

1 ENGROSSED SENATE AMENDMENT
2 TO
3 ENGROSSED HOUSE
4 BILL NO. 1273

By: Hasenbeck and Lowe (Jason)
of the House

5 and
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9 Reinhardt of the Senate
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15 [domestic violence - penalties for assault and
16 battery - counseling requirement - programs -
17 assessments - alternative batterers' intervention
18 programs - requirements - review hearing procedures
19 - court - sentencing - effective date]
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AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

"An Act relating to domestic violence; amending 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), which relates to penalties for assault and
battery; modifying sentencing requirements for
persons convicted of domestic violence against
certain persons; removing certain counseling
requirement; authorizing certification of certain
batterers' intervention pilot programs by Attorney
General; establishing requirements for certification
of certain pilot programs; requiring promulgation of
rules by Attorney General in consultation with
certain programs and organizations; providing
exceptions for eligibility for certain programs;
requiring annual reports and third party evaluation

1 of certain programs; requiring risk assessment for
2 program participants; prohibiting certain shared or
3 joint participation; authorizing certain extension of
4 program terms; establishing requirements for pilot
5 batterers' intervention programs; modifying review
6 hearing procedures; authorizing court to delay
7 sentencing under certain circumstances; and providing
8 an effective date.

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

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

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

18 B. Assault and battery shall be punishable by imprisonment in a
19 county jail not exceeding ninety (90) days, or by a fine of not more
20 than One Thousand Dollars (\$1,000.00), or by both such fine and
21 imprisonment.

22 C. Any person who commits any assault and battery against a
23 current or former intimate partner or a family or household member
24 as defined by Section 60.1 of Title 22 of the Oklahoma Statutes
 shall be guilty of domestic abuse. Upon conviction, the defendant
 shall be punished by imprisonment in the county jail for not more
 than one (1) year, or by a fine not exceeding Five Thousand Dollars

1 (\$5,000.00), or by both such fine and imprisonment. Upon conviction
2 for a second or subsequent offense, the person shall be punished by
3 imprisonment in the custody of the Department of Corrections for not
4 more than four (4) years, or by a fine not exceeding Five Thousand
5 Dollars (\$5,000.00), or by both such fine and imprisonment. The
6 provisions of Section 51.1 of this title shall apply to any second
7 or subsequent offense.

8 D. 1. Any person who, with intent to do bodily harm and
9 without justifiable or excusable cause, commits any assault,
10 battery, or assault and battery upon an intimate partner or a family
11 or household member as defined by Section 60.1 of Title 22 of the
12 Oklahoma Statutes with any sharp or dangerous weapon, upon
13 conviction, is guilty of domestic assault or domestic assault and
14 battery with a dangerous weapon which shall be a felony and
15 punishable by imprisonment in the custody of the Department of
16 Corrections not exceeding ten (10) years, or by imprisonment in a
17 county jail not exceeding one (1) year. The provisions of Section
18 51.1 of this title shall apply to any second or subsequent
19 conviction for a violation of this paragraph.

20 2. Any person who, without such cause, shoots an intimate
21 partner or a family or household member as defined by Section 60.1
22 of Title 22 of the Oklahoma Statutes by means of any deadly weapon
23 that is likely to produce death shall, upon conviction, be guilty of
24 domestic assault and battery with a deadly weapon which shall be a

1 felony punishable by imprisonment in the custody of the Department
2 of Corrections not exceeding life. The provisions of Section 51.1
3 of this title shall apply to any second or subsequent conviction for
4 a violation of this paragraph.

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

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

14 3. Any person convicted of domestic abuse committed against a
15 pregnant woman with knowledge of the pregnancy and a miscarriage
16 occurs or injury to the unborn child occurs shall be guilty of a
17 felony, punishable by imprisonment in the custody of the Department
18 of Corrections for not less than twenty (20) years.

19 F. Any person convicted of domestic abuse as defined in
20 subsection C of this section that results in great bodily injury to
21 the victim shall be guilty of a felony and punished by imprisonment
22 in the custody of the Department of Corrections for not more than
23 ten (10) years, or by imprisonment in the county jail for not more
24 than one (1) year. The provisions of Section 51.1 of this title

1 shall apply to any second or subsequent conviction of a violation of
2 this subsection.

