

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1409

By: Thompson

AS INTRODUCED

An Act relating to fines and fees; creating the Justice Reform Revolving Fund; providing for certain transfer of funds; directing certain funds be deposited; amending 22 O.S. 2011, Section 991a, as last amended by Section 10, Chapter 304, O.S.L. 2018 (22 O.S. Supp. 2019, Section 991a), which relates to sentencing powers of the Court; eliminating certain fee; amending 47 O.S. 2011, Section 11-1117, which relates to penalties related to all-terrain vehicles; modifying collection distribution of certain fine; amending 47 O.S. 2011, Section 1125, which relates to penalty for failure to register; elimination certain penalty; amending 74 O.S. 2011, Section 2217, which relates to prohibitions at state parks; modifying collection distribution of certain fine; repealing Section 2, Chapter 179, O.S.L. 2012 (19 O.S. Supp. 2019, Section 339.7), which relates to community service program assessment; repealing 47 O.S. 2011, Section 11-403.1, which relates to additional fee for failure to yield right of way; repealing 47 O.S. 2011, Section 40-123, as amended by Section 175, Chapter 304, O.S.L. 2012 (47 O.S. Supp. 2019, Section 40-123), which relates to the Motorcycle Safety and Education Program Revolving Fund; repealing 63 O.S. 2011, Section 4235 and 4236, as amended by Section 522, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2019, Section 4236), which relates to violation by parents and the Boating Safety Act; repealing 70 O.S. 2011, Section 18-118.1, as amended by Section 609, Chapter 304, O.S.L. 2012 (70 O.S. Supp. 2019, Section 18-118.1), which relates to the School Investigative Audit Revolving Fund; providing for codification; providing for noncodification; and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 1317 of Title 20, unless there  
4 is created a duplication in numbering, reads as follows:

5 There is hereby created in the State Treasury a revolving fund  
6 to be designated the "Justice Reform Revolving Fund". The fund  
7 shall be a continuing fund, not subject to fiscal year limitations.  
8 This fund shall be subject to legislative appropriation and shall  
9 consist of all monies transferred pursuant to Section 2 of this act  
10 and other revenues as may be provided by law.

11 SECTION 2. NEW LAW A new section of law not to be  
12 codified in the Oklahoma Statutes reads as follows:

13 On the effective date of this act, any unencumbered funds  
14 remaining in the Boating Safety Education Fund, the Motorcycle  
15 Safety and Education Program Revolving Fund and the School  
16 Investigative Audit Revolving Fund shall be transferred to the  
17 credit of the Justice Reform Revolving Fund, as created in Section 1  
18 of this act. Any unexpended funds remaining in the Boating Safety  
19 Education Fund, the Motorcycle Safety and Education Program  
20 Revolving Fund and the School Investigative Audit Revolving Fund  
21 after November 1, 2020, shall be transferred to the credit of the  
22 Justice Reform Revolving Fund, as created in Section 1 of this act.  
23  
24  
25

SECTION 3. AMENDATORY 22 O.S. 2011, Section 991a, as last amended by Section 10, Chapter 304, O.S.L. 2018 (22 O.S. Supp. 2019, Section 991a), is amended to read as follows:

Section 991a. A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program, 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:

a. to provide restitution to the victim as provided by Section 991f et seq. of this title or according to a schedule of payments established by the sentencing court, together with 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 the defendant is able to pay such restitution without imposing manifest hardship on the defendant or the immediate family and if the extent of the damage to the victim is determinable with reasonable certainty,

b. to reimburse any state agency for amounts paid by the state agency for hospital and medical expenses

1 incurred by the victim or victims, as a result of the  
2 criminal act for which such person was convicted,  
3 which reimbursement shall be made directly to the  
4 state agency, with interest accruing thereon at the  
5 rate of twelve percent (12%) per annum,

6 c. to engage in a term of community service without  
7 compensation, according to a schedule consistent with  
8 the employment and family responsibilities of the  
9 person convicted,

10 d. to pay a reasonable sum into any trust fund,  
11 established pursuant to the provisions of Sections 176  
12 through 180.4 of Title 60 of the Oklahoma Statutes,  
13 and which provides restitution payments by convicted  
14 defendants to victims of crimes committed within this  
15 state wherein such victim has incurred a financial  
16 loss,

17 e. to confinement in the county jail for a period not to  
18 exceed six (6) months,

19 f. to confinement as provided by law together with a term  
20 of post-imprisonment community supervision for not  
21 less than three (3) years of the total term allowed by  
22 law for imprisonment, with or without restitution;  
23 provided, however, the authority of this provision is  
24 limited to Section 843.5 of Title 21 of the Oklahoma

1 Statutes when the offense involved sexual abuse or  
2 sexual exploitation; Sections 681, 741 and 843.1 of  
3 Title 21 of the Oklahoma Statutes when the offense  
4 involved sexual abuse or sexual exploitation; and  
5 Sections 865 et seq., 885, 886, 888, 891, 1021,  
6 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and  
7 1123 of Title 21 of the Oklahoma Statutes,

8 g. to repay the reward or part of the reward paid by a  
9 local certified crime stoppers program and the  
10 Oklahoma Reward System. In determining whether the  
11 defendant shall repay the reward or part of the  
12 reward, the court shall consider the ability of the  
13 defendant to make the payment, the financial hardship  
14 on the defendant to make the required payment, and the  
15 importance of the information to the prosecution of  
16 the defendant as provided by the arresting officer or  
17 the district attorney with due regard for the  
18 confidentiality of the records of the local certified  
19 crime stoppers program and the Oklahoma Reward System.  
20 The court shall assess this repayment against the  
21 defendant as a cost of prosecution. The term  
22 "certified" means crime stoppers organizations that  
23 annually meet the certification standards for crime  
24 stoppers programs established by the Oklahoma Crime

1           Stoppers Association to the extent those standards do  
2           not conflict with state statutes. The term "court"  
3           refers to all municipal and district courts within  
4           this state. The "Oklahoma Reward System" means the  
5           reward program established by Section 150.18 of Title  
6           74 of the Oklahoma Statutes,

7           h. to reimburse the Oklahoma State Bureau of  
8           Investigation for costs incurred by that agency during  
9           its investigation of the crime for which the defendant  
10          pleaded guilty, nolo contendere or was convicted,  
11          including compensation for laboratory, technical, or  
12          investigation services performed by the Bureau if, in  
13          the opinion of the court, the defendant is able to pay  
14          without imposing manifest hardship on the defendant,  
15          and if the costs incurred by the Bureau during the  
16          investigation of the defendant's case may be  
17          determined with reasonable certainty,

18          i. ~~to reimburse the Oklahoma State Bureau of~~  
19          ~~Investigation and any authorized law enforcement~~  
20          ~~agency for all costs incurred by that agency for~~  
21          ~~cleaning up an illegal drug laboratory site for which~~  
22          ~~the defendant pleaded guilty, nolo contendere or was~~  
23          ~~convicted. The court clerk shall collect the amount~~  
24          ~~and may retain five percent (5%) of such monies to be~~

1       ~~deposited in the Court Clerk Revolving Fund to cover~~  
2       ~~administrative costs and shall remit the remainder to~~  
3       ~~the Oklahoma State Bureau of Investigation to be~~  
4       ~~deposited in the OSBI Revolving Fund established by~~  
5       ~~Section 150.19a of Title 74 of the Oklahoma Statutes~~  
6       ~~or to the general fund wherein the other law~~  
7       ~~enforcement agency is located,~~

8       ~~j.~~   to pay a reasonable sum to the Crime Victims  
9       Compensation Board, created by Section 142.2 et seq.  
10      of Title 21 of the Oklahoma Statutes, for the benefit  
11      of crime victims,

12      ~~k.~~

13      j.   to reimburse the court fund for amounts paid to court-  
14      appointed attorneys for representing the defendant in  
15      the case in which the person is being sentenced,

16      ~~l.~~

17      k.   to participate in an assessment and evaluation by an  
18      assessment agency or assessment personnel certified by  
19      the Department of Mental Health and Substance Abuse  
20      Services pursuant to Section 3-460 of Title 43A of the  
21      Oklahoma Statutes and, as determined by the  
22      assessment, participate in an alcohol and drug  
23      substance abuse course or treatment program or both,

1 pursuant to Sections 3-452 and 3-453 of Title 43A of  
2 the Oklahoma Statutes, or as ordered by the court,

3 ~~m.~~

4 1. to be placed in a victims impact panel program, as  
5 defined in subsection H of this section, or  
6 victim/offender reconciliation program and payment of  
7 a fee to the program of not less than Fifteen Dollars  
8 (\$15.00) nor more than Sixty Dollars (\$60.00) as set  
9 by the governing authority of the program to offset  
10 the cost of participation by the defendant. Provided,  
11 each victim/offender reconciliation program shall be  
12 required to obtain a written consent form voluntarily  
13 signed by the victim and defendant that specifies the  
14 methods to be used to resolve the issues, the  
15 obligations and rights of each person, and the  
16 confidentiality of the proceedings. Volunteer  
17 mediators and employees of a victim/offender  
18 reconciliation program shall be immune from liability  
19 and have rights of confidentiality as provided in  
20 Section 1805 of Title 12 of the Oklahoma Statutes,

21 ~~n.~~

22 m. to install, at the expense of the defendant, an  
23 ignition interlock device approved by the Board of  
24 Tests for Alcohol and Drug Influence. The device

1 shall be installed upon every motor vehicle operated  
2 by the defendant, and the court shall require that a  
3 notation of this restriction be affixed to the  
4 defendant's driver license. The restriction shall  
5 remain on the driver license not exceeding two (2)  
6 years to be determined by the court. The restriction  
7 may be modified or removed only by order of the court  
8 and notice of any modification order shall be given to  
9 the Department of Public Safety. Upon the expiration  
10 of the period for the restriction, the Department of  
11 Public Safety shall remove the restriction without  
12 further court order. Failure to comply with the order  
13 to install an ignition interlock device or operating  
14 any vehicle without a device during the period of  
15 restriction shall be a violation of the sentence and  
16 may be punished as deemed proper by the sentencing  
17 court. As used in this paragraph, "ignition interlock  
18 device" means a device that, without tampering or  
19 intervention by another person, would prevent the  
20 defendant from operating a motor vehicle if the  
21 defendant has a blood or breath alcohol concentration  
22 of two-hundredths (0.02) or greater,

23 ~~0.~~

1        n.    to be confined by electronic monitoring administered  
2                    and supervised by the Department of Corrections or a  
3                    community sentence provider, and payment of a  
4                    monitoring fee to the supervising authority, not to  
5                    exceed Three Hundred Dollars (\$300.00) per month. Any  
6                    fees collected pursuant to this paragraph shall be  
7                    deposited with the appropriate supervising authority.  
8                    Any willful violation of an order of the court for the  
9                    payment of the monitoring fee shall be a violation of  
10                  the sentence and may be punished as deemed proper by  
11                  the sentencing court. As used in this paragraph,  
12                  "electronic monitoring" means confinement of the  
13                  defendant within a specified location or locations  
14                  with supervision by means of an electronic device  
15                  approved by the Department of Corrections which is  
16                  designed to detect if the defendant is in the court-  
17                  ordered location at the required times and which  
18                  records violations for investigation by a qualified  
19                  supervisory agency or person,

20        ~~p.~~

21        o.    to perform one or more courses of treatment, education  
22                    or rehabilitation for any conditions, behaviors,  
23                    deficiencies or disorders which may contribute to  
24                    criminal conduct, including but not limited to alcohol

