

1 **SENATE FLOOR VERSION**

2 April 2, 2019

3 ENGROSSED HOUSE  
4 BILL NO. 2630

By: Echols and Hasenbeck of the  
House

5 and

6 Bice of the Senate

7  
8  
9 An Act relating to domestic violence; amending 21  
10 O.S. 2011, Section 644, as amended by Section 1,  
Chapter 71, O.S.L. 2014 (21 O.S. Supp. 2018, Section  
11 644), which relates to penalties for assault and  
battery; modifying list of persons specified in  
12 certain criminal offenses; providing statutory  
reference; requiring certain defendants to complete  
13 assessment and participate in batterers' intervention  
program; amending 22 O.S. 2011, Section 60.1, which  
14 relates to the Protection from Domestic Abuse Act;  
alphabetizing list of definitions; modifying scope of  
15 certain definitions; adding definition; and providing  
an effective date.

16  
17  
18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 644, as  
20 amended by Section 1, Chapter 71, O.S.L. 2014 (21 O.S. Supp. 2018,  
21 Section 644), is amended to read as follows:

22 Section 644. A. Assault shall be punishable by imprisonment in  
23 a county jail not exceeding thirty (30) days, or by a fine of not  
24

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 spouse, ~~a present spouse of a former spouse, a~~  
9 ~~former spouse of a present spouse, parents, a foster parent, a~~  
10 ~~child, a person otherwise related by blood or marriage, a person~~  
11 ~~with whom the defendant is or was in a dating relationship~~ intimate  
12 partner or a family or household member as defined by Section 60.1  
13 of Title 22 of the Oklahoma Statutes, ~~an individual with whom the~~  
14 ~~defendant has had a child, a person who formerly lived in the same~~  
15 ~~household as the defendant, or a person living in the same household~~  
16 ~~as the defendant~~ shall be guilty of domestic abuse. Upon  
17 conviction, the defendant shall be punished by imprisonment in the  
18 county jail for not more than one (1) year, or by a fine not  
19 exceeding Five Thousand Dollars (\$5,000.00), or by both such fine  
20 and imprisonment. Upon conviction for a second or subsequent  
21 offense, the person shall be punished by imprisonment in the custody  
22 of the Department of Corrections for not more than four (4) years,  
23 or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by

24

1 both such fine and imprisonment. The provisions of Section 51.1 of  
2 this title shall apply to any second or subsequent offense.

3 D. 1. Any person who, with intent to do bodily harm and  
4 without justifiable or excusable cause, commits any assault,  
5 battery, or assault and battery upon ~~a current or former spouse, a~~  
6 ~~present spouse of a former spouse, a parent, a foster parent, a~~  
7 ~~child, a person otherwise related by blood or marriage, a person~~  
8 ~~with whom the defendant is in a dating relationship~~ an intimate  
9 partner or a family or household member as defined by Section 60.1  
10 of Title 22 of the Oklahoma Statutes, ~~an individual with whom the~~  
11 ~~defendant has a child, a person who formerly lived in the same~~  
12 ~~household as the defendant, or a person living in the same household~~  
13 ~~as the defendant~~ with any sharp or dangerous weapon, upon  
14 conviction, is guilty of domestic assault or domestic assault and  
15 battery with a dangerous weapon which shall be a felony and  
16 punishable by imprisonment in the custody of the Department of  
17 Corrections not exceeding ten (10) years, or by imprisonment in a  
18 county jail not exceeding one (1) year. The provisions of Section  
19 51.1 of this title shall apply to any second or subsequent  
20 conviction for a violation of this paragraph.

21 2. Any person who, without such cause, shoots ~~a current or~~  
22 ~~former spouse, a present spouse of a former spouse, a parent, a~~  
23 ~~foster parent, a child, a person otherwise related by blood or~~  
24 ~~marriage, a person with whom the defendant is in a dating~~

1 ~~relationship~~ an intimate partner or a family or household member as  
2 defined by Section 60.1 of Title 22 of the Oklahoma Statutes, ~~an~~  
3 ~~individual with whom the defendant has a child, a person who~~  
4 ~~formerly lived in the same household as the defendant, or a person~~  
5 ~~living in the same household as the defendant,~~ by means of any  
6 deadly weapon that is likely to produce death shall, upon  
7 conviction, be guilty of domestic assault and battery with a deadly  
8 weapon which shall be a felony punishable by imprisonment in the  
9 custody of the Department of Corrections not exceeding life. The  
10 provisions of Section 51.1 of this title shall apply to any second  
11 or subsequent conviction for a violation of this paragraph.

