

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE BILL 1273

By: Hasenbeck of the House

5 and

6 **Reinhardt** of the Senate

9 AS INTRODUCED

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

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

23 SECTION 1. AMENDATORY 21 O.S. 2021, Section 644, as last

24 amended by Section 6, Chapter 452, O.S.L. 2024 (21 O.S. Supp. 2024,
25 Section 644), is amended to read as follows:

26 Section 644. A. Assault shall be punishable by imprisonment in
27 a county jail not exceeding thirty (30) days, or by a fine of not

1 more than Five Hundred Dollars (\$500.00), or by both such fine and
2 imprisonment.

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

7 C. Any person who commits any assault and battery against a
8 current or former intimate partner or a family or household member
9 as defined by Section 60.1 of Title 22 of the Oklahoma Statutes
10 shall be guilty of domestic abuse. Upon conviction, the defendant
11 shall be punished by imprisonment in the county jail for not more
12 than one (1) year, or by a fine not exceeding Five Thousand Dollars
13 (\$5,000.00), or by both such fine and imprisonment. Upon conviction
14 for a second or subsequent offense, the person shall be punished by
15 imprisonment in the custody of the Department of Corrections for not
16 more than four (4) years, or by a fine not exceeding Five Thousand
17 Dollars (\$5,000.00), or by both such fine and imprisonment. The
18 provisions of Section 51.1 of this title shall apply to any second
19 or subsequent offense.

20 D. 1. Any person who, with intent to do bodily harm and
21 without justifiable or excusable cause, commits any assault,
22 battery, or assault and battery upon an intimate partner or a family
23 or household member as defined by Section 60.1 of Title 22 of the
24 Oklahoma Statutes with any sharp or dangerous weapon, upon

1 conviction, is guilty of domestic assault or domestic assault and
2 battery with a dangerous weapon which shall be a felony and
3 punishable by imprisonment in the custody of the Department of
4 Corrections not exceeding ten (10) years, or by imprisonment in a
5 county jail not exceeding one (1) year. The provisions of Section
6 51.1 of this title shall apply to any second or subsequent
7 conviction for a violation of this paragraph.

8 2. Any person who, without such cause, shoots an intimate
9 partner or a family or household member as defined by Section 60.1
10 of Title 22 of the Oklahoma Statutes by means of any deadly weapon
11 that is likely to produce death shall, upon conviction, be guilty of
12 domestic assault and battery with a deadly weapon which shall be a
13 felony punishable by imprisonment in the custody of the Department
14 of Corrections not exceeding life. The provisions of Section 51.1
15 of this title shall apply to any second or subsequent conviction for
16 a violation of this paragraph.

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

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

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

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

16 G. Any person convicted of domestic abuse as defined in
17 subsection C of this section that was committed in the presence of a
18 child shall be punished by imprisonment in the county jail for not
19 less than six (6) months nor more than one (1) year, or by a fine
20 not exceeding Five Thousand Dollars (\$5,000.00), or by both such
21 fine and imprisonment. Any person convicted of a second or
22 subsequent domestic abuse as defined in subsection C of this section
23 that was committed in the presence of a child shall be punished by
24 imprisonment in the custody of the Department of Corrections for not

1 less than one (1) year nor more than five (5) years, or by a fine
2 not exceeding Seven Thousand Dollars (\$7,000.00), or by both such
3 fine and imprisonment. The provisions of Section 51.1 of this title
4 shall apply to any second or subsequent offense. For every
5 conviction of a domestic abuse crime in violation of any provision
6 of this section committed against an intimate partner or a family or
7 household member as defined by Section 60.1 of Title 22 of the
8 Oklahoma Statutes, the court shall:

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

13 2. a. The court shall require the defendant to complete an
14 assessment ~~and follow the recommendations of a~~ by a
15 batterers' intervention program as provided in
16 subparagraph b of this paragraph and certified by the
17 Office of the Attorney General, to determine if it is
18 appropriate for the defendant to undergo treatment
19 through the certified batterers' intervention program
20 provided for in subparagraph b of this paragraph or
21 through an alternative batterers' intervention program
22 as provided for in subparagraph c of this paragraph
23 certified by the Attorney General and provided by
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1 local certified domestic violence or sexual assault
2 organizations.

3 b. If the defendant is ordered to participate in a
4 batterers' intervention program, the order shall
5 require the defendant to attend the program for a
6 minimum of fifty-two (52) weeks, complete the program,
7 and be evaluated before and after attendance of the
8 program by program staff. Three unexcused absences in
9 succession or seven unexcused absences in a period of
10 fifty-two (52) weeks from any court-ordered batterers'
11 intervention program shall be prima facie evidence of
12 the violation of the conditions of probation for the
13 district attorney to seek acceleration or revocation
14 of any probation entered by the court.

