

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1273

By: Hasenbeck

6 AS INTRODUCED

7 An Act relating to domestic violence; amending 21  
8 O.S. 2021, Section 644, as last amended by Section 6,  
9 Chapter 452, O.S.L. 2024 (21 O.S. Supp. 2024, Section  
10 644), which relates to penalties for assault and  
11 battery; deleting certain counseling requirement;  
12 specifying programs that may provide certain  
assessments; providing for alternative batterers'  
intervention programs; establishing requirements of  
alternative batterers' intervention programs;  
updating review hearing procedures; authorizing the  
court to delay sentencing the defendant; and  
providing an effective date.

13

14

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

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

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

23 B. Assault and battery shall be punishable by imprisonment in a  
24 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

9 60-1-10238        GRS        01/03/24  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24