12 E. Any person convicted of domestic abuse committed against a  
13 pregnant woman with knowledge of the pregnancy shall be guilty of a  
14 misdemeanor, punishable by imprisonment in the county jail for not  
15 more than one (1) year.

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

21 Any person convicted of domestic abuse committed against a  
22 pregnant woman with knowledge of the pregnancy and a miscarriage  
23 occurs or injury to the unborn child occurs shall be guilty of a  
24

1 felony, punishable by imprisonment in the custody of the Department  
2 of Corrections for not less than twenty (20) years.

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

11 G. Any person convicted of domestic abuse as defined in  
12 subsection C of this section that was committed in the presence of a  
13 child shall be punished by imprisonment in the county jail for not  
14 less than six (6) months nor more than one (1) year, or by a fine  
15 not exceeding Five Thousand Dollars (\$5,000.00), or by both such  
16 fine and imprisonment. Any person convicted of a second or  
17 subsequent domestic abuse as defined in subsection C of this section  
18 that was committed in the presence of a child shall be punished by  
19 imprisonment in the custody of the Department of Corrections for not  
20 less than one (1) year nor more than five (5) years, or by a fine  
21 not exceeding Seven Thousand Dollars (\$7,000.00), or by both such  
22 fine and imprisonment. The provisions of Section 51.1 of this title  
23 shall apply to any second or subsequent offense. For every  
24 conviction of a domestic abuse, ~~domestic assault or domestic assault~~

1 ~~and battery with a dangerous weapon, or domestic assault and battery~~  
2 ~~with a deadly weapon~~ crime in violation of any provision of this  
3 section committed against an intimate partner or a family or  
4 household member as defined by Section 60.1 of Title 22 of the  
5 Oklahoma Statutes, the court shall:

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

10 2. a. The court shall require the defendant to ~~participate~~  
11 ~~in counseling or undergo treatment for domestic abuse~~  
12 ~~by an individual licensed practitioner or a domestic~~  
13 ~~abuse treatment~~ complete an assessment and follow the  
14 recommendations of a batterers' intervention program  
15 certified by the Attorney General. If the defendant  
16 is ordered to participate in a ~~domestic abuse~~  
17 ~~counseling or treatment~~ batterers' intervention  
18 program, the order shall require the defendant to  
19 attend the program for a minimum of fifty-two (52)  
20 weeks, complete the program, and be evaluated before  
21 and after attendance of the program by ~~a~~ program  
22 ~~counselor or a private counselor~~ staff. Three  
23 unexcused absences in succession or seven unexcused  
24 absences in a period of fifty-two (52) weeks from any

1 court-ordered ~~domestic abuse counseling or treatment~~  
2 batterers' intervention program shall be prima facie  
3 evidence of the violation of the conditions of  
4 probation for the district attorney to seek  
5 acceleration or revocation of any probation entered by  
6 the court.

7 b. A program for anger management, couples counseling, or  
8 family and marital counseling shall not solely qualify  
9 for the counseling or treatment requirement for  
10 domestic abuse pursuant to this subsection. The  
11 counseling may be ordered in addition to counseling  
12 specifically for the treatment of domestic abuse or  
13 per evaluation as set forth below. If, after  
14 sufficient evaluation and attendance at required  
15 counseling sessions, the domestic violence treatment  
16 program or licensed professional determines that the  
17 defendant does not evaluate as a perpetrator of  
18 domestic violence or does evaluate as a perpetrator of  
19 domestic violence and should complete other programs  
20 of treatment simultaneously or prior to domestic  
21 violence treatment, including but not limited to  
22 programs related to the mental health, apparent  
23 substance or alcohol abuse or inability or refusal to  
24 manage anger, the defendant shall be ordered to

1 complete the counseling as per the recommendations of  
2 the domestic violence treatment program or licensed  
3 professional;

