

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3905

By: Hefner

6 AS INTRODUCED

7 An Act relating to domestic violence; amending 22
8 O.S. 2021, Section 60.17, which relates to the
9 Protection from Domestic Abuse Act; providing
10 alternative methods of payment for defendants deemed
11 indigent; requiring use of Global Positioning System
12 (GPS) monitoring devices by defendants when released
13 on bond; authorizing courts to issue hold order under
14 certain circumstances; requiring courts to conduct
15 expedited hearing for certain purposes; directing
16 defendants to pay costs for monitoring devices;
requiring the Department of Corrections to monitor
devices and defendants; requiring payment of
supervision fees; providing for the removal of
monitoring devices under certain circumstances;
allowing GPS monitoring orders to run concurrently
with other orders or be terminated upon order by the
court; allowing victims to monitor the location of
defendants; providing limitations on monitoring
capabilities; and providing an effective date.

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

20 SECTION 1. AMENDATORY 22 O.S. 2021, Section 60.17, is
21 amended to read as follows:

22 Section 60.17. A. The court shall consider the safety of any
23 and all alleged victims of domestic violence, stalking, harassment,
24 sexual assault, or forcible sodomy where the defendant is alleged to

1 have violated a protective order, committed domestic assault and
2 battery, stalked, sexually assaulted, or forcibly sodomized the
3 alleged victim or victims prior to the release of the alleged
4 defendant from custody on bond. The court, after consideration and
5 to ensure the safety of the alleged victim or victims, may issue an
6 emergency protective order pursuant to the Protection from Domestic
7 Abuse Act. The court may also issue to the alleged victim or
8 victims an order restraining the alleged defendant from any activity
9 or action from which they may be restrained under the Protection
10 from Domestic Abuse Act. The court shall not consider a "no contact
11 order as condition of bond" as a factor when determining whether the
12 petitioner is eligible for relief. The protective order shall
13 remain in effect until either a plea has been accepted, sentencing
14 has occurred in the case, the case has been dismissed, or until
15 further order of the court dismissing the protective order. In
16 conjunction with any protective order or restraining order
17 authorized by this section, the court may order the defendant to use
18 an active, real-time, twenty-four-hour Global Positioning System
19 (GPS) monitoring device for such term as the court deems
20 appropriate. Upon application of the victim, the court may
21 authorize the victim to monitor the location of the defendant. Such
22 monitoring by the victim shall be limited to the ability of the
23 victim to make computer or cellular inquiries to determine if the
24 defendant is within a specified distance of locations, excluding the

1 residence or workplace of the defendant, or to receive a computer-
2 or a cellular-generated signal if the defendant comes within a
3 specified distance of the victim. The court shall conduct an annual
4 review of the monitoring order to determine if such order to monitor
5 the location of the defendant is still necessary. Before the court
6 orders the use of a GPS device, the court shall find that the
7 defendant has a history that demonstrates an intent to commit
8 violence against the victim, including, but not limited to, prior
9 conviction for an offense under the Protection from Domestic Abuse
10 Act or any other violent offense, or any other evidence that shows
11 by a preponderance of the evidence that the defendant is likely to
12 commit violence against the victim. The court may further order the
13 defendant to pay costs and expenses related to the GPS device and
14 monitoring, unless the court finds the defendant indigent, and in
15 that event may order an alternative payment fund, county services
16 fund, or other condition in lieu of payment.

17 B. 1. In addition to monitoring by the victim pursuant to
18 subsection A of this section, any defendant charged with stalking,
19 violating a victim protective order, domestic abuse by
20 strangulation, domestic abuse with a dangerous or deadly weapon, or
21 domestic abuse after a previous adjudication for domestic abuse
22 shall not be released on bail without a GPS monitoring device
23 attached to the defendant. If a GPS monitoring device cannot be
24 installed and activated at the time release of the defendant is

1 otherwise authorized due to unavailability of equipment, personnel,
2 or other logistical constraints, the court may order the defendant
3 be held in custody for a period not to exceed forty-eight (48)
4 hours, excluding weekends and holidays, to allow for installation
5 and activation. If the GPS monitoring device is not installed and
6 activated within that time, the court shall conduct an expedited
7 hearing to determine whether continued detention is necessary or
8 whether alternative conditions of release may reasonably ensure the
9 safety of the victim and appearance of the defendant. The cost of
10 the GPS monitoring device shall be paid by the defendant at his or
11 her own expense until the conclusion of the criminal case, unless
12 the court finds the defendant indigent, and in that event may order
13 an alternative payment fund, county services fund, or other
14 condition in lieu of payment. The Department of Corrections shall
15 monitor such GPS monitoring device and the defendant until the
16 conclusion of the criminal case. The defendant shall pay a
17 supervision fee as provided for other persons subject to supervision
18 by the Department. At the conclusion of the criminal case, the
19 court shall order the removal of the GPS monitoring device if the
20 defendant is acquitted, is to be incarcerated, or the criminal case
21 is dismissed. If the defendant is placed on probation or
22 supervision, the monitoring order issued by the court may continue
23 under the sentencing order or may be terminated upon court order.
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1 2. Upon application of the victim, the court may authorize the
2 victim to monitor the location of the defendant. Monitoring by the
3 victim shall be limited to the ability of the victim to make
4 computer or cellular inquiries to determine if the defendant is
5 within a specified distance of locations, excluding the residence or
6 workplace of the defendant, or to receive a computer- or cellular-
7 generated signal if the defendant comes within a specified distance
8 of the victim.

9 SECTION 2. This act shall become effective November 1, 2026.

10 60-2-15265 GRS 01/13/25