

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB3196

By: Williams of the House and Daniels of the Senate

Title: Fees and fines; creating the Burt Holmes Fee Structure Policy Act of 2022; eliminating fees, fines and costs; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES: GCCA (must be signed out at a Senate GCCA meeting)

Brooks _____

Dossett _____

Dugger _____

Floyd _____

Hall _____

Haste _____

Howard _____

Jech _____

Kidd _____

Kirt _____

Matthews _____

Montgomery _____

Newhouse _____

Pederson _____

Pemberton _____

Rader _____

Rosino _____

Simpson _____

Weaver _____

Thompson _____

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 3196

By: Williams of the House

and

Daniels of the Senate

7
8
9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to fees and fines; enacting the Burt
12 Holmes Fee Structure Policy Act of 2022; amending 19
13 O.S. 2021, Section 138.5; amending 19 O.S. 2021,
14 Section 339.7; amending 20 O.S. 2021, Section 1313.2;
15 amending 21 O.S. 2021, Sections 1220, 1753.3, and
16 1761.1; amending 22 O.S. 2021, Sections 471.6, 979a,
17 982, 991a, 1105.2, 1334, and 1355A; amending 28 O.S.
18 2021, Section 153; amending 29 O.S. 2021, Section 7-
19 207; amending 47 O.S. 2021, Sections 11-705, 11-801e,
20 11-902, 11-1112, 17-101, 17-102, and 752; amending 63
21 O.S. 2021, Sections 2-401, 2-402, 2-404, 2-405, 2-
22 406, 2-407, 2-407.1, 2-415, and 2-902; eliminating
23 fees, fines, and costs; providing for
24 noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Burt Holmes Fee
Structure Policy Act of 2022".

1 SECTION 2. AMENDATORY 19 O.S. 2021, Section 138.5, is
2 amended to read as follows:

3 Section 138.5 A. It shall be the duty of the office of the
4 county indigent defender to represent as counsel anyone who appears
5 for arraignment without aid of counsel, and who has been informed by
6 the judge that it is his right to have counsel, and who desires
7 counsel, but is unable to employ such aid; and upon order of a
8 district judge of such county he shall investigate any matter
9 pending before the judge and report to him in the manner prescribed
10 by the judge.

11 B. When a defendant or, if applicable, his parent or legal
12 guardian requests representation by the county indigent defender,
13 such person shall submit an appropriate application, the form of
14 which shall state that such application is signed under oath and
15 under the penalty of perjury and that a false statement may be
16 prosecuted as such. The application shall state whether or not the
17 defendant has been released on bond. In addition, if the defendant
18 has been released on bond, the application shall include a written
19 statement from the applicant that he or she has contacted three (3)
20 attorneys, licensed to practice law in this state, and the applicant
21 has been unable to obtain legal counsel. ~~A nonrefundable~~
22 ~~application fee of Fifteen Dollars (\$15.00) shall be paid to the~~
23 ~~court clerk at the time the application is submitted, and no~~
24 ~~application shall be accepted without payment of the fee; except~~

1 ~~that the court may, based upon the financial information submitted,~~
2 ~~waive the fee, if the person is in custody or if the court~~
3 ~~determines that the person does not have the financial resources to~~
4 ~~pay the fee. Any fee collected pursuant to this subsection shall be~~
5 ~~retained by the court clerk as an administrative fee and deposited~~
6 ~~in the court fund.~~ Before the court appoints the county indigent
7 defender based on the application, the court shall advise the
8 defendant or, if applicable, his or her parent or legal guardian
9 that the application is signed under oath and under the penalty of
10 perjury. A copy of the application shall be sent to the prosecuting
11 attorney or the Office of the Attorney General, whichever is
12 appropriate, for review, and, upon request, the court shall hold a
13 hearing on the issue of the eligibility for appointment of the
14 county indigent defender.

15 C. If the defendant is admitted to bail and the defendant or
16 another person on behalf of the defendant posts a bond, other than
17 by personal recognizance, the court may consider such fact in
18 determining the eligibility of the defendant for appointment of the
19 county indigent defender; provided, however, such consideration
20 shall not be the sole factor in the determination of eligibility.

21 SECTION 3. AMENDATORY 20 O.S. 2021, Section 1313.2, is
22 amended to read as follows:

23 Section 1313.2 A. As used in this section:
24

1 1. "Arrested" means taking custody of another for the purpose
2 of holding or detaining him or her to answer a criminal charge;

3 2. "Convicted" means any final adjudication of guilt, whether
4 pursuant to a plea of guilty or nolo contendere or otherwise, and
5 any deferred or suspended sentence or judgment;

6 3. "Court" means any state or municipal court having
7 jurisdiction to impose a criminal fine or penalty; and

8 4. "DNA" means Deoxyribonucleic acid.