- 4 3. a. The court shall set a review hearing no more than one  
5 hundred twenty (120) days after the defendant is  
6 ordered to participate in a domestic abuse counseling  
7 program or undergo treatment for domestic abuse to  
8 assure the attendance and compliance of the defendant  
9 with the provisions of this subsection and the  
10 domestic abuse counseling or treatment requirements.  
11 The court may suspend sentencing of the defendant  
12 until the defendant has presented proof to the court  
13 of enrollment in a program of treatment for domestic  
14 abuse by an individual licensed practitioner or a  
15 domestic abuse treatment program certified by the  
16 Attorney General and attendance at weekly sessions of  
17 such program. Such proof shall be presented to the  
18 court by the defendant no later than one hundred  
19 twenty (120) days after the defendant is ordered to  
20 such counseling or treatment. At such time, the court  
21 may complete sentencing, beginning the period of the  
22 sentence from the date that proof of enrollment is  
23 presented to the court, and schedule reviews as  
24 required by subparagraphs a and b of this paragraph



1 and paragraphs 4 and 5 of this subsection. Three  
2 unexcused absences in succession or seven unexcused  
3 absences in a period of fifty-two (52) weeks from any  
4 court-ordered domestic abuse counseling or treatment  
5 program shall be prima facie evidence of the violation  
6 of the conditions of probation for the district  
7 attorney to seek acceleration or revocation of any  
8 probation entered by the court.

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

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

21 5. At any review hearing, if the defendant is not  
22 satisfactorily attending individual counseling or a domestic abuse  
23 counseling or treatment program or is not in compliance with any  
24 domestic abuse counseling or treatment requirements, the court may

1 order the defendant to further or continue counseling, treatment, or  
2 other necessary services. The court may revoke all or any part of a  
3 suspended sentence, deferred sentence, or probation pursuant to  
4 Section 991b of Title 22 of the Oklahoma Statutes and subject the  
5 defendant to any or all remaining portions of the original sentence;

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

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

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

22 H. As used in subsection G of this section, "in the presence of  
23 a child" means in the physical presence of a child; or having  
24 knowledge that a child is present and may see or hear an act of

1 domestic violence. For the purposes of subsections C and G of this  
2 section, "child" may be any child whether or not related to the  
3 victim or the defendant.

4 I. For the purposes of subsections C and G of this section, any  
5 conviction for assault and battery against ~~a current or former~~  
6 ~~spouse, a present spouse of a former spouse, a former spouse of a~~  
7 ~~present spouse, parents, a foster parent, a child, a person~~  
8 ~~otherwise related by blood or marriage, a person with whom the~~  
9 ~~defendant is or was in a dating relationship~~ an intimate partner or  
10 a family or household member as defined by Section 60.1 of Title 22  
11 of the Oklahoma Statutes, ~~an individual with whom the defendant has~~  
12 ~~had a child, a person who formerly lived in the same household as~~  
13 ~~the defendant, or any person living in the same household as the~~  
14 ~~defendant,~~ shall constitute a sufficient basis for a felony charge:

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

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

22 J. Any person who commits any assault and battery with intent  
23 to cause great bodily harm by strangulation or attempted  
24 strangulation against ~~a current or former spouse, a present spouse~~

1 ~~of a former spouse, a former spouse of a present spouse, parents, a~~  
2 ~~foster parent, a child, a person otherwise related by blood or~~  
3 ~~marriage, a person with whom the defendant is or was in a dating~~  
4 ~~relationship~~ an intimate partner or a family or household member as  
5 defined by Section 60.1 of Title 22 of the Oklahoma Statutes, ~~an~~  
6 ~~individual with whom the defendant has had a child, a person who~~  
7 ~~formerly lived in the same household as the defendant, or a person~~  
8 ~~living in the same household as the defendant~~ shall, upon  
9 conviction, be guilty of domestic abuse by strangulation and shall  
10 be punished by imprisonment in the custody of the Department of  
11 Corrections for a period of not less than one (1) year nor more than  
12 three (3) years, or by a fine of not more than Three Thousand  
13 Dollars (\$3,000.00), or by both such fine and imprisonment. Upon a  
14 second or subsequent conviction for a violation of this section, the  
15 defendant shall be punished by imprisonment in the custody of the  
16 Department of Corrections for a period of not less than three (3)  
17 years nor more than ten (10) years, or by a fine of not more than  
18 Twenty Thousand Dollars (\$20,000.00), or by both such fine and  
19 imprisonment. The provisions of Section 51.1 of this title shall  
20 apply to any second or subsequent conviction of a violation of this  
21 subsection. As used in this subsection, "strangulation" means any  
22 form of asphyxia; including, but not limited to, asphyxia  
23 characterized by closure of the blood vessels or air passages of the  
24

1 neck as a result of external pressure on the neck or the closure of  
2 the nostrils or mouth as a result of external pressure on the head.

