

1 **SENATE FLOOR VERSION**
2 April 22, 2025
3 **AS AMENDED**

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
ENGROSSED HOUSE
BILL NO. 1273

By: Hasenbeck and Lowe (Jason)
of the House

and

Reinhardt of the Senate

[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~~ by a
10 batterers' intervention program as provided in
11 subparagraph b of this paragraph and certified by the
12 Office of the Attorney General, to determine if it is
13 appropriate for the defendant to undergo treatment
14 through the certified batterers' intervention program
15 provided for in subparagraph b of this paragraph or
16 through an alternative batterers' intervention program
17 as provided for in subparagraph c of this paragraph
18 certified by the Attorney General and provided by
19 local certified domestic violence or sexual assault
20 organizations.

21 b. If the defendant is ordered to participate in a
22 batterers' intervention program, the order shall
23 require the defendant to attend the program for a
24 minimum of fifty-two (52) weeks, complete the program,

1 and be evaluated before and after attendance of the
2 program by program staff. Three unexcused absences in
3 succession or seven unexcused absences in a period of
4 fifty-two (52) weeks from any court-ordered batterers'
5 intervention program shall be prima facie evidence of
6 the violation of the conditions of probation for the
7 district attorney to seek acceleration or revocation
8 of any probation entered by the court.

9 b.

10 c. Alternative batterers' intervention programs, which
11 the court may require the defendant to complete in
12 lieu of the batterers' intervention program provided
13 for in subparagraph b of this paragraph, shall be
14 certified through the Office of the Attorney General
15 and last a minimum of twenty-six (26) weeks. Rules
16 for alternative batterers' intervention programs shall
17 be promulgated by the Attorney General and provide
18 that the programs shall:

- 19 (1) prioritize the safety of all victims of
20 battering,
21 (2) ensure that batterers' intervention programs use
22 appropriate intervention strategies to assist the
23 batterer in fostering the appropriate skills to:
24 (a) stop the violence committed by the batterer,

- 1 (b) accept personal accountability for battering
2 and personal responsibility for the decision
3 to stop or not to stop battering, and
4 (c) change the existing attitudes and beliefs of
5 the batterer that support the coercive
6 behavior of the batterer,
7 (3) provide that batterers' intervention programs
8 address all forms of battering,
9 (4) provide that batterers' intervention programs are
10 culturally informed and provide culturally
11 appropriate services to all participants,
12 (5) provide that batterers' intervention programs
13 provide services that are affordable and
14 accessible for participants, including
15 participants with disabilities and limited
16 English proficiency,
17 (6) provide a uniform standard for evaluating the
18 performance of a batterers' intervention program,
19 (7) encourage practices, based on consensus of
20 research and proven field experience, that
21 enhance victim safety,
22 (8) foster local and statewide communication and
23 interaction between and among batterers'

intervention programs and victim advocacy
programs, and

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

Alternative batterers' intervention programs may use evidence-based principles of restorative justice.

d. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the ~~counseling or~~ treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to ~~counseling specifically for~~ the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required ~~counseling treatment~~ sessions, the domestic violence treatment program ~~or licensed professional~~ determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to or subsequent to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or

1 inability or refusal to manage anger, the defendant
2 shall be ordered to complete the counseling as per the
3 recommendations of the domestic violence treatment
4 program ~~or licensed professional~~;

5 3. a. The court shall set a review hearing no more than one
6 hundred twenty (120) days after the defendant is
7 ordered to ~~participate in a domestic abuse counseling~~
8 ~~program or~~ undergo treatment for domestic abuse to
9 assure the attendance and compliance of the defendant
10 with the provisions of this subsection ~~and the~~
11 ~~domestic abuse counseling or treatment requirements.~~

12 The court may suspend delay sentencing of the
13 defendant until the defendant has presented proof to
14 the court of enrollment in ~~a program of treatment for~~
15 ~~domestic abuse by an individual licensed practitioner~~
16 ~~or~~ a domestic abuse treatment program certified by the
17 Attorney General and attendance at weekly sessions of
18 such program. Such proof shall be presented to the
19 court by the defendant no later than one hundred
20 twenty (120) days after the defendant is ordered to
21 such ~~counseling or~~ treatment. At such time, the court
22 may complete sentencing, beginning the period of the
23 sentence from the date that proof of enrollment is
24 presented to the court, and schedule reviews as

1 required by subparagraphs a and b of this paragraph
2 and paragraphs 4 and 5 of this subsection. Three
3 unexcused absences in succession or seven unexcused
4 absences in a period of fifty-two (52) weeks from any
5 court-ordered ~~domestic abuse counseling or~~ treatment
6 program shall be *prima facie* evidence of the violation
7 of the conditions of probation for the district
8 attorney to seek acceleration or revocation of any
9 probation entered by the court.