9 ~~B. Any person convicted of an offense including traffic~~
10 ~~offenses but excluding parking and standing violations, punishable~~
11 ~~by a fine of Ten Dollars (\$10.00) or more or by incarceration or any~~
12 ~~person forfeiting bond when charged with such an offense, shall be~~
13 ~~ordered by the court to pay Ten Dollars (\$10.00) as a separate fee,~~
14 ~~which fee shall be in addition to and not in substitution for any~~
15 ~~and all fines and penalties otherwise provided for by law for such~~
16 ~~offense.~~

17 ~~C.~~ 1. Any person convicted of any misdemeanor or felony
18 offense shall pay a Laboratory Analysis Fee in the amount of One
19 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
20 or laboratory services are rendered or administered by the Oklahoma
21 State Bureau of Investigation (OSBI), by the Toxicology Laboratory
22 of the Office of the Chief Medical Examiner or by any municipality
23 or county in connection with the case. This fee shall be in

24

1 addition to and not a substitution for any and all fines and
2 penalties otherwise provided for by law for this offense.

3 2. The court clerk shall cause to be deposited the amount of
4 One Hundred Fifty Dollars (\$150.00) as collected, for every
5 conviction as described in this subsection. The court clerk shall
6 remit the monies in the fund on a monthly basis directly either to:

7 a. the OSBI who shall deposit the monies into the OSBI
8 Revolving Fund provided for in Section 150.19a of
9 Title 74 of the Oklahoma Statutes for services
10 rendered or administered by the OSBI,

11 b. the Office of the Chief Medical Examiner who shall
12 deposit the monies into the Chief Medical Examiner
13 Revolving Fund provided for in Section 948 of Title 63
14 of the Oklahoma Statutes for services rendered or
15 administered by the Office of the Chief Medical
16 Examiner, or

17 c. the appropriate municipality or county for services
18 rendered or administered by a municipality or county.

19 3. The monies from the Laboratory Analysis Fee Fund deposited
20 into the OSBI Revolving Fund shall be used for the following:

21 a. providing criminalistic laboratory services,

22 b. the purchase and maintenance of equipment for use by
23 the laboratory in performing analysis,
24

1 c. education, training, and scientific development of
2 OSBI personnel, and

3 d. the destruction of seized property and chemicals as
4 prescribed in Sections 2-505 and 2-508 of Title 63 of
5 the Oklahoma Statutes.

6 ~~D.~~ C. Upon conviction or bond forfeiture, the court shall
7 collect the fee provided for in subsection B of this section and
8 deposit it in an account created for that purpose. Except as
9 otherwise provided in subsection ~~E~~ D of this section, monies shall
10 be forwarded monthly by the court clerk to the Council on Law
11 Enforcement Education and Training (CLEET). Beginning July 1, 2003,
12 deposits shall be due on the fifteenth day of each month for the
13 preceding calendar month. There shall be a late fee imposed for
14 failure to make timely deposits; provided, CLEET, in its discretion,
15 may waive all or part of the late fee. Such late fee shall be one
16 percent (1%) of the principal amount due per day beginning from the
17 tenth day after payment is due and accumulating until the late fee
18 reaches one hundred percent (100%) of the principal amount due.
19 Beginning on July 1, 1987, ninety percent (90%) of the monies
20 received by CLEET from the court clerks pursuant to this section
21 shall be deposited in the CLEET Fund, and ten percent (10%) shall be
22 deposited in the General Revenue Fund. Beginning January 1, 2001,
23 sixty and fifty-three one-hundredths percent (60.53%) of the monies
24 received by CLEET from the court clerks pursuant to this section

1 shall be deposited in the CLEET Fund created pursuant to subsection
2 ~~Ⓔ~~ E of this section, five and eighty-three one-hundredths percent
3 (5.83%) shall be deposited in the General Revenue Fund and thirty-
4 three and sixty-four one-hundredths percent (33.64%) shall be
5 deposited in the CLEET Training Center Revolving Fund created
6 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
7 Along with the deposits required by this subsection, each court
8 shall also submit a report stating the total amount of funds
9 collected and the total number of fees imposed during the preceding
10 quarter. The report may be made on computerized or manual
11 disposition reports.

12 ~~E.~~ D. Any municipality or county having a basic law enforcement
13 academy approved by CLEET pursuant to the criteria developed by
14 CLEET for training law enforcement officers shall retain from monies
15 collected pursuant to subsections A through ~~Ⓓ~~ C of this section, Two
16 Dollars (\$2.00) from each fee. These monies shall be deposited into
17 an account for the sole use of the municipality or county in
18 implementing its law enforcement training functions. Not more than
19 seven percent (7%) of the monies shall be used for court and
20 prosecution training. The court clerk of any such municipality or
21 county shall furnish to CLEET the report required by subsection ~~Ⓓ~~ E
22 of this section.