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

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

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

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

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

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

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

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

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

19 SECTION 2. AMENDATORY 22 O.S. 2011, Section 60.1, is  
20 amended to read as follows:

21 Section 60.1. As used in the Protection from Domestic Abuse Act  
22 and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7  
23 of this title and Section 150.12B of Title 74 of the Oklahoma  
24 Statutes:

1       1. "Dating relationship" means an intimate association,  
2 primarily characterized by affectionate or sexual involvement. For  
3 purposes of this act, a casual acquaintance or ordinary  
4 fraternization between persons in a business or social context shall  
5 not constitute a dating relationship;

6       2. "Domestic abuse" means any act of physical harm, or the  
7 threat of imminent physical harm which is committed by an adult,  
8 emancipated minor, or minor child thirteen (13) years of age or  
9 older against another adult, emancipated minor or minor child who  
10 are ~~is~~ currently or was previously an intimate partner or family or  
11 household members or who are or were in a dating relationship  
12 member;

13       ~~2. "Stalking" means the willful, malicious, and repeated~~  
14 ~~following or harassment of a person by an adult, emancipated minor,~~  
15 ~~or minor thirteen (13) years of age or older, in a manner that would~~  
16 ~~cause a reasonable person to feel frightened, intimidated,~~  
17 ~~threatened, harassed, or molested and actually causes the person~~  
18 ~~being followed or harassed to feel terrorized, frightened,~~  
19 ~~intimidated, threatened, harassed or molested. Stalking also means~~  
20 ~~a course of conduct composed of a series of two or more separate~~  
21 ~~acts over a period of time, however short, evidencing a continuity~~  
22 ~~of purpose or unconsented contact with a person that is initiated or~~  
23 ~~continued without the consent of the individual or in disregard of~~  
24 ~~the expressed desire of the individual that the contact be avoided~~

1 ~~or discontinued. Unconsented contact or course of conduct includes,~~  
2 ~~but is not limited to:~~

- 3 a. ~~following or appearing within the sight of that~~  
4 ~~individual,~~
- 5 b. ~~approaching or confronting that individual in a public~~  
6 ~~place or on private property,~~
- 7 c. ~~appearing at the workplace or residence of that~~  
8 ~~individual,~~
- 9 d. ~~entering onto or remaining on property owned, leased,~~  
10 ~~or occupied by that individual,~~
- 11 e. ~~contacting that individual by telephone,~~
- 12 f. ~~sending mail or electronic communications to that~~  
13 ~~individual, or~~
- 14 g. ~~placing an object on, or delivering an object to,~~  
15 ~~property owned, leased or occupied by that individual;~~

16 3. "Family or household members" means:

- 17 a. parents, including grandparents, stepparents, adoptive  
18 parents and foster parents,
- 19 b. children, including grandchildren, stepchildren,  
20 adopted children and foster children, and
- 21 c. persons otherwise related by blood or marriage living  
22 in the same household;

23 4. "Foreign protective order" means any valid order of  
24 protection issued by a court of another state or a tribal court;



1        5. "Harassment" means a knowing and willful course or pattern  
2 of conduct by a family or household member or an individual who is  
3 or has been involved in a dating relationship with the person,  
4 directed at a specific person which seriously alarms or annoys the  
5 person, and which serves no legitimate purpose. The course of  
6 conduct must be such as would cause a reasonable person to suffer  
7 substantial emotional distress, and must actually cause substantial  
8 distress to the person. "Harassment" shall include, but not be  
9 limited to, harassing or obscene telephone calls in violation of  
10 Section 1172 of Title 21 of the Oklahoma Statutes and fear of death  
11 or bodily injury;

12        ~~4. "Family or household members" means:~~

- 13            ~~a. spouses,~~
- 14            ~~b. ex-spouses,~~
- 15            ~~c. present spouses of ex-spouses,~~
- 16            ~~d. parents, including grandparents, stepparents, adoptive~~  
17            ~~parents and foster parents,~~
- 18            ~~e. children, including grandchildren, stepchildren,~~  
19            ~~adopted children and foster children,~~
- 20            ~~f. persons otherwise related by blood or marriage,~~
- 21            ~~g. persons living in the same household or who formerly~~  
22            ~~lived in the same household, and~~
- 23            ~~h. persons who are the biological parents of the same~~  
24            ~~child, regardless of their marital status, or whether~~