10 b. The court shall set a second review hearing after the
11 completion of the ~~counseling or~~ treatment to assure
12 the attendance and compliance of the defendant with
13 the provisions of this subsection and the ~~domestic~~
14 ~~abuse counseling or~~ treatment requirements. The court
15 shall retain continuing jurisdiction over the
16 defendant during the course of ordered counseling
17 through the final review hearing;

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

22 5. At any review hearing, if the defendant is not
23 satisfactorily attending ~~individual counseling or a domestic abuse~~
24 ~~counseling or~~ treatment program or is not in compliance with any

1 ~~domestic abuse counseling or~~ treatment requirements, the court may
2 order the defendant to further or continue ~~counseling,~~ treatment, or
3 other necessary services. The court may revoke all or any part of a
4 suspended sentence, deferred sentence, or probation pursuant to
5 Section 991b of Title 22 of the Oklahoma Statutes and subject the
6 defendant to any or all remaining portions of the original sentence;

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

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

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

23 H. As used in subsection G of this section, "in the presence of
24 a child" means in the physical presence of a child; or having

1 knowledge that a child is present and may see or hear an act of
2 domestic violence. For the purposes of subsections C and G of this
3 section, "child" may be any child whether or not related to the
4 victim or the defendant.

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

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

12 2. If that conviction is rendered in any municipal court of
13 record of this or any other state for which any jail time was
14 served; provided, no conviction in a municipal court of record
15 entered prior to November 1, 1997, shall constitute a prior
16 conviction for purposes of a felony charge.

17 J. Any person who commits any assault and battery by
18 strangulation or attempted strangulation against an intimate partner
19 or a family or household member as defined by Section 60.1 of Title
20 22 of the Oklahoma Statutes shall, upon conviction, be guilty of
21 domestic abuse by strangulation and shall be punished by
22 imprisonment in the custody of the Department of Corrections for a
23 period of not less than one (1) year nor more than three (3) years,
24 or by a fine of not more than Three Thousand Dollars (\$3,000.00), or

1 by both such fine and imprisonment. Upon a second or subsequent
2 conviction for a violation of this section, the defendant shall be
3 punished by imprisonment in the custody of the Department of
4 Corrections for a period of not less than three (3) years nor more
5 than ten (10) years, or by a fine of not more than Twenty Thousand
6 Dollars (\$20,000.00), or by both such fine and imprisonment. The
7 provisions of Section 51.1 of this title shall apply to any second
8 or subsequent conviction of a violation of this subsection. As used
9 in this subsection, "strangulation" means any form of asphyxia;
10 including, but not limited to, asphyxia characterized by closure of
11 the blood vessels or air passages of the neck as a result of
12 external pressure on the neck or the closure of the nostrils or
13 mouth as a result of external pressure on the head.

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

17 1. Attend a treatment program for domestic abusers certified by
18 the Attorney General;

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

21 3. Attend, complete, and be evaluated before and after
22 attendance by a treatment program for domestic abusers, certified by
23 the Attorney General.

24

1 L. There shall be no charge of fees or costs to any victim of
2 domestic violence, stalking, or sexual assault in connection with
3 the prosecution of a domestic violence, stalking, or sexual assault
4 offense in this state.

5 M. In the course of prosecuting any charge of domestic abuse,
6 stalking, harassment, rape, or violation of a protective order, the
7 prosecutor shall provide the court, prior to sentencing or any plea
8 agreement, a local history and any other available history of past
9 convictions of the defendant within the last ten (10) years relating
10 to domestic abuse, stalking, harassment, rape, violation of a
11 protective order, or any other violent misdemeanor or felony
12 convictions.

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

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

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
April 22, 2025 - DO PASS AS AMENDED