23 ~~F. 1. Any person entering a plea of guilty or nolo contendere~~
24 ~~or is found guilty of the crime of misdemeanor possession of~~

1 ~~marijuana or drug paraphernalia shall be ordered by the court to pay~~
2 ~~a five dollar fee, which shall be in addition to and not in~~
3 ~~substitution for any and all fines and penalties otherwise provided~~
4 ~~for by law for such offense.~~

5 ~~2. The court clerk shall cause to be deposited the amount of~~
6 ~~Five Dollars (\$5.00) as collected, for every adjudicated or~~
7 ~~otherwise convicted person as described in this subsection. The~~
8 ~~court clerk shall remit the monies in the fund on a monthly basis~~
9 ~~directly to the Bureau of Narcotics Drug Education Revolving Fund.~~

10 G. E. There is hereby created in the State Treasury a fund for
11 the Council on Law Enforcement Education and Training to be
12 designated the "CLEET Fund". The fund shall be subject to
13 legislative appropriation and shall consist of any monies received
14 from fees and receipts collected pursuant to the Oklahoma Open
15 Records Act, reimbursements for parts used in the repair of weapons
16 of law enforcement officers attending the basic academies, gifts,
17 bequests, contributions, tuition, fees, devises and the assessments
18 levied pursuant to the fund pursuant to law.

19 H. F. 1. Any person arrested or convicted of a felony offense
20 or convicted of a misdemeanor offense of assault and battery,
21 domestic abuse, stalking, possession of a controlled substance
22 prohibited under Schedule IV of the Uniform Controlled Dangerous
23 Substances Act, outraging public decency, resisting arrest, escaping
24 or attempting to escape, eluding a police officer, Peeping Tom,

1 pointing a firearm, threatening an act of violence, breaking and
2 entering a dwelling place, destruction of property, negligent
3 homicide or causing a personal injury accident while driving under
4 the influence of any intoxicating substance shall pay a DNA fee of
5 One Hundred Fifty Dollars (\$150.00). This fee shall not be
6 collected if the person has a valid DNA sample in the OSBI DNA
7 Offender Database at the time of sentencing.

8 2. The court clerk shall cause to be deposited the amount of
9 One Hundred Fifty Dollars (\$150.00) as collected for every felony
10 arrest, felony conviction or every conviction for a misdemeanor
11 offense of assault and battery, domestic abuse, stalking, possession
12 of a controlled substance prohibited under the Uniform Controlled
13 Dangerous Substances Act, outraging public decency, resisting
14 arrest, escaping or attempting to escape, eluding a police officer,
15 Peeping Tom, pointing a firearm, threatening an act of violence,
16 breaking and entering a dwelling place, destruction of property,
17 negligent homicide or causing a personal injury accident while
18 driving under the influence of any intoxicating substance as
19 described in this subsection. The court clerk shall remit the
20 monies in the fund on a monthly basis directly to the OSBI who shall
21 deposit the monies into the OSBI Revolving Fund provided for in
22 Section 150.19a of Title 74 of the Oklahoma Statutes for services
23 rendered or administered by the OSBI.

24

1 3. The monies from the DNA sample fee deposited into the OSBI
2 Revolving Fund shall be used for creating, staffing and maintaining
3 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
4 Database.

5 ~~F.~~ G. It shall be the responsibility of the court clerk to
6 account for and ensure the correctness and accuracy of payments made
7 to the state agencies identified in Sections 1313.2 through 1313.4
8 of this title. Payments made directly to an agency by the court
9 clerk as a result of different types of assessments and fees
10 pursuant to Sections 1313.2 through 1313.4 of this title shall be
11 made monthly to each state agency.

12 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1220, is
13 amended to read as follows:

14 Section 1220. A. Except as provided in subsection ~~C~~ B of this
15 section, it shall be unlawful for any operator to knowingly
16 transport or for any passenger to possess in any moving vehicle upon
17 a public highway, street or alley any intoxicating beverage or low-
18 point beer, as defined by Sections 163.1 and 163.2 of Title 37 of
19 the Oklahoma Statutes, except in the original container which shall
20 not have been opened and from which the original cap or seal shall
21 not have been removed, unless the opened container be in the rear
22 trunk or rear compartment, which shall include the spare tire
23 compartment in a station wagon or panel truck, or any outside
24 compartment which is not accessible to the driver or any other

1 person in the vehicle while it is in motion. Any person violating
2 the provisions of this section shall be deemed guilty of a
3 misdemeanor, and upon conviction shall be punished as provided in
4 subsection A of Section 566 of Title 37 of the Oklahoma Statutes.

