

1 ENGROSSED SENATE  
2 BILL NO. 813

3 By: Seifried of the Senate

4 and

5 May and Pae of the House

6 An Act relating to victim protective orders; amending  
7 22 O.S. 2021, Sections 40.3, 60.3, and 60.16, which  
8 relate to emergency orders; adding duty for peace  
9 officer to attempt certain service; requiring filing  
10 of petition under certain circumstances; establishing  
11 duties of court clerk to receive and document certain  
12 petition; requiring filing of petition; modifying  
13 required notice to victim; requiring peace officer to  
14 provide certain order to victim and return to court;  
15 clarifying language; repealing Section 3, Chapter  
16 318, O.S.L. 2022 (21 O.S. Supp. 2024, Section  
17 1173.1), which relates to Stalking Warning Letter;  
18 providing an effective date; and declaring an  
19 emergency.

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

21 SECTION 1. AMENDATORY 22 O.S. 2021, Section 40.3, is  
22 amended to read as follows:

23 Section 40.3. A. When the court is not open for business, the  
24 victim of domestic violence, stalking, harassment, rape, forcible  
sodomy, a sex offense, kidnapping or assault and battery with a  
deadly weapon or member of the immediate family of a victim of  
first-degree murder may request a petition for an emergency  
temporary order of protection. The peace officer making the  
preliminary investigation shall:

1       1. Provide the victim or member of the immediate family of a  
2 victim of first-degree murder with a petition for an emergency  
3 temporary order of protection and, if necessary, assist the victim  
4 or member of the immediate family of a victim of first-degree murder  
5 in completing the petition form. The petition shall be in  
6 substantially the same form as provided by Section 60.2 of this  
7 title for a petition for protective order in domestic abuse cases;

8       2. Immediately notify, by telephone or otherwise, a judge of  
9 the district court of the request for an emergency temporary order  
10 of protection and describe the circumstances. The judge shall  
11 inform the peace officer of the decision to approve or disapprove  
12 the emergency temporary order;

13       3. Inform the victim or member of the immediate family of a  
14 victim of first-degree murder whether the judge has approved or  
15 disapproved the emergency temporary order. If an emergency  
16 temporary order has been approved, the peace officer shall provide  
17 the victim, or a responsible adult if the victim is a minor child or  
18 an incompetent person or member of the immediate family of a victim  
19 of first-degree murder, with a copy of the petition and a written  
20 statement signed by the peace officer attesting that the judge has  
21 approved the emergency temporary order of protection; and

22       4. Notify the person subject to the emergency temporary  
23 protection order of the issuance and conditions of the order, if  
24 known. Notification pursuant to this paragraph may be made

1 personally by the peace officer upon arrest or, upon identification  
2 of the assailant, notice shall be given by any law enforcement  
3 officer. A copy of the petition and the statement of the peace  
4 officer attesting to the order of the judge shall be made available  
5 to the person; and

6 5. Make every attempt to serve the subject of the order and  
7 complete a return of service when filing the petition with the  
8 district court. If the peace officer is unable to obtain service,  
9 the petition shall be filed by a peace officer with the district  
10 court the next business day. The court clerk shall receive the  
11 petition upon delivery by the peace officer and document the hearing  
12 date and time assigned to the case as documented by the peace  
13 officer. If the court clerk observes that service has not been  
14 obtained, the petition shall still be filed by the court clerk and  
15 issued to the appropriate office of the county sheriff to obtain  
16 service with priority.

17       B. The forms utilized by law enforcement agencies in carrying  
18 out the provisions of this section may be substantially similar to  
19 those used under Section 60.2 of this title.

20           SECTION 2.           AMENDATORY           22 O.S. 2021, Section 60.3, is  
21 amended to read as follows:

22           Section 60.3. A. If a plaintiff requests an emergency ex parte  
23 order pursuant to Section 60.2 of this title, the court shall hold  
24 an ex parte hearing on the same day the petition is filed, if the

1 court finds sufficient grounds within the scope of the Protection  
2 from Domestic Abuse Act stated in the petition to hold such a  
3 hearing. The court may, for good cause shown at the hearing, issue  
4 any emergency ex parte order that it finds necessary to protect the  
5 victim from immediate and present danger of domestic abuse,  
6 stalking, or harassment. The emergency ex parte order shall be in  
7 effect until after the full hearing is conducted. Provided, if the  
8 defendant, after having been served, does not appear at the hearing,  
9 the emergency ex parte order shall remain in effect until the  
10 defendant is served with the permanent order. If the terms of the  
11 permanent order are the same as those in the emergency order, or are  
12 less restrictive, then it is not necessary to serve the defendant  
13 with the permanent order. The Administrative Office of the Courts  
14 shall develop a standard form for emergency ex parte protective  
15 orders.

16       B. An emergency ex parte protective order authorized by this  
17 section shall include the name, sex, race, date of birth of the  
18 defendant, and the dates of issue and expiration of the protective  
19 order.

20       C. 1. If a plaintiff requests an emergency temporary ex parte  
21 order of protection as provided by Section 40.3 of this title, the  
22 judge who is notified of the request by a peace officer may issue  
23 such order verbally to the officer or in writing when there is  
24 reasonable cause to believe that the order is necessary to protect

1 | the victim from immediate and present danger of domestic abuse.  
2 | When the order is issued verbally the judge shall direct the officer  
3 | to complete and sign a statement attesting to the order. The  
4 | emergency temporary ex parte order shall be in effect until the  
5 | court date that was assigned by the court during the approval of the  
6 | order. Emergency temporary ex parte orders shall be heard within  
7 | fourteen (14) days after issuance. The court shall provide a list  
8 | of available court dates for hearings.

9 |       2. The peace officer shall make every attempt to serve the  
10 |      subject of the order and complete a return of service when filing  
11 |      the petition with the district court. If the peace officer is  
12 |      unable to obtain service, the petition shall be filed by a peace  
13 |      officer with the district court the next business day. The court  
14 |      clerk shall receive the petition upon delivery by the peace officer  
15 |      and document the hearing date and time assigned to the case as  
16 |      documented by the peace officer. If the court clerk observes that  
17 |      service has not been obtained, the petition shall still be filed by  
18 |      the court clerk and issued to the appropriate office of the county  
19 |      sheriff to obtain service with priority.

20 |       D. If an action for divorce, separate maintenance,  
21 |      guardianship, adoption or any other proceeding involving custody or  
22 |      visitation has been filed and is pending in a county different than  
23 |      the county in which the emergency ex parte order was issued, the  
24 |      hearing on the petition for a final protective order shall be

1 transferred and held in the same county in which the action for  
2 divorce, separate maintenance, guardianship, adoption or any other  
3 proceeding involving custody or visitation is pending.

4 SECTION 3. AMENDATORY 22 O.S. 2021, Section 60.16, is  
5 amended to read as follows:

6 Section 60.16. A. A peace officer shall not discourage a  
7 victim of domestic abuse from pressing charges against the assailant  
8 of the victim.

9 B. 1. A peace officer may arrest without a warrant a person  
10 anywhere, including a place of residence, if the peace officer has  
11 probable cause to believe the person within the preceding seventy-  
12 two (72) hours has committed an act of domestic abuse as defined by  
13 Section 60.1 of this title, although the assault did not take place  
14 in the presence of the peace officer. A peace officer may not  
15 arrest a person pursuant to this section without first observing a  
16 recent physical injury to, or an impairment of the physical  
17 condition of, the alleged victim.

18 2. An arrest, when made pursuant to this section, shall be  
19 based on an investigation by the peace officer of the circumstances  
20 surrounding the incident, past history of violence between the  
21 parties, statements of any children present in the residence, and  
22 any other relevant factors. A determination by the peace officer  
23 shall be made pursuant to the investigation as to which party is the

1 dominant aggressor in the situation. A peace officer may arrest the  
2 dominant aggressor.

3 C. When the court is not open for business, the victim of  
4 domestic abuse may request a petition for an emergency temporary  
5 order of protection. The peace officer making the preliminary  
6 investigation shall:

7 1. Provide the victim with a petition for an emergency  
8 temporary order of protection and, if necessary, assist the victim  
9 in completing the petition form. The petition shall be in  
10 substantially the same form as provided by Section 60.2 of this  
11 title for a petition for protective order;

12 2. Immediately notify, by telephone or otherwise, a judge of  
13 the district court of the request for an emergency temporary order  
14 of protection and describe the circumstances. The judge shall  
15 inform the peace officer of the decision to approve or disapprove  
16 the emergency temporary order;

17 3. Inform the victim whether the judge has approved or  
18 disapproved the emergency temporary order. If an emergency  
19 temporary order has been approved, the officer shall provide the  
20 victim, or a responsible adult if the victim is a minor child or an  
21 incompetent person, with a copy of the petition and a written  
22 statement signed by the officer attesting that the judge has  
23 approved the emergency temporary order of protection and notify the  
24 victim that the emergency temporary order shall be effective ~~only~~

1 until ~~the close of business on the next day that the court is open~~  
2 ~~for business~~ the date of the hearing set by the judge. The peace  
3 officer requesting the order shall be notified by the judge of the  
4 date, time, and courtroom location in which the hearing will be  
5 held. The peace officer shall provide the victim and subject of the  
6 order with a copy of the completed order and return the original  
7 order to the district court;

8       4. Notify the person subject to the emergency temporary  
9 protection order of the issuance and conditions of the order.

10 Notification pursuant to this paragraph may be made personally by  
11 the officer or in writing. A copy of the petition and the statement  
12 of the officer attesting to the order of the judge shall be made  
13 available to such person; and

14       5. File a copy of the petition and the statement of the peace  
15 officer with the district court of the county immediately upon the  
16 opening of the court on the next day the court is open for business.

17 The peace officer shall make every attempt to serve the subject of  
18 the order and complete a return of service when filing the petition  
19 with the district court. If the peace officer is unable to obtain  
20 service, the petition shall be filed by a peace officer with the  
21 district court on the next business day. The court clerk shall  
22 receive the petition upon delivery by the peace officer and document  
23 the hearing date and time assigned to the case as documented by the  
24 peace officer. If the court clerk observes that service has not

1    been obtained, the petition shall still be filed by the court clerk  
2    and issued to the appropriate office of the county sheriff to obtain  
3    service with priority.

4 D. The forms utilized by law enforcement agencies in carrying  
5 out the provisions of this section may be substantially similar to  
6 those used under Section 60.2 of this title.

7 SECTION 4. REPEALER Section 3, Chapter 318, O.S.L. 2022  
8 (21 O.S. Supp. 2024, Section 1173.1), is hereby repealed.

9 SECTION 5. This act shall become effective July 1, 2025.

SECTION 6. It being immediately necessary for the preservation  
of the public peace, health or safety, an emergency is hereby  
declared to exist, by reason whereof this act shall take effect and  
be in full force from and after its passage and approval.

14 Passed the Senate the 11th day of March, 2025.

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Presiding Officer of the Senate

18        Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
19        2025.

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Presiding Officer of the House  
of Representatives