

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2058

By: Stinson

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6  
7 AS INTRODUCED

8 An Act relating to protective orders and fees;  
9 amending 22 O.S. 2021, Section 60.2, as last amended  
10 by Section 1, Chapter 305, O.S.L. 2023 (22 O.S. Supp.  
11 2024, Section 60.2), which relates to the Protection  
12 from Domestic Abuse Act; clarifying those authorized  
13 to seek relief under the Protection from Domestic  
14 Abuse Act; amending 28 O.S. 2021, Section 153, as  
15 amended by Section 2, Chapter 237, O.S.L. 2022 (28  
16 O.S. Supp. 2024, Section 153), which relates to fees  
17 in criminal cases; providing sheriff's fee for  
18 service of stalking warning letters; and providing an  
19 effective date.

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

21 SECTION 1. AMENDATORY 22 O.S. 2021, Section 60.2, as  
22 last amended by Section 1, Chapter 305, O.S.L. 2023 (22 O.S. Supp.  
23 2024, Section 60.2), is amended to read as follows:

24 Section 60.2. A. A victim of domestic abuse, a victim of  
stalking, a victim of harassment, a victim of rape, any adult or  
emancipated minor household member on behalf of any other family or  
household member who is a minor or incompetent, any minor age

1 sixteen (16) or seventeen (17) years, or any adult victim of a crime  
2 with a need to prevent further victimization, may seek relief under  
3 the provisions of the Protection from Domestic Abuse Act.

4 1. The person seeking relief may file a petition for a  
5 protective order with the district court in the county in which the  
6 victim resides, the county in which the defendant resides, or the  
7 county in which the domestic violence occurred. If the person  
8 seeking relief is not a family or household member or an individual  
9 who is or has been in a dating relationship with the defendant, the  
10 person seeking relief must file a complaint against the defendant  
11 with the proper law enforcement agency before filing a petition for  
12 a protective order with the district court. The person seeking  
13 relief shall provide a copy of the complaint that was filed with the  
14 law enforcement agency at the full hearing if the complaint is not  
15 available from the law enforcement agency. Failure to provide a  
16 copy of the complaint filed with the law enforcement agency shall  
17 constitute a frivolous filing and the court may assess attorney fees  
18 and court costs against the plaintiff pursuant to paragraph 2 of  
19 subsection C of this section. The filing of a petition for a  
20 protective order shall not require jurisdiction or venue of the  
21 criminal offense if either the plaintiff or defendant resides in the  
22 county. If a petition has been filed in an action for divorce or  
23 separate maintenance and either party to the action files a petition  
24 for a protective order in the same county where the action for

1 divorce or separate maintenance is filed, the petition for the  
2 protective order may be heard by the court hearing the divorce or  
3 separate maintenance action if:

- 4 a. there is no established protective order docket in  
5 such court, or
- 6 b. the court finds that, in the interest of judicial  
7 economy, both actions may be heard together; provided,  
8 however, the petition for a protective order,  
9 including, but not limited to, a petition in which  
10 children are named as petitioners, shall remain a  
11 separate action and a separate order shall be entered  
12 in the protective order action. Protective orders may  
13 be dismissed in favor of restraining orders in the  
14 divorce or separate maintenance action if the court  
15 specifically finds, upon hearing, that such dismissal  
16 is in the best interests of the parties and does not  
17 compromise the safety of any petitioner.

18 If the defendant is a minor child, the petition shall be filed  
19 with the court having jurisdiction over juvenile matters.

20 2. When the abuse occurs when the court is not open for  
21 business, such person may request an emergency temporary order of  
22 protection as authorized by Section 40.3 of this title.

1 B. The petition forms shall be provided by the clerk of the  
2 court. The Administrative Office of the Courts shall develop a  
3 standard form for the petition.

4 C. 1. Except as otherwise provided by this section, no filing  
5 fee, service of process fee, attorney fees or any other fee or costs  
6 shall be charged the plaintiff or victim at any time for filing a  
7 petition for a protective order whether a protective order is  
8 granted or not granted. The court may assess court costs, service  
9 of process fees, attorney fees, other fees and filing fees against  
10 the defendant at the hearing on the petition, if a protective order  
11 is granted against the defendant; provided, the court shall have  
12 authority to waive the costs and fees if the court finds that the  
13 party does not have the ability to pay the costs and fees.

14 2. If the court makes specific findings that a petition for a  
15 protective order has been filed frivolously and no victim exists,  
16 the court may assess attorney fees and court costs against the  
17 plaintiff.

18 D. The person seeking relief shall prepare the petition or, at  
19 the request of the plaintiff, the court clerk or the victim-witness  
20 coordinator, victim support person, and court case manager shall  
21 prepare or assist the plaintiff in preparing the petition.