5 ~~B. Any person convicted of violating any provision of~~
6 ~~subsection A of this section shall, in addition to any fine imposed,~~
7 ~~pay a special assessment trauma care fee of One Hundred Dollars~~
8 ~~(\$100.00) to be deposited into the Trauma Care Assistance Revolving~~
9 ~~Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.~~

10 ~~C.~~ The provisions of subsection A of this section shall not
11 apply to the passenger area of buses and limousines; however, it
12 shall be unlawful for the driver of the bus or limousine to consume
13 or have in the driver's immediate possession any intoxicating
14 beverage or low-point beer.

15 ~~D.~~ C. No city, town, or county may adopt any order, ordinance,
16 rule or regulation concerning the consumption or serving of
17 intoxicating beverages or low-point beer in buses or limousines.

18 ~~E.~~ D. As used in this section:

19 1. "Bus" means a vehicle as defined in Section 1-105 of Title
20 47 of the Oklahoma Statutes chartered for transportation of persons
21 for hire. It shall not mean a school bus, as defined by Section 1-
22 160 of Title 47 of the Oklahoma Statutes, transporting children or a
23 vehicle operated pursuant to a franchise with a city or town
24 operating over a regularly scheduled route; and

1 2. "Limousine" means a chauffeur-driven motor vehicle, other
2 than a bus or taxicab, as defined by Section 1-174 of Title 47 of
3 the Oklahoma Statutes, designed and used for transportation of
4 persons for compensation.

5 SECTION 5. AMENDATORY 21 O.S. 2021, Section 1753.3, is
6 amended to read as follows:

7 Section 1753.3 A. The operator of a vehicle, unless any other
8 person in the vehicle admits to or is identified as having committed
9 the act, shall be liable pursuant to subsection B of this section
10 for any act of throwing, dropping, depositing, or otherwise placing
11 any litter from a vehicle upon highways, roads, or public property.

12 B. Any person convicted of violating the provisions of
13 subsection A of this section shall be subject to a state traffic
14 offense punishable by a fine of not more than One Thousand Dollars
15 (\$1,000.00) and upon conviction shall be sentenced to perform not
16 less than five (5) nor more than twenty (20) hours of community
17 service in a litter abatement work program as approved by the court,
18 or the violator may be subject to criminal prosecution as provided
19 by the provisions of Section 1761.1 of this title. The penalties
20 collected from the payment of the citations shall, after deduction
21 of court costs, be paid into the reward fund created pursuant to
22 Section 1334 of Title 22 of the Oklahoma Statutes.

23 ~~C. Any person convicted of violating the provisions of~~
24 ~~subsection A of this section with any flaming or glowing substances~~

1 ~~except those which by law may be placed upon highway rights-of-way,~~
2 ~~or any substance which may cause a fire shall be subject to a state~~
3 ~~traffic offense punishable by a fine of not more than Two Thousand~~
4 ~~Dollars (\$2,000.00) and, upon conviction, shall be sentenced to~~
5 ~~perform not less than ten (10) nor more than forty (40) hours of~~
6 ~~community service in a litter abatement work program as approved by~~
7 ~~the court, or the violator may be subject to criminal prosecution as~~
8 ~~provided by the provisions of Section 1761.1 of this title. The~~
9 ~~penalties collected from the payment of the citations shall, after~~
10 ~~deduction of court costs, be paid to the fire department of the~~
11 ~~district in which the flaming or glowing substance was discarded.~~

12 ~~D. During a declared burn ban by the Governor, any person~~
13 ~~convicted of violating the provisions of subsection A of this~~
14 ~~section with any flaming or glowing substances except those which by~~
15 ~~law may be placed upon highway rights-of-way, or any substance which~~
16 ~~may cause a fire shall be subject to a state traffic offense~~
17 ~~punishable by a fine of not more than Four Thousand Dollars~~
18 ~~(\$4,000.00) and, upon conviction, shall be sentenced to perform not~~
19 ~~less than twenty (20) nor more than eighty (80) hours of community~~
20 ~~service in a litter abatement work program as approved by the court,~~
21 ~~or the violator may be subject to criminal prosecution as provided~~
22 ~~by the provisions of Section 1761.1 of this title. The penalties~~
23 ~~collected from the payment of the citations shall, after deduction~~

24

1 ~~of court costs, be paid to the fire department of the district in~~
2 ~~which the flaming or glowing substance was discarded.~~

3 ~~E.~~ As used in this section, "litter" means any flaming or
4 glowing substances except those which by law may be placed upon
5 highway rights-of-way, any substance which may cause a fire, any
6 bottles, cans, trash, garbage, or debris of any kind. As used in
7 this section, "litter" shall not include trash, garbage, or debris
8 placed beside a public road for collection by a garbage or
9 collection agency, or deposited upon or within public property
10 designated by the state or by any of its agencies or political
11 subdivisions as an appropriate place for such deposits if the person
12 making the deposit is authorized to use the property for such
13 purpose.

14 SECTION 6. AMENDATORY 21 O.S. 2021, Section 1761.1, is
15 amended to read as follows:

16 Section 1761.1 A. Any person who deliberately places, throws,
17 drops, dumps, deposits, or discards any garbage, trash, waste,
18 rubbish, refuse, debris, or other deleterious substance on any
19 public property, on any private property of another without consent
20 of the property owner or on his or her own private property in
21 violation of any county or state zoning or public health regulations
22 shall, upon conviction, be deemed guilty of a misdemeanor.

23 B. Any person convicted of violating the provisions of
24 subsection A of this section shall be punished by a fine of not less

1 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
2 Dollars (\$5,000.00) or by imprisonment in the county jail for not
3 more than thirty (30) days, or by both such fine and imprisonment.

4 C. ~~Any person convicted of violating the provisions of~~
5 ~~subsection A of this section with any flaming or glowing substance,~~
6 ~~or any substance which may cause a fire shall be punished by a fine~~
7 ~~of not less than Two Thousand Dollars (\$2,000.00) nor more than Five~~
8 ~~Thousand Dollars (\$5,000.00) or by imprisonment in the county jail~~
9 ~~for not more than sixty (60) days, or by both such fine and~~
10 ~~imprisonment. The penalties collected from the payment of the~~
11 ~~citations shall, after deduction of court costs, be paid to the fire~~
12 ~~department of the district in which the flaming or glowing substance~~
13 ~~was discarded. Any person violating the provisions of this~~
14 ~~subsection shall be liable for all damages caused by the violation.~~
15 ~~Damages shall be recoverable in any court of competent jurisdiction.~~

16 D. ~~During a burn ban declared by the Governor, any person~~
17 ~~convicted of violating the provisions of subsection A of this~~
18 ~~section with any flaming or glowing substances, or any substance~~
19 ~~which may cause a fire shall be punished by a fine of not less than~~
20 ~~Four Thousand Dollars (\$4,000.00) nor more than Ten Thousand Dollars~~
21 ~~(\$10,000.00) or by imprisonment in the county jail for not more than~~
22 ~~one hundred twenty (120) days, or by both such fine and~~
23 ~~imprisonment. The penalties collected from the payment of the~~
24 ~~citations shall, after deduction of court costs, be paid to the fire~~

1 ~~department of the district in which the flaming or glowing substance~~
2 ~~was discarded. Any person violating the provisions of this~~
3 ~~subsection shall be liable for all damages caused by the violation.~~
4 ~~Damages shall be recoverable in any court of competent jurisdiction.~~

5 ~~E.~~ Any person convicted of violating the provisions of
6 subsection A of this section with any item of furniture, or item
7 that exceeds fifty (50) pounds, shall be punished by a fine of not
8 less than One Thousand Dollars (\$1,000.00) nor more than Six
9 Thousand Five Hundred Dollars (\$6,500.00) or by imprisonment in the
10 county jail for not more than sixty (60) days, or by both such fine
11 and imprisonment.

12 ~~F.~~ D. In addition to the penalty prescribed by subsection B of
13 this section, the court shall direct the person to make restitution
14 to the property owner affected; to remove and properly dispose of
15 the garbage, trash, waste, rubbish, refuse, or debris from the
16 property; to pick up, remove, and properly dispose of garbage,
17 trash, waste, rubbish, refuse, debris, and other nonhazardous
18 deleterious substances from public property; or perform community
19 service or any combination of the foregoing which the court, in its
20 discretion, deems appropriate. The dates, times, and locations of
21 such activities shall be scheduled by the sheriff pursuant to the
22 order of the court in such a manner as not to interfere with the
23 employment or family responsibilities of the person.

24

1 ~~G.~~ E. In addition to the penalty prescribed in subsection B of
2 this section and the restitution prescribed in subsection ~~F~~ D of
3 this section, the court may order the defendant to pay into the
4 reward fund as prescribed in Section 1334 of Title 22 of the
5 Oklahoma Statutes an amount not to exceed Two Thousand Dollars
6 (\$2,000.00).

7 ~~H.~~ F. The discovery of two or more items which have been
8 dropped, dumped, deposited, discarded, placed, or thrown at one
9 location and which bear a common address in a form which tends to
10 identify the latest owner of the items shall create a rebuttable
11 presumption that any competent person residing at such address
12 committed the unlawful act. The discovery or use of such evidence
13 shall not be sufficient to qualify for the reward provided in
14 Section 1334 of Title 22 of the Oklahoma Statutes.

15 ~~I.~~ G. Any person may report a violation of this section, if
16 committed in his or her presence, to an officer of the State Highway
17 Patrol, a county sheriff or deputy, a municipal law enforcement
18 officer or any other peace officer in this state. The peace officer
19 shall then conduct an investigation into the allegations, if
20 warranted. If a violation of this section has in fact been
21 committed, and the peace officer has reasonable cause to believe a
22 particular person or persons have committed the violation, a report
23 shall be filed with the district attorney for prosecution.

24

1 ~~J.~~ H. Notwithstanding the provisions of subsection ~~F~~ G of this
2 section, any peace officer of this state or of any political
3 subdivision of this state may issue a state traffic citation to any
4 person committing a violation of subsection A of this section. Such
5 state traffic citation shall be in an amount of not less than Five
6 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
7 (\$5,000.00). The penalties collected from the payment of such
8 citations shall not include court costs and shall be divided as
9 follows:

10 1. One-half (1/2) shall be paid into the reward fund created
11 pursuant to Section 1334 of Title 22 of the Oklahoma Statutes;
12 provided that if the citation is issued by a peace officer of a
13 county of this state, the funds allocated by this paragraph shall be
14 transferred to the general fund of the county of the law enforcement
15 officer issuing the citation; and

16 2. One-half (1/2) shall be paid into the sheriff's service fee
17 account for that county to be used for enforcing provisions of this
18 section.

19 ~~K.~~ I. The amount of bail for littering offenses specified in
20 Section 1753.3 of this title and for trash dumping offenses
21 specified in this section shall be the amount of fine specified in
22 each statute plus costs including any penalty assessment, as well as
23 costs incurred in Section 1313.3 of Title 20 of the Oklahoma
24 Statutes.

1 SECTION 7. AMENDATORY 22 O.S. 2021, Section 471.6, is
2 amended to read as follows:

3 Section 471.6 A. The drug court judge shall conduct a hearing
4 as required by subsection E of Section 471.4 of this title to
5 determine final eligibility by considering:

6 1. Whether the offender voluntarily consents to the program
7 requirements;

8 2. Whether to accept the offender based upon the findings and
9 recommendations of the drug court investigation authorized by
10 Section 471.4 of this title;

11 3. Whether there is a written plea agreement, and if so,
12 whether the terms and conditions of the written negotiated plea
13 between the district attorney, the defense attorney and the offender
14 are appropriate and consistent with the penalty provisions and
15 conditions of other similar cases;

16 4. Whether there is an appropriate treatment program available
17 to the offender and whether there is a recommended treatment plan;
18 and

19 5. Any information relevant to determining eligibility;
20 provided, however, an offender shall not be denied admittance to any
21 drug court program based upon an inability to pay court costs or
22 other costs or fees.

23

24

1 B. At the hearing to determine final eligibility for the drug
2 court program, the judge shall not grant any admission of any
3 offender to the program when:

4 1. The required treatment plan and plea agreement have not been
5 completed;

6 2. The program funding or availability of treatment has been
7 exhausted;

8 3. The treatment program is unwilling to accept the offender;

9 4. The offender was ineligible for consideration by the nature
10 of a violent offense at the time of arrest, and the charge has been
11 modified to meet the eligibility criteria of the program; or

12 5. The offender is inappropriate for admission to the program,
13 in the discretion of the judge.

14 C. At the final eligibility hearing, if evidence is presented
15 that was not discovered by the drug court investigation, the
16 district attorney or the defense attorney may make an objection and
17 may ask the court to withdraw the plea agreement previously
18 negotiated. The court shall determine whether to proceed and
19 overrule the objection, to sustain the objection and transfer the
20 case for traditional criminal prosecution or to require further
21 negotiations of the plea or punishment provisions. The decision of
22 the judge for or against eligibility and admission shall be final.

23 D. When the court accepts the treatment plan with the written
24 plea agreement, the offender, upon entering the plea as agreed by

1 the parties, shall be ordered and escorted immediately into the
2 program. The offender must have voluntarily signed the necessary
3 court documents before the offender may be admitted to treatment.

4 The court documents shall include:

5 1. Waiver of the offender's rights to speedy trial;

6 2. A written plea agreement which sets forth the offense
7 charged, the penalty to be imposed for the offense in the event of a
8 breach of the agreement and the penalty to be imposed, if any, in
9 the event of a successful completion of the treatment program;
10 provided, however, incarceration shall be prohibited when the
11 offender completes the treatment program;

12 3. A written treatment plan which is subject to modification at
13 any time during the program; and

14 4. A written performance contract requiring the offender to
15 enter the treatment program as directed by the court and participate
16 until completion, withdrawal or removal by the court.

17 E. If admission into the drug court program is denied, the
18 criminal case shall be returned to the traditional criminal docket
19 and shall proceed as provided for any other criminal case.

20 F. At the time an offender is admitted to the drug court
21 program, any bail or undertaking on behalf of the offender shall be
22 exonerated.

23 G. The period of time during which an offender may participate
24 in the active treatment portion of the drug court program shall be

1 not less than six (6) months nor more than twenty-four (24) months
2 and may include a period of supervision not less than six (6) months
3 nor more than one (1) year following the treatment portion of the
4 program. The period of supervision may be extended by order of the
5 court for not more than six (6) months. No treatment dollars shall
6 be expended on the offender during the extended period of
7 supervision. If the court orders that the period of supervision
8 shall be extended, the drug court judge, district attorney, the
9 attorney for the offender and the supervising staff for the drug
10 court program shall evaluate the appropriateness of continued
11 supervision on a quarterly basis. All participating treatment
12 providers shall be certified by the Department of Mental Health and
13 Substance Abuse Services and shall be selected and evaluated for
14 performance-based effectiveness annually by the Department of Mental
15 Health and Substance Abuse Services. Treatment programs shall be
16 designed to be completed within twelve (12) months and shall have
17 relapse prevention and evaluation components.

18 H. The drug court judge shall order the offender to pay court
19 costs, treatment costs, and drug testing costs, ~~a program user fee~~
20 ~~not to exceed Twenty Dollars (\$20.00) per month and necessary~~
21 ~~supervision fees,~~ unless the offender is indigent. The drug court
22 judge shall establish a schedule for the payment of costs and fees.
23 The cost for treatment, drug testing and supervision shall be set by
24 the treatment and supervision providers respectively and made part

1 of the court's order for payment. User fees shall be set by the
2 drug court judge within the maximum amount authorized by this
3 subsection and payable directly to the court clerk for the benefit
4 and administration of the drug court program. Treatment, drug
5 testing and supervision costs shall be paid to the respective
6 providers. The court clerk shall collect all other costs and fees
7 ordered and deposit such costs and fees with the county treasurer in
8 a drug court fund created and administered pursuant to subsection I
9 of Section 471.1 of this title. The remaining user fees shall be
10 remitted to the State Treasurer by the court clerk for deposit in
11 the Department of Mental Health and Substance Abuse Services' Drug
12 Abuse Education and Treatment Revolving Fund established pursuant to
13 Section 2-503.2 of Title 63 of the Oklahoma Statutes. Court orders
14 for costs and fees pursuant to this subsection shall not be limited
15 for purposes of collection to the maximum term of imprisonment for
16 which the offender could have been imprisoned for the offense, nor
17 shall any court order for costs and fees be limited by any term of
18 probation, parole, supervision, treatment or extension thereof.
19 Court orders for costs and fees shall remain an obligation of the
20 offender until fully paid; provided, however, once the offender has
21 successfully completed the drug court program, the drug court judge
22 shall have the discretion to expressly waive all or part of the
23 costs and fees provided for in this subsection if, in the opinion of
24 the drug court judge, continued payment of the costs and fees by the

1 offender would create a financial hardship for the offender.
2 Offenders who have not fully paid all costs and fees pursuant to
3 court order but who have otherwise successfully completed the drug
4 court program shall not be counted as an active drug court
5 participant for purposes of drug court contracts or program
6 participant numbers.

7 I. Notwithstanding any other provision of law, if the driving
8 privileges of the offender have been suspended, revoked, canceled or
9 denied by the Department of Public Safety and if the drug court
10 judge determines that no other means of transportation for the
11 offender is available, the drug court judge may enter a written
12 order requiring the Department of Public Safety to stay any and all
13 such actions against the Class D driving privileges of the offender;
14 provided, the stay shall not be construed to grant driving
15 privileges to an offender who has not been issued a driver license
16 by the Department or whose Oklahoma driver license has expired, in
17 which case the offender shall be required to apply for and be found
18 eligible for a driver license, pass all examinations, if applicable,
19 and pay all statutory driver license issuance or renewal fees. The
20 offender shall provide proof of insurance to the drug court judge
21 prior to the judge ordering a stay of any driver license suspension,
22 revocation, cancellation or denial. When a judge of a drug court
23 enters a stay against an order by the Department of Public Safety
24 suspending or revoking the driving privileges of an offender, the

1 time period set in the order by the Department for the suspension or
2 revocation shall continue to run during the stay. When an offender
3 has successfully completed the drug court program, the drug court
4 judge shall maintain jurisdiction over the offender's driving
5 privileges for one (1) year after the date on which the offender
6 graduates from the drug court program.

