necessary, assist

1 the victim ~~or~~, member of the immediate family of a victim of first-
2 degree murder, or employer in completing the petition form. The
3 petition shall be in substantially the same form as provided by
4 Section 60.2 of this title for a petition for protective order in
5 domestic abuse or workplace violence cases;

6 2. Immediately notify, by telephone or otherwise, a judge of
7 the district court of the request for an emergency temporary order
8 of protection and describe the circumstances. The judge shall
9 inform the peace officer of the decision to approve or disapprove
10 the emergency temporary order;

11 3. Inform the victim ~~or~~, member of the immediate family of a
12 victim of first-degree murder, or employer whether the judge has
13 approved or disapproved the emergency temporary order. If an
14 emergency temporary order has been approved, the peace officer shall
15 provide the victim, or a responsible adult if the victim is a minor
16 child or an incompetent person ~~or~~, member of the immediate family of
17 a victim of first-degree murder, or employer, with a copy of the
18 petition and a written statement signed by the peace officer
19 attesting that the judge has approved the emergency temporary order
20 of protection;

21 4. Notify the person subject to the emergency temporary
22 protection order of the issuance and conditions of the order, if
23 known. Notification pursuant to this paragraph may be made
24 personally by the peace officer upon arrest or, upon identification

1 of the assailant, notice shall be given by any law enforcement
2 officer. A copy of the petition and the statement of the peace
3 officer attesting to the order of the judge shall be made available
4 to the person; and

5 5. Make every attempt to serve the subject of the order and
6 complete a return of service when filing the petition with the
7 district court. If the peace officer is unable to obtain service,
8 the petition shall be filed by a peace officer with the district
9 court the next business day. The court clerk shall receive the
10 petition upon delivery by the peace officer and document the hearing
11 date and time assigned to the case as documented by the peace
12 officer. If the court clerk observes that service has not been
13 obtained, the petition shall still be filed by the court clerk and
14 issued to the appropriate office of the county sheriff to obtain
15 service with priority.

16 B. The forms utilized by law enforcement agencies in carrying
17 out the provisions of this section may be substantially similar to
18 those used under Section 60.2 of this title.

19 SECTION 15. This act shall become effective November 1, 2026.
20

21 60-2-15198 GRS 01/14/26
22
23
24