An Act

ENROLLED SENATE
BILL NO. 2022

By: Nichols, Johnson (Constance) and Leftwich of the Senate

and

Tibbs and McCulloush of the House

An Act relating to criminal procedure; amending Section 4, Chapter 516, O.S.L. 2004, as amended by Section 2, Chapter 114, O.S.L. 2008 (22 O.S. Supp. 2009, Section 60.17), which relates to the Protection from Domestic Abuse Act; authorizing the monitoring by certain persons under certain circumstances; specifying parameters of the monitoring; and providing an effective date.

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

SECTION 1. AMENDATORY Section 4, Chapter 516, O.S.L. 2004, as amended by Section 2, Chapter 114, O.S.L. 2008 (22 O.S. Supp. 2009, Section 60.17), is amended to read as follows:

Section 60.17 The court shall consider the safety of any and all alleged victims of domestic violence, stalking, harassment, sexual assault, or forcible sodomy where the defendant is alleged to have violated a protective order, committed domestic assault and battery, stalked, sexually assaulted, or forcibly sodomized the alleged victim or victims prior to the release of the alleged defendant from custody on bond. The court, after consideration and to ensure the safety of the alleged victim or victims, may issue an emergency protective order pursuant to the Protection from Domestic Abuse Act. The court may also issue to the alleged victim or victims, an order restraining the alleged defendant from any

activity or action from which they may be restrained under the Protection from Domestic Abuse Act. The protective order shall remain in effect until either a plea has been accepted, sentencing has occurred in the case, the case has been dismissed, or until further order of the court dismissing the protective order. In conjunction with any protective order or restraining order authorized by this section, the court may order the defendant to use an active, real-time, twenty-four-hour Global Positioning System (GPS) monitoring device for such term as the court deems appropriate. Upon application of the victim, the court may authorize the victim to monitor the location of the defendant. Such monitoring by the victim shall be limited to the ability of the victim to make computer or cellular inquiries to determine if the defendant is within a specified distance of locations, excluding the residence or workplace of the defendant, or to receive a computer- or a cellular-generated signal if the defendant comes within a specified distance of the victim. The court shall conduct an annual review of the monitoring order to determine if such order to monitor the location of the defendant is still necessary. Before the court orders the use of a GPS device, the court shall find that the defendant has a history that demonstrates an intent to commit violence against the victim, including, but not limited to, prior conviction for an offense under the Protection from Domestic Abuse Act or any other violent offense, or any other evidence that shows by a preponderance of the evidence that the defendant is likely to commit violence against the victim. The court may further order the defendant to pay costs and expenses related to the GPS device and monitoring.

SECTION 2. This act shall become effective November 1, 2010.

Passed the Senate the 25th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2010.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 26th **day of** May, **20**10, **at** 2:23 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 6th **day of** June, **20**10, **at** 3:38 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 7th **day of** June, **20**10, **at** 2:14 **o'clock** P **M.**

By: