

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2939

By: Dunnington

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 60.17, as amended by Section 6,
9 Chapter 113, O.S.L. 2019 (22 O.S. Supp. 2019, Section
10 60.17), which relates to the Protection from Domestic
11 Abuse Act; providing for the relinquishment of
12 firearms and ammunition upon certain finding by the
13 court; providing procedures for retrieval and
14 inventory of firearms and ammunition; requiring
15 annual review of court order; authorizing assistance
16 by municipal police departments when retrieving
17 firearms and ammunition; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY 22 O.S. 2011, Section 60.17, as
21 amended by Section 6, Chapter 113, O.S.L. 2019 (22 O.S. Supp. 2019,
22 Section 60.17), is amended to read as follows:

23 Section 60.17 The court shall consider the safety of any and
24 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

1 defendant from custody on bond. The court, after consideration and
2 to ensure the safety of the alleged victim or victims, may issue an
3 emergency protective order pursuant to the Protection from Domestic
4 Abuse Act. The court may also issue to the alleged victim or
5 victims an order restraining the alleged defendant from any activity
6 or action from which they may be restrained under the Protection
7 from Domestic Abuse Act. The court shall not consider a "no contact
8 order as condition of bond" as a factor when determining whether the
9 petitioner is eligible for relief. The protective order shall
10 remain in effect until either a plea has been accepted, sentencing
11 has occurred in the case, the case has been dismissed, or until
12 further order of the court dismissing the protective order. In
13 conjunction with any protective order or restraining order
14 authorized by this section, the court may order ~~the~~ the:

15 1. The defendant to use an active, real-time, twenty-four-hour
16 Global Positioning System (GPS) monitoring device for such term as
17 the court deems appropriate. Upon application of the victim, the
18 court may authorize the victim to monitor the location of the
19 defendant. Such monitoring by the victim shall be limited to the
20 ability of the victim to make computer or cellular inquiries to
21 determine if the defendant is within a specified distance of
22 locations, excluding the residence or workplace of the defendant, or
23 to receive a computer- or a cellular-generated signal if the
24 defendant comes within a specified distance of the victim. The

1 court shall conduct an annual review of the monitoring order to
2 determine if such order to monitor the location of the defendant is
3 still necessary. Before the court orders the use of a GPS device,
4 the court shall find that the defendant has a history that
5 demonstrates an intent to commit violence against the victim,
6 including, but not limited to, prior conviction for an offense under
7 the Protection from Domestic Abuse Act or any other violent offense,
8 or any other evidence that shows by a preponderance of the evidence
9 that the defendant is likely to commit violence against the victim.
10 The court may further order the defendant to pay costs and expenses
11 related to the GPS device and monitoring; or

12 2. The defendant to relinquish all firearms and ammunition
13 owned or under his or her control to the county sheriff or designee
14 for safekeeping during such term as the court deems appropriate.
15 Provided, before the court orders relinquishment of the firearms and
16 ammunition of the defendant, the court shall find that the defendant
17 has a history that demonstrates an intent to commit violence against
18 the victim including, but not limited to:

- 19 a. a prior conviction for an offense under the Protection
20 from Domestic Abuse Act,
21 b. a prior conviction for a violent offense, or
22 c. a preponderance of evidence shows that the defendant
23 is likely to commit violence against the victim.
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1 The court may further order the defendant to pay costs and expenses
2 related to the storage and safekeeping of the firearms and
3 ammunition by the county sheriff or designee. To ensure compliance
4 with the order of the court, the court shall authorize the county
5 sheriff or designee to accompany the defendant to his or her place
6 of residence, business, vehicle and any other place the court finds
7 appropriate to conduct an inventory and retrieval of firearms and
8 ammunition owned or under the control of the defendant. The court
9 shall conduct an annual review of the order to relinquish firearms
10 and ammunition to determine if such order is still necessary.
11 Municipal police departments are authorized to assist the county
12 sheriff with the retrieval, inventory and safekeeping of firearms
13 and ammunition within the jurisdictional limits of the municipality.

14 SECTION 2. This act shall become effective November 1, 2020.

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16 57-2-10466 GRS 01/05/20
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