15 b.

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

- 1 (1) prioritize the safety of all victims of
2 battering,
3 (2) ensure that batterers' intervention programs use
4 appropriate intervention strategies to assist the
5 batterer in fostering the appropriate skills to:
6 (a) stop the violence committed by the batterer,
7 (b) accept personal accountability for battering
8 and personal responsibility for the decision
9 to stop or not to stop battering, and
10 (c) change the existing attitudes and beliefs of
11 the batterer that support the coercive
12 behavior of the batterer,
13 (3) provide that batterers' intervention programs
14 address all forms of battering,
15 (4) provide that batterers' intervention programs are
16 culturally informed and provide culturally
17 appropriate services to all participants,
18 (5) provide that batterers' intervention programs
19 provide services that are affordable and
20 accessible for participants, including
21 participants with disabilities and limited
22 English proficiency,
23 (6) provide a uniform standard for evaluating the
24 performance of a batterers' intervention program,

- 1 (7) encourage practices, based on consensus of
2 research and proven field experience, that
3 enhance victim safety,
4 (8) foster local and statewide communication and
5 interaction between and among batterers'
6 intervention programs and victim advocacy
7 programs, and
8 (9) ensure that batterers' intervention programs
9 operate as an integrated part of the wider
10 community response to battering.

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

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

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

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

1 twenty (120) days after the defendant is ordered to
2 such ~~counseling or~~ treatment. At such time, the court
3 may complete sentencing, beginning the period of the
4 sentence from the date that proof of enrollment is
5 presented to the court, and schedule reviews as
6 required by subparagraphs a and b of this paragraph
7 and paragraphs 4 and 5 of this subsection. Three
8 unexcused absences in succession or seven unexcused
9 absences in a period of fifty-two (52) weeks from any
10 court-ordered ~~domestic abuse counseling or~~ treatment
11 program shall be prima facie evidence of the violation
12 of the conditions of probation for the district
13 attorney to seek acceleration or revocation of any
14 probation entered by the court.

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

23 4. The court may set subsequent or other review hearings as the
24 court determines necessary to assure the defendant attends and fully

1 complies with the provisions of this subsection and the ~~domestic~~
2 ~~abuse counseling or~~ treatment requirements;

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

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

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

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

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

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

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

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

23 J. Any person who commits any assault and battery by
24 strangulation or attempted strangulation against an intimate partner

1 or a family or household member as defined by Section 60.1 of Title
2 22 of the Oklahoma Statutes shall, upon conviction, be guilty of
3 domestic abuse by strangulation and shall be punished by
4 imprisonment in the custody of the Department of Corrections for a
5 period of not less than one (1) year nor more than three (3) years,
6 or by a fine of not more than Three Thousand Dollars (\$3,000.00), or
7 by both such fine and imprisonment. Upon a second or subsequent
8 conviction for a violation of this section, the defendant shall be
9 punished by imprisonment in the custody of the Department of
10 Corrections for a period of not less than three (3) years nor more
11 than ten (10) years, or by a fine of not more than Twenty Thousand
12 Dollars (\$20,000.00), or by both such fine and imprisonment. The
13 provisions of Section 51.1 of this title shall apply to any second
14 or subsequent conviction of a violation of this subsection. As used
15 in this subsection, "strangulation" means any form of asphyxia;
16 including, but not limited to, asphyxia characterized by closure of
17 the blood vessels or air passages of the neck as a result of
18 external pressure on the neck or the closure of the nostrils or
19 mouth as a result of external pressure on the head.

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

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

1 2. Attend counseling or treatment services ordered as part of
2 any suspended or deferred sentence or probation; and
3 3. Attend, complete, and be evaluated before and after
4 attendance by a treatment program for domestic abusers, certified by
5 the Attorney General.

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

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

18 N. Any plea of guilty or finding of guilt for a violation of
19 subsection C, F, G, I or J of this section shall constitute a
20 conviction of the offense for the purpose of this act or any other
21 criminal statute under which the existence of a prior conviction is
22 relevant for a period of ten (10) years following the completion of
23 any court imposed probationary term; provided, the person has not,

1 in the meantime, been convicted of a misdemeanor involving moral
2 turpitude or a felony.

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

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

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

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15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
16 OVERSIGHT, dated 03/04/2025 - DO PASS, As Coauthored.

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