22 E. The person seeking a protective order may further request  
23 the exclusive care, possession, or control of any animal owned,  
24 possessed, leased, kept, or held by either the petitioner, defendant

1 or minor child residing in the residence of the petitioner or  
2 defendant. The court may order the defendant to make no contact  
3 with the animal and forbid the defendant from taking, transferring,  
4 encumbering, concealing, molesting, attacking, striking,  
5 threatening, harming, or otherwise disposing of the animal.

6 F. A court may not require the victim to seek legal sanctions  
7 against the defendant including, but not limited to, divorce,  
8 separation, paternity or criminal proceedings prior to hearing a  
9 petition for protective order.

10 G. A victim of rape, forcible sodomy, a sex offense,  
11 kidnapping, assault and battery with a deadly weapon, child abuse,  
12 or member of the immediate family of a victim of first-degree  
13 murder, as such terms are defined in Section 40 of this title, may  
14 petition, or have a petition filed on the victim's behalf if the  
15 victim is a minor, for an emergency temporary order or emergency ex  
16 parte order regardless of any relationship or scenario pursuant to  
17 the provisions of this section. The Administrative Office of the  
18 Courts shall modify the petition forms as necessary to effectuate  
19 the provisions of this subsection.

20 SECTION 2. AMENDATORY 28 O.S. 2021, Section 153, as  
21 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2024,  
22 Section 153), is amended to read as follows:

23 Section 153. A. The clerks of the courts shall collect as  
24 costs in every criminal case for each offense of which the defendant

1 is convicted, irrespective of whether or not the sentence is  
2 deferred, the following flat charges and no more, except for  
3 standing and parking violations and for charges otherwise provided  
4 for by law, which fee shall cover docketing of the case, filing of  
5 all papers, issuance of process, warrants, orders, and other  
6 services to the date of judgment:

- 7 1. For each defendant convicted of  
8 exceeding the speed limit by at least  
9 one (1) mile per hour but not more than  
10 ten (10) miles per hour, whether charged  
11 individually or conjointly with others.....\$77.00
- 12 2. For each defendant convicted of a  
13 misdemeanor traffic violation other than  
14 an offense provided for in paragraph 1  
15 or 5 of this subsection, whether charged  
16 individually or conjointly with others.....\$98.00
- 17 3. For each defendant convicted of a  
18 misdemeanor, other than for driving  
19 under the influence of alcohol or other  
20 intoxicating substance or an offense  
21 provided for in paragraph 1 or 2 of this  
22 subsection, whether charged individually  
23 or conjointly with others.....\$93.00

- 1 4. For each defendant convicted of a  
2 felony, other than for driving under the  
3 influence of alcohol or other  
4 intoxicating substance, whether charged  
5 individually or conjointly with others.....\$103.00
- 6 5. For each defendant convicted of the  
7 misdemeanor of driving under the  
8 influence of alcohol or other  
9 intoxicating substance, whether charged  
10 individually or conjointly with others.....\$433.00
- 11 6. For each defendant convicted of the  
12 felony of driving under the influence of  
13 alcohol or other intoxicating substance,  
14 whether charged individually or  
15 conjointly with others.....\$433.00
- 16 7. For the services of a court reporter at  
17 each preliminary hearing and trial held  
18 in the case.....\$20.00
- 19 8. For each time a jury is requested.....\$30.00
- 20 9. A sheriff's fee for serving or  
21 endeavoring to serve each writ, warrant,  
22 order, process, command, ~~or~~ notice, or  
23 stalking warning letter, or pursuing any  
24 fugitive from justice

- 1 a. within the county..... \$50.00, or  
2 mileage as  
3 established by the  
4 Oklahoma Statutes,  
5 whichever is  
6 greater, or  
7 b. outside of the county..... \$50.00, or  
8 actual, necessary  
9 expenses, whichever  
10 is greater

11 B. In addition to the amount collected pursuant to paragraphs 2  
12 through 6 of subsection A of this section, the sum of Six Dollars  
13 (\$6.00) shall be assessed and credited to the Law Library Fund  
14 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma  
15 Statutes.

16 C. In addition to the amount collected pursuant to subsection A  
17 of this section, the sum of Twenty Dollars (\$20.00) shall be  
18 assessed and collected in every traffic case for each offense other  
19 than for driving under the influence of alcohol or other  
20 intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be  
21 assessed and collected in every misdemeanor case for each offense;  
22 the sum of Thirty Dollars (\$30.00) shall be assessed and collected  
23 in every misdemeanor case for each offense for driving under the  
24 influence of alcohol or other intoxicating substance; the sum of



1 Fifty Dollars (\$50.00) shall be assessed and collected in every  
2 felony case for each offense; and the sum of Fifty Dollars (\$50.00)  
3 shall be assessed and collected in every felony case for each  
4 offense for driving under the influence of alcohol or other  
5 intoxicating substance.

6 D. In addition to the amounts collected pursuant to subsections  
7 A and B of this section, the sum of Twenty-five Dollars (\$25.00)  
8 shall be assessed and credited to the Oklahoma Court Information  
9 System Revolving Fund created pursuant to Section 1315 of Title 20  
10 of the Oklahoma Statutes.

