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Oklahoma Stalking Statute Changes to Come into Effect Next Month

While November for most people means Thanksgiving and colder weather, it also means that changes from the legislative session will come into effect. One of those changes includes amendments made to the current Oklahoma stalking statute (21 O.S. § 1173) that will into effect on November 1, 2022.

The amended statute is important because it enumerates a wider range of stalking behaviors and addresses ways to protect victims and dissuade stalking behavior. It is imperative that we raise awareness of these amendments since October is Domestic Violence Awareness Month.

According to Stalking Prevention, Awareness, and Resource Center (SPARC), 40% of stalking offenders are either current or former intimate partners. 1 in 4 women and 1 in 10 men are impacted by intimate partner stalking in their lifetime either during or after the intimate relationship. Although we understand that stalking behavior is not always directly linked to domestic violence, it is crucial that we are aware of the ways stalking and domestic violence go hand in hand.

The amended Oklahoma statute changes the current stalking statute to recognize the broad range of stalking behaviors and its serious consequences by increasing first time stalking charges from being a misdemeanor to a felony, which in turn increases the range of punishment from one year or less to one to three years. Stalking can have dangerous consequences for the victims, so this increase reflects that level of seriousness.

The amended stalking statute also expands the “Course of Conduct” component of stalking by listing specific stalking behaviors. The Course of Conduct means, “A pattern of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose.” The expansion refers to the specific acts related to stalking. This section recognizes a wide variety of stalking behaviors and attempts to define those behaviors to keep stalking victims, or potential victims, safe.

The last change introduces a new section to the statute (§ 1173.1) that requires law enforcement to serve a stalking warning upon the stalking suspect when a complaint has been filed EXCEPT when the victim requests otherwise. It shall be served similar to a bench warrant and can be found here.

Our office recommends that victims of stalking utilize a Stalker Incident and Behavior Log where they track each incident that occurs and every report that they bring to law enforcement. This log records stalking behavior and can help to build a case against the stalker.

More facts and resources can be found at stalkingawareness.org.