

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 1273

By: Hasenbeck and Lowe (Jason)  
of the House

4 and

5 Reinhardt of the Senate

6  
7  
8 [ domestic violence - penalties for assault and  
9 battery - counseling requirement - programs -  
10 assessments - alternative batterers' intervention  
11 programs - requirements - review hearing procedures  
12 - court - sentencing - effective date ]  
13  
14

15 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause  
16 and entire bill and insert

17 "An Act relating to domestic violence; amending 21  
18 O.S. 2021, Section 644, as last amended by Section 6,  
19 Chapter 452, O.S.L. 2024 (21 O.S. Supp. 2024, Section  
20 644), which relates to penalties for assault and  
21 battery; modifying sentencing requirements for  
22 persons convicted of domestic violence against  
23 certain persons; removing certain counseling  
24 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.

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

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

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

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

21 C. Any person who commits any assault and battery against a  
22 current or former intimate partner or a family or household member  
23 as defined by Section 60.1 of Title 22 of the Oklahoma Statutes  
24 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  
24

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,

- (5) provide services that are affordable and accessible for participants, including participants with disabilities and limited English proficiency,
- (6) provide a uniform standard for evaluating the performance of a batterers' intervention program,
- (7) be informed by evidence-based practice, research, and proven field experience, including risk assessment, that enhances victim safety,
- (8) foster local and statewide communication and 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.

~~b.~~ h. 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

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  
24

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

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2025.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 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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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 ]  
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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  
24

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'  
24

1                   intervention programs and victim advocacy  
2                   programs, and

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

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

8           d.   A program for anger management, couples counseling, or  
9               family and marital counseling shall not solely qualify  
10              for the ~~counseling~~ or treatment requirement for  
11              domestic abuse pursuant to this subsection. The  
12              counseling may be ordered in addition to ~~counseling~~  
13              ~~specifically for~~ the treatment of domestic abuse or  
14              per evaluation as set forth below. If, after  
15              sufficient evaluation and attendance at required  
16              ~~counseling~~ treatment sessions, the domestic violence  
17              treatment program ~~or licensed professional~~ determines  
18              that the defendant does not evaluate as a perpetrator  
19              of domestic violence or does evaluate as a perpetrator  
20              of domestic violence and should complete other  
21              programs of treatment simultaneously or prior to or  
22              subsequent to domestic violence treatment, including  
23              but not limited to programs related to the mental  
24              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.

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  
11 Presiding Officer of the House  
of Representatives

12 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2025.

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15 Presiding Officer of the Senate  
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