An Act

ENROLLED SENATE
BILL NO. 1491

By: Marlatt, Ford, Justice, David, Griffin, Bingman, Pittman, and Floyd of the Senate

and

Biggs, Munson, Billy, Tadlock, Roberts (Dustin), Virgin, Sanders, McCall and Morrissette of the House

An Act relating to domestic violence; providing short title; amending 21 O.S. 2011, Section 644.1, as amended by Section 2, Chapter 71, O.S.L. 2014 (21 O.S. Supp. 2015, Section 644.1), which relates to domestic abuse; modifying definition; providing for noncodification; and providing an effective date.

SUBJECT: Broadens definition of felony domestic abuse element

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as Kristin's Law.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 644.1, as amended by Section 2, Chapter 71, O.S.L. 2014 (21 O.S. Supp. 2015, Section 644.1), is amended to read as follows:

Section 644.1. A. Any person who commits domestic abuse, as defined by subsection C of Section 644 of this title, and has a prior pattern of physical abuse shall be guilty of a felony, upon

conviction, punishable by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years or by a fine not exceeding Five Thousand Dollars ($5,000.00) or by both such fine and imprisonment.

B. For purposes of this section, "prior pattern of physical abuse" means ~~three~~ two or more separate incidences, including the current incident, occurring on different days~~, where all incidences occurred within the previous twelve-month period,~~ and each incident relates to an act constituting assault and battery or domestic abuse committed by the defendant against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, a person living in the same household as the defendant, a current intimate partner or former intimate partner, or any combination of such persons, where proof of each incident prior to the present incident is established by the sworn testimony of a third party who was a witness to the alleged physical abuse or by other admissible direct evidence that is independent of the testimony of the victim.

SECTION 3. This act shall become effective November 1, 2016.

Passed the Senate the 9th day of March, 2016.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2016.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 14th

day of April, 2016, at 2:37 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 20th

day of April, 2016, at 4:18 o'clock P 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: Chris Benge