3 G. Any person convicted of domestic abuse as defined in
4 subsection C of this section that was committed in the presence of a
5 child shall be punished by imprisonment in the county jail for not
6 less than six (6) months nor more than one (1) year, or by a fine
7 not exceeding Five Thousand Dollars (\$5,000.00), or by both such
8 fine and imprisonment. Any person convicted of a second or
9 subsequent domestic abuse as defined in subsection C of this section
10 that was committed in the presence of a child shall be punished by
11 imprisonment in the custody of the Department of Corrections for not
12 less than one (1) year nor more than five (5) years, or by a fine
13 not exceeding Seven Thousand Dollars (\$7,000.00), or by both such
14 fine and imprisonment. The provisions of Section 51.1 of this title
15 shall apply to any second or subsequent offense. For every
16 conviction of a domestic abuse crime in violation of any provision
17 of this section committed against an intimate partner or a family or
18 household member as defined by Section 60.1 of Title 22 of the
19 Oklahoma Statutes, the court shall:

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

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

b. If the defendant is ordered to participate
participates in a batterers' intervention program, the
order program shall require the defendant to attend
the program for a minimum of fifty-two (52) weeks,
complete the program, and be evaluated before and
after attendance of the program by program staff.

Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered batterers' intervention program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.

c. To investigate the effectiveness of additional batterers' intervention models, the Attorney General, beginning February 1, 2026, may certify two pilot batterers' intervention programs for a period of thirty-six (36) months located in Oklahoma and Tulsa

1 Counties. Proposals for certification as a pilot
2 batterers' intervention program may be approved only
3 if made by an organization that was dually certified
4 as a batterers' intervention program and a domestic
5 violence and sexual assault program on or before
6 January 1, 2025, or by an organization certified as a
7 batterers' intervention program on or before January
8 1, 2025, pursuant to a written agreement with an
9 organization certified as a domestic violence and
10 sexual assault program on or before January 1, 2025.
11 Treatment provided through a pilot batterers'
12 intervention program shall be evidence-based and shall
13 be a minimum of twenty-six (26) weeks' duration.
14 Participation in a pilot batterers' intervention
15 program shall be limited to fifty participants at any
16 given time. Pilot batterers' intervention programs
17 shall be self-funded, including any fees which may be
18 charged to the participants; provided, however, state
19 or federal funding may continue for domestic violence
20 and sexual abuse programs.

21 d. The Office of the Attorney General shall promulgate
22 rules for pilot batterers' intervention programs in
23 consultation with domestic violence and batterers'
24 intervention programs or advocacy organizations.

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

15 e. All participants in the pilot program shall be subject
16 to a validated risk assessment conducted by a
17 qualified professional. The results of the assessment
18 shall be used to determine program placement based on
19 the level of risk and individual circumstances.
20 Participation in any shared or joint setting by both
21 the survivor and the individual who has caused harm
22 shall be prohibited under a pilot program. The
23 Attorney General shall adopt rules to implement this

1 subparagraph, including standards for risk assessment
2 tools and differentiated response models.

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

7 g. Pilot batterers' intervention programs shall:

8 (1) prioritize survivors' well-being in every part of
9 the pilot program including screening,

10 participation, reporting, and evaluation,

11 (2) ensure that batterers' intervention programs use
12 appropriate intervention strategies to assist the
13 batterer in fostering the appropriate skills to:

14 (a) stop the violence committed by the batterer,

15 (b) accept personal accountability for battering
16 and personal responsibility for the decision
17 to stop or not to stop battering, and

18 (c) change the existing attitudes and beliefs of
19 the batterer that support the coercive
20 behavior of the batterer,

21 (3) address all forms of battering,

22 (4) be culturally informed and provide culturally
23 appropriate services to all participants,

- 1 (5) provide services that are affordable and
2 accessible for participants, including
3 participants with disabilities and limited
4 English proficiency,
5 (6) provide a uniform standard for evaluating the
6 performance of a batterers' intervention program,
7 (7) be informed by evidence-based practice, research,
8 and proven field experience, including risk
9 assessment, that enhances victim safety,
10 (8) foster local and statewide communication and
11 interaction between and among batterers'
12 intervention programs and victim advocacy
13 programs, and
14 (9) ensure that batterers' intervention programs
15 operate as an integrated part of the wider
16 community response to battering.

