STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1213 By: Steidley

AS INTRODUCED

An Act relating to truth in sentencing; creating the Oklahoma Truth in Sentencing Act; providing short title; declaring policy; requiring persons committing a criminal offense after a certain date to serve certain percent of imposed sentence; limiting eligibility for credits that reduce the length of sentence; providing for sentencing in accordance with certain ranges of punishment; providing duties and authority of the Oklahoma Truth in Sentencing Policy Advisory Commission; providing for review of measures that have fiscal impact on the criminal justice system; providing for fiscal impact statements for such measures; requiring assistance and information from other state entities; providing for contents of statements; requiring that a copy of the fiscal impact statement be attached to each copy of the measure reviewed; defining terms; providing matrices to be used by sentencing courts; providing for establishment of levels of punishment for each level within the Schedules; defining term; providing for application of sentencing matrices; providing that sentences in the sentencing matrices

represent months of confinement unless otherwise provided; providing for structure of sentencing matrices; providing for classification of felony criminal offenses; providing schedules; providing for offense enhancers; providing limitation on use of enhancer; providing that enhancers are cumulative; requiring the state to give notice of acts or convictions that will be relied on for sentencing enhancement; providing sentencing procedure to be used by the court; providing that the Oklahoma Truth in Sentencing Act shall not abrogate or affect punishment by death in capital cases; amending 22 O.S. 1991, Sections 857 and 929, which relate to jury deliberation; providing that the jury shall not set sentence, with exception; providing for resentencing upon remand; amending 22 O.S. 1991, Section 982, as amended by Section 1, Chapter 319, O.S.L. 1992 (22 O.S. Supp. 1996, Section 982), which relates to presentence investigations; providing for presentence investigations if plea other than guilty has been entered; expanding exceptions; providing for contents of presentence investigation reports; providing for notification of proposed findings; providing that party objecting to findings has burden of producing additional evidence; providing evidential burden of state concerning existence of offense enhancers or prior record enhancers; providing for use of forms promulgated by the Oklahoma Truth in Sentencing Policy Advisory Commission; amending Section 8, Chapter 136, O.S.L. 1992, as amended by Section 18, Chapter 325, O.S.L.

1993 (22 O.S. Supp. 1995, section 984.1), which relates to victim impact statements; providing for use of statements if submitted at time of sentencing; amending 22 O.S. 1991, Section 991a, as last amended by Section 4, Chapter 153, O.S.L. 1996 (22 O.S. Supp. 1996, Section 991a), which relates to the sentencing power of the court; providing sentence dispositions; authorizing the court to order reimbursement to the court fund for amounts paid for expert witnesses; providing for reimbursement to county or other local law enforcement agency for costs incurred in investigation of crime; modifying sentencing options; amending 22 O.S. 1991, Section 991a-2, which relates to night or weekend incarceration; requiring sheriff to transmit intake data information to the Department of Corrections within a certain time; providing for use of certain forms; amending 22 O.S. 1991, Section 991a-11, as amended by Section 2, Chapter 235, O.S.L. 1993 (22 O.S. Supp. 1996, Section 991a-11), which relates to seizure and forfeiture of property; providing for seizure and forfeiture of real or personal property if defendant fails to pay restitution in the manner or within the time specified by the court; amending 22 O.S. 1991, Section 991b, as amended by Section 2, Chapter 320, O.S.L. 1994 (22 O.S. Supp. 1996, Section 991b), which relates to revocation of suspended sentence; providing for revocation of supervised release; providing that petition setting forth grounds for revocation must establish violation of conditions of probation, suspended

sentence, or supervised release; providing evidential burden of the state; amending 22 O.S. 1991, Section 991c, as last amended by Section 2, Chapter 304, O.S.L. 1996 (22 O.S. Supp. 1996, Section 991c), which relates to deferred judgments; providing that expunged record shall not be considered arrest or conviction for certain purposes; providing that plea of guilty or finding of guilt constitutes a conviction for certain purpose; providing for court modification of conditions of probation; requiring notice prior to modification; providing for modification hearing unless waived; providing for suspension of term of confinement in whole or in part, except for mandatory term; authorizing imposition of conditions; providing that certain offenders are ineligible for suspended sentences; providing that certain offenders are eligible for sentence to community corrections or supervised release; authorizing term of supervised release for offender that is ineligible for probated sentence; authorizing conditions; providing for length of term; providing for revocation of probated sentence; providing for term of confinement for acceleration or revocation of probated sentence; providing that term of suspended sentence shall not exceed applicable range of punishment for offense committed; providing for calculation of time credited to offender if suspended sentence is revoked; amending 21 O.S. 1991, Section 42, which relates to attempts to commit crimes; modifying punishment for attempted crime; providing that

second and subsequent offenses for certain misdemeanors remain misdemeanors, with exceptions; providing punishment for felonies; providing for application of matrices to felony schedules; amending 57 O.S. 1991, Section 95, which relates to transport of convicted person to the Lexington Assessment and Reception Center; requiring that certification of days served in jail after pronouncement of judgment and rendering of sentence be delivered to the Department of Corrections at time person is delivered; amending 57 O.S. 1991, Section 138, as last amended by Section 6, Chapter 360, O.S.L. 1993 (57 O.S. Supp. 1996, Section 138), which relates to earned credits; providing for earned credits for persons convicted of crimes committed on or after a certain date; providing that the combined awarded credits shall not reduce a sentence more than fifteen percent; amending 57 O.S. 1991, Sections 332, 332.7, as last amended by Section 1, Chapter 168, O.S.L. 1996 and 332.8 as last amended by Section 19, Chapter 2, O.S.L. 1994 (57 O.S. Supp. 1996, Sections 332.7 and 332.8), which relate to the Pardon and Parole Board; limiting parole eligibility of certain persons; providing for consideration of victim impact statements; amending 57 O.S. 1991, Section 365, as amended by Section 7, Chapter 125, O.S.L. 1993 (57 O.S. Supp. 1996, Section 365), which relates to Preparole Conditional Supervision Programs; providing that such program does not apply to certain persons; creating a revolving fund and stating purpose therefor; providing for filing of

certain findings prior to the implementation of the Oklahoma Truth in Sentencing Act; requiring filing of statement if Oklahoma Truth in Sentencing Act is not followed after implementation; providing that rights of defendant are not altered and that provisions are not to be basis for appeal; requiring the Oklahoma Truth in Sentencing Policy Advisory Commission to present certain recommendations to the Legislature and the Governor; repealing 21 O.S. 1991, Sections 51, 51A and 52, which relate to second and subsequent offenses; repealing 21 O.S. 1991, Section 62, which relates to imprisonment for crimes for which no maximum duration of imprisonment is declared; repealing 22 O.S. 1991, Sections 860, 962, 927 and 928, which relate to jury sentencing; repealing 22 O.S. 1991, Section 982a, which relates to judicial review of sentencing or probation revocation; repealing 22 O.S. 1991, Sections 991a-5, 991a-6, 991a-7, 991a-8, 991a-9, 991a-10 and 991a-12, which relate to the Elderly and Incapacitated Victim's Protection Program; repealing 22 O.S. 1991, Sections 860, 926, 927 and 928, which relate to jury sentencing; repealing 57 O.S. 1991, Section 353, which relates to minimum and maximum terms of confinement; repealing Sections 4 and 5, Chapter 187, O.S.L. 1993 (57 O.S. Supp. 1996, Sections 610 and 611), which relate to the Prison Population Management Act of 1993; repealing on a certain date 57 O.S. 1991, Sections 570, 572, 573, 574, 574.1, as amended by Section 11, Chapter 276, O.S.L. 1993, 575, and 576 (57 O.S. Supp. 1996, Section 574.1),

which relate to the Oklahoma Prison Overcrowding Emergency Powers Act; providing for codification; providing for noncodification; providing effective dates; and declaring an emergency.

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

SECTION 1. This act shall be known and may be cited as the "Oklahoma Truth in Sentencing Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a of Title 22, unless there is created a duplication in numbering, reads as follows:

It is hereby declared to be the policy of the State of Oklahoma that persons convicted of violations of the law should be sentenced in a manner that reasonably safeguards society as a whole, prescribes just punishment for the offense committed, provides reasonable restitution and reparations to the victims of crime, recognizes that rehabilitation begins with the individual offender and should be encouraged, assures the availability of prison space for those most in need of incarceration, and truthfully presents the punishment actually to be exacted.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a-1 of Title 22, unless there is created a duplication in numbering, reads as follows:

A person committing a criminal offense on or after the effective date of the Truth in Sentencing Act, and convicted shall be required to serve not less than eighty-five percent (85%) of the sentence imposed. The person shall not be eligible for earned credits, or other types of credits which have the effect of reducing the length of sentence, in excess of fifteen percent (15%) of the sentence imposed. Any person committing a criminal offense on or after the effective date of the Oklahoma Indigent Defense Act, and sentenced

by a court, shall be sentenced in accordance with the ranges of punishments established by the matrices provided for in Section 6 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a-2 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Truth in Sentencing Policy Advisory Commission, established by Section 1501 of Title 22 of the Oklahoma Statutes, shall monitor, review, and analyze the implementation of the Oklahoma Truth in Sentencing Act, and provide fiscal impact statements and reports to the Legislature concerning the continued implementation of the Oklahoma Truth in Sentencing Act. The Commission is vested with authority to collect data and reports from governmental entities within the State of Oklahoma relating to all matters concerning the charging, pleading, sentencing, and release of persons charged, convicted, or placed on probation for criminal offenses within this state. Governmental entities shall respond promptly to all reasonable requests of the Commission for data required to meet this directive. The Commission shall publish an annual report reflecting the implementation of the Oklahoma Truth in Sentencing Act. The Truth in Sentencing Commission shall prepare a fiscal impact statement on any changes to schedules or penalties of criminal sentencing proposed in legislation.

B. The Oklahoma Truth in Sentencing Policy Advisory Commission shall review each bill or joint resolution which impacts the Oklahoma criminal justice system introduced in the Oklahoma Legislature. The Commission shall prepare a fiscal impact statement, as established by joint legislative rules. The Commission shall direct other state entities including, but not limited to, the Department of Corrections, the Oklahoma District Attorneys Council, the Office of the Oklahoma Attorney General, the Oklahoma State Bureau of Investigation, the Administrative Office of

the Oklahoma Courts, the Oklahoma Court of Criminal Appeals, the Oklahoma Indigent Defense System, and county indigent defenders, to provide assistance and information in the preparation of the fiscal impact statement. The entities directed by the Commission shall provide the information described in this subsection within the time set by the requesting agency. The fiscal impact statement shall include, but is not limited to:

1. A report on the fiscal impact the proposal will have on facility, maintenance, personnel, and other relevant costs;

2. Information obtained from the Department of Corrections, including but not limited to:

a. a projection of offender population and costs related to the population, and

b. a projection of staffing for the Department of Corrections and costs related to the staff; and

3. Any other information relevant to the fiscal impact the proposed legislation will have on the Oklahoma criminal justice system.

C. A copy of the fiscal impact statement shall be attached to each copy of a bill or joint resolution reviewed by any committee of either house of the Legislature and to each copy of a bill or joint resolution that impacts the criminal justice system that is reviewed by the entire membership of either house of the Oklahoma Legislature.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a-3 of Title 22, unless there is created a duplication in numbering, reads as follows:

The following definitions apply to the Oklahoma Truth in Sentencing Act:

1. "Commission" means the Oklahoma Truth in Sentencing Policy Advisory Commission;

2. "Community corrections" means an offender is sentenced to placement within the community to a form of confinement, control, or restraint, other than imprisonment in a prison;

3. "Confinement" means an offender is sentenced to a placement where the offender is controlled, restrained, or confined to a certain location, for a definite period of time as may be authorized by law for the commission of the criminal offense. An offender sentenced to a term of confinement may be placed in a prison or in the community as shall be ordered by the court;

4. "Drug crime matrix" means the sentencing matrix for all felony drug offenses as provided by the Oklahoma Statutes;

5. "Intoxicant crimes involving a vehicle matrix" means the sentencing matrix for all felony offenses relating to operating or being in actual physical control of a motor vehicle while under the influence of intoxicants or with impaired ability as provided by the Oklahoma Statutes;

6. "Imprisonment" means placement in a prison operated or leased, or space leased, by the Oklahoma Department of Corrections;

7. "Main matrix" means the sentencing matrix for all felonies except the drug crimes, sex crimes, and intoxicant crimes involving a vehicle as provided by the Oklahoma Statutes;

8. "Matrix block" means a box on the matrix formed by the intersection of the crime schedule of the current crime of conviction and the level of punishment based on the application of established enhancers provided for in Section 8 of this act;

9. "Offense enhancer" means the sentence enhancers based on the circumstances of the commission of the current offense of conviction provided for in Section 8 of this act;

10. "Placement presumption" means the recommended placement of the offender provided for by the sentencing matrices. Placement presumptions include: presumed imprisonment, presumed community corrections, presumed probation, and presumed deferred;

11. "Presumed community corrections" means the offender is sentenced to a form of confinement other than imprisonment in a state correctional facility including, but not limited to, electronic monitoring program, confinement in a regional or county jail, weekend jail sentence, inpatient treatment, or house arrest.

12. "Presumed deferred" means if the placement presumption is "presumed probation" or "presumed deferred" and the offender is eligible to receive a deferred judgment and sentence, then the offender shall receive a deferred judgment and sentence provided for by Section 991c of Title 22 of the Oklahoma Statutes.

13. "Presumed imprisonment" means the offender is sentenced to some term of imprisonment.

14. "Presumed probation" means the offender is sentenced to a term of probation including, but not limited to, a deferred judgment and sentence, pursuant to Section 991c of this title, a suspended sentence pursuant to Section 19 of this act, or a term of supervised release, pursuant to Section 19 of this act. The judge may choose not to sentence the offender to a term of probation if the judge articulates the reason for doing so in the record;

15. "Prior record enhancer" means the sentence enhancers based on the prior criminal convictions of an offender provided for in Section 8 of this act;

16. "Prison" means a minimum, medium, or maximum correctional facility operated or leased by the Oklahoma Department of Corrections;

17. "Probation" means a term, other than confinement, of supervision by the Department of Corrections as part of a deferred judgment and sentence pursuant to 991c of this title, a suspended sentence pursuant to Section 19 of this act, or a term of supervised release pursuant to Section 19 of this act;

18. "Range of confinement" means the discretionary range within which a sentencing court may impose a term of confinement as

provided for by the applicable matrix. The range of confinement includes: a low range of confinement, a presumed range of confinement, and a high range of confinement;

19. "Range of punishment" means the possible punishment for the commission of a criminal offense. The range of punishment may include a term of confinement, a fine, a term of supervised release, removal from office, and other conditions authorized by the Oklahoma Statutes;

20. "Schedule" means the classification of a criminal offense as provided in Section 7 of this act;

21. "Sentence" means the total obligation of the offender for the commission of a criminal offense as determined by the sentencing court, including any term of confinement with a placement in the community or in a prison, a term of supervision, a fine, and any terms or conditions as authorized by Section 991a of Title 22 of the Oklahoma Statutes;

22. "Sentencing level" or "level" means the level of sentencing pursuant to the applicable matrix;

23. "Sentencing matrix" means one of the sentencing matrices established by subsection B of Section 6 of this act.

24. "Sex crimes matrix" means the sentencing matrix for all felony sex offenses provided for by the Oklahoma Statutes; and

25. "Supervised release" means the period of court supervision that follows community corrections or imprisonment for offenders who are not eligible to receive probation.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a-4 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. On and after the effective date of the Oklahoma Truth in Sentencing Act, criminal offenses shall be punished as provided by the sentencing matrices and in accordance with the application of any sentencing enhancers or sentence departures authorized by the

Oklahoma Truth in Sentencing Act. The Oklahoma Truth in Sentencing Policy Advisory Commission, pursuant to Section 1501 through 1515 of Title 22 of the Oklahoma Statutes, may recommend to the legislative changes to the sentencing matrices.

B. 1. For purposes of sentencing, the following main matrix shall be applied in felony cases for crimes that are classified pursuant to Section 7 of this act as a Schedule A, Schedule B, Schedule C, Schedule D, Schedule D1, Schedule D2, Schedule E, Schedule F, Schedule G, or Schedule H crime committed on or after the effective date of the Oklahoma Truth in Sentencing Act. The ranges of punishment for each level in the schedules shall be established by the Legislature. In establishing the levels, the Legislature shall consider the information provided pursuant to Section 30 of this act. The levels must be set in such a manner that the projected fiscal impact of implementing the Truth in Sentencing Act shall not exceed the amount of funds available in the fund established by Section 29 of this act.

MAIN MATRIX

placement presumptions		prior record enhancers	
		A, N-1, S-1	6
PI = presumed imprisonment		B, N-2, S-2	4
PCC = presumed community corrections		C	3
PP = presumed probation		D, D1, N-3, N-4, S-3	2
PD = presumed new deferred		D2, E, F, G, H, N-5, S-4	1
		I-1, I-2, I-3	1
offense enhancers			
active crime justice status	1	theft crime, amount involved	
vulnerable victim	2	$2,500 - $10,000	2
use of firearm	2	$10,001 - $100,000	5
torture or maim of victim	2	$100,001 - $500,000	7
risk to public safety	1	more than $500,000	9
targeted victim	1		

Schedule A is first degree murder, life, life without parole (LWOP), death

* offender convicted of Schedule A, B, C, or S-1 crime, is at level 9, and has 2 or more prior Schedule A, B, C, or S-1 convictions receives mandatory confinement term of not less than twenty (20) years

Departures: to any level on matrix based upon consent of all parties or to any level on matrix based upon substantial assistance of offender

_____

_____Schedule B_____

Level 1 _____ Level 2 level 1+_yrs Level 3 level 1+_yrs

_____ __ __

_____

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Level 4 level 1+_yrs Level 5 level 1+_yrs Level 6 level 1+_yrs

__ __ __

Level 7 level 1+_yrs Level 8 level 1+__yrs Level 9 level 1+__yrs

__ __ __ *

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_____Schedule C_____

Level 1 _____ Level 2 _____ Level 3 level 1+_yrs

_____ _____ __

_____ _____

__ PI

Level 4 level 1+_yrs Level 5 level 1+_yrs Level 6 level 1+_yrs

__ __ __

Level 7 level 1+_yrs Level 8 level 1+__yrs Level 9 level 1+__yrs

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_____Schedule D_____

Level 1 _____ Level 2 _____ Level 3 _____

_____ _____ _____

_____ _____ _____

___ ___ __

Level 4 level 1+_yrs Level 5 level 1+_yrs Level 6 level 1+_yrs

__ __ __

Level 7 level 1+_yrs Level 8 level 1+_yrs Level 9 level 1+__yrs

__ __ __

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_____Schedule D1_____

Level 1 _____ Level 2 _____ Level 3 _____

_____ _____ _____

_____ _____ _____

___ ___ ___

Level 4 level 1+_yr Level 5 level 1+_yrs Level 6 level 1+_yrs

__ __ __

Level 7 level 1+_yrs Level 8 level 1+_yrs Level 9 level 1+_yrs

__ __ __

_____

_____Schedule D2_____

Level 1 _____ Level 2 _____ Level 3 _____

_____ _____ _____

_____ _____ _____

___ ___ ___

Level 4 level 1+_mo Level 5 level 1+__mo Level 6 level 1+__mo

__ __ __

Level 7 level 1+__mo Level 8 level 1+__mo Level 9 level 1+__mo

__ __ __

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_____Schedule

E_____

Level 1 _____ Level 2 _____ Level 3 _____

_____ _____ _____

_____ _____ _____

_____ ___ ___

Level 4 level 1+_yr Level 5 level 1+_yrs Level 6 level 1+_yrs

__ __ _

Level 7 level 1+_yrs Level 8 level 1+_yrs Level 9 level 1+_yrs

__ __ __

_____

_

_____Schedule

F_____

Level 1 _____ Level 2 _____ Level 3 _____

_____ _____ _____

_____ _____ _____

_____ ___ ___

Level 4 level 1+_yrs Level 5 level 1+_yrs Level 6 level 1+_yrs

__ __ __

Level 7 level 1+_yrs Level 8 level 1+_yrs Level 9 level 1+_yrs

__ __ __

_____

_

_____Schedule

G_____

Level 1 _____ Level 2 _____ Level 3 _____

_____ _____ _____

_____ _____ _____

_____ _____ ___

Level 4 level 1+__mo Level 5 level 1+__mo Level 6 level 1+__mo

___ __ __

Level 7 level 1+_yrs Level 8 level 1+_yrs Level 9 level 1+_yrs

__ __ __

_____

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_____Schedule

H_____

Level 1 _____ Level 2 _____ Level 3 _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

Level 4 _____ Level 5 _____ Level 6 _____

_____ _____ _____

_____ _____ _____

_____ _____ __

Level 7 _____ Level 8 _____ Level 9 _____

_____ _____ _____

_____ _____ _____

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2. For purposes of sentencing, the following sentencing matrix shall be applied in cases which are intoxicant crimes involving a

vehicle that are classified as a Schedule I-1, Schedule I-2, or Schedule I-3 crime committed on or after the effective date of the Oklahoma Truth in Sentencing Act. The ranges of punishment for each level in the schedules shall be established by the Legislature. In establishing the levels, the Legislature shall consider the information provided pursuant to Section 30 of this act. The levels must be set in such a manner that the projected fiscal impact of implementing the Truth in Sentencing Act shall not exceed the amount of funds available in the fund established by Section 29 of this act.

INTOXICANT CRIMES INVOLVING A VEHICLE MATRIX

placement presumptions		prior record enhancers	
		A, N-1, S-1	6
PI = presumed imprisonment		B, N-2, S-2	4
PCC = presumed community corrections		C	3
PP = presumed probation		D, D1, N-3, N-4, S-3	2
PD = presumed new deferred		D2, E, F, G, H, N-5, S-4	1
		I-1, I-2, I-3	1
offense enhancers			
active crime justice status	1	theft crime, amount involved	
vulnerable victim	2	$2,500 - $10,000	2
use of firearm	2	$10,001 - $100,000	5
torture or maim of victim	2	$100,001 - $500,000	7
risk to public safety	1	more than $500,000	9
targeted victim	1		

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_____Schedule I-1_____

Level 1 _____ Level 2 _____ Level 3 _____

_____ _____ _____

_____ _____ _____

___ __ __

Level 4 level 2+_yrs Level 5 level 2+_yrs Level 6 level 2+_yrs

__ __ __

Level 7 level 2+_yrs Level 8 level 2+_yrs Level 9 level

2+__yrs

__ __ __

_____

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_____Schedule I-

2_____

Level 1 _____ Level 2 _____ Level 3 _____

_____ _____ _____

_____ _____ _____

_____ ___ __

Level 4 level 2+_yrs Level 5 level 2+_yrs Level 6 level 2+_yrs

__ __ __

Level 7 level 2+_yrs Level 8 level 2+_yrs Level 9 level 2+_yrs

__ __ __

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_____Schedule I-

3_____

Level 1 _____ Level 2 _____ Level 3 _____

_____ _____ _____

_____ _____ _____

_____ _____ ____

Level 4 level 2+_mo Level 5 level 2+_yrs Level 6 level 2+_yrs

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Level 7 level 2+_yrs Level 8 level 2+_yrs Level 9 level 2+_yrs

PI PI PI

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3. For purposes of sentencing, the following sentencing matrix shall be applied in cases involving controlled dangerous substance offenses that are classified as a Schedule N-1, Schedule N-2, Schedule N-3, Schedule N-4, or Schedule N-5 crime committed on or after the effective date of the Oklahoma Truth in Sentencing Act. The ranges of punishment for each level in the schedules shall be established by the Legislature. In establishing the levels, the Legislature shall consider the information provided pursuant to Section 30 of this act. The levels must be set in such a manner that the projected fiscal impact of implementing the Truth in Sentencing Act shall not exceed the amount of funds available in the fund established by Section 29 of this act.

DRUG CRIMES MATRIX

placement presumptions		prior record enhancers	
		A, N-1, S-1	6
PI = presumed imprisonment		B, N-2, S-2	4
PCC = presumed community corrections		C	3
PP = presumed probation		D, D1, N-3, N-4, S-3	2
PD = presumed new deferred		D2, E, F, G, H, N-5, S-4	1
		I-1, I-2, I-3	1
offense enhancers			
active crime justice status	1	drug proceeds, amount involved	
vulnerable victim	2	$2,500 - $10,000	2
use of firearm	2	$10,001 - $100,000	5
torture or maim of victim	2	$100,001 - $500,000	7
risk to public safety	1	more than $500,000	9
targeted victim	1		
N-3 by school, etc.	1		

Schedule N-1

Manufacturing

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Level 1	Level 2	Level 3
_____	level 1+3yrs	level 1+5yrs
_____	__	MI
_____		
__		
Level 4	Level 5	Level 6
level 1+_yrs	level 1+__yrs	level 1+15yrs
__	__	MI
Level 7	Level 8	Level 9
level 1+__yrs	level 1+__yrs	level 1+30yrs
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Schedule N-2

Trafficking

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Group A: AMOUNT 1

	Level 1	Level 2	Level 3
LSD 1-9.99g	_____	level 1+_yrs	level 1+_yrs
heroin 10-27g	_____	__	__
cocaine 28-299g	_____		
crack 5-49g	__		
	Level 4	Level 5	Level 6
LSD 1-9.99g	level 1+_yrs	level 1+_yrs	level 1+__yrs
heroin 10-27g	__	__	__
cocaine 28-299g			
crack 5-49g	Level 7	Level 8	Level 9
LSD 1-9.99g	level 1+__ yrs	level 1+__yrs	level 1+__yrs

heroin 10-27g	__	__	__
cocaine 28-299g			
crack 5-49g			

Group A: AMOUNT 2

	Level 1	Level 2	Level 3
LSD 10g or more	_____	level 1+_yrs	level 1+_yrs
heroin 28g or more	_____	__	__
cocaine 300g or more	_____		
crack 50g or more	__		

	Level 4	Level 5	Level 6
LSD 10g or more	level 1+_yrs	level 1+__yrs	level 1+__yrs
heroin 28g or more	__	__	__
cocaine 300g or more			
crack 50g or more			

	Level 7	Level 8	Level 9
LSD 10g or more	level 1+__yrs	level 1+__yrs	level 1+__yrs
heroin 28g or more	__	__	__
cocaine 300g or more			
crack 50g or more			

Group B: AMOUNT 1

	Level 1	Level 2	Level 3
marijuana 25-999lbs	_____	level 1+2yr	level 1+4yrs
amphet/metha 20-199g	_____	__	__
PCP 1-7.99oz	_____		
	__		

	Level 4	Level 5	Level 6
marijuana 25-999lbs	level 1+_yrs	level 1+_yrs	level 1+__yrs
amphet/metha 20-199g	__	__	__
PCP 1-7.99oz			

	Level 7	Level 8	Level 9
marijuana 25-999lbs	level 1+__ yrs	level 1+__ yrs	level 1+__yrs
amphet/metha 20-199g	__	__	__

PCP 1-7.99oz

Group B: AMOUNT 2

	Level 1	Level 2	Level 3
marijuana 1,000lbs or more	_____	level 1+_yrs	level 1+_yrs
ampht/metha 200g or more	_____	__	__
PCP 8oz or more	_____		
	__		
	Level 4	Level 5	Level 6
	level 1+_yrs	level 1+__yrs	level 1+__yrs
	__	__	__
	Level 7	Level 8	Level 9
	level 1+__yrs	level 1+__yrs	level 1+__yrs
	__	__	__

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Schedule N-3

Distribution, possession

w/intent, etc., Cultivation

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Group A:

	Level 1	Level 2	Level 3
Sched I, II (LSD,	_____	_____	_____
narcotics, cocaine)	_____	_____	_____
	_____	_____	_____
	___	__	__
	Level 4	Level 5	Level 6
Sched I, II (LSD,	level 1+_yrs	level 1+_yrs	level 1+_yrs
narcotics, cocaine)	__	__	__
	Level 7	Level 8	Level 9

Sched I, II (LSD,	level 1+_yrs	level 1+__yrs	level 1+__yrs
narcotics, cocaine)	__	__	__
Group B:			
	Level 1	Level 2	Level 3
Sched I, II, III, IV	____	_____	_____
(other CDS not			
in Group A)	_____	_____	_____
	_____	_____	_____
	___	__	__
	Level 4	Level 5	Level 6
Sched I, II, III, IV	level 1+_yrs	level 1+_yrs	level 1+_yrs
(other CDS not			
in Group A)	__	__	__
	Level 7	Level 8	Level 9
Sched I, II, III, IV	level 1+_yrs	level 1+_yrs	level 1+__yrs
(other CDS not			
in Group A)	__	__	__
Group C:			
	Level 1	Level 2	Level 3
Sched V, and	_____	_____	_____
marijuana	_____	_____	_____
	_____	_____	_____
	___	___	__
	Level 4	Level 5	Level 6
Sched V, and	level 1+_yrs	level 1+_yrs	level 1+_yrs
marijuana	__	__	__
	Level 7	Level 8	Level 9
Sched V, and	level 1+_yrs	level 1+_yrs	level 1+_yrs
marijuana	__	__	__

_____

_

Schedule N-4

Registrant crimes

Level 1	Level 2	Level 3
_____	_____	level 1+_mo
_____	_____	__
_____	_____	
__	__	
Level 4	Level 5	Level 6
level 1+__mo	level 1+__mo	level 1+__mo
__	__	__
Level 7	Level 8	Level 9
level 1+__mo	level 1+__mo	level 1+__mo
__	__	__

Schedule N-5

Possession, tax stamp maintaining,

forged Rx bringing contraband

Level 1	Level 2	Level 3
_____	_____	level 1+_mo
_____	_____	___
_____	_____	
_____	_____	
Level 4	Level 5	Level 6
level 1+__mo	level 1+__mo	level 1+__mo
___	___	__
Level 7	Level 8	Level 9
level 1+__mo	level 1+__mo	level 1+__mo
__	__	__

4. For purposes of sentencing, the following sentencing matrix shall be applied in cases involving sexual offenses that are classified as a Schedule S-1, Schedule S-2, Schedule S-3, or Schedule S-4 crime committed on or after the effective date of the Oklahoma Truth in Sentencing Act. The ranges of punishment for each level in the schedules shall be established by the Legislature. In establishing the levels, the Legislature shall consider the information provided pursuant to Section 30 of this act. The levels must be set in such a manner that the projected fiscal impact of implementing the Truth in Sentencing Act shall not exceed the amount of funds available in the fund established by Section 29 of this act.