1 and substance abuse, mental health, emotional health,  
2 physical health, propensity for violence, antisocial  
3 behavior, personality or attitudes, deviant sexual  
4 behavior, child development, parenting assistance, job  
5 skills, vocational-technical skills, domestic  
6 relations, literacy, education, or any other  
7 identifiable deficiency which may be treated  
8 appropriately in the community and for which a  
9 certified provider or a program recognized by the  
10 court as having significant positive impact exists in  
11 the community. Any treatment, education or  
12 rehabilitation provider required to be certified  
13 pursuant to law or rule shall be certified by the  
14 appropriate state agency or a national organization,

15 ~~q.~~

16 p. to submit to periodic testing for alcohol,  
17 intoxicating substance, or controlled dangerous  
18 substances by a qualified laboratory,

19 ~~r.~~

20 q. to pay a fee, costs for treatment, education,  
21 supervision, participation in a program, or any  
22 combination thereof as determined by the court, based  
23 upon the defendant's ability to pay the fees or costs,

24 ~~s.~~

1        r.    to be supervised by a Department of Corrections  
2           employee, a private supervision provider, or other  
3           person designated by the court,

4        ~~t.~~

5        s.    to obtain positive behavior modeling by a trained  
6           mentor,

7        ~~u.~~

8        t.    to serve a term of confinement in a restrictive  
9           housing facility available in the community,

10       ~~v.~~

11       u.    to serve a term of confinement in the county jail at  
12           night or during weekends pursuant to Section 991a-2 of  
13           this title or for work release,

14       ~~w.~~

15       v.    to obtain employment or participate in employment-  
16           related activities,

17       ~~x.~~

18       w.    to participate in mandatory day reporting to  
19           facilities or persons for services, payments, duties  
20           or person-to-person contacts as specified by the  
21           court,

22       ~~y.~~

23       x.    to pay day fines not to exceed fifty percent (50%) of  
24           the net wages earned. For purposes of this paragraph,

1 "day fine" means the offender is ordered to pay an  
2 amount calculated as a percentage of net daily wages  
3 earned. The day fine shall be paid to the local  
4 community sentencing system as reparation to the  
5 community. Day fines shall be used to support the  
6 local system,

7 ~~z.~~

8 y. to submit to blood or saliva testing as required by  
9 subsection I of this section,

10 ~~aa.~~

11 z. to repair or restore property damaged by the  
12 defendant's conduct, if the court determines the  
13 defendant possesses sufficient skill to repair or  
14 restore the property and the victim consents to the  
15 repairing or restoring of the property,

16 ~~bb.~~

17 aa. to restore damaged property in kind or payment of out-  
18 of-pocket expenses to the victim, if the court is able  
19 to determine the actual out-of-pocket expenses  
20 suffered by the victim,

21 ~~cc.~~

22 bb. to attend a victim-offender reconciliation program if  
23 the victim agrees to participate and the offender is  
24 deemed appropriate for participation,

~~dd.~~

cc. 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,

~~ee.~~

dd. in the case of a sex offender sentenced after November 1, 1989, and required by law to register pursuant to the Sex Offender Registration Act, the court shall require the person to comply with sex offender specific rules and conditions of supervision established by the Department of Corrections and require the person to participate in a treatment program designed for the treatment of sex offenders during the period of time while the offender is subject to supervision by the Department of Corrections. The treatment program shall include polygraph examinations specifically designed for use with sex offenders for purposes of supervision and

1 treatment compliance, and shall be administered not  
2 less than each six (6) months during the period of  
3 supervision. The examination shall be administered by  
4 a certified licensed polygraph examiner. The  
5 treatment program must be approved by the Department  
6 of Corrections or the Department of Mental Health and  
7 Substance Abuse Services. Such treatment shall be at  
8 the expense of the defendant based on the defendant's  
9 ability to pay,

10 ~~ff.~~

11 ee. in addition to other sentencing powers of the court,  
12 the court in the case of a defendant being sentenced  
13 for a felony conviction for a violation of Section 2-  
14 402 of Title 63 of the Oklahoma Statutes which  
15 involves marijuana may require the person to  
16 participate in a drug court program, if available. If  
17 a drug court program is not available, the defendant  
18 may be required to participate in a community  
19 sanctions program, if available,

20 ~~gg.~~

21 ff. in the case of a person convicted of any false or  
22 bogus check violation, as defined in Section 1541.4 of  
23 Title 21 of the Oklahoma Statutes, impose a fee of  
24 Twenty-five Dollars (\$25.00) to the victim for each

1 check, and impose a bogus check fee to be paid to the  
2 district attorney. The bogus check fee paid to the  
3 district attorney shall be equal to the amount  
4 assessed as court costs plus Twenty-five Dollars  
5 (\$25.00) for each check upon filing of the case in  
6 district court. This money shall be deposited in the  
7 Bogus Check Restitution Program Fund as established in  
8 subsection B of Section 114 of this title.

9 Additionally, the court may require the offender to  
10 pay restitution and bogus check fees on any other  
11 bogus check or checks that have been submitted to the  
12 District Attorney Bogus Check Restitution Program, and

13 ~~hh.~~

14 gg. any other provision specifically ordered by the court.

15 However, any such order for restitution, community service,  
16 payment to a local certified crime stoppers program, payment to the  
17 Oklahoma Reward System, or confinement in the county jail, or a  
18 combination thereof, shall be made in conjunction with probation and  
19 shall be made a condition of the suspended sentence.

20 However, unless under the supervision of the district attorney,  
21 the offender shall be required to pay Forty Dollars (\$40.00) per  
22 month to the district attorney during the first two (2) years of  
23 probation to compensate the district attorney for the costs incurred  
24 during the prosecution of the offender and for the additional work

1 of verifying the compliance of the offender with the rules and  
2 conditions of his or her probation. The district attorney may waive  
3 any part of this requirement in the best interests of justice. The  
4 court shall not waive, suspend, defer or dismiss the costs of  
5 prosecution in its entirety. However, if the court determines that  
6 a reduction in the fine, costs and costs of prosecution is  
7 warranted, the court shall equally apply the same percentage  
8 reduction to the fine, costs and costs of prosecution owed by the  
9 offender;

10 2. Impose a fine prescribed by law for the offense, with or  
11 without probation or commitment and with or without restitution or  
12 service as provided for in this section, Section 991a-4.1 of this  
13 title or Section 227 of Title 57 of the Oklahoma Statutes;

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

16 4. Order the defendant to reimburse the Oklahoma State Bureau  
17 of Investigation for costs incurred by that agency during its  
18 investigation of the crime for which the defendant pleaded guilty,  
19 nolo contendere or was convicted, including compensation for  
20 laboratory, technical, or investigation services performed by the  
21 Bureau if, in the opinion of the court, the defendant is able to pay  
22 without imposing manifest hardship on the defendant, and if the  
23 costs incurred by the Bureau during the investigation of the  
24 defendant's case may be determined with reasonable certainty;

1       5. ~~Order the defendant to reimburse the Oklahoma State Bureau~~  
2 ~~of Investigation for all costs incurred by that agency for cleaning~~  
3 ~~up an illegal drug laboratory site for which the defendant pleaded~~  
4 ~~guilty, nolo contendere or was convicted. The court clerk shall~~  
5 ~~collect the amount and may retain five percent (5%) of such monies~~  
6 ~~to be deposited in the Court Clerk Revolving Fund to cover~~  
7 ~~administrative costs and shall remit the remainder to the Oklahoma~~  
8 ~~State Bureau of Investigation to be deposited in the OSBI Revolving~~  
9 ~~Fund established by Section 150.19a of Title 74 of the Oklahoma~~  
10 ~~Statutes;~~

11       ~~6.~~ In the case of nonviolent felony offenses, sentence such  
12 person to the Community Service Sentencing Program;

13       ~~7.~~ 6. In addition to the other sentencing powers of the court,  
14 in the case of a person convicted of operating or being in control  
15 of a motor vehicle while the person was under the influence of  
16 alcohol, other intoxicating substance, or a combination of alcohol  
17 or another intoxicating substance, or convicted of operating a motor  
18 vehicle while the ability of the person to operate such vehicle was  
19 impaired due to the consumption of alcohol, require such person:

- 20           a. to participate in an alcohol and drug assessment and  
21 evaluation by an assessment agency or assessment  
22 personnel certified by the Department of Mental Health  
23 and Substance Abuse Services pursuant to Section 3-460  
24 of Title 43A of the Oklahoma Statutes and, as

1 determined by the assessment, participate in an  
2 alcohol and drug substance abuse course or treatment  
3 program or both, pursuant to Sections 3-452 and 3-453  
4 of Title 43A of the Oklahoma Statutes,

5 b. to attend a victims impact panel program, as defined  
6 in subsection H of this section, and to pay a fee of  
7 not more than Sixty Dollars (\$60.00) as set by the  
8 governing authority of the program and approved by the  
9 court, to the program to offset the cost of  
10 participation by the defendant, if in the opinion of  
11 the court the defendant has the ability to pay such  
12 fee,

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

18 d. to install, at the expense of the person, an ignition  
19 interlock device approved by the Board of Tests for  
20 Alcohol and Drug Influence, upon every motor vehicle  
21 operated by such person and to require that a notation  
22 of this restriction be affixed to the person's driver  
23 license at the time of reinstatement of the license.  
24 The restriction shall remain on the driver license for

1 such period as the court shall determine. The  
2 restriction may be modified or removed by order of the  
3 court and notice of the order shall be given to the  
4 Department of Public Safety. Upon the expiration of  
5 the period for the restriction, the Department of  
6 Public Safety shall remove the restriction without  
7 further court order. Failure to comply with the order  
8 to install an ignition interlock device or operating  
9 any vehicle without such device during the period of  
10 restriction shall be a violation of the sentence and  
11 may be punished as deemed proper by the sentencing  
12 court, or

- 13 e. beginning January 1, 1993, to submit to electronically  
14 monitored home detention administered and supervised  
15 by the Department of Corrections, and to pay to the  
16 Department a monitoring fee, not to exceed Seventy-  
17 five Dollars (\$75.00) a month, to the Department of  
18 Corrections, if in the opinion of the court the  
19 defendant has the ability to pay such fee. Any fees  
20 collected pursuant to this subparagraph shall be  
21 deposited in the Department of Corrections Revolving  
22 Fund. Any order by the court for the payment of the  
23 monitoring fee, if willfully disobeyed, may be  
24 enforced as an indirect contempt of court;

1       ~~8.~~ 7. In addition to the other sentencing powers of the court,  
2 in the case of a person convicted of prostitution pursuant to  
3 Section 1029 of Title 21 of the Oklahoma Statutes, require such  
4 person to receive counseling for the behavior which may have caused  
5 such person to engage in prostitution activities. Such person may  
6 be required to receive counseling in areas including but not limited  
7 to alcohol and substance abuse, sexual behavior problems, or  
8 domestic abuse or child abuse problems;

9       ~~9.~~ 8. In addition to the other sentencing powers of the court,  
10 in the case of a person convicted of any crime related to domestic  
11 abuse, as defined in Section 60.1 of this title, the court may  
12 require the defendant to undergo the treatment or participate in the  
13 counseling services necessary to bring about the cessation of  
14 domestic abuse against the victim. The defendant may be required to  
15 pay all or part of the cost of the treatment or counseling services;

16       ~~10.~~ 9. In addition to the other sentencing powers of the court,  
17 the court, in the case of a sex offender sentenced after November 1,  
18 1989, and required by law to register pursuant to the Sex Offenders  
19 Registration Act, shall require the person to participate in a  
20 treatment program designed specifically for the treatment of sex  
21 offenders, if available. The treatment program will include  
22 polygraph examinations specifically designed for use with sex  
23 offenders for the purpose of supervision and treatment compliance,  
24 provided the examination is administered by a certified licensed

1 polygraph examiner. The treatment program must be approved by the  
2 Department of Corrections or the Department of Mental Health and  
3 Substance Abuse Services. Such treatment shall be at the expense of  
4 the defendant based on the defendant's ability to pay;

5 ~~11.~~ 10. In addition to the other sentencing powers of the  
6 court, the court, in the case of a person convicted of child abuse  
7 or neglect, as defined in Section 1-1-105 of Title 10A of the  
8 Oklahoma Statutes, may require the person to undergo treatment or to  
9 participate in counseling services. The defendant may be required  
10 to pay all or part of the cost of the treatment or counseling  
11 services;

12 ~~12.~~ 11. In addition to the other sentencing powers of the  
13 court, the court, in the case of a person convicted of cruelty to  
14 animals pursuant to Section 1685 of Title 21 of the Oklahoma  
15 Statutes, may require the person to pay restitution to animal  
16 facilities for medical care and any boarding costs of victimized  
17 animals;

18 ~~13.~~ 12. In addition to the other sentencing powers of the  
19 court, a sex offender who is habitual or aggravated as defined by  
20 Section 584 of Title 57 of the Oklahoma Statutes and who is required  
21 to register as a sex offender pursuant to the Oklahoma Sex Offenders  
22 Registration Act shall be supervised by the Department of  
23 Corrections for the duration of the registration period and shall be  
24 assigned to a global position monitoring device by the Department of

1 Corrections for the duration of the registration period. The cost  
2 of such monitoring device shall be reimbursed by the offender;

3 ~~14.~~ 13. In addition to the other sentencing powers of the  
4 court, in the case of a sex offender who is required by law to  
5 register pursuant to the Sex Offenders Registration Act, the court  
6 may prohibit the person from accessing or using any Internet social  
7 networking web site that has the potential or likelihood of allowing  
8 the sex offender to have contact with any child who is under the age  
9 of eighteen (18) years; or

10 ~~15.~~ 14. In addition to the other sentencing powers of the  
11 court, in the case of a sex offender who is required by law to  
12 register pursuant to the Sex Offenders Registration Act, the court  
13 shall require the person to register any electronic mail address  
14 information, instant message, chat or other Internet communication  
15 name or identity information that the person uses or intends to use  
16 while accessing the Internet or used for other purposes of social  
17 networking or other similar Internet communication.

18 B. Notwithstanding any other provision of law, any person who  
19 is found guilty of a violation of any provision of Section 761 or  
20 11-902 of Title 47 of the Oklahoma Statutes or any person pleading  
21 guilty or nolo contendere for a violation of any provision of such  
22 sections shall be ordered to participate in, prior to sentencing, an  
23 alcohol and drug assessment and evaluation by an assessment agency  
24 or assessment personnel certified by the Department of Mental Health

1 and Substance Abuse Services for the purpose of evaluating the  
2 receptivity to treatment and prognosis of the person. The court  
3 shall order the person to reimburse the agency or assessor for the  
4 evaluation. The fee shall be the amount provided in subsection C of  
5 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation  
6 shall be conducted at a certified assessment agency, the office of a  
7 certified assessor or at another location as ordered by the court.  
8 The agency or assessor shall, within seventy-two (72) hours from the  
9 time the person is assessed, submit a written report to the court  
10 for the purpose of assisting the court in its final sentencing  
11 determination. No person, agency or facility operating an alcohol  
12 and drug substance abuse evaluation program certified by the  
13 Department of Mental Health and Substance Abuse Services shall  
14 solicit or refer any person evaluated pursuant to this subsection  
15 for any treatment program or alcohol and drug substance abuse  
16 service in which such person, agency or facility has a vested  
17 interest; however, this provision shall not be construed to prohibit  
18 the court from ordering participation in or any person from  
19 voluntarily utilizing a treatment program or alcohol and drug  
20 substance abuse service offered by such person, agency or facility.  
21 If a person is sentenced to the custody of the Department of  
22 Corrections and the court has received a written evaluation report  
23 pursuant to this subsection, the report shall be furnished to the  
24 Department of Corrections with the judgment and sentence. Any

1 evaluation report submitted to the court pursuant to this subsection  
2 shall be handled in a manner which will keep such report  
3 confidential from the general public's review. Nothing contained in  
4 this subsection shall be construed to prohibit the court from  
5 ordering judgment and sentence in the event the defendant fails or  
6 refuses to comply with an order of the court to obtain the  
7 evaluation required by this subsection.

8 C. When sentencing a person convicted of a crime, the court  
9 shall first consider a program of restitution for the victim, as  
10 well as imposition of a fine or incarceration of the offender. The  
11 provisions of paragraph 1 of subsection A of this section shall not  
12 apply to defendants being sentenced upon their third or subsequent  
13 to their third conviction of a felony or, beginning January 1, 1993,  
14 to defendants being sentenced for their second or subsequent felony  
15 conviction for violation of Section 11-902 of Title 47 of the  
16 Oklahoma Statutes, except as otherwise provided in this subsection.  
17 In the case of a person being sentenced for their second or  
18 subsequent felony conviction for violation of Section 11-902 of  
19 Title 47 of the Oklahoma Statutes, the court may sentence the person  
20 pursuant to the provisions of paragraph 1 of subsection A of this  
21 section if the court orders the person to submit to electronically  
22 monitored home detention administered and supervised by the  
23 Department of Corrections pursuant to subparagraph e of paragraph 7  
24 of subsection A of this section. Provided, the court may waive

1 these prohibitions upon written application of the district  
2 attorney. Both the application and the waiver shall be made part of  
3 the record of the case.

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

7 E. Probation, for purposes of subsection A of this section, is  
8 a procedure by which a defendant found guilty of a crime, whether  
9 upon a verdict or plea of guilty or upon a plea of nolo contendere,  
10 is released by the court subject to conditions imposed by the court  
11 and subject to supervision by the Department of Corrections, a  
12 private supervision provider or other person designated by the  
13 court. Such supervision shall be initiated upon an order of  
14 probation from the court, and shall not exceed two (2) years, unless  
15 a petition alleging a violation of any condition of deferred  
16 judgment or seeking revocation of the suspended sentence is filed  
17 during the supervision, or as otherwise provided by law. In the  
18 case of a person convicted of a sex offense, supervision shall begin  
19 immediately upon release from incarceration or if parole is granted  
20 and shall not be limited to two (2) years. Provided further, any  
21 supervision provided for in this section may be extended for a  
22 period not to exceed the expiration of the maximum term or terms of  
23 the sentence upon a determination by the court or the Division of  
24 Probation and Parole of the Department of Corrections that the best

1 interests of the public and the release will be served by an  
2 extended period of supervision.

3 F. The Department of Corrections, or such other agency as the  
4 court may designate, shall be responsible for the monitoring and  
5 administration of the restitution and service programs provided for  
6 by subparagraphs a, c, and d of paragraph 1 of subsection A of this  
7 section, and shall ensure that restitution payments are forwarded to  
8 the victim and that service assignments are properly performed.

9 G. 1. The Department of Corrections is hereby authorized,  
10 subject to funds available through appropriation by the Legislature,  
11 to contract with counties for the administration of county Community  
12 Service Sentencing Programs.

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

18 3. The Department shall establish criteria and specifications  
19 for contracts with counties for such Programs. A county may apply  
20 to the Department for a contract for a county-funded Program for a  
21 specific period of time. The Department shall be responsible for  
22 ensuring that any contracting county complies in full with  
23 specifications and requirements of the contract. The contract shall  
24

1 set appropriate compensation to the county for services to the  
2 Department.

3 4. The Department is hereby authorized to provide technical  
4 assistance to any county in establishing a Program, regardless of  
5 whether the county enters into a contract pursuant to this  
6 subsection. Technical assistance shall include appropriate  
7 staffing, development of community resources, sponsorship,  
8 supervision and any other requirements.

9 5. The Department shall annually make a report to the Governor,  
10 the President Pro Tempore of the Senate and the Speaker of the House  
11 on the number of such Programs, the number of participating  
12 offenders, the success rates of each Program according to criteria  
13 established by the Department and the costs of each Program.

14 H. As used in this section:

15 1. "Ignition interlock device" means a device that, without  
16 tampering or intervention by another person, would prevent the  
17 defendant from operating a motor vehicle if the defendant has a  
18 blood or breath alcohol concentration of two-hundredths (0.02) or  
19 greater;

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

1        3. "Victims impact panel program" means a program conducted by  
2 a corporation registered with the Secretary of State in Oklahoma for  
3 the purpose of operating a victims impact panel program. The  
4 program shall include live presentations from presenters who will  
5 share personal stories with participants about how alcohol, drug  
6 abuse, the operation of a motor vehicle while using an electronic  
7 communication device or the illegal conduct of others has personally  
8 impacted the lives of the presenters. A victims impact panel  
9 program shall be attended by persons who have committed the offense  
10 of driving, operating or being in actual physical control of a motor  
11 vehicle while under the influence of alcohol or other intoxicating  
12 substance, operating a motor vehicle while the ability of the person  
13 to operate such vehicle was impaired due to the consumption of  
14 alcohol or any other substance or operating a motor vehicle while  
15 using an electronic device. Persons attending a victims impact  
16 panel program shall be required to pay a fee of not more than Sixty  
17 Dollars (\$60.00) to the provider of the program. A certificate of  
18 completion shall be issued to the person upon satisfying the  
19 attendance and fee requirements of the victims impact panel program.  
20 The certificate of completion shall contain the business  
21 identification number of the program provider. A victims impact  
22 panel program shall not be provided by any certified assessment  
23 agency or certified assessor unless the assessment agency or  
24 certified assessor has been granted an exemption by the Commissioner

1 of the Department of Mental Health and Substance Abuse Services.

2 The provider of the victims impact panel program shall carry general  
3 liability insurance and maintain an accurate accounting of all  
4 business transactions and funds received in relation to the victims  
5 impact panel program. The provider of the victims impact panel  
6 program shall annually provide to the Administrative Office of the  
7 Courts the following:

- 8 a. proof of registration with the Oklahoma Secretary of  
9 State,
- 10 b. proof of general liability insurance,
- 11 c. end-of-year financial statements prepared by a  
12 certified public accountant, and
- 13 d. a copy of federal income tax returns filed with the  
14 Internal Revenue Service.

15 I. A person convicted of a felony offense or receiving any form  
16 of probation for an offense in which registration is required  
17 pursuant to the Sex Offenders Registration Act, shall submit to  
18 deoxyribonucleic acid DNA testing for law enforcement identification  
19 purposes in accordance with Section 150.27 of Title 74 of the  
20 Oklahoma Statutes and the rules promulgated by the Oklahoma State  
21 Bureau of Investigation for the OSBI Combined DNA Index System  
22 (CODIS) Database. Subject to the availability of funds, any person  
23 convicted of a misdemeanor offense of assault and battery, domestic  
24 abuse, stalking, possession of a controlled substance prohibited

1 under Schedule IV of the Uniform Controlled Dangerous Substances  
2 Act, outraging public decency, resisting arrest, escape or  
3 attempting to escape, eluding a police officer, Peeping Tom,  
4 pointing a firearm, threatening an act of violence, breaking and  
5 entering a dwelling place, destruction of property, negligent  
6 homicide, or causing a personal injury accident while driving under  
7 the influence of any intoxicating substance, or any alien unlawfully  
8 present under federal immigration law, upon arrest, shall submit to  
9 deoxyribonucleic acid DNA testing for law enforcement identification  
10 purposes in accordance with Section 150.27 of Title 74 of the  
11 Oklahoma Statutes and the rules promulgated by the Oklahoma State  
12 Bureau of Investigation for the OSBI Combined DNA Index System  
13 (CODIS) Database. Any defendant sentenced to probation shall be  
14 required to submit to testing within thirty (30) days of sentencing  
15 either to the Department of Corrections or to the county sheriff or  
16 other peace officer as directed by the court. Defendants who are  
17 sentenced to a term of incarceration shall submit to testing in  
18 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,  
19 for those defendants who enter the custody of the Department of  
20 Corrections or to the county sheriff, for those defendants sentenced  
21 to incarceration in a county jail. Convicted individuals who have  
22 previously submitted to DNA testing under this section and for whom  
23 a valid sample is on file in the OSBI Combined DNA Index System  
24 (CODIS) Database at the time of sentencing shall not be required to

1 submit to additional testing. Except as required by the Sex  
2 Offenders Registration Act, a deferred judgment does not require  
3 submission to deoxyribonucleic acid testing.

4 Any person who is incarcerated in the custody of the Department  
5 of Corrections after July 1, 1996, and who has not been released  
6 before January 1, 2006, shall provide a blood or saliva sample prior  
7 to release. Every person subject to DNA testing after January 1,  
8 2006, whose sentence does not include a term of confinement with the  
9 Department of Corrections shall submit a blood or saliva sample.  
10 Every person subject to DNA testing who is sentenced to unsupervised  
11 probation or otherwise not supervised by the Department of  
12 Corrections shall submit for blood or saliva testing to the sheriff  
13 of the sentencing county.

14 J. Samples of blood or saliva for DNA testing required by  
15 subsection I of this section shall be taken by employees or  
16 contractors of the Department of Corrections, peace officers, or the  
17 county sheriff or employees or contractors of the sheriff's office.  
18 The individuals shall be properly trained to collect blood or saliva  
19 samples. Persons collecting blood or saliva for DNA testing  
20 pursuant to this section shall be immune from civil liabilities  
21 arising from this activity. All collectors of DNA samples shall  
22 ensure the collection of samples are mailed to the Oklahoma State  
23 Bureau of Investigation within ten (10) days of the time the subject  
24 appears for testing or within ten (10) days of the date the subject

1 comes into physical custody to serve a term of incarceration. All  
2 collectors of DNA samples shall use sample kits provided by the OSBI  
3 and procedures promulgated by the OSBI. Persons subject to DNA  
4 testing who are not received at the Lexington Assessment and  
5 Reception Center shall be required to pay a fee of Fifteen Dollars  
6 (\$15.00) to the agency collecting the sample for submission to the  
7 OSBI Combined DNA Index System (CODIS) Database. Any fees collected  
8 pursuant to this subsection shall be deposited in the revolving  
9 account or the service fee account of the collection agency or  
10 department.

11 K. When sentencing a person who has been convicted of a crime  
12 that would subject that person to the provisions of the Sex  
13 Offenders Registration Act, neither the court nor the district  
14 attorney shall be allowed to waive or exempt such person from the  
15 registration requirements of the Sex Offenders Registration Act.

16 SECTION 4. AMENDATORY 47 O.S. 2011, Section 11-1117, is  
17 amended to read as follows:

18 Section 11-1117. A. It shall be unlawful for a person less  
19 than eighteen (18) years of age to operate or to be carried as a  
20 passenger upon an all-terrain vehicle unless the person wears a  
21 crash helmet of a type which complies with standards established by  
22 49 C.F.R., Section 571.218.

23 B. It shall be unlawful for the operator of an all-terrain  
24 vehicle to carry a passenger unless that all-terrain vehicle has

1 been specifically designed by the manufacturer to carry passengers  
2 in addition to the operator.

3 C. Fine and court costs for violating the provisions of this  
4 section shall not exceed Twenty-five Dollars (\$25.00). Any peace  
5 officer of this state including, but not limited to, park rangers,  
6 is authorized to enforce the provisions of this section. ~~All monies~~  
7 ~~collected pursuant to a citation for a violation of this section~~  
8 ~~shall be deposited in the Oklahoma Tourism and Recreation Department~~  
9 ~~Revolving Fund for credit to the cost center of the state park or~~  
10 ~~public recreation area where such citation was issued.~~

11 D. Any parent, legal guardian or person having actual  
12 responsibility for a person under eighteen (18) years of age, or who  
13 is the owner of the all-terrain vehicle operated by a person under  
14 eighteen (18) years of age, who knows, or should have known, that  
15 the person operating the all-terrain vehicle is not in compliance  
16 with the provisions of this section, shall be punishable according  
17 to the provisions of subsection C of this section.

18 E. As used in this section, "all-terrain vehicle" means a  
19 vehicle manufactured and used exclusively for off-highway use,  
20 traveling on four or more non-highway tires, having a seat designed  
21 to be straddled by the operator, and which is steered by the use of  
22 handlebars.

23 F. "Recreational off-highway vehicle" means a vehicle  
24 manufactured and used exclusively for off-highway use, traveling on  
25

1 four or more non-highway tires, having non-straddle seating and  
2 which is steered by a steering wheel.

3 G. The provisions of this section shall apply only to persons  
4 operating all-terrain vehicles on public lands.

5 H. The provisions of this section shall not apply to persons  
6 operating an all-terrain vehicle on privately owned property.

7 SECTION 5. AMENDATORY 47 O.S. 2011, Section 1125, is  
8 amended to read as follows:

9 Section 1125. A. If the owner of a vehicle becomes employed in  
10 this state, the vehicle is deemed to be subject to tax in this state  
11 and, within thirty (30) days from the date of employment, shall be  
12 registered upon the same terms and conditions that resident owners  
13 are required to register such vehicles in this state. However, the  
14 owner of the vehicle who is employed in this state and commutes  
15 daily from an adjoining state shall be exempt from the provisions in  
16 this section. The penalty for failure to register the vehicle in  
17 the manner provided in this subsection shall be equal to the license  
18 or registration fee due, and any such vehicle may be seized and held  
19 at any time for any such delinquency and sold for nonpayment of the  
20 license or registration fees in the same manner that domestic  
21 vehicles may be seized and sold at any time of the year upon ten  
22 (10) days' notice.

23 ~~If the vehicle is detained by a law enforcement officer of this~~  
24 ~~state and it is determined that the owner of such vehicle has failed~~  
25

1 ~~to comply with the provisions of this subsection, a penalty of Ten~~  
2 ~~Dollars (\$10.00) shall be assessed in addition to the penalties~~  
3 ~~previously provided in this section. This penalty of Ten Dollars~~  
4 ~~(\$10.00) shall be paid to the pension fund of the law enforcement~~  
5 ~~officer, as defined in Section 1-147 of Title 47 of the Oklahoma~~  
6 ~~Statutes, who detained the vehicle.~~

7 B. Any student certified as a full-time-equivalent student by  
8 an institution of higher learning in this state and being a  
9 nonresident of Oklahoma, presently attending any institution of  
10 higher learning, shall not be required to purchase an Oklahoma  
11 license plate, provided that the state of residence of such student  
12 affords a similar exemption to Oklahoma students attending  
13 institutions of higher learning in such state. This exception for  
14 nonresident students does not apply when such student registers to  
15 vote as a resident in Oklahoma.

16 C. Any vehicle, including a manufactured home, other than a  
17 commercial truck which is owned by a visiting nonresident and is  
18 properly registered in its native state for the current year and  
19 remains here for any period in excess of sixty (60) days shall be  
20 registered upon the same terms and conditions that resident owners  
21 are required to register such vehicles in this state. Any vehicle  
22 within this state, owned by a nonresident which is not properly  
23 registered in its native state for the current year, shall be  
24

1 registered under the same terms and conditions as such domestic  
2 vehicles are required to be registered.

3 SECTION 6. AMENDATORY 74 O.S. 2011, Section 2217, is  
4 amended to read as follows:

5 Section 2217. The public shall have the right to access and use  
6 the facilities, services, and programs provided within state parks.

7 1. Notwithstanding any other provision of law, no person may:

8 a. discharge fireworks in any area of a state park unless  
9 specified otherwise by the Division of State Parks  
10 Director,

11 b. possess any glass container in a designated and posted  
12 swim or beach area within a state park,

13 c. build a fire within a state park in areas posted as  
14 prohibited by the Department,

15 d. solicit or demand gifts, money, goods or services  
16 within a state park,

17 e. enter a state park with a dog, unless the dog is on a  
18 leash, or permit any dog to enter a state park or  
19 recreation area under the jurisdiction of the

20 Commission. It is further provided that any

21 authorized member of the Department or any authorized  
22 employee of the Oklahoma Department of Wildlife

23 Conservation may kill any vicious dog found running

24 loose in any state park which poses imminent threat to  
25

1 humans or other animals, or which may be chasing or  
2 running any game in the state park. Any such  
3 authorized employees of the Departments shall not be  
4 held liable for the killing of said dog,

5 f. injure, destroy, mutilate or deface any building,  
6 structure, sign, rock, tree, shrub, vine, or property,  
7 or dispose of any matter which will likely contaminate  
8 any swimming pool or other waters on the state park,  
9 or take, kill, injure, pursue, hunt, or molest, any  
10 wild game animal, or mar or rifle the nest of any bird  
11 or the den or nest or abode of any wild animal within  
12 any of the state parks, recreational grounds or state  
13 monuments now created or which may be hereafter  
14 acquired or designated,

15 g. use or operate motor vehicles, including motorcycles,  
16 motorbikes or motor scooters, in areas not  
17 specifically posted by the Department, or

18 h. sell, hawk, or peddle within a state park any goods,  
19 wares, merchandise, liquids, edibles, or any item of  
20 value, without having a contract or lease agreement  
21 approved by the Commission.

22 2. Any such violation of the provisions of this section shall  
23 be punishable as a misdemeanor, and subject to a fine of not less  
24 than Fifty Dollars (\$50.00) and no more than Five Hundred Dollars

1 (\$500.00), or imprisonment in the county jail for not more than  
2 thirty (30) days, or by both such fine and imprisonment.

3 ~~3. Fifty percent (50%) of all monies collected pursuant to this~~  
4 ~~section shall be deposited in the Oklahoma Tourism and Recreation~~  
5 ~~Department Revolving Fund and fifty percent (50%) shall be remitted~~  
6 ~~to the county in which the violation is made.~~

7 SECTION 7. REPEALER Section 2, Chapter 179, O.S.L. 2012  
8 (19 O.S. Supp. 2019, Section 339.7), is hereby repealed.

9 SECTION 8. REPEALER 47 O.S. 2011, Section 11-403.1, is  
10 hereby repealed.

11 SECTION 9. REPEALER 47 O.S. 2011, Section 40-123, as  
12 amended by Section 175, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
13 2019, Section 40-123), is hereby repealed.

14 SECTION 10. REPEALER 63 O.S. 2011, Section 4235, is  
15 hereby repealed.

16 SECTION 11. REPEALER 63 O.S. 2011, Section 4236, as  
17 amended by Section 522, Chapter 304, O.S.L. 2012 (63 O.S. Supp.  
18 2019, Section 4236), is hereby repealed.

19 SECTION 12. REPEALER 70 O.S. 2011, Section 18-118.1, as  
20 amended by Section 609, Chapter 304, O.S.L. 2012 (70 O.S. Supp.  
21 2019, Section 18-118.1), is hereby repealed.

22 SECTION 13. This act shall become effective November 1, 2020.  
23

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