

An Act

ENROLLED HOUSE
BILL NO. 1273

By: Hasenbeck and Lowe (Jason)
of the House

and

Reinhardt of the Senate

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

SUBJECT: Domestic violence

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

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

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

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

C. Any person who commits any assault and battery against a current or former intimate partner or a family or household member 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 (\$5,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent offense, the person shall be punished by imprisonment in the custody of the Department of Corrections for not more than four (4) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense.

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

2. Any person who, without such cause, shoots an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes by means of any deadly weapon that is likely to produce death shall, upon conviction, be guilty of domestic assault and battery with a deadly weapon which shall be a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life. The provisions of Section 51.1

of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

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

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

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

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

G. Any person convicted of domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by a fine not exceeding Seven Thousand Dollars (\$7,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense. For every conviction of a domestic abuse crime in violation of any provision of this section committed against an intimate partner or a family or

household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, the court shall:

1. Specifically order as a condition of a suspended or deferred sentence that a defendant ~~participate in counseling or~~ undergo treatment to bring about the cessation of domestic abuse as 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 Counties. Proposals for certification as a pilot batterers' intervention program may be approved only if made by an organization that was dually certified as a batterers' intervention program and a domestic violence and sexual assault program on or before January 1, 2025, or by an organization certified as a batterers' intervention program on or before January 1, 2025, pursuant to a written agreement with an organization certified as a domestic violence and sexual assault program on or before January 1, 2025. Treatment provided through a pilot batterers'

intervention program shall be evidence-based and shall be a minimum of twenty-six (26) weeks' duration. Participation in a pilot batterers' intervention program shall be limited to fifty participants at any given time. Pilot batterers' intervention programs shall be self-funded, including any fees which may be charged to the participants; provided, however, state or federal funding may continue for domestic violence and sexual abuse programs.

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

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

- e. All participants in the pilot program shall be subject to a validated risk assessment conducted by a qualified professional. The results of the assessment shall be used to determine program placement based on the level of risk and individual circumstances. Participation in any shared or joint setting by both the survivor and the individual who has caused harm shall be prohibited under a pilot program. The Attorney General shall adopt rules to implement this subparagraph, including standards for risk assessment tools and differentiated response models.

- f. The Attorney General may provide by rule for extension of no more than twenty-four (24) months beyond thirty-

six (36) months of a pilot batterers' intervention program if recommended by the third-party evaluator.

g. Pilot batterers' intervention programs shall:

- (1) prioritize survivors' well-being in every part of the pilot program including screening, participation, reporting, and evaluation,
- (2) ensure that batterers' intervention programs use appropriate intervention strategies to assist the batterer in fostering the appropriate skills to:
 - (a) stop the violence committed by the batterer,
 - (b) accept personal accountability for battering and personal responsibility for the decision to stop or not to stop battering, and
 - (c) change the existing attitudes and beliefs of the batterer that support the coercive behavior of the batterer,
- (3) address all forms of battering,
- (4) be culturally informed and provide culturally 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 ~~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 inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program ~~or licensed professional~~;

3. a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to ~~participate in a domestic abuse counseling program or~~ undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection ~~and the domestic abuse counseling or treatment requirements~~. The court may ~~suspend~~ delay sentencing of the defendant until the defendant has presented proof to the court of enrollment in ~~a program of treatment for domestic abuse by an individual licensed practitioner or~~ a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such ~~counseling or~~ treatment. At such time, the court may complete sentencing, beginning the period of the

sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered ~~domestic abuse counseling or~~ treatment 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.

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

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

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

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

7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear

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

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

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

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

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

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

J. Any person who commits any assault and battery by strangulation or attempted strangulation against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall, upon conviction, be guilty of domestic abuse by strangulation and shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than one (1) year nor more than three (3) years, or by a fine of not more than Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment. Upon a second or subsequent conviction for a violation of this section, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than three (3) years nor more than ten (10) years, or by a fine of not more than Twenty Thousand

Dollars (\$20,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection. As used in this subsection, "strangulation" means any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head.

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 14th day of May, 2025.

Presiding Officer of the House
of Representatives

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

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____