SEX CRIMES MATRIX

placement presumptions		prior record enhancers	
		A, N-1, S-1	6
PI = presumed imprisonment		B, N-2, S-2	4
PCC = presumed community corrections		C	3
PP = presumed probation		D, D1, N-3, N-4, S-3	2
PD = presumed new deferred		D2, E, F, G, H, N-5, S-4	1
		I-1, I-2, I-3	1
offense enhancers			
active crime justice status	1	theft crime, amount involved	
vulnerable victim	2	$2,500 - $10,000	2
use of firearm	2	$10,001 - $100,000	5
torture or maim of victim	2	$100,001 - $500,000	7
risk to public safety	1	more than $500,000	9
targeted victim	1		

* offender convicted of S-1 offense, is at level 9, has 2 or more prior Schedule A, B, C, D, or S-1 convictions receives mandatory confinement term of not less than twenty (20) years

_____Schedule S-1_____

Level 1 _____ Level 2 level 1+_yrs Level 3 level 1+_yrs

_____ __ __

_____

__

Level 4 level 1+_yrs Level 5 level 1+__yrs Level 6 level 1+__yrs

__ __ __

Level 7 level 1+__yrs Level 8 level 1+__yrs Level 9 level 1+__yrs

__ __ __ *

_____Schedule S-2_____

Level 1 _____ Level 2 level 1+_yrs Level 3 level 1+_yrs

_____ __ __

_____

__

Level 4 level 1+_yrs Level 5 level 1+_yrs Level 6 level 1+_yrs

__ __ __

Level 7 level 1+_yrs Level 8 level 1+_yrs Level 9 level 1+__yrs

__ __ __

_____Schedule S-3_____

Level 1 _____ Level 2 level 1+_yr Level 3 level 1+_yrs

_____ __ __

_____

__

Level 4 level 1+_yrs Level 5 level 1+_yrs Level 6 level 1+_yrs

__ __ __

Level 7 level 1+_yrs Level 8 level 1+_yrs Level 9 level 1+_yrs

__ __ __

_____

_

_____Schedule S-

4_____

Level 1 _____ Level 2 _____ Level 3 level 1+_yr

_____ _____ ____

_____ _____

_____ _____

Level 4 level 1+_yrs Level 5 level 1+_yrs Level 6 level 1+_yrs

___ __ __

Level 7 level 1+_yrs Level 8 level 1+_yrs Level 9 level 1+_yrs

__ __ __

_____

_

C. The sentences expressed in the sentencing matrices represent months of confinement, unless otherwise provided.

D. A sentencing matrix is a crime severity and criminal history classification tool. The sentencing matrix determines crime severity of the current offense of conviction according to sentencing level. The sentencing level classifies the severity of the circumstances of the offense and the criminal history of the offender. Provided, however, Schedule A is subject to the criminal provisions of Section 701.7 through 701.16 of Title 21 of the Oklahoma Statutes.

E. A sentencing matrix, except for Schedule A, defines the possible terms of confinement. A sentencing matrix, except for Schedule A, also establishes five possible placement presumptions

including: presumed imprisonment, presumed community corrections, presumed probation, and presumed deferred.

F. A sentencing matrix does not establish fines or other conditions of a sentence. Fines for the commission of a criminal offense are provided for by Section 22 of this act and conditions of sentence dispositions are provided for by Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a-5 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established a classification system for all felony criminal offenses provided for in the Oklahoma Statutes that places the offenses into schedules on the basis of the severity of the offense and other factors of the commission of the crime. The Oklahoma Truth in Sentencing Policy Advisory Commission may recommend changes for the schedules to the Legislature. All felonies provided for by the Oklahoma Statutes shall be classified in the following schedules:

1. "Schedule A" is reserved for the crime of murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes, and is not subject to the application of the sentencing matrices of the Oklahoma Truth in Sentencing Act;

2. "Schedule B" means a violent offense which is committed with intent to kill or with reckless disregard for human life;

3. "Schedule C" means a violent offense which is inherently dangerous to others and causes a substantial risk of death or serious bodily injury to a person;

4. "Schedule D" means a violent offense which creates a significant risk of death or serious bodily injury to a person;

5. "Schedule D1" means a violent offense which creates a risk of death or bodily injury to a person;

6. "Schedule D2" means a violent offense committed without the use of a weapon which does not create a risk of death or serious bodily injury or which is committed against a victim acting in an official capacity;

7. "Schedule E" means a nonviolent offense which creates a risk of injury to a person or a risk of harm to property;

8. "Schedule F" means a nonviolent offense which inflicts societal injury or which creates a risk of societal injury;

9. "Schedule G" means a nonviolent offense, the commission of which resulted in or was intended to result in a gain or benefit for the offender and other miscellaneous felony offenses;

10. "Schedule H" means a nonviolent offense, the commission of which does not create a major risk of harm to a person or to property and is defined as a felony offense;

11. "Schedule I-1" means an offense of driving, operating, or being in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance and causing an accident that results in great bodily injury to another;

12. "Schedule I-2" means an offense of driving or operating a motor vehicle while under the influence of alcohol or any other intoxicating substance and being involved in a personal injury accident after former conviction for the same offense;

13. "Schedule I-3" means an offense of driving, operating, or being in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substance after former conviction for the same offense;

14. "Schedule N-1" means an offense of manufacturing or attempting to manufacture a controlled dangerous substance, or a synthetic of the controlled dangerous substance;

15. "Schedule N-2" means an offense of trafficking in a specified Schedule I or Schedule II controlled dangerous substance, or a synthetic of the controlled dangerous substance, including

marijuana, cocaine or coca leaves, heroin, amphetamine or methamphetamine, lysergic acid diethylamide, phencyclidine, cocaine base in a statutorily defined amount;

16. "Schedule N-3" means an offense of distributing, dispensing, transporting with the intent to distribute or dispense, or possessing with the intent to distribute a controlled dangerous substance, or a synthetic of the controlled dangerous substance, a counterfeit controlled dangerous substance, or imitation controlled substance;

17. "Schedule N-4" means any offense which constitutes a felony violation of the Uniform Controlled Dangerous Substances Act committed by a practitioner or a registrant;

18. "Schedule N-5" means an offense of knowingly and intentionally possessing a controlled dangerous substance or a synthetic of the controlled dangerous substance, which is a Schedule I or Schedule II controlled substance, except marijuana, and those substances listed in subsection D of Section 2-206 of Title 63 of the Oklahoma Statutes or other offenses which are a felony violation of the Uniform Controlled Dangerous Substances Act or other drug laws of the State of Oklahoma;

19. "Schedule S-1" means a Schedule S-2 sexual offense the commission of which involved the presence of aggravating circumstances established by the state by clear and convincing evidence;

20. "Schedule S-2" means a sexual offense including: forcible sodomy, as provided for in Section 888 of Title 21 of the Oklahoma Statutes; first degree rape, as provided for in Sections 1111, 1114, and 1115 of Title 21 of the Oklahoma Statutes; and first degree rape by instrumentation, as provided for in Section 1114 of Title 21 of the Oklahoma Statutes;

21. "Schedule S-3" means a sexual offense involving offensive sexual contact but not involving serious bodily injury or an obscene or offensive sexual offense; and

22. "Schedule S-4" means a sexual offense involving offensive or obscene sexual conduct, without sexual contact or any other sexual offense defined as a felony.

B. Punishment for each schedule of offenses provided for in subsection A of this section shall be as provided in Section 22 of this act.

C. 1.

SCHEDULE A

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Homicide - Murder in the first degree (malice aforethought)	21 O.S. §§ 701.7(A), 701.9(A), & 701.10	Death; Life w/o parole; Life imprisonment.
Homicide - Felony Murder (first degree).	21 O.S. §§ 701.7(B), 701.9(A), & 701.10	Death; Life w/o parole; Life imprisonment.
Homicide - Murder of a child (first degree).	21 O.S. §§ 701.7(C), 701.9(A), & 701.10	Death; Life w/o parole; Life imprisonment.
Homicide - Murder by soliciting another to murder in furtherance of drug	21 O.S. §§ 701.7(D), 701.9(A), & 701.10	Death; Life w/o parole; Life imprisonment.

activity (first degree).

2. SCHEDULE B

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Attempt to kill by administering poison.	21 O.S. § 651	10 - Life
Shooting or discharging firearm with intent to kill.	21 O.S. § 652(A)	0 - Life.
Shooting with intent to kill.	21 O.S. § 652(A)	0 - Life.
Assault and battery with intent to kill.	21 O.S. § 652 (C)(3)	0 - 20 yrs.
Assault and battery using a vehicle to discharge weapon.	21 O.S. § 652 (B)	2 - 20 yrs.
Murder in the second degree - Depraved Heart murder.	21 O.S. §§ 701.8, 701.9(B)	10 yrs. - Life.
Murder in the second degree - all other felonies not enumerated.	21 O.S. §§ 701.8, 701.9(B)	10 yrs. - Life.
Solicitation for murder in the first degree.	21 O.S. § 701.16	5 yrs. - Life.
Kidnapping for purpose of extortion.	21 O.S. § 745(A)	10 yrs. - Death.
Wiring or equipping of vehicles or structures with explosives.	21 O.S. § 849	5 yrs. - Life.
Arson in the first degree (inhabited building).	21 O.S. § 1401	0 - 35 yrs. and/or a fine not > $25,000.00.
Bombs & explosives -	21 O.S. §§ 1767.1	3 - 10 yrs. and/or

placing bomb - conspiracy (without personal injury resulting).	(A)(1) & 1767.2, 1767.3	fine not > $10,000.00.
Bombs & explosives - placing bomb - attempt (with personal injury resulting).	21 O.S. §§ 1767.1 (A)(2) & 1767.2, 1767.3	7 yrs. - Life.
Bombs & explosives - exploding property (with personal injury resulting).	21 O.S. §§ 1767.1 (A)(3) & 1767.2, 1767.3	7 yrs. - Life.
Bombs & explosives - exploding property (without personal injury).	21 O.S. §§ 1767.1 (A)(3) & 1767.2, 1767.3	3 -10 yrs. and/or a fine not > $10,000.00
Bombs & explosives - manufacture, sell, transport, or possess bomb or explosive device (with personal injury resulting).	21 O.S. §§ 1767.1 (A)(4) & 1767.2 1767.3	7 yrs. - Life.
Bombs & explosives - manufacture, sell, transport, or possess bomb or explosive device (without personal injury).	21 O.S. §§ 1767.1 (A)(4) & 1767.2, 1767.3	3 -10 yrs. and/or a fine not > $10,000.00.
Bombs & explosives - placing foul, poisonous, offensive or injurious substance (with personal injury resulting).	21 O.S. §§ 1767.1 (A)(5) & 1767.2, 1767.3	7 yrs. - Life.
Bombs & explosives - maliciously injuring, damaging, or attempting to injure or damage persons or property (without personal injury).	21 O.S. §§ 1767.1 (A)(6) & 1767.2, 1767.3	3 - 10 yrs. and/or a fine not > $10,000.00.
Bombs & explosives - maliciously injuring, damaging, or attempting to	21 O.S. §§ 1767.1 (A)(6) & 1767.2, 1767.3	7 yrs. - Life.

injure or damage persons or property (with personal injury resulting).

Bombs & explosives - manufactures, possesses, sells or delivers explosives or bombs thru mails (with personal injury resulting).	21 O.S. §§ 1767.1 (A)(8) & 1767.2, 1767.3	7 yrs. - Life.
Bombs & explosives - bomb threat or display during commission of a felony (with personal injury resulting).	21 O.S. §§ 1767.1 (A)(9) & 1767.2, 1767.3	7 yrs. - Life.

3. SCHEDULE C

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Accessory to Murder.	21 O.S. § 175(5)	5 - 45 yrs.
Shooting with intent to injure.	21 O.S. § 645; see also §§ 641-643	0 - 10 yrs. in the pen. OR 0 - 1 yr. in county jail.
Assault & battery with a a deadly weapon.	21 O.S. § 652 (C)(1)	0 - 20 yrs.
Assault & battery by force likely to produce death.	21 O.S. § 652 (C)(2)	0 - 20 yrs. 0 - 20 yrs.
Other assaults with intent to kill.	21 O.S. § 653	0 - 5 yrs. in pen. OR 0 -1 yr. in county jail and/or a fine not > $500.00.
Manslaughter in the first degree.	21 O.S. §§ 711 & 715	4 yrs. - Life.
Intoxicated physician (Manslaughter in the first degree.	21 O.S. §§ 712 & 715	4 yrs. - Life.

Willful killing of an unborn quick child (Manslaughter in the first degree).	21 O.S. §§ 713, 715	4 yrs. - Life.
Destruction of unborn child (abortion) (Manslaughter in the first degree).	21 O.S. §§ 714, 715	4 yrs. - Life.
Maiming	21 O.S. §§ 751-759	0 - 7 yrs.
Robbery by force - First degree.	21 O.S. § 801	5 yrs. - Life (after 3 separate convictions = 10 yrs. - Life).
Attempted Robbery or robbery with a dangerous weapon.	21 O.S. § 801	5 yrs. - Life (after 3 separate convictions = 10 yrs. - Life).
Attempted Robbery by firearm.	21 O.S. § 801	5 yrs. - Life (after 3 separate convictions = 10 yrs. - Life).
Robbery with firearms.	21 O.S. § 801	5 yrs. - Life. (after 3 separate convictions = 10 yrs. - Life.)
Attempted Robbery or robbery with imitation firearm.	21 O.S. § 801	5 yrs. - Life.
Child abuse/sexual child abuse.	21 O.S. §§ 843 & 845	*0 - Life and/or a fine not < $500.00 nor > $5,000.00.
Abuse, sexual abuse, neglect, or financial	21 O.S. § 843.1	0 - 10 yrs. and/or a fine not >

exploitation by caretaker.		$10,000.00. C/S1
Burglary with explosives.	21 O.S. § 1441	20 - 50 yrs.
Committing felony in possession or control of firearm with removed, defaced etc. serial number.	21 O.S. § 1550(A)	2 - 5 yrs. and/or a fine not < $1,000.00 nor > $5,000.00.
Seizure or assault &	21 O.S. §§ 1901-	battery of bus driver,
Seizure or assault & battery of bus driver, etc. while using a deadly weapon.	21 O.S. §§ 1901-1903(C)	0 - 20 yrs. and/or a fine not > $20,000.00.
Seizure of bus by force or violence.	21 O.S. §§ 1901-1903(A)	0 - 20 yrs. and/or a fine not > $20,000.00.
Seizure or assault & battery of bus driver, etc. while using a dangerous weapon.	21 O.S. §§ 1901-1903	0 - 20 yrs. and/or a fine not > $20,000.00.
Discharge or hurl missile into or within a bus, terminal or other transportation facility.	21 O.S. §§ 1901 1903(E)	0 -5 yrs. and/or a fine not > $5,000.00.

4. SCHEDULE D1

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Eluding police officer in motor vehicle resulting in accident with great bodily	21 O.S. § 540 A(B)	1 - 5 yrs. and a fine not < $5,000.00.

injury to others.

Roadblocks.	21 O.S. § 540B	1 -5 yrs. and/or a fine not < $5,000.00.
Assault with a firearm with intent to injure.	21 O.S. § 645; see also §§ 641 - 643	0 - 10 yrs. in the pen. OR 0 - 1 yr. in county jail.
Assault & battery with a motor vehicle.	21 O.S. § 645; see also §§ 641 - 643	0 - 10 yrs. in the pen. OR 0 - 1 yr. in county jail.
Battery with a dangerous weapon with intent to injure.	21 O.S. § 645; see also §§ 641 - 643	0 - 10 yrs. in the pen. OR 0 - 1 yr. in county jail.
Assault and battery with a dangerous weapon with intent to injure.	21 O.S. § 645; see also §§ 641 - 643	0 - 10 yrs. in the pen. OR 0 - 1 yr. in county jail.
Robbery by force (first degree).	21 O.S. §§ 791 - 798	10 yrs. - Life.
Robbery by fear (first degree).	21. O.S. §§ 791 - 798	10 yrs. - Life.
Robbery by two or more persons.	21 O.S. § 800	5 -50 yrs.
Willful poisoning food, drink, medication.	21 O.S. § 832	5- yrs. - Life and/or a fine not > $1,000.00.
Possession of firearm or other offensive weapon while committing or attempting to commit a felony.	21. O.S. § 1287	2 -10 yrs.
Possession of firearm or other offensive weapon while committing or attempting to commit a felony (second & subsequent offenses).	21 O.S. § 1287	10 -30 yrs.
Assaults while masked or	21 O.S. § 1303	5 - 20 yrs. AND a

disguised with dangerous weapon.		fine not < $100.00 nor > $500.00.
Arson in the second degree (unoccupied OR uninhibited building).	21 O.S. § 1402	0 -25 yrs. and/or a fine not > $20,000.00.
Burglary in the first degree (occupied house etc.).	21 O.S. §§ 1431 & 1436	7 - 20 yrs.
Bombs & explosives - telephone bomb threats/giving false info. re: explosives (with personal injury resulting).	21 O.S. § 1767.1 (A)(4) & 1767.2, 1767.3	7 yrs. - Life.
Bombs & explosives - placing foul, poisonous, offensive or injurious substance (without personal injury).	21 O.S. §§ 1767.1 (A)(5) & 1767.2, 1767.3	3 - 10 yrs. and/or a fine not > $10,000.00.
Bombs & explosives - manufactures, possesses, sells, or delivers explosives or bombs thru mails (without personal injury).	21 O.S. §§ 1767.1 (A)(8) & 1767.2, 1767.3	3 - 10 yrs. and/or a fine not > $10,000.00.
Bombs & explosives - bomb threat or display during commission of a felony (without personal injury.)	21 O.S. §§ 1767.1 (A)(9) & 1767.2, 1767.3	3 -10 yrs. and/or a fine not > $10,000.00.
Assault & battery on bus driver, attendant, guard, or passenger with intent to seize bus.	21 O.S. §§ 1901 - 19039B)	0 -10 yrs. and/or a fine not > $5,000.00.
Boarding a bus with a dangerous or deadly concealed weapon.	21 O.S. §§ 1901- 1903(D)	0 -10 yrs. and/or a fine not > $10,000.00.

4. SCHEDULE DI

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Assault with a dangerous weapon with intent to injure.	21 O.S. § 645; see also §§ 641 - 643	0 - 10 yrs. in the pen. OR 0 - 1 yr. in county jail.
Aggravated assault & battery upon a peace officer.	21 O.S. §§ 648 & 650; see also § 649	0 - 5 yrs. in pen OR 0 - 1 yr. in county jail and/or a fine not > $1,000.00.
Aggravated assault upon a DOC employee.	21 O.S. § 650.2 (A); see also § 649	0 - 2 yrs. and/or a fine not > $1,000.00.
Aggravated battery upon a DOC employee.	21 O.S. § 650.2 (B); see also § 649	0 - 2 yrs. and/or a fine not > $1,000.00.
Aggravated assault and battery upon a DOC employee.	21 O.S. 650.2(B); see also § 649	0 - 2 yrs. and/or a fine not > $1,000.00.
Assault with firearm or other deadly weapon upon emergency medical technician or other emergency medical care provider.	21 O.S. § 650.5	0 - 1 yr. and/or a fine not > $1,000.00.
Aggravated assault and battery upon emergency medical technician or other emergency medical care provider.	21. O.S. § 650.5	0 - 1 yr. and/or a fine not > $1,000.00.
Dueling resulting in no	21 O.S. § 662	0 - 10 yrs.

death or wounding.		
Assaults with intent to commit a felony.	21 O.S. § 681	0 - 5 yrs.
Manslaughter in the second degree.	21 O.S. §§ 716 & 722	2 - 4 yrs. in pen. OR 0 - 1 in county jail and/or a fine not > $1,000.00.
Owner or known mischievous animal which kills a person.	21 O.S. §§ 716 & 722	2 - 4 yrs. in pen. OR 0 - 1 in county jail and/or a fine not > $1,000.00.
Kidnapping.	21 O.S. § 741	0 - 10 yrs.
Second degree Robbery.	21 O.S. §§ 791, 797, & 799	0 - 10 yrs.
Hate Crimes: Malicious intimidation or harassment because of race, color, religion, ancestry, national origin, or disability (upon second subsequent conviction).	21 O.S. § 850	0 - 10 yrs. and/or a fine not > $10,000.00.
Carrying a weapon with intent to injure another.	21 O.S. § 1278	0 - 2 yrs. and/or a fine not > $1,000.00.
Pointing firearms at another.	21 O.S. §§ 1289.16 & 1289.17	1 - 10 yrs.
Committing OR attempting to commit felony while wearing body armor (first offense).	21 O.S. § 1289.26	0 - 10 yrs.
Committing OR attempting to commit felony while wearing body armor (second & subsequent offenses).	21 O.S. § 1289.26	0 - 20 yrs.

Arson in the forth degree (attempted arson).	21 O.S. § 1404(A)	0 - 10 yrs. and/or a fine not > $5,000.00.
Arson in the forth degree - (placing or distributing any flammable, explosive or combustible material in any building or property mentioned in §§1401 - 1403).	21 O.S. § 1404(B)	0 -10 yrs. and/or a fine not > $5,000.00.

6. SCHEDULE D2

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Assault and battery while resisting the execution of any legal process.	21 O.S. § 652(C)	0 - 20 yrs.
Killing a police dog or police horse during commission of a felony.	21 O.S. §§ 648 & 649.2	0 - 2 yrs. and/or a fine not > $1,000.00
Assault and battery upon a police officer or other peace officer.	21 O.S. §§ 648 & 649(B)	0 - 5 yrs. in pen. OR 1 yr. in county jail and/or a fine not > $500.00.
Battery upon a police officer or other peace officer.	21 O.S. §§ 648 & 649(B)	0 - 5 yrs. in pen. OR 1 yr. in county jail and/or a fine not > $500.00.
Assault and Battery upon officer of state district or appellant court,	21 O.S. § 650.6(B)	0 - 5 yrs. and/or a fine not > $5,000.00.

Workers' Compensation Court, witness or juror.

7. SCHEDULE E

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Failure to stop at roadblocks.	21 O.S. § 540(B)	1 - 5 yrs. and/or a fine not > $5,000.00.
Assisting disposing, receiving, possessing, or exchanging money or property during kidnapping for extortion.	21 O.S. § 745(B)	5 yrs. - Life.
Aiding in suicide.	21 O.S. §§ 813 & 817	7 yrs. - Life.
Aiding in attempted suicide.	21 O.S. §§ 815 & 818	0 - 2 yrs. and/or a fine not > $1,000.00.
Furnishing weapons or drugs to person intending to commit suicide.	21 O.S. §§ 814 & 817	7 yrs. - Life.
Desertion of children under 10 years.	21 O.S. § 851	1 - 10 yrs.
Omission to provide for a child (Felony after second or subsequent conviction).	21 O.S. § 852	0 - 4 yrs. and/or a fine not > $5,000.00.
Child endangerment - Knowingly permitting physical or sexual abuse.	21 O.S. § 852.1	0 - 4 yrs. and/or a fine not > $5,000.00.
Desertion/abandonment of	21 O.S. § 853	1 - 10 yrs.

wife or child under 15.		
Causing, aiding, abetting, or encouraging a minor to participate in certain drug related crimes.	21 O.S. §§ 856.1 & 857	0 - 20 yrs. and/or fine not > $200,000.00
Knowingly causing or soliciting a minor to participate in gang (2nd subsequent conviction).	21 O.S. §§ 856(E) & 857	0 - 5 yrs. and/or a fine not > $5,000.00.
Neglect of minor adjudicated delinquent, in need of supervision or deprived.	21 O.S. § 858.2 (cross ref. to §§ 856 & 858.1)	0 - 3 yrs. and/or a fine not > $3,000.00.
Child stealing.	21 O.S. § 891	0 - 10 yrs. and/or a fine not > $500.00.
Stalking (after second conviction).	21 O.S. § 1173(C)	0 - 10 yrs. and/or a fine not < $2,500.00 nor > $10,000.00.
Stalking (committed within 10 yrs. of prior conviction under subsection A or B).	21 O.S. § 1173 (D)	0 -10 yrs. and/or a fine not < $2,500.00 nor > $10,000.00.
Spread of infectious diseases.	21 O.S. § 1192	2 - 5 yrs.
Interfering with fireman in performance of duties.	21 O.S. § 1217	2 - 10 yrs.

Unlawful hazardous waste transportation.	21 O.S. §§ 1230.1, 1230.2, 1230.3 & 1230.8(1)	0 - 5 yrs. and/or a fine not > $25,000.00.
Unlawful waste management (hazardous waste).	21 O.S. §§ 1230.1, 1230.2, 1230.4, 1230.8(2)(b)	0 - 5 yrs. and/or a fine not > $50,000.00.
Unlawful misrepresentation of waste (hazardous waste).	21 O.S. §§ 1230.1, 1230.2, 1320.5, 1230.8(3)(b)	0 - 5 yrs. and/or a fine not > $25,000.00.
Unlawful disposal of hazardous waste.	21 O.S. §§ 1230.1, 1230.2, 1230.6, 1230.8(4)	0 - 5 yrs. and/or a fine not > $25,000.00.
Unlawful concealment of hazardous waste.	21 O.S. §§ 1230.1, 1230.2, 1230.7, 1230.8(5)	2 - 10 yrs. and/or a fine not > $100,000.00.
Carrying weapons or firearms into establishments where beer or intoxicating beverages are consumed.	21 O.S. §§ 1272.1 & 1272.2	0 - 2 yrs. and/or a fine not > $1,000.00.
Possession of weapon on school property or in school bus or vehicle.	21 O.S. § 1280.1	0 - 1 yr. AND fine not > $5,000.00.
Convicted felons possessing firearms.	21 O.S. §§ 1283(A) & 1284	1 - 10 yrs.
Person supervised by DOC possessing firearms.	21 O.S. §§ 1283(B) & 1284	1 - 10 yrs.
Delinquent minor	21 O.S. §§ 1283(C)	1 - 10 yrs.

possessing firearms.	& 1284	
Convicted felon carrying firearms.	21 O.S. §§ 1283 & 1284	1 - 10 yrs.
Possession of sawed-off shotgun or rifle.	21 O.S. § 1289.18	0 - 2 yrs. and/or a fine not > $1,000.00.
Manufacture, importation, advertisement, or sale of restricted bullets.	21 O.S. § 1289.20	0 - 10 yrs. and/or a fine not < $500.00 nor > $10,000.00.
Trespass or masked person demanding entry to premises (Intent to commit felony).	21 O.S. § 1302	1 - 5 yrs. AND a fine not < $50.00 nor > $500.00.
Possession of explosives by convicted felons.	21 O.S. §§ 1368 & 1369	0 - 10 yrs. and/or a fine not > $5,000.00
Arson in the third degree (burning vehicles or lands).	21 O.S. § 1403(A)	0 - 15 yrs. and/or a fine not > $10,000.00.
Arson in the third degree (burning with intent to defraud insurer).	21 O.S. § 1403(B)	0 - 15 yrs. and/or a fine not > $10,000.00.
Burglary in the second degree.	21 O.S. §§ 1435 & 1436	2 - 7 yrs.
Burglary of a motor vehicle (second degree).	21 O.S. §§ 1435 & 1436	2 - 7 yrs.
Grand larceny from house or vessel.	21 O.S. § 1707	0 - 8 yrs.
Grand larceny at night time from person.	21 O.S. § 1708	0 - 10 yrs.

Larceny of an automobile, motor vehicle, aircraft, etc.	21 O.S. § 1720	3 - 20 yrs.
Larceny from house.	21 O.S. §§ 1723 & 1724	0 - 5 yrs.
Death from displacing of railroad equipment.	21 O.S. § 1752	4 yrs. - Life.
Defacing, stealing or possessing road signs or markers-resulting in personal injury or death.	21 O.S. § 1753.8 (B)	0 - 2 yrs. and/or a a fine not > $1,000.00.
Bombs & explosives - telephone bomb threats/ giving false info. re: explosives (without personal injury).	21 O.S. §§ 1767.1 (A)(7) & 1767.2, 1767.3	3 - 10 yrs. and/or a fine not > $10,000.00
Removing or masking a train light signal - False light or signal.	21 O.S. § 1778	3 - 10 yrs.

8. SCHEDULE F

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Attempt to conceal death of a child after prior felony conviction.	21 O.S. § 53	** 2 - 5 yrs.
Bribing or offering to bribe an executive officer.	21 O.S. § 265; see also § 279	0 - 10 yrs. and/or a fine not > $5,000.00.
Asking or receiving bribes.	21 O.S. § 266; see also § 279	0 - 10 yrs. and/or a fine not > $5,000.00.
Taking a reward for making appointment or deputation.	21 O.S. § 275; see also §§ 276,	6 mos. - 2 yrs. in county jail AND a

	279	fine not < $200.00 nor > $1,000.00 AND forfeiture of office.
Preventing meetings of Legislature.	21 O.S. §§ 301 & 312	5 - 10 yrs. and/or fine not < $500.00 nor > $2,000.00 AND if member of Legislature = forfeiture of office/forever disqualified.
Compelling adjournment of Legislature.	21 O.S. §§ 303 & 312	5 - 10 yrs. and/or fine not < $500.00 nor > $2,000.00 AND if member of Legislature = forfeiture of office/forever disqualified.
Compelling Legislature to perform or omit act.	21 O.S. §§ 305 & 312	5 - 10 yrs. and/or fine not < $500.00 nor > $2,000.00 AND if member of Legislature = forfeiture of office/forever disqualified.
Altering drafts of bills or resolutions.	21 O.S. §§ 306 & 312	0 - 2 yrs. and/or fine not > $1,000.00 AND if member of

		Legislature = forfeiture of office/forever disqualified.
Altering engrossed copy or enrollment of bill.	21 O.S. §§ 307 & 312	0 -2 yrs. and/or fine not > $1,000.00 AND if member of Legislature = forfeiture of office/forever disqualified.
Bribery of or influencing members of the Legislature.	21 O.S. §§ 308 & 312	0 - 10 yrs. and/or fine not > $5,000.00 AND if member of Legislature = forfeiture of office/forever disqualified.
Soliciting bribes - Trading Votes.	21 O.S. §§ 309 & 312	0 - 10 yrs. and/or fine not > $5,000.00 AND if member of Legislature = forfeiture of office/forever disqualified.
Bribery of member of state Legislature.	21 O.S. §§ 318 & 320	2 - 5 yrs. AND fine not < $1,000.00 nor > $5,000.00.

Soliciting or securing employment with a state department or institution by member of Legislature.	21 O.S. §§ 321 & 322	1 - 5 yrs. AND fine not < $100.00 nor > $1,000.00 AND forfeiture of office.
Embezzlement and false accounts by public officers.	21 O.S. § 341	1 - 20 yrs. and a fine not > $500.00 AND forfeiture of office and disqualification from holding office.
Injuring or burning public buildings.	21 O.S. § 349	0 - 25 yrs.
Seizing military stores, fort, magazine, arsenal, armory, or arsenal yard.	21 O.S. § 350	0 - 10 yrs.
Defacing, stealing or possessing road signs or markers-resulting in personal injury or death.	21 O.S. § 1753.8 (B)	0 -2 yrs. and/or a fine not > $1,000.00.
Bombs & explosives - telephone bomb threats/giving false info. re: explosives (without personal injury).	21 O.S. §§ 1767.1 (A)(7) & 1767.2, 1767.3	3 - 10 yrs. and/or a fine not > $10,000.00
Removing or masking a train light signal - False light or signal.	21 O.S. § 1778	3 - 10 yrs.
Member of governing body furnishing public supplies for consideration (contract	21 O.S. §§ 355, 356 & 357	30 days - 5 yrs. AND fine not < $50.00 nor >

or purchase).		$500.00.
Making or presenting false, fictitious or fraudulent claims against the State.	21 O.S. §§ 358 & 359	0 - 2 yrs. and/or fine not > $10,000.00
Bribery by a fiduciary (fiduciary commits bribery).	21 O.S. § 380(A)	0 - 10 yrs. and/or fine not > $10,000.00 or fine not to exceed twice the value of the benefit gained by bribe.
Bribery of fiduciary (person offering bribe to fiduciary).	21 O.S. § 380(B)	0 - 10 yrs. and/or fine not > $10,000.00 or fine not to exceed twice the value of the benefit gained by bribe.
Bribing officers.	21 O.S. § 381	0 - 5 yr. in pen. OR fine not > $3,000.00 and 0 - 1 yr. in county jail.
*Officers receiving bribes or soliciting offers.	21 O.S. § 382	0 - 10 yrs. in pen. OR fine not > $5,000.00 and 0 - 1 yr. in county jail AND forfeiture of office/forever disqualified.

Bribing jurors, referees, arbitrators, umpires, or assessors etc.	21 O.S. § 383	0 - 10 yrs. and/or fine not > $5,000.00.
Jurors, referees, arbitrators, umpires, or assessors, etc. receiving bribes.	21 O.S. § 384	0 - 2 yrs. and/or a fine not > $1,000.00.
Conspiracy outside State against peace of the State.	21 O.S. § 422; see also § 423	0 - 10 yrs.
Conspiracy against the State.	21 O.S. § 424	0 - 10 yrs. and/or a fine not > $25,000.00.
Attempt to escape from penitentiary.	21 O.S. § 434; see also §§ 431, 442	0 -20 yrs. and a fine not > $1,000.00.
Assisting felony prisoner to escape.	21 O.S. §§ 437(1) & 442	0 - 10 yrs.
Carrying into prison things to aid escape.	21 O.S. §§ 438(1)	0 - 10 yrs.
Harboring criminals & fugitives.	21 O.S. §§ 440 442	0 - 10 yrs.
Escape from penal institution (while in county or city jail awaiting felony charges or trial).	21 O.S. § 443(A)	1 - 7 yrs.
Escape from penal institution (while actually confined, while under house arrest program, while on pre-parole, or as trustee).	21 O.S. § 443(B)	2 - 7 yrs.
Unauthorized entry into penal institution, jail, etc.	21 O.S. § 445	1 - 5 yrs. and/or a fine not < $500.00 nor > $1,000.00.

Offering false evidence.	21 O.S. § 451	Same as penalty for forging or false alteration.
Preparing false evidence.	21 O.S. § 453	0 - 2 yrs. and/or a fine not > $1,000.00.
Preventing witness from testifying/Intimidating State's witness.	21 O.S. § 455	1 - 10 yrs.
Bribing of witness - Subordination of perjury.	21 O.S. § 456	0 - 2 yrs. and/or a fine not > $1,000.00.
Larceny or destruction of records by clerk or officer	21 O.S. § 461	0 - 5 yrs. AND forfeiture of office.
Larceny or destruction of records by non-officers.	21 O.S. § 462	0 - 5 yrs. and/or a fine not > $500.00.
Offering forged or false instruments for the record.	21 O.S. § 463	0 - 2 yrs. and/or a fine not > $1,000.00.
Perjury (when committed during felony trial).	21 O.S. § 500; see also §§ 491 - 499	2 - 20 yrs.
Perjury (when committed in any other trial or court proceeding.	21 O.S. § 500; see also §§ 491 - 499	1 - 10 yrs.
Perjury (all other proceedings).	21 O.S. § 500; see also §§ 491 -	0 - 5 yrs.

	499	
Subordination of perjury AND attempted subordination (when committed during felony trial).	21 O.S. §§ 504 & 505	2 - 20 yrs.
Subordination of perjury and attempted subordination (when committed in any other trial or court proceeding).	21 O.S. §§ 504 & 505	1 - 10 yrs.
Subordination of perjury and attempted subordination (all other proceedings).	21 O.S. §§ 504 & 505	0 - 5 yrs.
Rescuing felony prisoner from lawful custody.	21 O.S. § 521(1)	0 - 10 yrs.
Injury to records - Embezzlement by an officer.	21 O.S. § 531	0 - 2 yrs. and/or a fine not > $1,000.00.
Officer permitting escapes or acts to hinder justice.	21 O.S. § 352	0 - 2 yrs. and/or a fine not > $1,000.00.
Resisting execution of process in time of insurrection.	21 O.S. § 539	0 - 2 yrs.
Compounding crimes (when crime compounded is punishable by death or life imprisonment).	21 O.S. § 543(1)	0 - 5 yrs.
Compounding crimes (when crime compounded is punishable for less than life imprisonment).	21 O.S. § 543(2)	0 - 3 yrs.
Recording of grand or petit jury proceedings; Listening or observing.	21 O.S. § 588	0 - 2 yrs. and/or a fine not > $1,000.00.
Trafficking in children	21 O.S. §§ 865 -	1 - 3 yrs.

(first offense).	867	
Trafficking in children (2nd subsequent offense).	21 O.S. §§ 865 - 867	3 yrs. - Life and no suspension of judgment or sentence allowed.
Advocating or teaching criminal syndicalism or sabotage-printing, publishing or organizing society membership.	21 O.S. §§ 1261, 1262 & 1263	0 - 10 yrs. and/or a fine not > $5,000.00.
Destroying or interfering with property with intent to hinder defense preparation or prosecution of war.	21 O.S. § 1265.2	1 - 10 yrs. and/or a fine not > $10.000.00.
Intentionally causing defects in articles used in defense preparation or prosecution of war.	21 O.S. § 1265.3	1 - 10 and/or a fine not > $10,000.00
Advocating overthrow of government by force.	21 O.S. § 1266	5 yrs. - Life.
Unlawful acts: Communism; overthrow or attempt to overthrow government.	21 O.S. §§ 1266.1 - 1266.6	1 - 20 yrs. and/or a fine not > $20,000.00 AND bar from holding gov. office.
Organizing or assisting to organize groups advocating or encouraging overthrow of government.	21 O.S. § 1267.1	0 - 2 yrs. and/or a fine not > $1,000.00.
Failure of organization advocating or encouraging	21 O.S. § 1267.2	0 - 2 yrs. and/or a fine not >

overthrow of government to register.		$1,000.00.
Riot for purpose of obstructing justice or execution of laws.	21 O.S. §§ 1311 & 1312(2)	2 - 10 yrs.
Riot while carrying firearm or weapon.	21 O.S. §§ 1311 & 1132(3)	2 - 10 yrs.
Encouraging, soliciting, or directing riot.	21 O.S. §§ 1311 & 1312(4)	2 - 20 yrs.
Riot.	21 O.S. §§ 1311, 1320.1 & 1320.4	0 - 10 yrs and/or a fine not > $10,000.00.
Incitement to riot.	21 O.S. §§ 1311, 1320.1 & 1320.4	0 - 10 yrs. and/or a fine not > $10,000.00.
Riot - Unlawful assembly.	21 O.S. §§ 1311, 1320.3 & 1320.5	0 - 5 yrs. and/or a fine not > $5,000.00.
Teaching, demonstrating or training in the use of firearms, explosives or incendiary devices in furtherance of riot or civil disorder.	21 O.S. § 1320.10	0 - 2 yrs. and a fine not > $1,000.00.
*Riot-Malicious injury of property or person during a state of emergency.	21 O.S. §§ 1321.1 - 1321.10	2 - 10 yrs.
*Maliciously destroying real or personal property during a state of emergency.	21 O.S. § 1321.7 (a)(b)	2 - 10 yrs.
Riot during state of emergency.	21 O.S. § 1321.8 (a)(c)	2 - 10 yrs.
Advocating of unlawfulness,	21 O.S. § 1327	2 - 10 yrs. and/or

criminal syndicalism, sabotage upon public school grounds.		a fine not > < $5,000.00 nor > $10,000.00.

9. SCHEDULE G

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Mutilation, defiling, or destroying U.S. flag.	21 O.S. §§ 372 & 373	0 - 3 yrs. and/or fine not $3,000.00.
Displaying red flag or emblem of disloyalty or anarchy.	21 O.S. § 374	0 - 10 yrs. and/or fine not > $1,000.00.
Bribery of athletic officials, participants, coaches, players, etc.	21 O.S. § 399; see also § 401	0 - 5 yrs. in pen. OR 0 - 1 yr. in county jail.
Acceptance of bribe by athletic officials, participants, coaches, players, etc.	21 O.S. §§ 400 & 401	0 - 1 yr in pen. and/or fine not > $3,000.00 OR 0 - 1 yr. in county jail and/or fine not > $3,000.00.
Conspiracy to commit felony.	21 O.S. § 421; see also § 423	0 - 10 yrs. and/or fine not > $5,000.00.
Inheritance - intercepting by fraudulent production of infant.	21 O.S. § 578	0 - 10 yrs.
Substituting a child.	21 O.S. § 579	0 - 7 yrs.
Failure by state gov. entity to maintain financial and business	21 O.S. § 590	0 - 3 yrs. and/or a fine not > $5,000.00 AND

records.		removal of office.
Unlawful acts against police dog or police horse during commission of felony.	21 O.S. §§ 648 & 649.1(D)	0 - 2 yrs. and/or a fine not > $1,000.00.
Dueling resulting in no death or wounding.	21 O.S. § 662	0 - 10 yrs.
Contributing to delinquency of a minor (felony after second or subsequent conviction).	21 O.S. § 856(B)	0 - 3 yrs. and/or a fine not > $3,000.00.
Knowingly causing or soliciting a minor to participate in gang (first offense).	21 O.S. §§ 856(D) & 857	0 - 1 yr. and/or a fine not > $3,000.00.
Adultery	21 O.S. §§ 871 & 872	0 - 5 yrs. and/or a fine not > $500.00. H/S5
Bigamy	21 O.S. §§ 882 & 883	0 - 5 yrs.
Person marrying bigamist.	21 O.S. § 884	0 - 5 yrs. and/or a fine not > $500.00.
Conducting game or dealing - Gambling.	21 O.S. § 941	1 - 10 yrs. and/or a fine not < $500.00 nor > $2,000.00.
Illegal use or aid in use of building for gambling	21 O.S. § 946	1 - 10 yrs. and/or a fine not <

that is public nuisance.		$500.00 nor > $10,000.00.
Officers gambling or encouraging gambling.	21 O.S. § 948	1 - 10 yrs. and/or a fine not < $500.00 nor > $10,000.00.
Officers receiving consideration for protecting or aiding gambling violators to avoid arrest or conviction.	21 O.S. § 950	0 - 2 yrs. in pen. and/or a fine not > $1,000.00.
Dealing, playing, or practicing confidence game/three-card monte.	21 O.S. § 954	1 - 5 yrs. and/or a fine not < $1,000.00 nor > $5,000.00.
Commercial gambling.	21 O.S. § 981	0 - 10 yrs. and/or a fine not > $25,000.00.
Commercial gambling.	21 O.S. § 982	0 - 10 yrs. and/or a fine not > $25,000.00.
Dealing in gambling devices.	21 O.S. § 984	0 - 5 yrs. and/or a fine not > $25,000.00.
Installing communication facilities for gamblers.	21 O.S. § 986	0 - 5 yrs. and/or a fine not > $25,000.00.
Dissemination of gambling	21 O.S. § 987	0 - 5 yrs. and/or a

information.		fine not > $25,000.00.
Conspiracy to commercial gambling act.	21 O.S. § 988	Same punishment as that which the person conspired to violate.
Gambling - bookie operations.	21 O.S. § 991	0 - 10 yrs. and/or a fine not > $10,000.00.
Betting or letting premises for betting on races.	21 O.S. § 991(A)	0 - 10 yrs. and/or a fine > $10,000.00.
Misleading commercial use of "prize" or "gift" in consumer sales/ solicitations (If second offense OR involves thing of value over $500.00).	21 O.S. §§ 996.1 - 996.3 (cross ref. to tit. 15 O.S. §§ 751 - 762 with 761.1(E) holding the penalty provision).	0 - 10 yrs. and/or a fine not > $5,000.00.
Preparing or drawing lottery.	21 O.S. §§ 1051 and 1053	A fine 2 times the lottery amount OR 0 - 2 yrs in pen. OR 0 - 1 yr. in county jail and/or a fine of $2,500.00.
Selling plan as lottery.	21 O.S. §§ 1066 & 1068	0 - 2 yrs. and/or a fine not < $1,000.00 nor > $5,000.00.

Pawnbroker - refusing to exhibit stolen goods to owner of goods or peace officer.	21 O.S. § 1092	0 - 2 yrs. and/or a fine not > $1,000.00.
Unlawful removal of dead body; damage to casket or burial vault.	21 O.S. § 1161	0 - 5 yrs. in pen. and/or a fine not > $5,000.00 OR 0 - 1 in county jail.
Purchasing a dead body.	21 O.S. §§ 1162 & 1161	0 - 5 yrs. in pen. OR 0 - 1 county jail and/or a fine not > $500.00.
Unlawful interference with places of burial.	21 O.S. § 1163	0 - 2 yrs. and/or a fine not > $250.00 or 0 - 1 yr. in county jail.
Buying, selling or bartering for profit of human skeletal remains or associated burial furniture.	21 O.S. §§ 1168.1 & 1168.6	0 - 2 yrs. and/or a fine not > $1,000.00.
Knowingly disturbing human skeletal remains or burial furniture.	21 O.S. §§ 1168.4 C & D & 1168.6B	0 - 2 yrs. and/or a fine not > $1,000.00.
Obscene phone call (felony upon second subsequent offense).	21 O.S. § 1172	0 - 2 yrs. and/or a fine not > $1,000.00.

Operating radios receiving police frequencies for illegal purposes.	21 O.S. § 1214	0 - 3 yrs. and/or a fine not > $5,000.00.
Carrying or using sling-shot.	21 O.S. § 1282	0 - 2 yrs. and/or a fine not > $1,000.00.
Mailing threatening or intimidating letters	21 O.S. § 1304	90 days - 1 yr. in county jail or pen. AND a fine not $50.00 nor > $500.00.
Delivering a fraudulent bill of lading.	21 O.S. §§ 1411 & 1413	0 - 5 yrs. and/or a fine not > $1,000.00.
Issuing a fraudulent warehouse receipt.	21 O.S. § 1412	0 - 5 yrs. and/or a fine not > $1,000.00.
Duplicate receipts or vouchers issued.	21 O.S. § 1414	0 - 5 yrs. and/or a fine not > $1,000.00.
Selling goods without consent of holder of bill of lading.	21 O.S. § 1415	0 - 5 yrs. and/or a fine not > $1,000.00.
Unlawful delivery of goods (non-negotiable	21 O.S. § 1416	0 - 5 yrs. and/or a fine not >

instrument).		$1,000.00.
Prior burglary felon - possession of burglary tools.	21 O.S. § 1442	0 - 2 yrs. and/or a fine not > $1,000.00.
Punishment for Embezzlement.	21 O.S. § 1462	$0 - $50.00 = Misdemeanor. $50.00 - $500.00 = Felony & carries 0 - 1 yr. in county jail AND a fine up to $5,000.00 AND restitution. Over $500.00 = 0 - 5 yrs. (punished like grand larceny, §1705).
Embezzlement by officer, director etc. of corporation (value over $500.00).	21 O.S. §§ 1451, 1452, & 1462	0 - 5 yrs. (see §§ 1462 & 1705).
Embezzlement by carrier, contractor or other person (value over $500.00).	21 O.S. §§ 1451, 1453 & 1462	0 - 5 yrs. (see §§ 1462 & 1705).
Embezzlement by trustee or collector (value over $500.00).	21 O.S. §§ 1451, 1454 & 1462	0 - 5 yrs. (see §§ 1462 & 1705).
Embezzlement by Bailee (value over $500.00).	21 O.S. §§ 1451 & 1455 & 1462	0 - 5 yrs. (see §§ 1462 & 1705).
Embezzlement by clerk or servant (value over	21 O.S. §§ 1451 & 1456, 1462	0 - 5 yrs. (see §§ 1462 &

$500.00).		1705).
*Embezzlement of rented property (value over $500.00).	21 O.S. §§ 1451, 1462 & 1464	0 - 5 yrs. (see §§ 1462 & 1705).
Failure to return leased or rented property (value over $500.00).	21 O.S. §§ 1451, 1462 & 1464	0 - 5 yrs. (see §§ 1462 & 1705).
Extortion.	21 O.S. §§ 1481 - 1483	0 - 5 yrs.
Attempted extortion.	21 O.S. §§ 1481 - 1483.	0 - 2 yrs.
Obtaining signature by extortion.	21 O.S. § 1485	Punishable in the same manner as if actual delivery of property or payment were obtained.
Threatening Letters.	21 O.S. § 1486	Punishable in the same manner as if money or property were obtained by such threats.
Blackmail	21 O.S. § 1488	0 - 5 yrs. and/or a fine nor > $10,000.00.
Defrauding hotels, inns, restaurants, etc. (when value is over $500.00).	21 O.S. § 1503	0 - 5 yrs.
Mock auction.	21 O.S. § 1506	0 - 5 yrs. and/or a fine not > $1,000.00 AND forfeiture of

		auctioneer license & disqualification.
Motor vehicle lease or rental-payment by false or bogus check (check value at $500.00 or more).	21 O.S. § 1521	0 - 7 yrs. and/or a fine not > $500.00.
Marriage by impersonator, falsely impersonating bail or surety, OR falsely executing a document for benefit.	21 O.S. § 1531	0 - 10 yrs.
False Personation.	21 O.S. § 1531(4)	0 - 10 yrs.
Receiving money or property intended for individual impersonated (impersonating another to gain property).	21 O.S. § 1532	Punishable in the same manner as larceny of property or money received.
Obtaining or attempting to obtain property by trick or deception OR by false statements or pretense - Fraud confidence game (value over $500.00).	21 O.S. § 1541.1 - 1541.2	0 - 10 yrs. and/or fine not > $5,000.00.
False or bogus checks, drafts, etc. -- Penalty	21 O.S. § 1541.3	If total sum $500.00 or more, 0 - 10 yrs. penitentiary and/or fine not < $5,000.00. If total sum is $50.00 or more, but > $500.00 0 - 1 yr. county jail

		and fine not < $5,000.00.
Obtaining property or signature under false pretenses.	21 O.S. § 1542	0 - 3 yrs. and/or a fine not exceeding 3 times the value of the money or property so obtained.
Obtaining signature for property for charitable purposes by false pretenses.	21 O.S. §§ 1543 & 1545	0 - 3 yrs. and/or a fine not exceeding 3 times the value of the money or property so obtained.
False negotiable paper obtained or made.	21 O.S. §§ 1544 & 1545	0 - 7 yrs.
Taking credit or debit card.	21 O.S. §§ 1550.21, 1550.22 & 1550.33(a)	0 - 3 yrs. and/or a fine not > $3,000.00.
Receiving taken credit or debit card.	21 O.S. §§ 1550.21, 1550.22 & 1550.33(a)	0 - 3 yrs. and/or a fine not > $3,000.00.
Receiving, holding, or concealing lost or mislaid card.	21 O.S. §§ 1550.21, 1550.23 & 1550.33(a)	0 - 3 yrs. and/or a fine not > $3,000.00.
Selling or buying credit	21 O.S. §§	0 - 3 yrs. and/or a

or debit card.	1550.21, 1550.24 & 1550.33(a)	fine not > $3,000.00.
Controlling credit or	21 O.S. §§	0 - 3 yrs. and/or a
or debit card as security for debt.	1550.21, 1550.25 & 1550.33(a)	fine not > $3,000.00.
Receiving taken or	21 O.S. §§	0 - 3 yrs. and/or a
retained card upon giving consideration.	1550.21, 1550.26 & 1550.33(a)	fine not > $3,000.00.
False making or embossing	21 O.S. §§	0 - 3 yrs. and/or a
of credit or debit card.	1550.21, 1550.27 & 1550.33(a)	fine not > $3,000.00.
Signing of card or	21 O.S. §§	0 - 3 yrs. and/or a
or possession of signed or unsigned card with intent to defraud.	1550.21, 1550.28(a) & 1550.33(a)	fine not > $3,000.00.
Possession of signed or	21 O.S. §§	0 - 3 yrs. and/or a
or unsigned card.	1550.21, & 1550.28(b) & 1550.33(a)	fine not > $3,000.00 OR 0 - 7 yrs.
Using forged or revoked	21 O.S. §§	0 - 3 yrs. and/or a
card with intent to defraud.	1550.21, 1550.29 & 1550.33(a) (cross ref. to 1550.22 & 1550.28)	fine not > $3,000.00.

Failure to furnish money, goods, or services represented to have been furnished.	21 O.S. §§ 1550.21, 1550.30 & 1550.33(a)	0 - 3 yrs. and/or a fine not > $3,000.00.
Possessing incomplete cards with intent to complete.	21 O.S. §§ 1550.21, 1550.31 & 1550.33(b)	0 - 7 yrs.
Receiving of money, goods, or services in violation of § 1550.29 (forged or revoked card).	21 O.S. §§ 1550.21, 1550.32 & 1550.33(a)	0 - 3 yrs. and/or a fine not > $3,000.00.
Create, publish, manufacture an identification document, card, certificate, or facsimile OR to possess, create etc. an engraving plate to create false identification cards etc.	21 O.S. § 1555.41 (C)(1) & (E)	0 - 7 yrs. and/or a fine not > $10,000.00.
Sell or offer or for sale non-state or federal issued identification documents such as birth certificates, driver's licenses, etc.	21 O.S. § 1550.41 (C)(2) & (E)	0 - 7 yrs. and/or a fine not > $10,000.00.
Display or present false identification card with fictitious information for	21 O.S. § 1550.410 (C)(3) & (E)	0 - 7 yrs. and/or a fine not > $10,000.00

purpose of committing a felony in commercial transaction OR to mislead peace officer OR avoid prosecution.

Fraud - use or manufacture of altered identification card, document, etc.	21 O.S. §§ 1550.41	0 - 7 yrs.
Forgery in the First Degree.	21 O.S. §§ 1561 - 1621	7 - 20 yrs.
Forgery of wills, deeds & certain other documents (Forgery in the First Degree).	21 O.S. §§ 1561 & 1621(1)	7 - 20 yrs.
Forgery of public securities (Forgery in the First Degree).	21 O.S. §§ 1562 & 1621(1)	7 - 20 yrs.
Forgery II.	21 O.S. § 1571	0 - 7 yrs.
Forgery of Public & corporate seals (Forgery in the Second Degree).	21 O.S. §§ 1571 & 1621(2)	0 - 7 yrs.
Forgery, altering, destroying, or corrupting records (Forgery in the Second Degree).	21 O.S. §§ 1572 & 1621(2)	0 - 7 yrs.
Making false entries in records (Forgery in the Second Degree).	21 O.S. § 1573 & 1621(2)	0 - 7 yrs.
Making false certificate of acknowledgement of conveyance of real property (Forgery in the Second Degree).	21 O.S. §§ 1574 & 1621(2)	0 - 7 yrs.
False bank note plates.	21 O.S. §§ 1575 - 1621	0 - 7 yrs.
Forgery in the Second Degree.	21 O.S. § 1577 - 1621	0 - 7 yrs.

Sale, exchange or delivery of forged notes, checks, bills, drafts, etc. (Forgery in the Second Degree).	21 O.S. §§ 1577 & 1621(2)	0 - 7 yrs.
Sale, exchange or delivery of forged notes, checks, bills, drafts, etc. (Forgery in the Second Degree).	21 O.S. §§ 1577 & 1621(2)	0 - 7 yrs.
Possession of forged evidences of debt (i.e. notes, drafts, etc.) (Forgery in the Second Degree).	21 O.S. §§ 1578 & 1621(2)	0 - 7 yrs.
Possession of other forged instruments (Forgery in the Second Degree).	21 O.S. §§ 1579 & 1621(2)	0 - 7 yrs.
Issuing spurious or false certificates of stock (Forgery in the Second Degree).	21 O.S. §§ 1580 & 1621(2)	0 - 7 yrs.
Reissuing canceled certificates of stock (Forgery in the Second Degree).	21 O.S. §§ 1581 & 1621(2)	0 - 7 yrs.
Issuing, pledging, etc. false evidences of debt by officers etc. or corporation (Forgery in the Second Degree).	21 O.S. §§ 1582 & 1621(2)	0 - 7 yrs.
Counterfeiting coin (Forgery in the Second Degree).	21 O.S. §§ 1583 & 1621(2)	0 - 7 yrs.
Counterfeiting coin for exportation (Forgery in the Second Degree).	21 O.S. §§ 1584 & 1621(2)	0 - 7 yrs.
Forging process of court or title to property, etc. (Forgery in the Second Degree).	21 O.S. §§ 1585 & 1621(2)	0 - 7 yrs.
Making false entries in public book (Forgery in the	21 O.S. §§ 1586 & 1621(2)	0 - 7 yrs.

Second Degree).		
Forging tickets of passage (Forgery in the Second Degree).	21 O.S. §§ 1587 & 1621(2)	0 - 7 yrs.
Postage stamps, forging (Forgery in the Second Degree).	21 O.S. §§ 1588 & 1621(2)	0 - 7 yrs.
False entries in corporation books (Forgery in the Second Degree).	21 O.S. §§ 1589 & 1621(2)	0 - 7 yrs.
Officer or employee of corporation making false entries in books (Forgery in the Second Degree).	21 O.S. §§ 1590 & 1621(2)	0 - 7 yrs.
Possession of counterfeit coin (Forgery in the Second Degree).	21 O.S. §§ 1591 & 1621(2)	0 - 7 yrs.
Uttering forged instruments or coin (Forgery in the Second Degree).	21 O.S. §§ 1592 & 1621(2)	0 - 7 yrs.
Falsely obtaining signature (Forgery in the Second Degree).	21 O.S. §§ 1593 & 1621(2)	0 - 7 yrs.
Fraudulently uttering one's signature as that of another with same name.	21 O.S. § 1622	Punishable in same degree as if forged instrument of a person with a different name (0 - 7 yrs. or 7 - 20 yrs.).
Fraudulently uttering one's	21 O.S. § 1623	Punishable in same

endorsement as another's.		degree as if forged endorsement of person with a different name (0 - 7 yrs. OR 7 - 20 yrs.).
Erasure & obliterations of instruments with intent to defraud.	21 O.S. § 1624	Punishable in same degree as false alteration of any part of such instrument or writing erased or obliterated (0 - 7 yrs. OR 7 - 20 yrs.).
Signing fictitious names as officers of corporations.	21 O.S. § 1626	Punishable in same degree as if such person was an officer or agent of such corporation (0 - 7 yrs. OR 7 - 20 yrs.).
Fraud in procuring organization of stock company.	21 O.S. § 1632	3 - 10 yrs.
Destroying or falsifying corporate books.	21 O.S. § 1635	3 - 10 yrs. and/or a fine not > $500.00.
False claim or proof	21 O.S. § 1662	0 - 3 yrs. and/or a

of loss in insurance.		fine not > $1,000.00.
Workers' Compensation Fraud.	21 O.S. § 1663	0 - 5 yrs. and/or a fine not > $5,000.00.
Damage, destroy, or remove an animal facility, property, or animal without consent of owner.	21 O.S. §§ 1680.1 & 1680.2(A)(1)&(B)	0 - 7 yrs. and/or a fine not > $5,000.00.
Acquire or control animal facility, animal or property of another with intent to deprive owner.	21 O.S. §§ 1680.1 & 1680.2(A)(2)&(B)	0 - 7 yrs. and/or a fine not > $5,000.00.
Enter animal facility not open to public with intent to violate any provision of § 1680.1.	21 O.S. §§ 1680.1 & 1680.2(A)(3)&(B)	0 - 7 yrs. and/or a fine not > $5,000.00.
Enter animal facility with intent to violate any provision of § 1680.1.	21 O.S. §§ 1680.1 & 1680.2(A)(4)&(B)	0 - 7 yrs. and/or a fine not > $5,000.00.
Remain concealed in animal facility with intent to violate any provision of § 1680.1.	21 O.S. §§ 1680.1 & 1680.2(A)(5)&(B)	0 - 7 yrs. and/or a fine not > $5,000.00.
Enter or remain on animal	21 O.S. §§ 1680.1	0 - 7 yrs. and/or a

facility when person has notice that entry is forbidden.	& 1680.2(A)(6)&(B)	fine not > $5,000.00
Release of animals with intent to deprive owner of such animals or animal facility.	21 O.S. §§ 1680.1 & 1680.2(A)(7)&(B)	0 - 7 yrs. and/or a fine not > $5,000.00
Poisoning cattle (animals).	21 O.S. § 1681	0 - 3 yrs. and/or a fine not > $250.00.
Cruelty to animals.	21 O.S. § 1685	0 - 5 yrs. and/or a fine not > $500.00.
Instigating or encouraging dogfight.	21 O.S. §§ 1693, 1694, 1699.1(A); see also §§ 1699 & 1699.2	1 - 10 yrs. and/or fine not < $2,000.00 nor > $25,000.00.
Keeping place, equipment or facilities for dogfighting.	21 O.S. §§ 1693, 1695 & 1699.1(A); see also §§ 1699 1699.2	1 - 10 yrs. and/or fine not < $2,000.00 nor > $25,000.00.
Servicing or facilitating dogfight.	21 O.S. §§ 1693, 1696 & 1699.1(A); see also §§ 1699 & 1699.2	1 - 10 yrs. and/or a fine not < $2,000.00 nor > $25,000.00.
Owning, possessing, keeping, or training dog for fighting.	21 O.S. §§ 1693, 1697 & 1699.1(A); see also §§ 1699 & 1699.2	1 - 10 yrs. and/or a fine not < $2,000.00 nor > $25,000.00.
Larceny defined; degrees of	21 O.S. §§ 1701,	grand larceny =

larceny; grand and petit larceny defined.	1703, & 1704	property value is over $50.00 OR when property (regardless of value) is taken from the person of another.
Grand larceny of lost property.	21 O.S. § 1702; see also § 1701	0 - 5 yrs.
Grand larceny.	21 O.S. §§ 1701-1704(1) & (2)	0 - 5 yrs.
Grand larceny.	21 O.S. §§ 1701-1704 & 1705	If property value is $500.00 or more = 0 - 5 yrs. in pen. If property value is < $500.00 = 0 - 1 yr. in county jail AND a fine not > $5,000.00 and restitution.
Punishment for grand larceny.	21 O.S. § 1705	If value of property is $500.00 or more = 0 - 5 yrs.
Larceny of written instrument - Value.	21 O.S. § 1709	Degree & punishment determined by amount instrument is written for.
Larceny of passage ticket -	21 O.S. § 1710	Degree & punishment

Value at price of ticket.		determined by amount instrument is written for.
Larceny of securities not yet issued or delivered.	21 O.S. § 1711	Degree & punishment determined by amount instrument is written for.
Larceny of severed fixture.	21 O.S. § 1712	Degree & punishment determined by amount fixture worth.
Receiving stolen property.	21 O.S. § 1713	0 - 5 yrs. and/or a fine not > $500.00.
Bringing stolen property into state.	21 O.S. § 1715	Punishable in the same manner as if such larceny had been committed in this state.
Larceny of domestic animals (if horse, jackass, jennet, mule, cow, or hog).	21 O.S. § 1716	3 - 10 yrs.
Larceny of domestic animals (if sheep or goat).	21 O.S. § 1716	6 mos. - 3 yrs.
Larceny of dogs.	21 O.S. §§ 1717 & 1718	Punishable in the same manner and to the same degree as larceny of other descriptions of personal property.
Larceny of domestic fowls -	21 O.S. § 1719	0 - 5 yrs. in pen.

Receiving stolen fowls.		OR 0 - 2 mos. in county jail and/or a fine not > $200.00.
Larceny of certain fish & game (If value of game or fish is over $500.00).	21 O.S. § 1719.1	0 - 5 yrs. and/or a fine not < $1,000.00.
Taking, stealing or carrying away exotic livestock.	21 O.S. § 1719.2	0 - 10 yrs. and/or a fine not > $20,000.00.
Tapping pipeline.	21 O.S. § 1721	1 - 10 yrs. and/or a fine not < $100.00 nor > $50,000.00.
Taking oil, gas, gasoline or any product thereof (When value is over $500.00).	21 O.S. § 1722(2)	1 - 10 yrs. and/or a fine not < $100.00 nor > $50,000.00.
Possession of more than one pound of mercury without written evidence of title.	21 O.S. § 1726	1 - 5 yrs. and/or a fine not > $500.00.
Stealing or removing copper.	21 O.S. § 1727	1 - 5 yrs. in pen OR 90 - 200 days in county jail and/or a fine not < $100.00 nor > $500.00.
Possessing, receiving, or transporting stolen copper.	21 O.S. § 1728	1 - 5 yrs. in pen. OR 90 - 200 days in county jail and/or a fine not

		< $100.00 nor > $500.00.
Larceny of merchandise from a retailer or wholesaler (value of goods/property is $500.00 or more).	21 O.S. § 1731(5)	1 - 5 yrs. in pen.
Larceny of trade secrets (If trade secrets valued over $50.00).	21 O.S. § 1732 (cross ref. to § 1704)	0 - 5 yrs.
Injuries to railroads.	21 O.S. § 1751	penitentiary 0 - 4 yrs. or county jail not > 6 months.
Injuries to highways.	21 O.S. § 1753	0 - 2 yrs. and/or a fine not > $1,000.00.
Injuries to toll house or gate.	21 O.S. § 1755	0 - 2 yrs. and/or a fine not > $1,000.00.
Malicious injury or destruction of property (If loss is valued at > $2,500.00).	21 O.S. § 1760 (A)(2)	0 - 2 yrs. and/or a fine not > $1,000.00.
Injuring house of worship or its contents.	21 O.S. § 1765	0 - 2 yrs. and/or a fine not > $1,000.00.
Removing or injuring piles securing any bank or dam.	21 O.S. § 1777	2 - 5 yrs. and/or a fine not > $500.00.

Injuring written instruments the false making of which would be forgery.	21 O.S. § 1779	Punishable in the same manner as the forgery of such instrument.
Injuring works of literature or art in a public place.	21 O.S. § 1785	0 - 3 yrs.
Injuries to pipes & wires.	21 O.S. § 1786	0 - 3 yrs. AND a fine not > $500.00.
Concealing property subject to mortgage or conditional sale contracts.	21 O.S. § 1834	0 - 3 yrs. in pen. OR 0 - 1 yr. in county jail OR by a fine not > $500.00.
Disposing of property subject to mortgage or conditional sale contracts.	21 O.S. § 1834	0 - 3 yrs. in pen. OR 0 - 1 yr. in county jail OR by a fine not > $500.00.
Removal of property subject to mortgage or conditional sale contracts.	21 O.S. § 1834	0 - 3 yrs. in pen. OR 0 - 1 yr. in county jail OR by a fine not > $500.00.
Selling or removing motor vehicle while under security agreement.	21 O.S. § 1834	0 - 3 yrs. in pen. OR 0 - 1 yr. in county jail OR by a fine not > $500.00.
Selling property subject to mortgage or conditional	21 O.S. § 1834	0 - 3 yrs. in pen. OR 0 - 1 yr. in

sale contracts.		county jail OR by a fine not > $500.00.
Misappropriation of funds as embezzlement (embezzlement by trustee re: floor plan).	21 O.S. § 1834.2	0 - 5 yrs. and/or a fine not < $100.00 nor > $500.00.
Placing hard or solid substances in grain OR inflammable or explosive substances in cotton.	21 O.S. § 1837	1 - 5 yrs.
Failure of telephone solicitor to give name of organization OR failure of charitable nonprofit organization to comply with the Oklahoma Solicitation of Charitable Contributions Act.	21 O.S. § 1861	0 - 2 yrs. and/or a fine not > $1,000.00.
Unauthorized removal of baggage, cargo, etc. from bus or terminal.	21 O.S. § 1904	0 - 5 yrs. and/or a fine not > $10,000.00.
Use of computer, computer system, or computer network in order to defraud or extort money, property or services by false pretense.	21 O.S. §§ 1951 - 1953(A)(1), (2), (3), (6), (7) & 1955(A)	0 - 10 yrs. and/or a fine not < $5,000.00 nor > $100,00.00.
Unauthorized gain or attempt to gain access to and damage etc. a computer, computer system or computer network.	21 O.S. §§ 1951 - 1953(A)(1) & 1955(A)	0 - 10 yrs. and/or a fine not < $5,000.00 nor > $100,000.00.
Exceed limits of	21 O.S. §§ 1951 -	0 - 10 yrs. and/or

authorization and damage, alter, destroy, etc. a computer, computer system or computer network.	1953(A)(3) & 1955(A)	a fine not < $5,000.00 nor > $100,000.00.
Unauthorized disruption of computer services or denying or causing denial of computer services to authorized user.	21 O.S. §§ 1951 - 1953(A)(6) & 1955(A)	0 - 10 yrs. and/or a fine not < $5,000.00 nor > $100,000.00.
Provide or assist in providing access to a computer, computer system or computer network in violation of § 1953.	21 O.S. §§ 1951 - 1953(A)(7) & 1955(A)	0 - 10 yrs. and/or a fine not < $5,000.00 nor > $100,000.00.
Access to computer OR storing data for the purpose of violating provisions of the Oklahoma Statutes.	21 O.S. § 1958	0 - 5 yrs. and/or a fine not > $5,000.00.
Unlawful reproduction of sound recording or audiovisual work for sale (If reproduction involves 100 or more articles).	21 O.S. §§ 1975 - 1976(A) & (C)	0 - 5 yrs. and/or a fine not > $50,000.00.
Unlawful reproduction of sound recording or audiovisual work for sale (If second or subsequent violation of this section).	21 O.S. §§ 1975 - 1976(A) & (D)	2 - 5 yrs. and/or a fine not > $100,000.00.
Unlawful sale or offer for sale of sound recordings	21 O.S. §§ 1975 & 1977(A) & (C)	0 - 5 yrs. and/or a fine not >

(If sale involves 100 or more articles).		$50,000.00.
Unlawful sale or offer for sale of sound recordings (If second or subsequent violation of this section).	21 O.S. §§ 1975 & 1977(A) & (D)	2 - 5 yrs. and/or a fine not > $100,000.00.
Unlawful transfer of article or sound recording or performance for unauthorized sale (If violation of this section involves 100 or more articles).	21 O.S. § 1978(A) & (C)	0 - 5 yrs. and/or a fine not > $50,000.00.
Unlawful transfer of article or sound recording or performance for unauthorized sale (If second or subsequent violation of this section).	21 O.S. § 1978(A) & (D)	2 - 5 yrs. and/or a fine not > $100,000.00.
Advertisement, rental, sale, resale, distribution or circulation of article without actual true name of manufacturer (If violation involves 7 or more articles).	21 O.S. § 1979(A) & (C)	0 - 5 yrs. and/or a fine not > $50,000.00.
Advertisement, rental, sale, resale, distribution or circulation of article without actual true name of manufacturer (If second or subsequent violation of this section).	21 O.S. § 1979(A) & (D)	2 - 5 yrs. and/or a fine not > $100,000.00.

Counterfeit labels (If violation involves 7 or more articles).	21 O.S. 1980(A) & (C)	0 - 5 yrs. and/or a fine not > $50,000.00.
Counterfeit labels (If second or subsequent violation of this section).	21 O.S. 1980(A) & (D)	2 - 5 yrs. and/or a fine not > $100,000.00.

10. SCHEDULE H

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Escape or attempt to escape from arrest or detention	21 O.S. § 444(C)	2 yrs. and/or a fine not > $1,000.00
Embezzlement by officer, director etc. of corporation ($50.00 - $500.00 value or >).	21 O.S. §§ 1451, 1452 & 1462	0 - 1 yr. in county jail AND a fine not > $5,000.00 AND restitution.
Embezzlement by carrier, contractor or other person ($50.00 - $500.00 value of item involved).	21 O.S. §§ 1451, 1453 & 1462	0 - 1 yr. in county jail AND a fine not > $5,000.00 AND restitution.
Embezzlement by trustee or collector ($50.00 - $500.00 value of item involved).	21 O.S. §§ 1451, 1454 & 1462	0 - 1 yr. in county jail AND a fine not > $5,000.00 AND restitution.

Embezzlement by Bailee ($50.00 - $500.00 value of item involved).	21 O.S. §§ 1451, 1455 & 1462	0 - 1 yr. AND a fine not > $5,000.00 AND restitution.
Embezzlement by clerk or servant ($50.00 - $500.00 value of item involved).	21 O.S. §§ 1451, 1456 & 1462	0 - 1 yr. AND a fine not > $5,000.00 AND restitution
Embezzlement of rented property ($50.00 - $500.00 value of item involved).	21 O.S. §§ 1451, 1462 & 1464	0 - 1 yr. AND a fine not > $5,000.00 AND restitution.
Failure to return leased or rented property ($50.00 - $500.00 value of item involved).	21 O.S. §§ 1451, 1462 & 1464	0 - 1 yr. AND a fine not > $5,000.00 AND restitution.
Defrauding hotels, inns, restaurants, etc. (when value is $20.00 - $500.00).	21 O.S. § 1503	0 - 1 yr. in county jail AND a fine not > $5,000.00 AND restitution.
Motor vehicle lease or rental - payment by false or bogus check (check valued at $20.00 - $500.00).	21 O.S. § 1521	0 - 1 yr. in county jail AND up to a $5,000.00 fine AND restitution
Obtaining or attempting to obtain property by trick or deception OR by false statements or pretense - Fraud confidence game	21 O.S. § 1541.1 - 1541.2	0 - 1 yr. in county jail AND up to a $5,000.00 fine AND restitution.

(value = $50.00 - $500.00).		
Larceny defined; degrees of larceny; grand and petit larceny defined.	21 O.S. §§ 1701, 1703 & 1704	grand larceny = property value is over $50.00 OR when property (regardless of value) is taken from the person of another.
Punishment for grand larceny.	21 O.S. § 1705	If value of property is <$500.00 = 0 - 1 yr in county jail and up to a $5,000.00 fine AND restitution
Larceny of written instrument - Value	21 O.S. § 1709	Degree & punishment determined by amount instrument is written for.
Larceny of passage ticket - Valued at price of ticket.	21 O.S. § 1710	Degree & punishment determined by amount instrument is written for.
Larceny of securities not yet issued or delivered.	21 O.S. § 1711	Degree & punishment determined by amount instrument

		is written for.
Bringing stolen property into State	21 O.S. § 1715	Punishable in the same manner as if such larceny had been committed in this State.
Larceny of dogs.	21 O.S. §§ 1717 & 1718	Punishable in the same manner and to the same degree as larceny of other descriptions of personal property.
Larceny of certain fish & game (if value of game or fish is $50.00 - $500.00).	21 O.S. § 1719.1	0 - 1 yr. in county jail and/or a fine not > $5,000.00.
Larceny of merchandise from a retailer or wholesaler (value of goods/property is not > $50.00 but Def. has at least 2 prior convictions).	21 O.S § 1731(3)	2 - 5 yrs.
Larceny of merchandise from a retailer or wholesaler (value of of goods/property is > $50.00 & < $500.00).	21 O.S. § 1731(4)	0 - 1 yr. in county jail and/or a fine not > $5,000.00 and restitution.
Larceny of trade secrets (If trade secrets valued over $50.00).	21 O.S. § 1732 (cross ref. to § 1704)	0 - 5 yrs.

11. SCHEDULE N-1

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Manufacturing CDS, Attempting to manufacture CDS	63 O.S. § 2-401 (F)	20 yrs. - Life AND not <(less $50,000.00 NO suspend, defer probation (If second violation offender must serve minimum of 10 years)

12. SCHEDULE N-2

GROUP A: AMOUNT 1

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Trafficking Cocaine (powder) 28 grms to 299 grms	63 O.S. § 2-415 (C)(2)(a),(D)(1)	TWICE = 10yr - Life AND fine $25,000 - $100,000 NO suspend, defer, probation LIMIT earned credits
Trafficking Cocaine (powder) 28 grms to 299 grms SECOND VIOLATION	63 O.S. § 2-415 (C)(2)(a),(D)(2)	THREE X = 15yr - Life AND fine $25,000 - $100,000 NO suspend, defer, probation LIMIT earned credits

Trafficking Heroin	63 O.S. § 2-415	TWICE = 10yr - Life
10 grms to 27 grms	(C)(3)(a),(d)(1)	AND fine $25,000 - $50,000 NO defer, suspend, probation LIMIT earned credits
Trafficking Heroin 10 grms to 27 grms	63 O.S. § 2-415 (C)(3)(a),(D)(2)	THREE X = 15yr - Life AND fine $25,000 - $50,000 No defer, suspend, probation
SECOND VIOLATION		
		LIMIT earned credits
Trafficking Lysergic Acid	63 O.S. § 2-415	TWICE = 10yr - Life
Diethylamide (LSD) 1 to 9.99 grms	(C)(5)(a),(D)(1)	AND fine $50,000 - $100,000 NO defer, suspend, probation LIMIT earned credits
Trafficking Lysergic Acid	63 O.S. § 2-415	THREE = 15yr - Life
Diethylamide (LSD) 1 to 9.99 grms	(C)(5)(a),(D)(2)	AND fine $50,000 - $100,000 NO defer, suspend, probation
SECOND VIOLATION		

		LIMIT earned credits
Trafficking Cocaine base (aka:crack) 5 to 49 grms	63 O.S. § 2-415 (C)(7)(a),(D)(1)	TWICE = 10yr - Life AND fine $25,000 - $100,000 - NO suspend, defer, probation LIMIT earned credits
Trafficking Cocaine base (aka:crack) 5 to 49 grm	63 O.S. 2-415 (C)(7)(a),(D)(2)	THREE X = 15 yr - Life AND fine $25,000 - $100,000 NO suspend, defer, probation
SECOND VIOLATION		LIMIT earned credits

13. SCHEDULE N-2

GROUP A: AMOUNT 2

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Trafficking Cocaine (powder) 300 grms or more	63 O.S. § 2-415 (C)(2)(b),(D)(1)	TWICE = 10 yr - Life AND fine $100,000 - $500,000 NO suspend, defer, probation

		LIMIT earned credits
Trafficking Cocaine (powder) 300 grms or more	63 O.S. § 2-415 (C)(2)(b),(D)(2)	THREE X = 15yr - Life AND fine $100,000 - $500,000 NO suspend, defer, probation
SECOND VIOLATION		
		LIMIT earned credits
Trafficking Heroin 28 grms or more	63 O.S. § 2-415 (C)(3)(b),(D)(1)	TWICE = 10yr - Life AND fine $50,000 - $500,000 NO defer, suspend, probation
		LIMIT earned credits
Trafficking Heroin 28 grms or more	63 O.S. § 2-415 (C)(3)(b),(D)(2)	THREE X = 15yr - Life AND fine $50,000 - $500,000 NO defer, suspend, probation
SECOND VIOLATION		
		LIMIT earned credits
Trafficking	63 O.S. § 2-415	TWICE = 10yr - Life

Lysergic Acid Diethylamide	(C)(5)(b),(D)(1)	AND fine $100,000 -
10 grms or more		$250,000
		No defer, suspend, probation
		LIMIT earned credits
Trafficking	63 O.S. § 2-415	THREE X =
Lysergic Acid	(C)(5)(b),(D)(2)	15yr - Life
Diethylamide (LSD)		
10 grms or more		AND fine
SECOND VIOLATION		$100,000 -
		$250,000
		NO defer, suspend, probation
		LIMIT earned credits
Trafficking	63 O.S. § 2-415	TWICE = 10yr -
		Life
Cocaine base	(C)(7)(b),(D)(1)	AND fine $100,000 -
(aka:crack)		$500,000
50 grams or more		NO suspend, defer, probation
		LIMIT earned credits
Trafficking	63 O.S. § 2-415	THREE X = 15yr -
Cocaine base	(C)(7)(b),(D)(2)	Life
(aka:crack)		AND fine $100,000 -
50 grms or more		$500,000

		NO suspend, defer, probation
SECOND VIOLATION		LIMIT earned credits

14. SCHEDULE N-2

GROUP B: AMOUNT 1

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Trafficking Marijuana 25 lbs to 999 lbs	63 O.S. § 2-415 (C)(1)(a),(D)(1)	TWICE = 4yr - Life AND fine $25,000 $100,000 NO suspend, defer, probation LIMIT earned credits
Trafficking Marijuana 25 lbs to 999 lbs	63 O.S. § 2-415 (D)(2),(C)(1)(a)	THREE X 6yr -Life AND fine $25,000 - $100,000 NO suspend, defer, probation
SECOND VIOLATION		LIMIT earned credits
Trafficking Amphetamine or methamphetamine 20 grms to 199 grms	63 O.S. § 2-415 (C)(4)(a),(D)(1)	TWICE = 4yr - Life AND fine $25,000 - $200,000 NO defer, suspend, probation LIMIT earned credits

Trafficking Amphetamine or or methamphetamine 20 grms to 199 grms	63 O.S. § 2-415 (C)(4)(a),(D)(2)	THREE X = 6yr - Life AND fine $25,000 - $200,000 NO defer, suspend, probation
SECOND VIOLATION		LIMIT earned credits
Trafficking Phencyclidine (PCP) 1 oz to 7.99 oz	63 O.S § 2-415 (C)(6)(a),(D)(1)	TWICE = 4yr - Life AND fine $20,000 - $50,000 NO defer, suspend, probation LIMIT earned credits
Trafficking Phencyclidine (PCP) 1 oz to 7.99 oz	63 O.S. § 2-415 (C)(6)(a),(D)(2)	THREE X = 6yr - Life AND fine $20,000 - $50,000 NO defer, suspend, probation
SECOND VIOLATION		LIMIT earned credits

15. SCHEDULE N-2

GROUP B: AMOUNT 2

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Trafficking	63 O.S. § 2-415	TWICE = 4yr - Life

Phencyclidine (PCP) 8 oz or more	(C)(1)(b),(D)(1)	AND fine $100,000 - $500,000 NO suspend, defer, probation LIMIT earned credits
Trafficking Marijuana 1,000 to more	63 O.S. § 2-415 (C)(1)(b),(D)(2)	THREE X = 6yr - Life AND fine $100,000 - $500,000 NO suspend, defer, probation LIMIT earned credits
Trafficking Marijuana 1,000 to more	63 O.S. § 2-415 (C)(4)(b),(D)(1)	TWICE = 4yr - Life AND fine $50,000 - $500,000 NO defer, suspend, probation LIMIT earned credits
Trafficking Amphetamine or methamphetamine 200 grms or more	63 O.S. § 2-415 (C)(4)(b),(D)(2)	THREE X = 6yr - Life AND fine $50,000 - $500,000 NO defer, suspend, probation LIMIT earned credits
Trafficking	63 O.S. § 2-415	TWICE = 10 yr -

Amphetamine or methamphetamine 200 grms or more	(C)(7)(b),(D)(1)	Life AND fine $100,000 - $500,000 NO suspend, defer, probation
SECOND VIOLATION		LIMIT earned credits
Trafficking Phencyclidine (PCP) 8 oz or more	63 O.S. § 2-415 (C)(6)(b),(D)(2)	THREE X = 6yr - Life AND fine $50,000 - $250,000 NO defer, suspend, probation
SECOND VIOLATION		LIMIT earned credits

16. SCHEDULE N-3

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Distribution, Possession with intent to distribute, etc.	63 O.S. 2-401(B)	Felony
18 yrs or over soliciting or using person 18 to Distribution, PWID, etc	63 O.S. § 20410(D)	Twice punishment/ fine
(PWID, etc. 18«to»18)		No probation.
Distribution/Possession	63 O.S. § 2-401(E)	Imprisonment/fine

w/Intent w/in 1,000 feet of education facility, re center, or park		not exceeding three that authorized by by this section
PWID etc. w/in 1,000		(must serve 90% of this sentence day for day)
SECOND AND SUBSQ		
Distribution/Possession w/Intent w/in 1,000 feet of education facility, re center, or park	63 O.S. § 2-401 (E)(1)	Imprisonment/fine not exceeding twice that authorized by this section
(PWID, etc. w/in 1,000)		(must serve 50% of this sentence day for day
Possession or purchasing CDS in presence of child under 12	63 O.S. § 2-402(C)	Imprisonment/ fine not exceeding twice that authorized by this section (Must serve 50% of sentence day for day)
Possession or purchasing CDS in presence of child under 12	63 O.S. § 402(C)	Imprisonment not exceeding three times that authorized

second offense		(must serve 90% of sentence day for day)
PWID 18 yrs or over delivering paraphernalia to person 3 yrs his junior	63 O.S. 2-405(D)	Felony
Cultivation	63 O.S. § 2-509(B)	2 yr. - Life and fine not $50,000
Cultivation Second or Subsequent	63 O.S. § 2-509(D)	4 yr. - Life and fine not $100,000

17. SCHEDULE N-3

GROUP A

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
PWID, etc. imitation CDS	63 O.S. § 2-401 (B)(4)	0 - 5yr AND fine not > $5,000
SECOND Synthetic CDS: Manufacture Distribute	63 O.S. § 2-401 (B)(5)	"shall be punished in State Penitentiary" not > Life AND fine not > $25,000
PWID Synthetic CDS: Manufacture Distribute PWID	63 O.S. § 2-401 (B)(5)	10 yrs - Life AND fine not > $100,000

(second and subsq)		
(PWID, etc. 18< to >18.) Schedule I-II (LSD or narcotic	63 O.S. § 2-401 (D),(B)(1)	TWICE = 10 to Life AND fine not > $200,000 (NO suspend, defer, probation)
PWID, etc. 18< to >18 Schedule II (narcotics, including cocaine)	63 O.S. § 2-401 (D),(B)(1)	TWICE = 10 to Life AND fine not > $200,000 (NO suspend, defer, probation)
PWID, etc. w/in 1,000 Schedule I-II (LSD or narcotic)	63 O.S. § 2-401 (E)(1),(B)(1)	TWICE = 10 to Life AND fine not > $200,000 (must serve minimum 50%)
PWID, etc. w/in 1,000 Schedule II (narcotics including cocaine)	63 O.S. § 2-401 (E)(1),(B)(1)	TWICE = 10 to Life AND fine not > $20,000 (must serve minimum 50%)
PWID, etc. w/in 1,000 Schedule I-II (LSD or narcotic)	63 O.S. § 2-401 (E)(2),(B)(1)	THREE X = 15 to Life AND fine not > $300,000 (must serve 90%)
SECOND AND SUBSQ		
PWID, etc. w/in 1,000	63 O.S. § 2-401	THREE X = 15 to Life AND fine

Schedule II	(E)(2), (B)(1)	not > $300,000
(narcotics, including cocaine)		
		(must serve 90%)
SECOND AND SUBSQ		
Possession or purchasing	63 O.S. § 2-402	TWICE = 2 to 10 yrs
CDS in presence of child under 12 --	(C)(1),(B)(1)	
		(must serve 50%)
Schedule I or II		
(except marijuana and subsection D of section 2-206)		
18 or older to use services of under 18 to transport, carry, sell, give away, prepare for sale, or peddle	63 O.S. § 2-419, 2-401(B)(1)	TWICE = 10 yr - Life and/or fine not > $200,000
CDS:		
Schedule I or II (LSD or narcotic)		
18 or older to use services of under 18 to transport, carry, sell give away, prepare for sale, or peddle CDS:	63 O.S. § 2-419, 2-419, 2-401(B)(1)	TWICE = 10 yr. - Life and/or fine not > $200,000
Schedule II (narcotic including cocaine)		
18 or older to use services of under 18 to transport carry, sell, give away, prepare for sale, or peddle	63 O.S. § 2-419, 2-401(B)(1)	THREE X = 15 yr - Life and/or fine not > $200,000
CDS:		
Schedule I or II (LSD or narcotic)		
SECOND VIOLATION		
18 or older to use services of under 18 to transport, carry, sell, give away,	63 O.S. § 2-419, 2-401(B)(1)	THREE X = 15 yr - Life and/or fine not > $200,000

prepare for sale, or peddle

CDS:

Schedule II (narcotic, including cocaine)

SECOND VIOLATION

18 or older to use services of under 18 to transport, carry, sell, give away, prepare for sale, or peddle	63 O.S. § 2-419, 2-401(B)(1)	THREE X = 15 yr - Life and/or fine not > $200,000

CDS:

Schedule I or II (LSD or narcotic)

SECOND VIOLATION

18 or older to use services of under 18 to transport, carry, sell, give away, prepare for sale, or peddle	63 O.S. § 2-419, 2-401(B)(1)	THREE X = 15 yr - Life and/or fine not > $200,000

CDS:

Schedule II (narcotic, including cocaine)

SECOND VIOLATION

18. SCHEDULE N-3

GROUP B

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
PWID, etc. imitation CDS	63 O.S. § 2-401 (B)(4)	Felony
SECOND		0 - 5 yr AND fine not > $5,000
Synthetic CDS: Manufacture Distribute	63 O.S. § 2-401 (B)(5)	"Shall be punished in State Penitentiary" not >

		Life AND fine not > $25,000
PWID		
Synthetic CDS:	63 O.S. § 2-401	10yrs - Life
Manufacture	(B)(5)	AND fine not >
Distribute		$100,000
PWID		
(second and subsequent)		
PWID, etc. 18 < to > 18	63 O.S. § 2-401	TWICE = 4 to Life
Schedule I	(D),(B)(2)	AND fine not >
		$40,000
(other, excluding marijuana)		(NO suspend,
		defer, probation)
PWID, etc. 18 < to > 18	63 O.S. § 2-401	TWICE = 4 to Life
Schedule II	(D), (B)(2)	AND fine not >
		$40,000
(other, including subsection D)		(NO suspend,
		defer, probation)
PWID, etc. 18 < to > 18	63 O.S. § 2-401	TWICE = 4 to Life
Schedule III	(D), (B)(2)	AND fine not >
		$40,000
		(NO suspend,
		defer, probation)
PWID, etc. 18 < to > 18	63 O.S. § 2-401	TWICE = 4 to Life
Schedule IV	(D), (B)(2)	AND fine not >
		$40,000
		(NO suspend,
		defer, probation)
PWID, etc. w/in 1,000	63 O.S. § 2-401	TWICE = 4 to Life
Schedule I	(E)(1), (B)(2)	AND fine
(other, excluding		not > $40,000

marijuana)		(must serve minimum 50%)
PWID, etc. w/in 1,000 Schedule II (other, including subsection D)	63 O.S. § 2-401 (E)(1), (B)(2)	TWICE = 4 to Life AND fine not > $40,000 (must serve minimum 50%)
PWID, etc. w/in 1,000 Schedule III	63 O.S. § 2-401 (E)(1),(B)(2)	TWICE = 4 to Life AND fine not > $40,000 (must serve minimum 50%)
PWID, etc. w/in 1,000 Schedule IV	63 O.S. § 2-401 (E)(1),(B)(2)	TWICE = 4 to Life AND fine not > $40,000 (must serve minimum 50%)
PWID, etc. w/in 1,000 Schedule I (other, excluding marijuana)	63 O.S. § 2-401 (E)(2), (B)(2)	THREE X = 6 to Life AND fine not > $60,000 (must serve 90%)
SECOND AND SUBSEQUENT PWID, etc. w/in 1,000 Schedule II (other, including subsection D)	63 O.S. § 2-401 (E)(2), (B)(2)	THREE X = 6 to Life AND fine not > $60,000
SECOND AND SUBSEQUENT		(must serve 90%)

PWID, etc. w/in 1,000	63 O.S. § 2-401	THREE X = 6 to Life
Schedule III	(E)(2), (B)(2)	AND fine not > $60,000
SECOND AND SUBSEQUENT		(must serve 90%)
PWID, etc. w/in 1,000	63 O.S. § 2-401	THREE X = 6 to Life
Schedule IV	(E)(2), (B)(2)	AND fine not > $60,000
SECOND AND SUBSEQUENT		(must serve 90%)
Possession or purchasing CDS in presence of child under 12 -- Schedule III, IV (excluding marijuana and subsection D of Section 2- 206)	63 O.S. § 2-402 (C)(1), (B)(2)	TWICE = 0 to 2 yr misdemeanor county jail
Possession or purchasing CDS in presence of child under 12 second offense	63 O.S. § 402(C)	Imprisonment not exceeding three times that authorized (Must serve 90% of sentence day for day)
18 or older to use services of under 18 to transport, carry, sell, give away, prepare for sale, or peddle CDS: Schedule I (other, excluding marijuana)	63 O.S. § 2-419, 2-401(B)(2)	Twice = 4 yr - Life and/or fine not > $40,000
18 or older to use services of under 18 to transport, carry, sell, give away,	63 O.S. § 2-419, 2-401(B)(2)	Twice = 4 yr - Life and/or fine not > $40,000

prepare for sale, or peddle CDS:		
Schedule II (other, including subsection D)		
18 or older to use services	63 O.S. § 2-419,	Twice = 4 yr - Life
of under 18 to transport,	2-401(B)(2)	and/or fine not >
carry, sell, give away,		$40,000
prepare for sale, or peddle CDS:		
Schedule III		
18 or older to use services	63 O.S. § 2-419,	Twice = 4 yr - Life
of under 18 to transport,	2-401(B)(2)	and/or fine not >
carry, sell, give away,		$40,000
prepare for sale, or peddle CDS:		
Schedule IV		
18 or older to use services	63 O.S. § 2-419	THREE X = 6 yr -
of under 18 to transport	2-401(B)(2)	Life and/or fine
carry, sell, give away,		not > $40,000
prepare for sale, or peddle CDS:		
Schedule I (other, excluding marijuana)		
SECOND VIOLATION		
18 or older to use services	63 O.S. § 2-419	THREE X = 6 yr -
of under 18 to transport	2-401(B)(2)	Life and/or fine
carry, sell, give away,		not > $40,000
prepare for sale, or peddle CDS:		
Schedule II (other, including subsection D)		
SECOND VIOLATION		
18 or older to use services	63 O.S. § 2-419,	THREE X = 6 yr -
of under 18 to transport	2-401(B)(2)	Life and/or fine
carry, sell, give away,		fine not > $40,000
prepare for sale, or peddle CDS:		
Schedule III		
SECOND VIOLATION		

18 or older to use services of under 18 to transport carry, sell, give away, prepare for sale, or peddle CDS: Schedule IV	63 O.S. § 2-419, 2-401(B)(2)	THREE X = 6 yr - Life and/or fine not > $40,000
SECOND VIOLATION		
PWID, etc. Schedule I (other, excluding marijuana)	63 O.S. § 2-401 (B)(2)	2 to Life AND fine not > $20,000 (no suspend, defer, probation, unless first offense)
PWID, etc. Schedule II (other, including subsection D)	63 O.S. § 2-401 (B)(2)	2 to Life AND fine not > $20,000 (no suspend, defer, probation, unless first offense)
PWID, etc. Schedule III	63 O.S. § 2-401 (B)(2)	2 to Life AND fine not > $20,000 (no suspend, defer, probation, unless first offense)
PWID, etc. Schedule IV	63 O.S. § 2-401 (B)(2)	2 to Life AND fine not > $20,000 (no suspend, defer, probation, unless first offense)
PWID, etc. Schedule I	63 O.S. § 2-401 (C), (B)(2)	TWICE = 4 to Life AND fine

(other, excluding marijuana)		not > $40,000 (NO suspend, defer, probation)
SECOND AND SUBSEQUENT		
PWID, etc. Schedule II (other, including subsection D)	63 O.S. § 2-401 (C), (B)(2)	TWICE = 4 to Life AND fine not > $40,000 (NO suspend, defer, probation)
SECOND AND SUBSEQUENT		
PWID, etc. Schedule III	63 O.S. § 2-401 (C), (B)(2)	TWICE = 4 to Life AND fine not > $40,000 (NO suspend, defer, probation)
SECOND AND SUBSEQUENT		
PWID, etc. Schedule IV	63 O.S. § 2-401 (C), (B)(2)	TWICE = 4 to Life AND fine not > $40,000 (NO suspend, defer, probation)
SECOND AND SUBSEQUENT		

19. SCHEDULE N-3 GROUP C

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
PWID, etc imitation CDS	63 O.S. § 2-401 (B)(4)	0 - 5 yr AND fine not > $5,000.00
SECOND		
Synthetic CDS: Manufacture	63 O.S. § 2-401 (B)(5)	"shall be punished in St Pen" not > Life

Distribute PWID		AND fine not > $25,000.00
Synthetic CDS: Manufacture	63 O.S. § 2-401 (B)(5)	10 yrs - Life AND fine not > $100,000.00
Distribute PWID (Second and Subsequent)		
PWID, etc. 18< to >18 Schedule V and marijuana	63 O.S. § 2-401 (D),(B)(3)	TWICE = not > 10 yrs. AND fine not > $2,000.00
PWID, etc. w/in 1,000 Schedule V and marijuana	63 O.S. § 2-401 (E)(1),(B)(3)	TWICE = not > 10 yrs. AND fine not > $2,000.00 (must serve minimum 50%)
PWID, etc. w/in 1,000 Schedule V and marijuana	63 O.S. § 2-401 (E)(2),(B)(3)	THREE X = not > 5 yrs AND fine not > $3,000.00
SECOND AND SUBSEQUENT		
Possession or purchasing CDS in presence of child under 12 -- Schedule V and marijuana	63 O.S. § 2-402 (C)(1),(B)(2)	TWICE = 0 to 2 yr misdemeanor county jail
18 or older to use services of under 18 to transport, carry, sell, give away, prepare for sale, or peddle CDS: Schedule V and marijuana	63 O.S. § 2-419, 2-401,(B)(3)	TWICE = not > 10 yrs. and/or fine not > $2,000.00

18 or older to use services	63 O.S. § 2-419,	THREE = not > 15 yr
of under 18 to transport, carry, sell, give away, prepare for sale, or peddle CDS:	2-401(B)(3)	and/or fine not > $2,000.00
Schedule V and marijuana		
SECOND VIOLATION		
PWID, etc.	63 O.S. § 2-401	not > 5 yrs AND fine
Schedule V and marijuana	(B)(3)	not > $1,000.00
PWID, etc.	63 O.S. § 2-401	TWICE = not > 10 yrs
Schedule V and marijuana	(C),(B)(3)	AND fine not >$2,000.00
SECOND AND SUBSEQUENT		

20. SCHEDULE N-4

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Illegal RX of hormones	63 O.S. § 2-312.1	not > 3 yrs st pen and/or fine not > $10,000.00
Violating Precursor Substances Act	63 O.S. § 2-328(D)	not > 10yrs st pen and/or fine not > $25,000.00
Second offense		and imprisonment can not run CCw/ other Title 63 violation
Violating Precursor Substances Act (by one required to have	63 O.S. § 2-328(F)	not > 10yrs st pen and/or fine not

permit)		> $25,000.00 and imprisonment can not run CCw/ other Title 63 violation
Registrant crimes	63 O.S. § 2-406(B), (A)	not > 20 yrs and/or fine $250,000.00
Registrant crimes	63 O.S. § 2-406(C), (A)	TWICE = not > 40 yrs. and/or fine $500,000.00.
SECOND OR SUBSEQUENT		No suspend, defer, probation

21. SCHEDULE N-5

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Bring contraband into penal institution.	57 O.S. 21	1 to 5 yrs
Inmate in possession of CDS:	57 O.S. 21	5 to 20 yrs
Possession Schedule I or II (except marijuana and subsection D of section 2-206)	63 O.S. § 2-402(B) (1)	2 to 10 yrs
Possession Schedule I or II (except marijuana and subsection D of section 2-206)	63 O.S. § 2-402(B) (1)	4 to 20 yrs

AFC

Maintaining a place where CDS is kept	63 O.S. § 2-404(D) (6)	not > 5 yrs and a fine $10,000.00
Maintaining a place where CDS is kept	63 O.S. § 2-404(D) (6)	TWICE = not > 10 yrs. and a fine $20,000.00
SECOND OR SUBQ		
Attempting to Obtain CDS by Fraud or forged RX	63 O.S. § 2-407(A)	not > 10 yrs
Obtaining CDS by fraud	63 O.S. § 2-407(A)	not > 10 yrs
Obtaining CDS by Forged RX	63 O.S. § 2-407(A)	not > 10 yrs
Obtaining CDS by fraud SECOND OR SUBQ	63 O.S. § 2-407(A)	4 - 20 yrs NO suspend, defer, probation
Obtaining CDS by Forged RX SECOND OR SUBQ	63 O.S. § 2-407(C)	4 - 20 yrs NO suspend, defer, probation
Maintaining a place where CSS is kept (second or subsequent)	63 O.S. § 2-509	twice punishment and fine - no probation
Possession of CDS w/o a tax stamp	68 O.S. 450-3	up to 5 yrs.

22. Schedule S-1: means a Schedule S-2 sexual offense the commission of which involved the presence of aggravating circumstances established by the state by clear and convincing evidence. Schedule S-1 operates as an enhancer for a Schedule S-2 crime.

23. SCHEDULE S-2

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Forcible sodomy & crime	21 O.S. § 888	0 - 20 yrs.

against nature		Second offense = no deferment or suspension. Third offense = Life w/o parole
First Degree Rape	21 O.S. §§ 1111, 1114 & 1115	Death OR 5 yrs. - Life
Anal Rape-First Degree	21 O.S. §§ 1111, 1114 & 1115	Death OR 5 yrs. - Life.
First Degree Rape by force or fear.	21 O.S. §§ 1111, 1114 & 1115	Death OR 5 yrs. - Life.
First Degree Rape of person under 14 yrs.	21 O.S. §§ 1111, 1114 & 1115	Death OR 5 yrs. - Life.
First Degree Rape of person of unsound mind.	21 O.S. §§ 1111, 1114 & 1115	Death OR 5 yrs. - Life.
First Degree Rape by instrumentation resulting in bodily harm.	21 O.S. §§ 1111, 1114 & 1115	Death OR 5 yrs. - Life.
First Degree Rape by instrumentation (person under 14 yrs).	21 O.S. §§ 1111, 1114 & 1115	Death OR 5 yrs. - Life.
Rape by instrumentation.	21 O.S. §§ 1111.1 1114 & 1115	Death OR 5 yrs. - Life.
Rape	21 O.S. §§ 1111, 1114 & 1115	Death OR 5 yrs. - Life S1.

24. SCHEDULE S-3

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT

Child endangerment- Knowingly permitting physical or sexual abuse.	21 O.S. § 852.1	0 - 4 yrs. and/or a fine not > $5,000.00.
Incest	21 O.S. § 885	0 - 10 yrs.
Inducing, keeping, detaining or restraining a child under 18 yrs. for prostitution.	21 O.S. § 1088	1 - 25 yrs. and/or a fine not < $5,000.00 nor > $25,000.00
Procuring a child under 18 yrs. for prostitution, lewdness, or other indecent act.	21 O.S. § 1087(A)	1 - 10 yrs.
Second Degree Rape	21 O.S. §§ 1111, 1114, & 1116	1 - 15 yrs.
Second degree rape by instrumentation (no bodily harm).	21 O.S. §§ 1111, 1114(B) & 1116	1 - 15 yrs.
Lewd or indecent liberties with a child under 16 yrs.	21 O.S. § 1123	1 - 20 yrs.
Lewd or indecent proposals or acts to a child under 16 yrs.	21 O.S. § 1123(A)	1 - 20 yrs.
Sexual Battery	21 O.S. § 1123(B)	0 - 5 yrs.
Compelling a woman to marry	21 O.S. § 1117	10 yrs. - Life.
Intent to compel a woman to marry.	21 O.S. § 1118	0 - 10 yrs.
Seduction under promise to marry.	21 O.S. § 1120	0 - 5 yrs. and/or a fine not > $1,000.00
Marriage after seduction; Abandonment.	21 O.S. § 1122	2 - 10 yrs.

25. SCHEDULE S-4

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Crime against nature (bestiality) - Sodomy.	21 O.S. § 886	0 - 10 yrs.
Indecent Exposure	21 O.S. § 1021	30 days - 10 yrs. and/or a fine not < $100.00 nor > $10,000.00
Indecent exposure; Indecent exhibitions; Obscene writings & pictures.	21 O.S. § 1021 (A) & (B)	30 days - 10 yrs. and/or a fine not < $100.00 nor > $10,000.00.
Sexual solicitation of minors - Soliciting or aiding minor to perform obscenity.	21 O.S. § 1021 (B)(1)	10 - 30 yrs.
Inducing minor to perform obscene conduct.	21 O.S. §1021 (B)(2)	10 - 30 yrs.
Lewd exhibition of a child- Causing minors to participate or engage in obscene or indecent writing or pictures and/or possesses or distributes such materials.	21 O.S. § 1021.2	0 - 20 yrs. and/or a fine not > $25,000.00.
Guardians/parents consenting to participation of minors in obscene writings or pictures.	21 O.S. § 1021.3	0 - 20 yrs. and/or a fine not > $25,000.00.
Purchase, procurement, or possession of obscene	21 O.S. §§ 1024.1 & 1024.2	0 - 5 yrs. and/or a fine not >

material.		$5,000.00.
Knowingly engaging in prostitution while HIV infected.	21 O.S. § 1031B	0 - 5 yrs.
Child prostitution.	21 O.S. §§ 1031C & 1030	0 - 10 yrs.
Buying, selling, or trafficking pictures, movies of sexual intercourse or unnatural copulation.	21 O.S. § 1040.51	0 - 15 yrs. and/or a fine not > $25,000.00.
Pandering (procuring, persuading, encouraging, tricking, etc. a female to become inmate of house of prostitution.	21 O.S. § 1081	2 - 20 yrs. and/or a fine not < $300.00 nor > $1,000.00.
Restraining female in house of prostitution.	21 O.S. § 1085	2 - 20 yrs. and/or a fine not < $300 nor > $1,000.00
Allowing pandering on premises (second or subsequent offenses).	21 O.S. § 1086	1 - 10 yrs.
Owner, proprietor permitting procuring a child under 18 yrs. for prostitution, lewdness, or other indecent act) second or subsequent offenses).	21 O.S. § 1087(B)	1 - 10 yrs. and/or a fine not < $5,000.00 nor > $25,000.00
Owner, proprietor not permitting premises to be used to induce, keep, detain, or restrain child under 18 yrs. for prostitution (second or subsequent offenses).	21 O.S. § 1088(B)(2)	1 - 10 yrs. and a fine < $5,000 nor > $25,000.
Abduction of person under	21 O.S. § 1119	0 - 5 yrs. and/or a

15 yrs. for purpose fine not > $1,000.

marriage or concubinage, or crime of moral turpitude.

Knowingly engaging in 21 O.S. § 1192.1 0 - 5 yrs.

conduct reasonably likely to transfer HIV (exposing others to HIV)

26. SCHEDULE I-1

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Person involved in personal injury accident while under the influence of alcohol or other intoxicating substance - causing great bodily injury	47 O.S. § 11-904(B)	1 - 5 yrs. and fine not > $5,000.

27. SCHEDULE I-2

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Person involved in personal injury accident while under influence of alcohol or other intoxicating substance - causing great bodily injury (second or subsequent violation).	47 O.S. § 11-904 (A)(2)	1 - 5 yrs. and fine not < $5,000.

28. SCHEDULE I-3

FELONY CRIME	CITATION	PUNISHMENT PRIOR TO OKLAHOMA TRUTH IN SENTENCING ACT
Persons under the influence of alcohol or other intoxicating substance or combination thereof (second or subsequent offense within 10 yrs.)	47 O.S. § 11-902(A), (C)	1 - 5 yrs. and fine not < $2,500.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a-6 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The sentencing ranges set forth in the Oklahoma Truth in Sentencing Act shall be enhanced in accordance with the following provisions based on the circumstances of the commission of the offense, however the enhancement provision shall not apply to conduct which is an element of the offense. The following shall be offense enhancers:

1. If the offender committed the current offense while on active criminal justice status then the sentence of the offender shall be increased. "Active criminal justice status" means the offender has been released by the criminal justice system but is still under some obligation to reappear or complete a condition of release. Active criminal justice status shall include, but is not limited to, when an offender has been released on a pretrial bond, an appeal bond or when the offender is serving a period of probation, parole, or supervised release, or when the offender is imprisoned, incarcerated, or on escape status. The sentencing range for an offender who commits an offense while on active criminal justice status shall be enhanced by one level on the sentencing matrices;

2. If the offender committed the current offense with the use of a firearm within the immediate possession and control of the offender then the sentencing range shall be enhanced by two levels on the sentencing matrices;

3. If the victim of the offense is over sixty-two (62) years, under twelve (12) years, or is disabled by reason of mental or physical illness to such extent that the victim lacks the ability to effectively protect the victim's property or person, then the sentencing range shall be enhanced by two levels on the sentencing matrices;

4. If the property involved in a theft, embezzlement or fraud crime is of great value, then the punishment for committing that crime shall be enhanced. If the commission of the crime involved the use of drug proceeds then the punishment for committing the crime shall be enhanced by the amount of drug proceeds involved. The "amount involved" is a calculation of the value of the property involved in the crime, the amount of money that was stolen, embezzled or obtained by fraud, or the amount of drug proceeds which is utilized.

a. if the amount involved is greater than Two Thousand Five Hundred Dollars ($2,500.00) but less than Ten Thousand Dollars ($10,000.00) then the sentencing range shall be enhanced two levels on the sentencing matrices,

b. if the amount involved is greater than Ten Thousand Dollars ($10,000.00) but less than One Hundred Thousand Dollars ($100,000.00) then the sentencing range shall be enhanced by five levels on the sentencing matrices,

c. if the amount involved is greater than One Hundred Thousand Dollars ($100,000.00) but less than Five Hundred Thousand Dollars ($500,000.00) then the sentencing range shall be enhanced by seven levels on the sentencing matrices, and

d. if the amount involved is greater than Five Hundred Thousand Dollars ($500,000.00) then the sentencing range shall be enhanced to the highest level on the sentencing matrices;

5. If in the commission of the crimes, the offender tortured or maimed the victim then the sentencing range shall be enhanced two levels on the sentencing matrices;

6. If in the commission of the crime or because of committing the crime, the offender engages in behavior that creates a serious risk to public safety, meaning behavior that creates a substantial risk of injury to property or person but is not conduct which constitutes a separate crime, then the sentencing range shall be enhanced by one level on the sentencing matrices;

7. If the offender is engaging in a pattern or scheme of criminal activity involving the same or similar victims, meaning the offender specifically targets criminal activity at an individual victim, class of victims, or specific geographic area or location, the sentencing range shall be enhanced by one level on the sentencing matrices;

8. If the offender committed a Schedule N-3 offense of distributing, dispensing, purchasing, transporting with the intent to distribute, or possessing with the intent to distribute a controlled dangerous substance, or a synthetic of the controlled dangerous substance, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, or public housing project, or in the presence of any child under twelve (12) years of age, then the sentencing range shall be enhanced by one level on the sentencing matrices; and

9. If the offender committed a Schedule N-3 offense of distributing, dispensing, purchasing, transporting with the intent to distribute, or possessing with the intent to distribute a controlled dangerous substance, or a synthetic of the controlled dangerous substance, by using or soliciting the services of a person less than eighteen (18) years of age, the sentencing range shall be enhanced by one level on the sentencing matrices, if the offender was at least eighteen (18) years of age at the time of the offense.

B. Every person who, having been previously convicted of an offense, commits any crime after such conviction, shall be punishable, upon conviction of a subsequently committed crime, by the following prior record enhancers:

1. If the prior offense is murder in the first degree or any other offense which is a Schedule A, Schedule N-1, or Schedule S-1 crime then the sentencing range shall be enhanced by six levels on the sentencing matrices;

2. If the prior offense is a Schedule B, Schedule N-2, or Schedule S-2 crime, then the sentencing range shall be enhanced by four levels on the sentencing matrices;

3. If the prior offense is a Schedule C crime, then the sentencing range shall be enhanced by three levels on the sentencing matrices;

4. If the prior offense is a Schedule D, Schedule D1, Schedule N-3, Schedule N-4, or Schedule S-3 crime, then the sentencing range shall be enhanced by two levels on the sentencing matrices;

5. If the prior offense is a Schedule D2, Schedule E, Schedule F, Schedule G, Schedule H, Schedule I-1, Schedule I-2, Schedule I-3, Schedule N-5, or Schedule S-4 crime, then the sentencing range shall be enhanced by one level on the sentencing matrices; and

6. If an offender is convicted of committing a Schedule B, Schedule C, or Schedule S-1 offense and the offender has previously been convicted of two or more Schedule A, Schedule B, Schedule C, or Schedule S-1 offenses which did not arise out of the same transaction, occurrence, or series of events closely related in time and location, the offender served separate terms of incarceration for each offense, and the offender is at level nine on the sentencing matrices, then the offender shall be sentenced, in addition to the level one discretionary range of confinement, to a mandatory term of not less than twenty (20) years imprisonment. This mandatory term of imprisonment shall not be subject to parole,

earned credits or any other credits which have the effect of reducing the sentence imposed.

C. 1. If the person has been previously convicted of two or more felonies which do not arise out of the same transaction, occurrence, or series of events closely related in time and location, the sentencing range shall be enhanced based on each prior conviction.

2. If the person has been previously convicted of two or more felonies which the defendant proved arose out of the same transaction, occurrence, or series of events closely related in time and location, the enhanced range of sentence for the current offense shall be determined on the schedule of punishment for the highest scheduled prior offense arising from that transaction.

D. No person shall be sentenced with a prior record enhancer when a period of ten (10) years has elapsed between the date of full completion of the sentence for the prior conviction and the date of the commission of the offense sought to be enhanced. For the purpose of this section, the date of full completion of the prior sentence shall be computed as though said sentence had been served in full, and no methods of sentence reduction shall apply towards calculating this time period. Provided however, that the ten-year limitation on a prior conviction may be tolled by an intervening conviction.

E. The enhancements provided by the Oklahoma Truth in Sentencing Act are cumulative, in that all applicable level increases are added together to produce the applicable sentencing range.

F. The state is required to provide notice of specific acts or prior convictions upon which the state will rely at sentencing for enhancement. Unless otherwise ordered by the court, the notice shall be filed by the state not less than thirty (30) days prior to the entry of a plea of guilty or nolo contendere or a trial on the

merits. Prior to the acceptance of a plea of guilty or nolo contendere, the court shall assure the state is afforded sufficient time to file a notice for enhancement if applicable.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a-7 of Title 22, unless there is created a duplication in numbering, reads as follows:

When sentencing an offender for a crime committed on or after the effective date of the Oklahoma Truth in Sentencing Act, a court shall utilize the following sentencing procedures:

A. When considering any presentence investigation conducted, the court shall consider the findings of any alleged offense enhancers provided for by subsection A of Section 8 of this act or any alleged prior record enhancers provided for by subsection B of Section 8 of this act, if the findings have been established by clear and convincing evidence.

B. The court shall determine the sentence placement based on the utilization of the following procedures on the applicable sentencing matrix:

1. First, the court shall determine the schedule of the current offense of conviction on the applicable matrix;

2. Second, the court shall proceed to the level of punishment based on the finding of any offense enhancers or prior record enhancers determined by subsection A of this section;

3. Third, the court shall consider the applicability of any departures from the prescribed sentence:

a. a departure may be made upward or downward to any level on the sentencing matrices upon the consent of the state and the defendant and approval by the court, or

b. the state may file a motion for a departure based upon the substantial assistance of the defendant in the investigation and prosecution of another person who

has committed an offense. The court shall determine the appropriate departure based upon the substantial assistance departure motion filed by the state;

4. Fourth, the court shall determine the placement presumption for the current offense of conviction. The placement presumption may include one or more of the following:

a. presumed imprisonment,

b. presumed community corrections,

c. presumed probation, or

d. presumed deferred; and

5. Fifth, the court, on a motion from the state or from the defendant, may grant a deviation from the presumed placement of the offender provided for by the sentencing matrices. A deviation shall be for no more than one placement presumption. The court must articulate a reason for the deviation in the record. A deviation from a placement presumption shall not form the basis of relief on appeal, unless the court abused its discretion.

C. The court shall determine the appropriate sentence disposition of the offender:

1. If the sentence carries a presumption of "presumed probation" or "presumed deferred", the sentencing court shall pronounce at the sentencing hearing:

a. the type of probation,

b. the length of the probation or deferred sentence,

c. the terms and conditions of the probation or deferred sentence, and

d. the punishment for revocation or acceleration of the terms and conditions of the probation or deferred sentence.

2. If the sentence carries a presumption of "presumed community corrections", the sentencing court shall pronounce at the sentencing

hearing the complete sentence to community corrections which shall include:

a. the length of community corrections,

b. the type or types of community corrections,

c. the terms and conditions of the community corrections,

d. the period of supervised release or probation following the term of the community corrections,

e. the terms and conditions of the period of supervised release or probation, and

f. the punishment for violation of the terms and conditions of the sentence or the term of supervised release or probation.

3. If the sentence carries a presumption of "presumed imprisonment", the sentencing court shall determine the applicable term of confinement within the presumed range of confinement provided by the relevant matrix. The court may determine the term of confinement within the low or high range of confinement based upon findings stated in the record which establish the presence of significant aggravating or mitigating factors. The deviation to the low or high range of confinement within a matrix shall not form the basis of an appeal, unless the court has abused its discretion.

Once the applicable term of confinement has been determined, the court shall pronounce at the sentencing hearing the complete sentence of imprisonment which shall include:

a. the terms and conditions of the imprisonment,

b. the period of postimprisonment supervised release following the term of imprisonment, if imposed,

c. the terms and conditions of the period of postimprisonment supervised release, if imposed, and

d. the punishment for violation of the terms and conditions of the sentence or the term of postimprisonment supervised release, if imposed.

D. The court in determining the appropriate terms and conditions of a sentence shall consider those terms and conditions authorized in Section 991a of Title 22 of the Oklahoma Statutes. The terms and conditions of a deferred sentence, probation, or supervised release shall be provided for in the Uniform Judgment and Sentence form or shall comply with Section 991b of Title 22 of the Oklahoma Statutes.

E. Prior to entering the sentence, the court shall consider, but shall not be required to state for the record, the purposes of sentencing set forth in Section 2 of this act and the following factors:

1. The prior criminal record of the offender with more weight given to convictions for crimes of violence, crimes against persons, and to those of the same nature as the current offense;

2. Whether the victim in the present case was physically harmed;

3. The restitution for bodily injury or property damage to the victim in the present case;

4. Whether the sentence is subject to enhancement pursuant to the Oklahoma Statutes;

5. The culpability of the offender as indicated by factors such as the role of the offender in the offense, motive, and profit received;

6. Whether viable alternatives to imprisonment exist and will provide appropriate punishment of the offense, secure restitution for the victim, or provide the possibility of successful rehabilitation of the offender;

7. The educational background and literacy, or any condition of chemical dependency, of the person being sentenced, together with sentencing options which would correct any deficiencies;

8. The demeanor of the offender;

9. The helplessness of the victim based on age, physical or mental condition, or any other circumstance that indicates helplessness; and

10. Any other evidence relevant to sentencing the offender.

F. The court shall impose the sentence. When a court enters a sentence in any criminal case in this state, the sentence shall be imposed pursuant to the Uniform Judgment and Sentence form, as promulgated by the Oklahoma Court of Criminal Appeals pursuant to its rulemaking authority, which shall include the findings of the sentencing court at the time of sentencing. An offender profile and offense profile form shall be developed by the Oklahoma Truth in Sentencing Policy Advisory Commission to ensure uniform data collection of offenders and offenses throughout the State of Oklahoma. District attorneys shall be required to submit additional profile data about the offender on a form promulgated by the Truth in Sentencing Policy Advisory Commission to the Truth in Sentencing Policy Advisory Commission and the Department of Corrections within twenty (20) days of judgment and sentence.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a-8 of Title 22, unless there is created a duplication in numbering, reads as follows:

Nothing in the Oklahoma Truth in Sentencing Act shall abrogate or affect the punishment by death in all crimes punishable by death on the effective date of the Oklahoma Truth in Sentencing Act, or made punishable by death after the effective date of the Oklahoma Truth in Sentencing Act.

SECTION 11. AMENDATORY 22 O.S. 1991, Section 857, is amended to read as follows:

Section 857. After hearing the charge, the jury may either decide in court, or may retire for deliberation. <u>The jury shall determine whether the defendant is guilty or not guilty, but shall not determine the sentence unless the trial is for the offense of</u>

first degree murder. If they do not agree without retiring, one or more officers must be sworn to keep them together in some private and convenient place, and not to permit any person to speak to or communicate with them, nor do so themselves, unless it be by order of the court, or to ask them whether they have agreed upon a verdict, and to return them into court when they have so agreed, or when ordered by the court.

SECTION 12. AMENDATORY 22 O.S. 1991, Section 929, is amended to read as follows:

Section 929. A. Upon any appeal of a conviction by the defendant in a noncapital criminal case, the appellate court, if it finds prejudicial error in the sentencing proceeding only, may set aside the sentence rendered and remand the case to the trial court in the jurisdiction in which the defendant was originally sentenced for resentencing. No error in the sentencing proceeding shall result in the reversal of the conviction in a criminal case unless the error directly affected the determination of guilt.

B. When a criminal case is remanded for vacation of a sentence, the court ~~may:~~

~~1. Set~~ shall set the case for a nonjury sentencing proceeding~~; or~~

~~2. If the defendant or the prosecutor so requests in writing, impanel a new sentencing jury.~~

~~C. If a written request for a jury trial is filed within twenty (20) days of the date of the appellate court order, the trial court shall impanel a new jury for the purpose of conducting a new sentencing proceeding.~~

~~1. All exhibits and a transcript of all testimony and other evidence properly admitted in the prior trial and sentencing shall be admissible in the new sentencing proceeding. Additional relevant evidence may be admitted including testimony of witnesses who testified at the previous trial.~~

~~2. The provisions of this section are procedural and shall apply retroactively to any defendant sentenced in this state~~.

~~D.~~ C. This section shall not be construed to amend or be in conflict with the provisions of Section 701.10 or 701.10a of Title 21 of the Oklahoma Statutes relating to sentencing and resentencing in death penalty cases~~; Section 860 of Title 22 of the Oklahoma Statutes relating to the trial procedure for defendants prosecuted for second or subsequent offense; or the provisions of Sections 926 and 927 of Title 22 of the Oklahoma Statutes relating to assessment of punishment in the original trial proceedings~~.

SECTION 13. AMENDATORY 22 O.S. 1991, Section 982, as amended by Section 1, Chapter 319, O.S.L. 1992 (22 O.S. Supp. 1996, Section 982), is amended to read as follows:

Section 982. A. Whenever a person is convicted of a felony or has entered a plea other than not guilty except when the death sentence or sentence to life without the possibility of parole is imposed, the court ~~shall~~ may, before imposing sentence to commit any felon to ~~incarceration by~~ the custody or supervision of the Department of Corrections, order a presentence investigation to be made by the Department. The court may order the defendant to pay a fee to the Department of Corrections not to exceed Two Hundred Fifty Dollars ($250.00) for the presentence investigation, if in the opinion of the court the defendant has the ability to pay such fee.

B. The ~~Department shall inquire into~~ presentence investigation report shall include a summary of the circumstances of the offense. This information shall include the voluntary statement of the victim concerning the offense~~,~~ and the amount of ~~the~~ any loss of the victim~~, and the criminal record,~~. The presentence investigation reports shall include the criminal history of the offender. The criminal history shall list the schedule, if applicable, for: each prior adult felony conviction, each prior adult misdemeanor conviction, each prior juvenile adjudication, each prior sentence to

probation, and each prior deferred or suspended sentence. The presentence investigation report shall also include the social history and present condition of the convicted person. ~~The Department shall make a report of such investigation to the court, including a recommendation as to appropriate sentence, and specifically a recommendation for or against probation.~~ Such reports must be presented to the judge so requesting, within a reasonable time, and upon the failure to so present the same, the judge may proceed with sentencing. Whenever, in the opinion of the court or the Department, it is desirable, the investigation shall include a physical and mental examination of the convicted person.

C. ~~The presentence investigation reports so received by the court shall not be referred to, or be considered, in any appeal proceedings.~~ Before imposing sentence, the court shall advise the defendant or his counsel and the district attorney of the factual contents and the conclusions and proposed findings of any presentence investigation or psychiatric examination and afford fair opportunity, if the defendant or the prosecution so requests, to controvert them. If either the defendant or the district attorney desires, such hearing shall be ordered by the court within a reasonable time providing either party an opportunity to offer evidence proving or disproving any proposed finding contained in such report~~, which shall be a hearing in mitigation or aggravation of punishment~~. The party objecting to the findings contained in the presentence investigation report shall have the burden of producing additional evidence with regard to the existence or nonexistence of the offense enhancers or prior record enhancers. The state must establish and the court must determine by clear and convincing evidence the existence of any offense enhancers or prior record enhancers.

D. ~~If the district attorney and the defendant desire to waive such presentence investigation and report, both shall execute a~~

~~suitable waiver subject to approval of the court, whereupon the judge shall proceed with the sentencing.~~ The order of the court directing a presentence investigation shall be in accordance with forms promulgated by the Oklahoma Truth in Sentencing Policy Advisory Commission.

SECTION 14. AMENDATORY 22 O.S. 1991, Section 991a, as last amended by Section 4, Chapter 153, O.S.L. 1996 (22 O.S. Supp. 1996, Section 991a), is amended to read as follows:

Section 991a. A. ~~Except as otherwise provided in the Elderly and Incapacitated Victims Protection Program, Section 991a-5 et seq. of this title, when~~ When a defendant is convicted of a crime and no death sentence is imposed, the court shall ~~either~~:

~~1. Suspend the execution of sentence in whole or in part, with or without probation. The court, in addition, may order the convicted defendant at the time of sentencing or at any time during the suspended sentence to do one or more of the following~~ sentence a defendant to one of the following sentence dispositions:

~~a. to provide~~ 1. Imprisonment - The court may commit such person for imprisonment as may be prescribed by law for the offense, with or without a period of postimprisonment supervised release and other conditions provided for pursuant to this section;

2. Community Corrections - The court may sentence a defendant to a term of supervision and commit the defendant to incarceration in the community as may be prescribed by law for the offense. Community corrections shall include but is not limited to:

a. weekend or night incarceration,

b. house arrest,

c. electronic monitoring program,

d. county or regional jail,

e. inpatient drug or alcohol treatment; or

3. Fine - The court may impose a fine as may be prescribed by law for the offense.

B. The court shall have the authority to:

1. Suspend the term of confinement pursuant to Section 19 of this act;

2. Impose a term of supervised release pursuant to Section 19 of this act; or

3. Defer the imposition of the judgment and sentence pursuant to Section 991c of this title.

C. The court is authorized to impose conditional requirements as a condition of any sentence disposition. Conditional requirements shall include:

1. Full or partial restitution to the victim according to a schedule of payments established by the sentencing court, ~~together~~ with or without interest upon any pecuniary sum at the rate of twelve percent (12%) per annum, if ~~the defendant agrees to pay such restitution or,~~ in the opinion of the court, ~~if he~~ the defendant is able to pay ~~such restitution without imposing manifest hardship on the defendant or his immediate family~~ any sum and if the extent of the damage to the victim is determinable with reasonable certainty~~,~~;

~~b. to reimburse~~ 2. Reimbursement to the court fund for amounts paid to court-appointed attorneys and expert witnesses requested by the defendant in the case in which the person is being sentenced;

3. Reimbursement to any state agency for amounts paid by the state agency for hospital and medical expenses incurred by the victim or victims, as a result of the criminal act for which ~~such person was convicted~~ the defendant being sentenced, which reimbursement shall be made directly to the state agency, with or without interest accruing thereon at the rate of twelve percent (12%) per annum~~,~~;

~~c. to engage in a~~ 4. A term of community work or service without compensation, according to a schedule consistent with the employment and family responsibilities of the person convicted~~,~~;

~~d. to pay~~ 5. Payment of a reasonable sum into any trust fund, established pursuant to the provisions of Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes, and which provides restitution payments by convicted defendants to victims of crimes committed within the State of Oklahoma wherein such victim has incurred a financial loss~~,~~;

~~e. to confinement~~ 6. Confinement in the county jail for a period not to exceed ~~six (6) months,~~ one (1) year;

~~f. to reimburse the court fund for amounts paid to court-appointed attorneys for representing the defendant in the case in which he is being sentenced, or~~

~~g. to repay~~ 7. Payment of the reward or part of the reward paid by a certified local crimestoppers program ~~and~~ or the Oklahoma Reward System. In determining whether the defendant shall repay the reward or part of the reward, the court shall consider the ability of the defendant to make the payment, the financial hardship on the defendant to make the required payment, and the importance of the information to the prosecution of the defendant as provided by the arresting officer or the district attorney with due regard for the confidentiality of the records of the certified local crimestoppers program and the Oklahoma Reward System. The court shall assess this repayment against the defendant as a cost of prosecution. "Certified local crimestoppers program" means a crimestoppers program certified by the Office of the Attorney General pursuant to Section 991g of this title. The "Oklahoma General Reward System" means the reward program established by Section 150.18 of Title 74 of the Oklahoma Statutes~~.~~

~~However, any such order for restitution, community service, payment to a certified local crimestoppers program, payment to the Oklahoma Reward System, or confinement in the county jail, or a combination thereof, shall be made in conjunction with probation and shall be made a condition of the suspended sentence~~;

~~2. Impose~~ 8. Reimbursement to the Oklahoma State Bureau of Investigation for costs incurred by that agency during its investigation of the crime for which the defendant is being sentenced, including compensation for laboratory, technical, or investigative services performed by the Bureau if, in the opinion of the court, the defendant is able to pay without imposing manifest hardship on the defendant, and if the costs incurred by the Bureau during the investigation of the defendant's case may be determined with reasonable certainty;

9. Reimbursement to county or other local law enforcement agency for costs incurred by that agency during its investigation of the crime for which the defendant is being sentenced, including compensation for laboratory, technical, or investigative services performed by that agency if, in the opinion of the court, the defendant is able to pay without imposing manifest hardship on the defendant, and if the costs incurred by the agency during the investigation of the defendant's case may be determined with reasonable certainty;

10. Payment of a fine prescribed by law for the offense~~, with or without probation or commitment and with or without restitution or service as provided for in this section, Section 991a-4 of this title or Section 227 of Title 57 of the Oklahoma Statutes~~;

~~3. Commit such person for confinement provided for by law with or without restitution as provided for in this section;~~

~~4. In the case of nonviolent felony offenses, sentence such person to the Community Service Sentencing Program created pursuant to Section 991a-4 of this title;~~

~~5. In addition to the other sentencing powers of the court, in the case of a person convicted of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol or another intoxicating substance, or convicted of operating a motor vehicle~~

~~while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require such person:~~

~~a. to participate~~ 11. Participation in an alcohol and drug substance abuse course or treatment program, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes, or as may be ordered by the court;

~~b. to attend~~ 12. Attending a victims impact panel program, if such a program is offered in the county where the judgment is rendered, and to pay a fee, not less than Five Dollars ($5.00) nor more than Fifteen Dollars ($15.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee~~,~~;

~~c. to both participate in the alcohol and drug substance abuse course or treatment program, pursuant to subparagraph a of this paragraph and attend a victims impact panel program, pursuant to subparagraph b of this paragraph,~~

~~d. to install~~ 13. Installation of an ignition interlock device, at the person's own expense, approved by the Department of Public Safety, upon every motor vehicle operated by such person and to require that a notation of this restriction be affixed to the person's driver's license at the time of reinstatement of the license. Said restriction shall remain on the driver's license for such period as the court shall determine. The restriction may be modified or removed only by order of the court and notice of said order shall be given to the Department of Public Safety. Upon the expiration of the period for the restriction, the Department of Public Safety shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without such device during the period of restriction shall be a violation of the sentence and

may be punished as deemed proper by the sentencing court~~, or~~. As used in this paragraph, "ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of five-hundredths (0.05) or greater;

~~c. beginning January 1, 1993, to submit to~~ 14. Confinement by electronically monitored home detention administered and supervised by the Department of Corrections, and to pay to the Department a monitoring fee, not to exceed Seventy-five Dollars ($75.00) a month, ~~to the Department of Corrections,~~ if in the opinion of the court the defendant has the ability to pay such fee. Any fees collected pursuant to this subparagraph shall be deposited in the Department of Corrections Revolving Fund. Any order by the court for the payment of the monitoring fee, if willfully disobeyed, may be enforced as an indirect contempt of court. As used in this paragraph, "electronically monitored home detention" means confinement of the defendant within a specified location or locations with monitoring by means of a device approved by the Department of Corrections and the court that detects if the person leaves the confines of any location for any period of time;

~~6. In addition to the other sentencing powers of the court, in the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems, or domestic abuse or child abuse problems;~~

~~7. In addition to the other sentencing powers of the court, in the case of a person convicted of any crime related to domestic abuse, as defined in Section 60.1 of this title, the court may~~

~~require the defendant to undergo the treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim. The defendant may be required to pay all or part of the cost of the treatment or counseling services; or~~

~~8. In addition to the other sentencing powers of the court, the court, in the case of a sex offender, shall require the person to participate in a treatment program designed specifically for the treatment of sex offenders, if available. The treatment program must be approved by the probation officer who has supervisory authority over the defendant if the defendant is placed on probation, or the court if the court retains supervisory authority over the defendant. Such treatment shall be at the expense of the defendant based on the defendant's ability to pay.~~

~~Provided, for the purposes of this section, the term "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes.~~

~~B. Notwithstanding any other provision of law, any person who is found guilty of a violation of any provision of Section 761 or 11-902 of Title 47 of the Oklahoma Statutes or any person pleading guilty or nolo contendere for a violation of any provision of such sections shall be ordered to participate in, prior to sentencing, an alcohol and drug substance abuse evaluation program offered by a facility or qualified practitioner certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the facility or qualified practitioner for the evaluation. The Department of Mental Health and Substance Abuse Services shall establish a fee schedule, based upon a person's ability to pay, provided the fee for an evaluation shall not exceed Seventy-five Dollars ($75.00). The evaluation shall be conducted at a certified facility, the office of~~

~~a qualified practitioner or at another location as ordered by the court. The facility or qualified practitioner shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this subsection for any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. If a person is sentenced to the custody of the Department of Corrections and the court has received a written evaluation report pursuant to this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this subsection.~~

~~As used in this subsection, "qualified practitioner" means a person with at least a bachelor's degree in substance abuse treatment, mental health or a related health care field and at least two (2) years' experience in providing alcohol treatment, other drug abuse treatment, or both alcohol and other drug abuse treatment who is certified each year by the Department of Mental Health and Substance Abuse Services to provide these assessments. However, any~~

~~person who does not meet the requirements for a qualified practitioner as defined herein, but who has been previously certified by the Department of Mental Health and Substance Abuse Services to provide alcohol or drug treatment or assessments, shall be considered a qualified practitioner provided all education, experience and certification requirements stated herein are met within two (2) years from the effective date of this act.~~

~~C. When sentencing a person convicted of a crime, the court shall first consider a program of restitution for the victim, as well as imposition of a fine or incarceration of the offender. The provisions of paragraph 1 of subsection A of this section shall not apply to defendants being sentenced upon their third or subsequent to their third conviction of a felony or, beginning January 1, 1993, to defendants being sentenced for their second or subsequent felony conviction for violation of Section 11-902 of Title 47 of the Oklahoma Statutes, except as otherwise provided in this subsection. In the case of a person being sentenced for their second or subsequent felony conviction for violation of Section 11-902 of Title 47 of the Oklahoma Statutes, the court may sentence the person pursuant to the provisions of paragraph 1 of subsection A of this section if the court orders the person to submit to electronically monitored home detention administered and supervised by the Department of Corrections pursuant to subparagraph c of paragraph 5 of subsection A of this section.~~

~~D. When sentencing a person convicted of a crime, the judge shall consider any victim impact statements if submitted to the jury, or the judge in the event a jury is waived~~

15. One or more courses of treatment, education, or rehabilitation for any conditions, behaviors, deficiencies, or disorders which may contribute to criminal conduct of the offender, including but not limited to alcohol and substance abuse, mental health, emotional health, physical health, propensity for violence,

antisocial behavior, personality, deviant sexual behavior, child development, parenting assistance, job skills, vocational-technical skills, domestic relations, literacy, education or any other identified deficiency which may be treated appropriately in the community, or as may be ordered by the court, and for which a certified program or a program recognized by the court as having significant positive impact exists. Any treatment, education, or rehabilitation required to be certified pursuant to this paragraph shall be certified by the appropriate state agency;

16. Periodic and random testing for alcohol, intoxicating substance, or controlled dangerous substances;

17. Payment of a fee and/or costs for treatment, education, supervision and/or participation in a program as determined by the court, based upon the ability of the defendant to pay the fees or costs;

18. Supervision by a probation officer or other person designated by the court. The court shall specify the manner in which the defendant is to be supervised and the duration of supervision;

19. Positive behavior modeling by a trained mentor;

20. Confinement in a restrictive facility available in the community or the county jail, at night and/or during weekends pursuant to Section 991a-2 of this title or for work release;

21. Employment or employment-related activities;

22. Mandatory reporting to facilities or persons for services, payments, duties or person-to-person contacts as specified by the court;

23. Blood testing as required by law;

24. For a person convicted of an offense as provided in Section 650, 650.2, 650.5, 650.6, 650.7, 650.8, 651, 652, 701.7, 701.8, 711, 832, 885, 888, 1021.2, 1021.3, 1087, 1088 or 1114, subsection B of Section 1021, or Section 1123, 1173 or 1192.1 of Title 21 of the

Oklahoma Statutes, submission to deoxyribonucleic acid testing for law enforcement identification purposes in accordance with the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI DNA Offender Database. Submission to testing shall be required within thirty (30) days of sentencing for those defendants who do not become subject to the custody of the Department of Corrections, and submission to testing shall be done in accordance with Section 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who enter the custody of the Department of Corrections as a result of sentencing. Convicted individuals who have previously submitted to DNA testing under this section and for whom a valid sample is on file in the OSBI DNA Offender Database at the time of their sentencing shall not be required to submit to additional testing. Any person convicted of an offense as provided in this section who is in custody after July 1, 1996, shall provide a blood sample prior to release. Every person who is convicted of an offense as provided in this subsection whose sentence does not include a term of confinement shall provide a blood sample as a condition of the sentence. Samples of blood for DNA testing required by this section shall be taken by employees or contractors of the Department of Corrections. Said individuals shall be properly trained to collect blood samples. Persons collecting blood for DNA testing pursuant to this section shall be immune from civil liabilities arising from this activity. The Department of Corrections shall ensure the collection of samples are mailed to the Oklahoma State Bureau of Investigation within ten (10) days of the time the subject appears for testing or within ten (10) days of the date the subject comes into the custody of the Department of Corrections. The Department shall use sample kits provided by the OSBI and procedures promulgated by the OSBI. Persons subject to DNA testing who are not received at the Lexington Assessment and Reception Center shall be required to pay to the Department of Corrections a fee of Fifteen

Dollars ($15.00). Any fees collected pursuant to this subparagraph shall be deposited in the Department of Corrections revolving account;

25. Repairing or restoring property damaged by the conduct of the defendant, if the court determines the defendant possesses sufficient skill to repair or restore the property and the victim consents to the repairing or restoring of the property;

26. Restoring damaged property in kind or pay out-of-pocket expenses of the victim, if the court is able to determine the actual out-of-pocket expenses suffered by the victim;

27. Reimbursement of the costs of incarceration or medical expenses while incarcerated;

28. Any community-based program as may be available in the jurisdiction; or

29. Any other provision specially ordered by the court.

E. ~~Probation, for purposes of subsection A of this section, is a procedure by which a defendant found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, is released by the court subject to conditions imposed by the court and subject to the supervision of the Department of Corrections. Such supervision shall be initiated upon an order of probation from the court, and shall not exceed two (2) years, except as otherwise provided by law. In the case of a person convicted of a sex offense, supervision shall not be limited to two (2) years. Provided further any supervision provided for in this section may be extended for a period not to exceed the expiration of the maximum term or terms of the sentence upon a determination by the Division of Probation and Parole of the Department of Corrections that the best interests of the public and the releasee will be served by an extended period of supervision.~~

~~F.~~ The Department of Corrections, or such other agency as the court may designate, shall be responsible for the monitoring and

administration of the restitution, repayments, fees, costs and service programs provided for by ~~subparagraphs a, c, and d of paragraph 1 of subsection A of~~ this section, and shall ensure that restitution payments are forwarded to the ~~victim~~ appropriate person or entity and that service assignments and court-ordered conditions are properly performed by the defendant.

~~C. 1. The Division of Probation and Parole of the Department of Corrections is hereby authorized, subject to funds available through appropriation by the Legislature, to contract with counties for the administration of county Community Service Sentencing Programs.~~

~~2. Any offender eligible to participate in the Program pursuant to this act shall be eligible to participate in a county Program; provided, participation in county-funded Programs shall not be limited to offenders who would otherwise be sentenced to confinement with the Department of Corrections.~~

~~3. The Division shall establish criteria and specifications for contracts with counties for such Programs. A county may apply to the Division for a contract for a county-funded Program for a specific period of time. The Department shall be responsible for ensuring that any contracting county complies in full with specifications and requirements of the contract. The contract shall set appropriate compensation to the county for services to the Division.~~

~~4. The Division is hereby authorized to provide technical assistance to any county in establishing a Program, regardless of whether the county enters into a contract pursuant to this subsection. Technical assistance shall include appropriate staffing, development of community resources, sponsorship, supervision and any other requirements set forth in this act.~~

~~5. The Department shall annually make a report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House~~

~~on the number of such Programs, the number of participating offenders, the success rates of each Program according to criteria established by the Department and the costs of each Program.~~

~~H. As used in this section:~~

~~1. "Ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of five-hundredths (0.05) or greater; and~~

~~2. "Electronically monitored home detention" means incarceration of the defendant within a specified location or locations with monitoring by means of a device approved by the Department of Corrections that detects if the person leaves the confines of any specified location.~~

~~I. A person convicted of an offense as provided in Section 650, 650.2, 650.5, 650.6, 650.7, 650.8, 651, 652, 701.7, 701.8, 711, 832, 885, 888 or 1114, subsection B of Section 1021, or Section 1021.2, 1021.3, 1087, 1088, 1123, 1173 or 1192.1 of Title 21 of the Oklahoma Statutes shall submit to deoxyribonucleic acid testing for law enforcement identification purposes in accordance with Section 2 of this act and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI DNA Offender Database. Submission to testing shall be required within thirty (30) days of sentencing for those defendants who do not become subject to the custody of the Department of Corrections, and submission to testing shall be done in accordance with Section 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who enter the custody of the Department of Corrections as a result of sentencing. Convicted individuals who have previously submitted to DNA testing under this section and for whom a valid sample is on file in the OSBI DNA Offender Database at the time of their sentencing shall not be required to submit to additional testing.~~

~~Any person convicted of an offense as provided in this section who is in custody after July 1, 1996, shall provide a blood sample prior to release. Every person who is convicted of an offense as provided in this subsection whose sentence does not include a term of confinement shall provide a blood sample as a condition of the sentence.~~

~~J. Samples of blood for DNA testing required by subsection I of this section shall be taken by employees or contractors of the Department of Corrections. Said individuals shall be properly trained to collect blood samples. Persons collecting blood for DNA testing pursuant to this section shall be immune from civil liabilities arising from this activity. The Department of Corrections shall ensure the collection of samples are mailed to the Oklahoma State Bureau of Investigation within ten (10) days of the time the subject appears for testing or within ten (10) days of the date the subject comes into the custody of the Department of Corrections. The Department shall use sample kits provided by the OSBI and procedures promulgated by the OSBI. Persons subject to DNA testing who are not received at the Lexington Assessment and Reception Center shall be required to pay to the Department of Corrections a fee of Fifteen Dollars ($15.00). Any fees collected pursuant to this subparagraph shall be deposited in the Department of Corrections revolving account.~~

SECTION 15. AMENDATORY 22 O.S. 1991, Section 991a-2, is amended to read as follows:

Section 991a-2. Any person who has been convicted of a nonviolent felony in the state may be sentenced, at the discretion of the judge, to incarceration in the county jail for a period of one or more nights or weekends with the remaining portion of each week being spent under probation, in lieu of any other kind of imprisonment prescribed by law for the particular felony. Any person incarcerated in the county jail may be assigned work duties

as may be approved by the judge. The sentencing court may require a person incarcerated pursuant to this act to pay the county, for food and maintenance for each day of incarceration, an amount equal to the maximum amount prescribed by law to be paid by the county to the sheriff for such expenses. If the judge does not so order, the Department of Corrections shall reimburse the county for the cost of feeding and care of the person during such periods of incarceration. The Department of Corrections shall reimburse the county for the actual cost paid for any emergency medical care for physical injury or illness of a person incarcerated hereunder if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. For the purposes of this section, weekend incarceration shall commence at 6 p.m. on Friday and continue until 8 a.m. on the following Monday, and incarceration overnight shall commence at 6 p.m. on one day and continue until 8 a.m. of the next day. Provided, that the sentencing judge may modify said times if the circumstances of the particular case require such action. Persons who have been sentenced to incarceration in the county jail under the provisions of this section will not have to be processed through the Lexington Assessment and Reception Center prior to incarceration, provided the sheriff of the county where the person is incarcerated shall transmit to the Department of Corrections complete intake data information, on the form or forms provided by the Oklahoma Truth in Sentencing Policy Advisory Commission, which shall contain a photograph and fingerprint card, within twenty (20) days of the date the person is incarcerated.

SECTION 16. AMENDATORY 22 O.S. 1991, Section 991a-11, as amended by Section 2, Chapter 235, O.S.L. 1993 (22 O.S. Supp. 1996, Section 991a-11), is amended to read as follows:

Section 991a-11. A. ~~Any~~ If the defendant fails to pay restitution in the manner or within the time period specified by the

court, the court may enter an order directing the sheriff or any peace officer of this state ~~shall~~ to seize any real or personal property of the defendant, except property exempt under Section 1 of Title 31 of the Oklahoma Statutes, to be held until a forfeiture for sale has been declared or release ordered.

B. Within ten (10) days from the time the property is seized, notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county in which the property is seized and shall be given all owners and parties in interest.

C. Notice shall be given by the party seeking forfeiture and sale according to the following methods:

1. Upon each owner or party in interest whose right, title or interest is of record at the Tax Commission, by mailing a copy of the notice by certified mail to the address shown upon the records of the Tax Commission;

2. Upon each owner or party in interest whose name and address is known to the attorney or the party seeking the action to recover unpaid restitution, by mailing a copy of the notice by registered mail to the last-known address; and

3. Upon all other owners or interested parties, whose addresses are unknown, but who are believed to have an interest in the property, by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing and publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the property described in the notice.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of exemption under Section 1 of Title 31 of the Oklahoma Statutes, and shall order the property

forfeited and sold to pay restitution, if such property is not proved exempt.

F. If a verified answer is filed, the forfeiture for sale proceeding shall be set for hearing not less than ten (10) days nor more than sixty (60) days after the filing of the answer.

G. At a hearing on the forfeiture the evidence of ownership and exemption under Section 1 of Title 31 of the Oklahoma Statutes shall be satisfied by a preponderance of the evidence.

H. The claimant of any right, title or interest in the property may prove his lien, mortgage or conditional sales contract to be a bona fide ownership interest by a preponderance of the evidence.

I. In the event of such proof, the court shall order the property released to the bona fide owner, lienholder, mortgagee or vendor if the amount due him is equal to, or in excess of, the value of the property as of the date of the seizure, it being the intention of this section to forfeit only the right, title or interest of the offender.

J. If the amount due to such person is less than the value of the property, or if no bona fide claim is established, the property shall be forfeited and sold under judgment of the court, as on sale upon execution.

K. Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the office of the district attorney of the county in which the property was seized, subject only to the orders and decrees of the court having jurisdiction thereof.

L. The proceeds of the sale of any property shall be distributed as follows, in the order indicated:

1. To the bona fide purchaser, conditional sales vendor or mortgagee of the property, if any, up to the amount of his interest in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of storing the property;

3. To the payment of court costs and costs of the sheriff in conducting the sale;

4. To the payment of restitution to the victim; and

5. The balance of the proceeds of such sale shall be paid to the defendant.

M. If the court finds that the party seeking the forfeiture failed to satisfy the requirements provided for in subsection G of this section, the court shall order the property released to the owner or owners.

N. Upon failure to give the notice of seizure and intended forfeiture as provided in subsections B and C of this section, any owner or party in interest may petition the court for return of the property. The court shall schedule a hearing within ten (10) days of the filing of the petition for return of the property. The petitioner shall be required to prove ownership interest or other claim to the property and the court shall return the property if the claim is proved by a preponderance of the evidence and the property is not otherwise required as evidence in a criminal prosecution. Failure to give the notice of seizure and intended forfeiture shall not be construed to prohibit, deny, void or dismiss any criminal prosecution or serve as grounds for any motion to suppress evidence.

O. In addition to other provisions of this section, seized property shall be released upon the following conditions:

1. Dismissal of a forfeiture proceeding;

2. Failure to file criminal charges within ninety (90) days from the date of seizure, provided the property is held as evidence and not forfeited to the state or returned to an owner or party in interest as provided in subsection N of this section. Provided however, the district attorney may request the court to grant an extension beyond the ninety-day limitation for filing charges if a

criminal investigation may result in charges being filed after that time. If an extension to file criminal charges is granted, the seized property may be held until the court orders the property released; or

3. Dismissal or acquittal of criminal charges, provided the property is held as evidence and not forfeited to the state or returned to an owner or party in interest as provided in subsection N of this section.

SECTION 17. AMENDATORY 22 O.S. 1991, Section 991b, as amended by Section 2, Chapter 320, O.S.L. 1994 (22 O.S. Supp. 1996, Section 991b), is amended to read as follows:

Section 991b. Whenever a sentence has been suspended by the court after conviction of a person for any crime, or a term of supervised release has been imposed, the suspended sentence or supervised release of said person may not be revoked, in whole or in part, for any cause unless a petition setting forth the grounds for such revocation and establishing violation of the conditions of probation, suspended sentence, or supervised release is filed by the district attorney with the clerk of the sentencing court ~~and competent evidence justifying the revocation of said suspended sentence is~~. The petition establishing a violation shall be presented to the court at a hearing to be held for that purpose within twenty (20) days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant. The state shall prove a violation of the conditions of probation, suspended sentence, or supervised release by a preponderance of the evidence.

~~Where~~ If one of the grounds for revocation is the failure of the defendant to make restitution as ordered, the Department of Corrections shall forward to the district attorney all information pertaining to the defendant's failure to make timely restitution as

ordered by the court, and said district attorney shall file a petition setting forth the grounds for revocation.

The defendant ordered to make restitution can petition the court at any time for remission or a change in the terms of the order of restitution if he undergoes a change of condition which materially affects his ability to comply with the court's order.

At the hearing, if one of the grounds for the petition for revocation is the defendant's failure to make timely restitution as ordered by the court, the court will hear evidence and if it appears to the satisfaction of the court from such evidence that the terms of the order of restitution create a manifest hardship on the defendant or his immediate family, the court may cancel all or any part of the amount still due, or modify the terms or method of payment.

The court may revoke a portion of the sentence and leave the remaining part not revoked, but suspended <u>or a term of supervised release imposed</u> for the remainder of the term of the sentence, and under the provisions applying to it. The person whose suspended sentence <u>or supervised release</u> is being considered for revocation at said hearing shall have the right to be represented by counsel, to present competent evidence in his own behalf and to be confronted by the witnesses against him. Any order of the court revoking such suspended sentence <u>or supervised release</u>, in whole or in part, shall be subject to review on appeal, as in other appeals of criminal cases. Provided, however, that if the crime for which the suspended sentence <u>or supervised release</u> is given was a felony, he may be allowed bail pending appeal. If the reason for revocation be that the defendant committed a felony, he shall not be allowed bail pending appeal.

SECTION 18. AMENDATORY 22 O.S. 1991, Section 991c, as last amended by Section 2, Chapter 304, O.S.L. 1996 (22 O.S. Supp. 1996, Section 991c), is amended to read as follows:

Section 991c. A. Upon a verdict a ~~or plea of guilty or upon a plea of nolo contendere~~ other than not guilty, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings upon the specific conditions prescribed by the court, as provided by Section 991a of this title, but not to exceed a five-year period. The court shall first consider restitution among the various conditions it may prescribe. ~~The court may also consider ordering the defendant to:~~

~~1. Engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the defendant;~~

~~2. County jail confinement for a period not to exceed ninety (90) days or the maximum amount of jail time provided for the offense, if it is less than ninety (90) days;~~

~~3. Pay an amount as reimbursement for reasonable attorney fee, to be paid into the court fund, if a court-appointed attorney has been provided to defendant;~~

~~4. Be supervised in the community for a period not to exceed two (2) years. As a condition of any supervision, the defendant shall be required to pay a supervision fee of Forty Dollars ($40.00) per month. The supervision fee shall be waived in whole or part by the supervisory agency when the accused is indigent. No person shall be denied supervision based solely on the person's inability to pay a fee;~~

~~5. Pay into the court fund a monthly amount not exceeding Forty Dollars ($40.00) per month during any period during which the proceedings are deferred when the defendant is not to be supervised in the community. The total amount to be paid into the court fund shall be established by the court and shall not exceed the amount of the maximum fine authorized by law for the offense; or~~

~~6. Make other reparations to the community or victim as required and deemed appropriate by the court.~~

B. ~~In addition to any conditions of supervision provided for in subsection A of this section, the court shall, in the case of a person before the court for the offense of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol and another intoxicating substance, or who is before the court for the offense of operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require the person to participate in an alcohol and drug substance abuse evaluation program offered by a facility or qualified practitioner certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the facility or qualified practitioner for the evaluation. The Department of Mental Health and Substance Abuse Services shall establish a fee schedule, based upon a person's ability to pay, provided the fee for an evaluation shall not exceed Seventy-five Dollars ($75.00). The evaluation shall be conducted at a certified facility, the office of a qualified practitioner or at another location as ordered by the court. The facility or qualified practitioner shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its determination of conditions for deferred sentence. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this subsection for any treatment program or alcohol and drug substance abuse service in which the person, agency or facility has a vested interest; however, this~~

~~provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep the report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this subsection. As used in this subsection, "qualified practitioner" means a person with at least a bachelor's degree in substance abuse treatment, mental health or a related health care field and at least two (2) years' experience in providing alcohol abuse treatment, other drug abuse treatment, or both alcohol and other drug abuse treatment who is certified each year by the Department of Mental Health and Substance Abuse Services to provide these assessments. However, any person who does not meet the requirements for a qualified practitioner as defined herein, but who has been previously certified by the Department of Mental Health and Substance Abuse Services to provide alcohol or drug treatment or assessments, shall be considered a qualified practitioner provided all education, experience and certification requirements stated herein are met by September 1, 1995. The court may also require the person to participate in one or both of the following:~~

~~1. An alcohol and drug substance abuse course, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and~~

~~2. A victims impact panel program, if such a program is offered in the county where the judgment is rendered. The defendant shall be required to pay a fee, not less than Five Dollars ($5.00) nor more than Fifteen Dollars ($15.00) as set by the governing authority of the program and approved by the court, to the victims impact~~

~~panel program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.~~

~~C.~~ Upon completion of the conditions of the deferred judgment, and upon a finding by the court that the conditions have been met and all fines, fees, and monetary assessments have been paid as ordered, the defendant shall be discharged without a court judgment of guilt, and the court shall order the verdict or plea of guilty or plea of nolo contendere to be expunged from the record and the charge shall be dismissed with prejudice to any further action. The procedure to expunge the defendant's record shall be as follows:

1. All references to the defendant's name shall be deleted from the docket sheet;

2. The public index of the filing of the charge shall be expunged by deletion, mark-out or obliteration;

3. Upon expungement, the court clerk shall keep a separate confidential index of case numbers and names of defendants which have been obliterated pursuant to the provisions of this section;

4. No information concerning the confidential file shall be revealed or released, except upon written order of a judge of the district court; and

5. Defendants qualifying under Section ~~18~~ 19 of this title may petition the court to have the filing of the indictment and the dismissal expunged from the public index and docket sheet. This section shall not be mutually exclusive of Section ~~18~~ 19 of this title.

~~D.~~ C. Upon order of the court, the provisions of subsection ~~C~~ B of this section shall be retroactive.

D. Any expunged record shall not thereafter be regarded as an arrest or conviction for purposes of employment, civil rights, or any statutes, regulation, license, questionnaire or any public or private purpose; provided, that any such plea of guilty or finding

of guilt shall constitute a conviction of the offense for the purpose of any criminal statutes under which the existence of a prior conviction is relevant.

E. Upon violation of any condition of the deferred judgment, the court may ~~enter~~:

1. Enter a judgment of guilt and proceed as provided in Section 991a of this title; or ~~may modify any condition imposed~~

2. Modify the conditions of probation, including any additional conditions available pursuant to Section 991a of this title and continue deferment of the judgment and sentence. Prior to modifying the conditions of probation, the court shall provide notice of the proposed modification and the basis for the modification. Unless waived by both the state and the defendant, the court shall provide for a hearing on the modification of the conditions of probation. Provided, however, if the deferred judgment is for a felony offense, and the defendant commits another felony offense, the defendant shall not be allowed bail pending appeal.

F. The deferred judgment procedure described in this section shall only apply to defendants not having been previously convicted of a felony offense.

G. The deferred judgment procedure ~~described in this section~~ shall not apply to defendants who plead guilty or nolo contendere to a sex offense. The term "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991c-1 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. When a defendant is convicted of a crime, and no death sentence or sentence of life without the possibility of parole is imposed, the court may suspend the term of confinement in whole or in part. Provided, however, a court shall not suspend, in whole or

in part, any mandatory term of confinement imposed. The suspended sentence may be with or without any of the conditions authorized by Section 991a of Title 22 of the Oklahoma Statutes. An offender being sentenced for a third conviction, or subsequent to a third conviction, shall not be eligible to receive a suspended sentence. An offender being sentenced for a third or subsequent offense may be sentenced to community corrections or supervised release, as provided by law.

B. A term of supervised release may be imposed for an offender who is not eligible to receive a probated sentence, neither a deferred sentence provided for by Section 991c of Title 22 of the Oklahoma Statutes nor a suspended sentence pursuant to this section. The term of supervised release may be with or without any of the conditions authorized by Section 991a of Title 22 of the Oklahoma Statutes. The length of the term of supervised release shall not exceed the term prescribed by Section 22 of this act for the offense or conviction. For a Schedule A, Schedule B, Schedule C, Schedule D, Schedule I-1, Schedule N-1, Schedule N-2, Schedule N-3, Group A and Group B, Schedule S-1, or Schedule S-2 crime, the term of supervised release shall not exceed five (5) years. For a Schedule D-1, Schedule D-2, Schedule E, Schedule F, Schedule G, Schedule I-2, Schedule N-3 - Group C, Schedule N-4, Schedule S-3, or Schedule S-4 crime, the term of supervised release shall not exceed five (5) years. For a Schedule H, Schedule I-3, or Schedule N-5 crime, the term of supervised release shall not exceed three (3) years.

C. Whenever a defendant receives a probated sentence, either a deferred sentence pursuant to Section 991c of Title 22 of the Oklahoma Statutes, or a suspended sentence, provided for by this section, or a term of supervised release, provided for by this section, the revocation of the probated sentence shall be pursuant to the procedures provided for by Section 991b of Title 22 of the Oklahoma Statutes. The term of confinement for an acceleration or

revocation of a probated sentence will be determined on the sentencing matrices at one level to the right from where the offender was originally sentenced. Each subsequent revocation shall move the offender one level to the right on the sentencing matrices.

D. The term of confinement for violation of a suspended sentence shall not exceed the applicable range of punishment for the offense committed.

E. For purposes of calculating the amount of time for which an offender may be revoked on a suspended sentence, or a term of supervised release, the offender shall be given credit for each day of the sentence completed prior to the filing of an application to revoke a suspended sentence or supervised release.

SECTION 20. AMENDATORY 21 O.S. 1991, Section 42, is amended to read as follows:

Section 42. Every person who attempts to commit any crime, and in such attempt does any act toward the commission of such crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempt, as follows:

1. If the offense so attempted be punishable by imprisonment in ~~the penitentiary for four (4) year or more,~~ a facility of the Department of Corrections or by imprisonment in a county jail, the person guilty of such attempt is punishable by ~~imprisonment in the penitentiary, or in a county jail, as the case may be, for a term not exceeding one-half (1/2) the longest term of imprisonment prescribed upon a conviction for the offense so attempted~~ the range of punishment for the completed crime as provided by the Oklahoma Truth in Sentencing Act, unless specifically stated otherwise.

2. ~~If the offense so attempted be punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of such attempt is punishable by imprisonment in a county jail for not more than one (1) year.~~

~~3.~~ If the offense so attempted be punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction of the offense so attempted.

~~4.~~ 3. If the offense so attempted be punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half (1/2) the longest term of imprisonment and the fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction for the offense so attempted.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unless otherwise provided by law, for any crime listed in subsection B of this section that is originally a misdemeanor and that, prior to the effective date of the Oklahoma Truth in Sentencing Act, would be a felony for a second or subsequent offense, the crime shall remain a misdemeanor for second and subsequent offenses committed on or after the effective date of the Oklahoma Truth in Sentencing Act.

B. This section shall apply to the following crimes:

1. Violation of the Consumer Protection Act, as provided for in Section 761.1 of Title 15 of the Oklahoma Statutes;

2. Administration of certain substances or performance of certain surgical procedures to alter appearance of livestock, as provided for in Section 1229 of Title 21 of the Oklahoma Statutes;

3. Unlawful reproduction for sale of sound recording or audiovisual work, as provided for in Section 1976 of Title 21 of the Oklahoma Statutes;

4. Unlawful sale or offer for sale of sound recording, as provided for in Section 1977 of Title 21 of the Oklahoma Statutes;

5. Unlawful transfer of article or sound recording or performance for unauthorized sale, as provided for in Section 1978 of Title 21 of the Oklahoma Statutes;

6. Advertisement, rental, sale, resale, distribution or circulation of article without actual true name of manufacturer, as provided for in Section 1979 of Title 21 of the Oklahoma Statutes;

7. Counterfeit labels, as provided for in Section 1980 of Title 21 of the Oklahoma Statutes;

8. Possession of marijuana, as provided for in Section 2-402 of Title 63 of the Oklahoma Statutes;

9. Violating tax code by shipping, transporting, receiving, possessing, selling, distributing, or purchasing contraband cigarettes, as provided for in Section 349 of Title 68 of the Oklahoma Statutes;

10. Violating tax code by shipping, transporting, receiving, possessing, selling, distributing, or purchasing contraband tobacco products, as provided for in Section 426 of Title 68 of the Oklahoma Statutes; and

11. Violating sales tax code by improper permit to do business, as provided for in Section 1364 of Title 68 of the Oklahoma Statutes.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Beginning on the effective date of the Oklahoma Truth in Sentencing Act, felonies shall be classified pursuant to Section 7 of this act except for Schedule A shall be punished as provided by the sentencing matrices in accordance with the application of any sentencing enhancers established by the Oklahoma Truth in Sentencing Act.

1. Schedule A which is reserved for the crime of murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma

Statutes and is not subject to the application of the sentencing matrices pursuant to the Oklahoma Truth in Sentencing Act shall be punished pursuant to subsection A of Section 701.9 of Title 21 of the Oklahoma Statutes;

2. A Schedule B offense shall be a felony punishable by:

   a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

   b. a fine not to exceed Twenty-five Thousand Dollars ($25,000.00), and

   c. a term of supervised release not to exceed five (5) years;

3. A Schedule C offense shall be a felony punishable by:

   a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

   b. a fine not to exceed Twenty Thousand Dollars ($20,000.00), and

   c. a term of supervised release not to exceed five (5) years, and

   d. a mandatory term of twenty-five (25) years, if the offender is eligible for a habitual offender sentence pursuant to paragraph 6 of subsection B of Section 8 of this act;

4. A Schedule D level offense shall be a felony punishable by:

   a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and

relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Twenty Thousand Dollars ($20,000.00), and

c. a term of supervised release not to exceed five (5) years;

5. A Schedule D1 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Ten Thousand Dollars ($10,000.00), and

c. a term of supervised release not to exceed five (5) years;

6. A Schedule D2 shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Ten Thousand Dollars ($10,000.00), and

c. a term of supervised release not to exceed five (5) years;

7. A Schedule E offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Two Hundred Thousand Dollars ($200,000.00), and

c. a term of supervised release not to exceed five (5) years;

8. A Schedule F offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Ten Thousand Dollars ($10,000.00), and

c. a term of supervised release not to exceed five (5) years;

9. A Schedule G offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed One Hundred Thousand Dollars ($100,000.00), and

c. a term of supervised release not to exceed five (5) years;

10. A Schedule H offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed One Hundred Thousand Dollars ($100,000.00), and

c. a term of supervised release not to exceed three (3) years;

11. A Schedule I-1 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Five Thousand Dollars ($5,000.00), and

c. a term of supervised release not to exceed ten (10) years;

12. A Schedule I-2 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Five Thousand Dollars ($5,000.00), and

c. a term of supervised release not to exceed five (5) years;

13. A Schedule I-3 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Two Thousand Five Hundred Dollars ($2,500.00), and

c. a term of supervised release not to exceed three (3) years;

14. A Schedule N-1 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not less than Fifty Thousand Dollars ($50,000.00), and

c. a term of supervised release not to exceed ten (10) years;

15. A Schedule N-2 Group A amount 1 offense shall be a felony punishable by:

a. term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. fine not less than Twenty-five Thousand Dollars ($25,000.00) nor more than One Hundred Thousand Dollars ($100,000.00), and

c. a term of supervised release not to exceed ten (10) years;

16. A Schedule N-2 Group A amount 2 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not less than Fifty Thousand Dollars ($50,000.00) nor more than Five Hundred Thousand Dollars ($500,000.00), and

c. a term of supervised release not to exceed five (5) years;

17. A Schedule N-2 Group B amount 1 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not less than Twenty-five Thousand Dollars ($25,000.00) nor more than Two Hundred Thousand Dollars ($200,000.00), and

c. a term of supervised release not to exceed five (5) years;

18. A Schedule N-2 Group B amount 2 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Five Hundred Thousand Dollars ($500,000.00), and

c. a term of supervised release not to exceed five (5) years;

19. A Schedule N-3 Group A offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not less than Two Hundred Thousand Dollars ($200,000.00), and

c. a term of supervised release not to exceed five (5 years;

20. A Schedule N-3 Group B offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not less than Twenty Thousand Dollars ($20,000.00), and

c. a term of supervised release not to exceed five (5) years;

21. A Schedule N-3 Group C offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not less than Twenty Thousand Dollars ($20,000.00), and

c. a term of supervised release not to exceed five (5) years;

22. A Schedule N-4 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Five Hundred Thousand Dollars ($500,000.00), and

c. a term of supervised release not to exceed five (5) years;

23. A Schedule N-5 offense shall be a felony punishable by:

a. term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not less than Ten Thousand Dollars ($10,000.00), and

c. a term of supervised release not to exceed three (3) years;

24. A Schedule S-1 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00), and

c. a term of supervised release not to exceed five (5) years;

25. Except as provided in division 6 of subparagraph d of this paragraph, a Schedule S-2 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not less than Five Thousand Dollars ($5,000.00) but not to exceed Twenty-five Thousand Dollars ($25,000.00),

c. a term of supervised release not to exceed five (5) years, and

d. an offender convicted of a Schedule S-2 offense may be sentenced as an S-1 offender where the state has alleged and proven by clear and convincing evidence that one or more of the following aggravating factors exist:

(1) the Schedule S-2 offense was committed upon a victim thirteen (13) years of age or younger or upon a victim sixty-five (65) years of age or older,

(2) the Schedule S-2 offense was committed with the use of a dangerous weapon,

(3) the Schedule S-2 offense was committed by two (2) or more offenders participating in the commission of the offense,

(4) the Schedule S-2 offense was forcibly committed by an offender against a victim who is disabled by reason of mental or physical illness,

(5) the commission of the Schedule S-2 offense resulted in serious bodily injury to the victim. "Serious bodily injury" means bodily injury which involved unconsciousness, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or

(6) the commission of the Schedule S-2 offense involved torture of the victim, or evidenced a

depravity of mind toward the victim, or created a substantial risk of death;

26. A Schedule S-3 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Twenty-five Thousand Dollars ($25,000.00), and

c. a term of supervised release not to exceed five (5) years; and

27. A Schedule S-4 offense shall be a felony punishable by:

a. a term of confinement of not less than level 1 nor more than level 9 to be determined based on the application of any established sentence enhancers and relevant sentencing procedures to the sentencing matrices,

b. a fine not to exceed Twenty-five Thousand Dollars ($25,000.00), and

c. a term of supervised release not to exceed five (5) years.

B. Beginning on the effective date of the Oklahoma Truth in Sentencing Act, criminal offenses shall be punished as provided by the sentencing matrices provided in Section 6 of this act and in accordance with the application of any sentencing enhancers or departures established by the Oklahoma Truth in Sentencing Act.

SECTION 23. AMENDATORY 57 O.S. 1991, Section 95, is amended to read as follows:

Section 95. Any person convicted of an offense against the laws of this state and sentenced to imprisonment that is not to be served in a county jail shall be transported by the sheriff of the county

where said person is sentenced, or the designated representative of the sheriff, to the Lexington Assessment and Reception Center. The sheriff shall deliver such person together with a certified copy of the judgment and sentence of the court ordering such imprisonment and a certificate setting forth the number of days served in the county jail after the pronouncement of judgment and rendering of sentence for the offenses committed to the Department of Corrections at such center and the Department shall give the sheriff a receipt for each prisoner received. The receipt shall be filed by the sheriff in the office of the clerk of the court where the sentence was made.

SECTION 24. AMENDATORY 57 O.S. 1991, Section 138, as last amended by Section 6, Chapter 360, O.S.L. 1993 (57 O.S. Supp. 1996, Section 138), is amended to read as follows:

Section 138. A. All persons convicted of crimes committed on or after the effective date of the Oklahoma Truth in Sentencing Act, whether their sentences are for incarceration, in whole or in part, or are for probation which is subsequently revoked, shall receive only those earned credits pursuant to and limited by subparagraph b of paragraph 2 of subsection E of this section and paragraph 2 of subsection H of this section.

B. Except as otherwise provided by law, every inmate of a state correctional institution shall have their term of imprisonment reduced monthly, based upon the class level to which they are assigned. Earned credits may be subtracted from the total credits accumulated by an inmate, upon recommendation of the institution's disciplinary committee, following due process, and upon approval of the warden or superintendent. Each earned credit is equivalent to one (1) day of incarceration. Lost credits may be restored by the warden or superintendent upon approval of the classification committee. If a maximum and minimum term of imprisonment is imposed, the provisions of this subsection shall apply only to the

maximum term. No deductions shall be credited to any inmate serving a sentence of life imprisonment; however, a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority.

~~B.~~ C. The Department of Corrections is directed to develop a written policy and procedure whereby inmates shall be assigned to one (1) of four (4) class levels determined by an adjustment review committee of the facility to which the inmate is assigned. The policies and procedures developed by the Department shall include, but not be limited to, written guidelines pertaining to awarding credits for rehabilitation, obtaining job skills and educational enhancement, participation in and completion of alcohol/chemical abuse programs, incentives for inmates to accept work assignments and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance. When assigning inmates to a class level the adjustment review committee shall consider all aspects of the policy and procedure developed by the Department, including but not limited to, the criteria for awarding credits required by this subsection.

~~C.~~ D. If an inmate who has been assessed to be capable of benefiting from education programs refuses assignment to an education program, the inmate shall remain in class level 1 until such time as the inmate accepts an educational assignment.

~~D.~~ E. 1. Class levels shall be as follows:

a. Class level 1 shall include inmates not eligible to participate in class levels 2 through 4, and shall include, but not be limited to, inmates on escape status, inmates refusing job, education, or program assignments, inmates removed from job, education, or program assignments due to misconduct or

nonperformance, or inmates subject to disciplinary action.

b. Class level 2 shall include an inmate who has been given a work, education, or program assignment, has received a good evaluation for participation in the work, education, or program assignment, and has received a good evaluation for personal hygiene and maintenance of living area.

c. Class level 3 shall include an inmate who has been incarcerated at least four (4) months, has received an excellent work, education, or program evaluation, and has received an excellent evaluation for personal hygiene and maintenance of living area.

d. Class level 4 shall include an inmate who has been incarcerated at least ten (10) months, has received an outstanding work, education, or program evaluation, and has received an outstanding evaluation for personal hygiene and maintenance of living area.

2. a. Class level corresponding credits for inmates who were sentenced for crimes committed prior to the effective date of the Oklahoma Truth in Sentencing Act, are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 33 Credits per month;

Class 4 - 44 Credits per month.

b. Class level corresponding credits for inmates who are sentenced for crimes committed on or after the effective date of the Oklahoma Truth in Sentencing Act, are as follows:

Class 1 - 0 Credits per month;

Class 2 - 3 Credits per month;

Class 3 - 5 Credits per month;

Class 4 - 10 Credits per month.

Provided, however, for inmates who are sentenced for crimes committed on or after the effective date of the Oklahoma Truth in Sentencing Act, the combined credits for all purposes cannot exceed fifteen percent (15%) of the sentence.

Each inmate shall receive the above specified monthly credits for the class to which he is assigned.

3. In addition to the criteria established for each class in paragraph 1 of this subsection, the following requirements shall apply to each of levels 2 through 4:

a. satisfactory participation in the work, education, or program assignment at the standard required for the particular class level;

b. maintenance of a clean and orderly living area and personal hygiene at the standard required for the particular class level;

c. cooperative behavior toward facility staff and other inmates;

d. satisfactory participation in the requirements of the previous class level.

4. The evaluation scale for assessing performance shall be as follows:

a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits.

b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.

c. Good - For inmates who perform in a satisfactory manner and complete tasks as required, doing what is expected, with only occasional performance above or below expectations.

d. Fair - For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.

e. Poor - For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

~~E.~~ F. The policy and procedure developed by the Department of Corrections shall include provisions for adjustment review committees of not less than three (3) members for each such committee. Each committee shall consist of a classification team supervisor who shall act as chairman, the case manager for the inmate being reviewed or classified, a correctional officer or inmate counselor, and not more than two other members, if deemed necessary, determined pursuant to policy and procedure to be appropriate for the specific adjustment review committee or committees to which they are assigned. At least once every four (4) months the adjustment review committee for each inmate shall evaluate the class level status and performance of the inmate and determine whether or not the class level for the inmate should be changed.

Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated.

~~F.~~ G. Inmates granted medical leaves for treatment that cannot be furnished at the penal institution where incarcerated shall be allowed the time spent on medical leave as time served. Any inmate classified by the Department of Corrections as being physically or mentally disabled for work or placed into administrative segregation for nondisciplinary reasons by the institution's administration may be placed in Class 2. The length of any jail term served by an inmate before being transported to a state correctional institution

pursuant to a judgment and sentence of incarceration shall be deducted from his term of imprisonment at the state correctional institution. Inmates sentenced to the Department of Corrections and detained in a county jail as a result of the Department's reception scheduling procedure shall be awarded earned credits as provided for in subparagraph b of paragraph 1 of subsection ~~D~~ E of this section, beginning on the date of the judgment and sentence, unless the inmate is convicted of a misdemeanor or felony committed in the jail while the inmate is awaiting transport to the Lexington Assessment and Reception Center.

~~G. Additional~~ H. 1. For inmates who were sentenced for crimes committed prior to the effective date of the Oklahoma Truth in Sentencing Act, additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

High School Diploma or Equivalent General Education Diploma ..... 90 credits;

Certification of Completion of Vocational Training ..... 80 credits;

Successful completion of Alcohol/Chemical Abuse Treatment Program of not less than four (4) months continuous participation ..... 70 credits;

Successful completion of other Educational Accomplishments or other programs not specified in this subsection 10 - 30 credits;

2. For inmates who are sentenced for crimes committed on or after the effective date of the Oklahoma Truth in Sentencing Act, additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

High School Diploma or Equivalent General Education Diploma ... 45 credits;

Certification of Completion of Vocational Training ... 40 credits;

Successful completion of Alcohol/Chemical Abuse Treatment Program of not less than four (4) months continuous participation .... 35 credits;

Successful completion of other Educational Accomplishments or other programs not specified in this subsection ..... 5 - 15 credits;

Achievement earned credits are subject to loss and restoration in the same manner as earned credits. No inmate shall receive more than ninety (90) achievement credits per calendar year. The combined awarded credits for all purposes for inmates sentenced for crimes committed on or after the effective date of the Oklahoma Truth in Sentencing Act shall not reduce a sentence more than fifteen percent (15%).

~~H.~~ I. The accumulated time of every inmate shall be tallied monthly and maintained by the institution where the term of imprisonment is being served. A record of said accumulated time shall be:

1. Sent to the administrative office of the Department of Corrections on a quarterly basis; and

2. Provided to the inmate.

~~I.~~ J. As of ~~the effective date of this act~~ November 1, 1988, all inmates currently under the custody of the Department of Corrections shall receive their assignments and all credits from that date forward shall be calculated ~~pursuant to this act~~ as provided in this section.

SECTION 25. AMENDATORY 57 O.S. 1991, Section 332, is amended to read as follows:

Section 332. The Governor shall have power to grant, after conviction, reprieves, commutations, paroles and pardons for all offenses, except cases of impeachment, upon such conditions and such restrictions and limitations as ~~he~~ may ~~deem~~ be deemed proper by the Governor, subject, however, to the regulations ~~hereinbefore~~ prescribed by law and the provisions of Section 10 of Article VI of the Oklahoma Constitution.

SECTION 26. AMENDATORY 57 O.S. 1991, Section 332.7, as last amended by Section 1, Chapter 168, O.S.L. 1996 (57 O.S. Supp. 1996, Section 332.7), is amended to read as follows:

Section 332.7 A. Upon completion of one-third (1/3) of the sentence of any person in the custody of the Department of Corrections, such person shall be eligible for consideration for a parole, and it shall be the duty of the Pardon and Parole Board to cause an examination to be made at the penal institution where the person is assigned, and to make inquiry into the conduct and the record of the said person during his custody in the Department of Corrections, which shall be considered as a basis for consideration of said person for recommendation to the Governor for parole. However, the Pardon and Parole Board shall not be required to consider for parole any person who has completed one-third (1/3) of his sentence if the person has participated in a riot or in the taking of hostages, or has been placed on escape status, while in the custody of the Department of Corrections. The Pardon and Parole Board shall adopt policies and procedures governing parole consideration for such persons.

B. The Pardon and Parole Board shall not recommend to the Governor any person who has been convicted of three or more felonies arising out of separate and distinct transactions, with three or more incarcerations for such felonies, unless such person shall have served the lesser of at least one-third (1/3) of the sentence imposed, or ten (10) years; provided that whenever the population of

the prison system exceeds ninety-five percent (95%) of the capacity as certified by the State Board of Corrections, the Pardon and Parole Board may, at its discretion, recommend to the Governor for parole any person who is incarcerated for a nonviolent offense not involving injury to a person and who is within six (6) months of his or her statutory parole eligibility date.

C. Any person in the custody of the Department of Corrections who is convicted of an offense not designated as a violent offense by Section 571 of Title 57 of the Oklahoma Statutes and who is not a citizen of the United States and is or becomes subject of a final order of deportation issued by the United States Department of Justice shall be considered for parole to the custody of the United States Immigration and Naturalization Service for continuation of deportation proceedings at any time subsequent to processing through the Lexington Assessment and Reception Center.

D. Upon application of any person convicted and sentenced by a court of this state and relinquished to the custody of another state or federal authorities pursuant to Section 61.2 of Title 21 of the Oklahoma Statutes, the Pardon and Parole Board may determine a parole consideration date consistent with the provisions of this section and criteria established by the Pardon and Parole Board.

E. No person who is appearing out of the normal processing procedure shall be eligible for consideration for parole without the concurrence of at least three (3) members of the Pardon and Parole Board.

F. For persons sentenced pursuant to the Oklahoma Truth in Sentencing Act, the provisions of this section shall not apply to any person sentenced for a crime committed on or after the effective date of the Oklahoma Truth in Sentencing Act, except as to the final fifteen percent (15%) of their sentence.

SECTION 27. AMENDATORY 57 O.S. 1991, Section 332.8, as last amended by Section 19, Chapter 2, O.S.L. 1994 (57 O.S. Supp. 1996, Section 332.8), is amended to read as follows:

Section 332.8 No recommendations to the Governor for parole shall be made in relation to any inmate in a penal institution in the State of Oklahoma unless the Pardon and Parole Board considers the victim impact statements ~~if presented to the jury, or the judge in the event a jury was waived, at the time of sentencing~~ provided for in Section 984.1 of Title 22 of the Oklahoma Statutes, if submitted, and, in every appropriate case, as a condition of parole, monetary restitution of economic loss as defined by Section 991f of Title 22 of the Oklahoma Statutes, incurred by a victim of the crime for which the inmate was imprisoned. In every case, the Pardon and Parole Board shall first consider the number of previous felony convictions and the type of criminal violations leading to any such felony convictions, then shall consider either suitable employment or a suitable residence, and finally shall mandate participation in education programs to achieve the proficiency level established in Section 510.7 of this title or, at the discretion of the Board require the attainment of a general education diploma, as a condition for release on parole. The probation and parole officer shall render every reasonable assistance to any person making application for parole, in helping to obtain suitable employment or enrollment in an education program or a suitable residence. Any inmate who fails to satisfactorily attend and make satisfactory progress in the educational program in which the inmate has been required to participate as a condition of eligibility for parole, shall have his or her eligibility for parole revoked. Any such inmate shall be returned to confinement in the custody of the Department of Corrections.

SECTION 28. AMENDATORY 57 O.S. 1991, Section 365, as amended by Section 7, Chapter 125, O.S.L. 1993 (57 O.S. Supp. 1996, Section 365), is amended to read as follows:

Section 365. A. Whenever the population of the prison system is certified by the State Board of Corrections as exceeding ninety-five percent (95%) of its capacity, as defined in Section 571 of this title, the Department of Corrections and the Pardon and Parole Board shall implement a Preparole Conditional Supervision Program until such time as the population is reduced to ninety-two and one-half percent (92 1/2%) of capacity, for persons in the custody of the Department of Corrections who meet the following guidelines:

1. Only inmates who are otherwise eligible for parole, pursuant to Sections 332.7 and 332.8 of this title, shall be eligible to participate in this program;

2. An inmate shall serve at least fifteen percent (15%) of his sentence of incarceration and be within one (1) year of his regularly scheduled parole consideration date or be within twenty-one (21) months of his projected release date, prior to being eligible for this program; and

3. Only inmates who have attained the proficiency level established by Section ~~3~~ 510.7 of this ~~act~~ title, unless exempted by said section, or who comply with education requirements as provided in subsection C of Section ~~4~~ 510.8 of this ~~act~~ title shall be eligible for participation in this program.

B. Upon an inmate becoming eligible for this program it shall be the duty of the Pardon and Parole Board, with or without application being made, to cause an examination to be made of the criminal record of the inmate and to make inquiry into the conduct and the record of said inmate during his confinement in the custody of the Department of Corrections.

C. Upon favorable recommendation by the Pardon and Parole Board, notification shall be made to the Department of Corrections that said inmate has been recommended to be placed in this program.

D. Prior to the placement of an inmate on Preparole Conditional Supervision, the Department shall provide written notification to the sheriff and district attorney of the county in which any person on Preparole Conditional Supervision is to be placed and to the chief law enforcement officer of any incorporated city or town in which said person is to be placed of the placement of the person on Preparole Conditional Supervision within the county or incorporated city or town. The Department also shall provide written notification of the placement of the person on Preparole Conditional Supervision within the county or incorporated city or town to any victim of the crime for which the inmate was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Department of Corrections shall not give the address of the inmate to any victim of the crime for which the inmate was convicted.

E. Should an inmate violate any rule or condition during the period of community supervision, the inmate shall be subject to disciplinary proceedings as established by the Department of Corrections.

F. Any inmate who escapes from this program shall be subject to the provisions of Section 443 of Title 21 of the Oklahoma Statutes.

G. Any inmate who fails to satisfactorily attend and make satisfactory progress in the educational program in which the inmate has been required to participate as a condition of eligibility for this program shall have ~~his or her~~ eligibility for this program revoked. Any such inmate shall be returned to confinement in the custody of the Department of Corrections.

H. For persons sentenced pursuant to the Oklahoma Truth in Sentencing Act, the provisions of this section shall not apply to

any person sentenced for a crime committed on or after the effective date of the Oklahoma Truth in Sentencing Act, and such person shall not be committed to the Preparole Conditional Supervision Program.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1516 of Title 22, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Corrections to be designated the "Truth in Sentencing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department of Corrections from funds appropriated by the Legislature to implement the Truth in Sentencing Act and any other funds received from any other source for implementation of the Truth in Sentencing Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Corrections for the purpose of incarceration of convicted felony offenders and supervision of felony offenders who are placed under the supervision of the Department of Corrections pursuant to the provisions of the Truth in Sentencing Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Beginning July 1, 1997, sentencing of offenders in the Oklahoma criminal justice system shall be in accordance with the range of punishment and procedures in effect on July 1, 1997; however, the sentencing judge shall make findings in accordance with the recommended policies and procedures of the Oklahoma Truth in Sentencing Act.

B. When sentencing an offender, the court shall ensure that, in addition to the actual sentence imposed, the following findings which would establish the applicable range of punishment if the offender were to be sentenced pursuant to the Oklahoma Truth in Sentencing Act are entered in the summary of facts and filed in the case in accordance with rules established by the Oklahoma Court of Criminal Appeals:

1. The schedule of each offense of conviction, pursuant to the list of scheduled offenses provided for in Section 7 of this act;

2. The presence and type or types of any offense enhancers provided for by Section 8 of this act;

3. The prior criminal history of the offender which would provide the basis of prior record enhancers provided for by Section 8 of this act;

4. The location of the offender on the sentencing matrices provided for by the Oklahoma Truth in Sentencing Act;

5. The presumed placement of the offender based on the matrix block to which the offender would be sentenced pursuant to the Oklahoma Truth in Sentencing Act;

6. The application of any departures provided for by Section 9 of this act; and

7. The recommended sentence range that would be imposed pursuant to the provisions of the Oklahoma Truth in Sentencing Act, including any terms of probation or supervised release, terms of confinement and conditions placed on the sentence.

C. Failure to follow the provisions of this section shall be stated, explained and entered in the summary of facts and filed in the case in accordance with rules established by the Oklahoma Court of Criminal Appeals.

D. The provisions of this section are not intended to alter or affect the rights of any criminal defendant, and shall not be a basis of an appeal of a criminal conviction or sentence.

SECTION 31. A. On the first day of the Second Session of the Forty-Sixth Legislature, the Oklahoma Truth in Sentencing Policy Advisory Commission shall present to each house of the Legislature and the Governor recommendations for amendments to the sentencing matrices of the Oklahoma Truth in Sentencing Act, pursuant to the powers and duties granted to the Commission by Sections 1501 through 1515 of Title 22 of the Oklahoma Statutes.

B. The recommendations of the Commission shall include:

1. Sentencing matrices consistent with the sentencing policies of the State of Oklahoma pursuant to Sections 1501 through 1515 of Title 22 of the Oklahoma Statutes and the requirement that offenders must serve eighty-five percent (85%) of the sentence imposed, pursuant to the Oklahoma Truth in Sentencing Act;

2. Fiscal impact statements and reports to the Legislature concerning the initial and continued implementation of the sentencing matrices and the Oklahoma Truth in Sentencing Act; and

3. A certification of areas of the sentencing matrices in which correctional capacity is needed to ensure offenders will serve eighty-five percent (85%) of the sentence imposed. The Commission shall include with the certification:

a. recommendations for increasing the correctional capacity, and

b. proposed amendments to the sentencing matrices in the event correctional capacity would be increased by implementation of the matrices.

SECTION 32. REPEALER 21 O.S. 1991, Sections 51, 51A, 52 and 62, are hereby repealed.

SECTION 33. REPEALER 22 O.S. 1991, Sections 860, 926, 927, 928, 982a, 991a-5, 991a-6, 991a-7, 991a-8, 991a-9, 991a-10 and 991a-12, are hereby repealed.

SECTION 34. REPEALER 57 O.S. 1991, Section 353, and Sections 4 and 5, Chapter 187, O.S.L. 1993 (57 O.S. Supp. 1996, Sections 610 and 611), are hereby repealed.

SECTION 35. REPEALER 57 O.S. 1991, Sections 570, 572, 573, 574, 574.1, as amended by Section 11, Chapter 276, O.S.L. 1993, 575 and 576 (57 O.S. Supp. 1996, Section 574.1), shall be repealed January 1, 2001, if the Oklahoma Legislature has provided adequate facilities and programs to meet the mandates of the Oklahoma Truth in Sentencing Act.

SECTION 36. NONCODIFICATION The provisions of Sections 1 and 31 of this act shall not be codified in the Oklahoma Statutes.

SECTION 37. Sections 29, 30, 31 and 36 of this act shall become effective July 1, 1997.

SECTION 38. Sections 1 through 28 and Sections 32, 33 and 34 of this act shall become effective July 1, 1998, only if the Joint Legislative Committee on Budget and Program Oversight certifies that funds are available in the fund created pursuant to Section 29 of this act to implement the provisions of those sections, based on the information provided pursuant to Section 31 of this act, or if the Legislature amends said sections prior to July 1, 1998, to comply with available funds in the account as determined by the Joint Legislative Committee on Budget and Program Oversight.

SECTION 39. Section 35 of this act shall become effective January 1, 2001.

SECTION 40. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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