1 ~~they have lived together at any time. This shall~~  
2 ~~include the elderly and handicapped;~~

3 5. ~~"Dating relationship" means a courtship or engagement~~  
4 ~~relationship. For purposes of this act, a casual acquaintance or~~  
5 ~~ordinary fraternization between persons in a business or social~~  
6 ~~context shall not constitute a dating relationship;~~

7 6. ~~"Foreign protective order" means any valid order of~~  
8 ~~protection issued by a court of another state or a tribal court;~~

9 7. "Intimate partner" means:

10 a. current or former spouses,

11 b. persons who are or were in a dating relationship,

12 c. persons who are the biological parents of the same  
13 child, regardless of their marital status or whether  
14 they have lived together at any time, and

15 d. persons who currently or formerly lived together in an  
16 intimate way, primarily characterized by affectionate  
17 or sexual involvement. A sexual relationship may be  
18 an indicator that a person is an intimate partner, but  
19 is never a necessary condition;

20 7. "Mutual protective order" means a final protective order or  
21 orders issued to both a plaintiff who has filed a petition for a  
22 protective order and a defendant included as the defendant in the  
23 plaintiff's petition restraining the parties from committing  
24 domestic violence, stalking, harassment or rape against each other.

1 If both parties allege domestic abuse, violence, stalking,  
2 harassment or rape against each other, the parties shall do so by  
3 separate petition pursuant to Section 60.4 of this title;

4 8. "Rape" means rape and rape by instrumentation in violation  
5 of Sections 1111 and 1111.1 of Title 21 of the Oklahoma Statutes;

6 ~~8.~~ 9. "Stalking" means the willful, malicious, and repeated  
7 following or harassment of a person by an adult, emancipated minor,  
8 or minor thirteen (13) years of age or older, in a manner that would  
9 cause a reasonable person to feel frightened, intimidated,  
10 threatened, harassed, or molested and actually causes the person  
11 being followed or harassed to feel terrorized, frightened,  
12 intimidated, threatened, harassed or molested. Stalking also means  
13 a course of conduct composed of a series of two or more separate  
14 acts over a period of time, however short, evidencing a continuity  
15 of purpose or unconsented contact with a person that is initiated or  
16 continued without the consent of the individual or in disregard of  
17 the expressed desire of the individual that the contact be avoided  
18 or discontinued. Unconsented contact or course of conduct includes,  
19 but is not limited to:

20 a. following or appearing within the sight of that  
21 individual,

22 b. approaching or confronting that individual in a public  
23 place or on private property,

24

- 1            c. appearing at the workplace or residence of that  
2            individual,  
3            d. entering onto or remaining on property owned, leased  
4            or occupied by that individual,  
5            e. contacting that individual by telephone,  
6            f. sending mail or electronic communications to that  
7            individual, or  
8            g. placing an object on, or delivering an object to,  
9            property owned, leased or occupied by that individual;  
10           and

11           10. "Victim support person" means a person affiliated with a  
12 ~~certified~~ domestic violence ~~or~~, sexual assault or adult human sex  
13 trafficking program, certified by the Attorney General or ~~certified~~  
14 ~~by a recognized Native American Tribe if operating mainly within~~  
15 operating under a tribal lands government, who provides support and  
16 assistance for a person who files a petition under the Protection  
17 from Domestic Violence Abuse Act; and

18           ~~9.~~ "~~Mutual protective order~~" means a ~~final protective order or~~  
19 ~~orders issued to both a plaintiff who has filed a petition for a~~  
20 ~~protective order and a defendant included as the defendant in the~~  
21 ~~plaintiff's petition restraining the parties from committing~~  
22 ~~domestic violence, stalking, harassment or rape against each other.~~  
23 ~~If both parties allege domestic abuse, violence, stalking,~~  
24

1 ~~harassment or rape against each other, the parties shall do so by~~  
2 ~~separate petition pursuant to Section 60.4 of this title.~~

3 SECTION 3. This act shall become effective November 1, 2019.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
5 April 2, 2019 - DO PASS  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24