11 E. In addition to the amount collected pursuant to paragraphs 1  
12 through 6 of subsection A of this section, the sum of Ten Dollars  
13 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee  
14 Account in the county in which the conviction occurred for the  
15 purpose of enhancing existing or providing additional courthouse  
16 security.

17 F. In addition to the amounts collected pursuant to paragraphs  
18 1 through 6 of subsection A of this section, the sum of Three  
19 Dollars (\$3.00) shall be assessed and credited to the Office of the  
20 Attorney General Victim Services Unit.

21 G. In addition to the amounts collected pursuant to paragraphs  
22 1 through 6 of subsection A of this section, the sum of Three  
23 Dollars (\$3.00) shall be assessed and credited to the Child Abuse  
24

1 Multidisciplinary Account. This fee shall not be used for purposes  
2 of hiring or employing any law enforcement officers.

3 H. In addition to the amount collected pursuant to paragraphs 5  
4 and 6 of subsection A of this section, the sum of Fifteen Dollars  
5 (\$15.00) shall be assessed in every misdemeanor or felony case for  
6 each offense of driving under the influence of alcohol or other  
7 intoxicating substance and credited to the Oklahoma Impaired Driver  
8 Database Revolving Fund created pursuant to Section 11-902d of Title  
9 47 of the Oklahoma Statutes.

10 I. Prior to conviction, parties in criminal cases shall not be  
11 required to pay, advance, or post security for the issuance or  
12 service of process to obtain compulsory attendance of witnesses.

13 J. The amounts to be assessed as court costs upon filing of a  
14 case shall be those amounts above-stated in paragraph 3 or 4 of  
15 subsection A and subsections B, C, D and E of this section.

16 K. The fees collected pursuant to this section shall be  
17 deposited into the court fund, except the following:

18 1. A court clerk issuing a misdemeanor warrant is entitled to  
19 ten percent (10%) of the sheriff's service fee, provided for in  
20 paragraph 9 of subsection A of this section, collected on a warrant  
21 referred to the contractor for the misdemeanor warrant notification  
22 program governed by Sections 514.4 and 514.5 of Title 19 of the  
23 Oklahoma Statutes. This ten-percent sum shall be deposited into the  
24 issuing Court Clerk's Revolving Fund, created pursuant to Section

1 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
2 the warrant with the balance of the sheriff's service fee to be  
3 deposited into the Sheriff's Service Fee Account, created pursuant  
4 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
5 Statutes, of the sheriff in the county in which service is made or  
6 attempted. Otherwise, the sheriff's service fee, when collected,  
7 shall be deposited in its entirety into the Sheriff's Service Fee  
8 Account of the sheriff in the county in which service is made or  
9 attempted;

10 2. The sheriff's fee provided for in Section 153.2 of this  
11 title;

12 3. The witness fees paid by the district attorney pursuant to  
13 the provisions of Section 82 of this title which, if collected by  
14 the court clerk, shall be transferred to the district attorney's  
15 office in the county where witness attendance was required. Fees  
16 transferred pursuant to this paragraph shall be deposited in the  
17 district attorney's maintenance and operating expense account;

18 4. The fees provided for in subsection C of this section shall  
19 be forwarded to the District Attorneys Council Revolving Fund to  
20 defray the costs of prosecution; and

21 5. The following amounts of the fees provided for in paragraphs  
22 2, 3, 5 and 6 of subsection A of this section, when collected, shall  
23 be deposited in the Trauma Care Assistance Revolving Fund, created  
24

1 pursuant to the provisions of Section 1-2530.9 of Title 63 of the  
2 Oklahoma Statutes:

3 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee  
4 provided for in paragraph 2 of subsection A of this  
5 section,

6 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee  
7 provided for in paragraph 3 of subsection A of this  
8 section,

9 c. One Hundred Dollars (\$100.00) of the Four-Hundred-  
10 Thirty-three-Dollar fee provided for in paragraph 5 of  
11 subsection A of this section, and

12 d. One Hundred Dollars (\$100.00) of the Four-Hundred-  
13 Thirty-three-Dollar fee provided for in paragraph 6 of  
14 subsection A of this section.

15 L. As used in this section, "convicted" means any final  
16 adjudication of guilt, whether pursuant to a plea of guilty or nolo  
17 contendere or otherwise, and any deferred judgment or suspended  
18 sentence.

19 M. A court clerk may accept in payment for any fee, fine,  
20 forfeiture payment, cost, penalty assessment or other charge or  
21 collection to be assessed or collected by a court clerk pursuant to  
22 this section a nationally recognized credit card or debit card or  
23 other electronic payment method as provided in paragraph 1 of  
24 subsection B of Section 151 of this title.

1 N. Upon receipt of payment of fines and costs for offenses  
2 charged prior to July 1, 1992, the court clerk shall apportion and  
3 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

4 SECTION 3. This act shall become effective November 1, 2025.

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