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

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

- 14 3. a. The court shall set a review hearing no more than one
15 hundred twenty (120) days after the defendant is
16 ordered to participate in a domestic abuse counseling
17 program or undergo treatment for domestic abuse to
18 assure the attendance and compliance of the defendant
19 with the provisions of this subsection and the
20 domestic abuse counseling or treatment requirements.
21 The court may suspend delay sentencing of the
22 defendant until the defendant has presented proof to
23 the court of enrollment in a program of treatment for
24 domestic abuse by an individual licensed practitioner

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

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

1 defendant during the course of ordered counseling
2 through the final review hearing;

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

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

16 6. At the first review hearing, the court shall require the
17 defendant to appear in court. Thereafter, for any subsequent review
18 hearings, the court may accept a report on the progress of the
19 defendant from ~~individual counseling, domestic abuse counseling, or~~
20 the treatment program. There shall be no requirement for the victim
21 to attend review hearings; and

22 7. If funding is available, a referee may be appointed and
23 assigned by the presiding judge of the district court to hear
24 designated cases set for review under this subsection. Reasonable

1 compensation for the referees shall be fixed by the presiding judge.
2 The referee shall meet the requirements and perform all duties in
3 the same manner and procedure as set forth in Sections 1-8-103 and
4 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees
5 appointed in juvenile proceedings.

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

8 H. As used in subsection G of this section, "in the presence of
9 a child" means in the physical presence of a child; or having
10 knowledge that a child is present and may see or hear an act of
11 domestic violence. For the purposes of subsections C and G of this
12 section, "child" may be any child whether or not related to the
13 victim or the defendant.

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

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

21 2. If that conviction is rendered in any municipal court of
22 record of this or any other state for which any jail time was
23 served; provided, no conviction in a municipal court of record

1 entered prior to November 1, 1997, shall constitute a prior
2 conviction for purposes of a felony charge.

3 J. Any person who commits any assault and battery by
4 strangulation or attempted strangulation against an intimate partner
5 or a family or household member as defined by Section 60.1 of Title
6 22 of the Oklahoma Statutes shall, upon conviction, be guilty of
7 domestic abuse by strangulation and shall be punished by
8 imprisonment in the custody of the Department of Corrections for a
9 period of not less than one (1) year nor more than three (3) years,
10 or by a fine of not more than Three Thousand Dollars (\$3,000.00), or
11 by both such fine and imprisonment. Upon a second or subsequent
12 conviction for a violation of this section, the defendant shall be
13 punished by imprisonment in the custody of the Department of
14 Corrections for a period of not less than three (3) years nor more
15 than ten (10) years, or by a fine of not more than Twenty Thousand
16 Dollars (\$20,000.00), or by both such fine and imprisonment. The
17 provisions of Section 51.1 of this title shall apply to any second
18 or subsequent conviction of a violation of this subsection. As used
19 in this subsection, "strangulation" means any form of asphyxia;
20 including, but not limited to, asphyxia characterized by closure of
21 the blood vessels or air passages of the neck as a result of
22 external pressure on the neck or the closure of the nostrils or
23 mouth as a result of external pressure on the head.

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

4 1. Attend a treatment program for domestic abusers certified by
5 the Attorney General;

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

8 3. Attend, complete, and be evaluated before and after
9 attendance by a treatment program for domestic abusers, certified by
10 the Attorney General.

11 L. There shall be no charge of fees or costs to any victim of
12 domestic violence, stalking, or sexual assault in connection with
13 the prosecution of a domestic violence, stalking, or sexual assault
14 offense in this state.

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

23 N. Any plea of guilty or finding of guilt for a violation of
24 subsection C, F, G, I or J of this section shall constitute a

1 conviction of the offense for the purpose of this act or any other
2 criminal statute under which the existence of a prior conviction is
3 relevant for a period of ten (10) years following the completion of
4 any court imposed probationary term; provided, the person has not,
5 in the meantime, been convicted of a misdemeanor involving moral
6 turpitude or a felony.

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

11 P. 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. This act shall become effective November 1, 2025."

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Passed the Senate the 7th day of May, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the _____ day of _____,
2025.

Presiding Officer of the House
of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 1273

By: Hasenbeck and Lowe (Jason)
of the House

3 and

4 Reinhardt of the Senate

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6
7 [domestic violence - penalties for assault and
8 battery - counseling requirement - programs -
9 assessments - alternative batterers' intervention
10 programs - requirements - review hearing procedures
11 - court - sentencing - effective date]

12
13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 3. AMENDATORY 21 O.S. 2021, Section 644, as last
16 amended by Section 6, Chapter 452, O.S.L. 2024 (21 O.S. Supp. 2024,
17 Section 644), is amended to read as follows:

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

22 B. Assault and battery shall be punishable by imprisonment in a
23 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 4. This act shall become effective November 1, 2025.

8 Passed the House of Representatives the 26th day of March, 2025.

9

10

Presiding Officer of the House
11 of Representatives

12 Passed the Senate the ____ day of _____, 2025.

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Presiding Officer of the Senate

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