7 SECTION 8. AMENDATORY 22 O.S. 2021, Section 979a, is
8 amended to read as follows:

9 Section 979a. A. The court shall require a person who is
10 actually received into custody at a jail facility or who is confined
11 in a city or county jail or holding facility, for any offense, to
12 pay the jail facility or holding facility the costs of
13 incarceration, both before and after conviction, upon conviction or
14 receiving a deferred sentence. The costs of incarceration shall be
15 collected by the clerk of the court as provided for collection of
16 other costs and fines, which shall be subject to review under the
17 procedures set forth in Section VIII of the Rules of the Oklahoma
18 Court of Criminal Appeals, Chapter 18, Appendix of this title.
19 Costs of incarceration shall include booking, receiving and
20 processing out, housing, food, clothing, medical care, dental care,
21 and psychiatric services. The costs for incarceration shall be an
22 amount equal to the actual cost of the services and shall be
23 determined by the chief of police for city jails and holding
24 facilities, by the county sheriff for county jails or by contract

1 amount, if applicable. In the event a person requires emergency
2 medical treatment for an injury or condition that threatens life or
3 threatens the loss or use of a limb prior to being actually received
4 into the custody of any jail facility, the provisions of Section 533
5 of Title 21 of the Oklahoma Statutes shall apply to taking custody,
6 medical care and cost responsibility. The cost of incarceration
7 shall be paid by the court clerk, when collected, to the
8 municipality, holding facility, county or other public entity
9 responsible for the operation of such facility where the person was
10 held at any time. ~~Except for medical costs, ten percent (10%) of~~
11 ~~any amount collected by the court clerk shall be paid to the~~
12 ~~municipal attorney's or district attorney's office, and the~~
13 ~~remaining amount shall be paid to the municipality, the sheriff's~~
14 ~~service fee account or, if the sheriff does not operate the jail~~
15 ~~facility, the remaining amount shall be deposited with the public~~
16 ~~entity responsible for the operation of the jail facility where the~~
17 ~~person was held at any time.~~ The court shall order the defendant to
18 reimburse all actual costs of incarceration, upon conviction or upon
19 entry of a deferred judgment and sentence unless the defendant is a
20 mentally ill person as defined by Section 1-103 of Title 43A of the
21 Oklahoma Statutes. The sheriff shall give notice to the defendant
22 of the actual costs owed before any court-ordered costs are
23 collected. The defendant shall have an opportunity to object to the
24 amount of costs solely on the grounds that the number of days served

1 is incorrect. If no objection is made, the costs may be collected
2 in the amount stated in the notice to the defendant. The sheriff,
3 municipality or other public entity responsible for the operation of
4 the jail may collect costs of incarceration ordered by the court
5 from the jail account of the inmate. If the funds collected from
6 the jail account of the inmate are insufficient to satisfy the
7 actual incarceration costs ordered by the court, the sheriff,
8 municipality or other public entity responsible for the operation of
9 the jail is authorized to collect the remaining balance of the
10 incarceration costs by civil action. When the sheriff, municipality
11 or other public entity responsible for the operation of the jail
12 collects any court-ordered incarceration costs from the jail account
13 of the inmate or by criminal or civil action, the court clerk shall
14 be notified of the amount collected.

15 B. Except as may otherwise be provided in Section 533 of Title
16 21 of the Oklahoma Statutes, any offender receiving routine or
17 emergency medical services or medications or injured during the
18 commission of a felony or misdemeanor offense and administered any
19 medical care shall be required to reimburse the sheriff,
20 municipality or other public entity responsible for the operation of
21 the jail, the full amount paid by the sheriff, municipality or other
22 public entity responsible for the operation of the jail for any
23 medical care or treatment administered to such offender during any
24 period of incarceration or when the person was actually received

1 into custody for any reason in that jail facility. The sheriff,
2 municipality or other public entity responsible for the operation of
3 the jail may deduct the costs of medical care and treatment as
4 authorized by Section 531 of Title 19 of the Oklahoma Statutes. If
5 the funds collected from the jail account of the inmate are
6 insufficient to satisfy the actual medical costs paid, the sheriff,
7 municipality or other public entity responsible for the operation of
8 the jail shall be authorized to collect the remaining balance of the
9 medical care and treatment by civil actions.

10 C. Costs of incarceration shall be a debt of the inmate owed to
11 the municipality, county, or other public entity responsible for the
12 operation of the jail and may be collected as provided by law for
13 collection of any other civil debt or criminal penalty.

14 D. The court shall not waive the costs of incarceration in
15 their entirety. However, if the court determines that a reduction
16 in the fine, costs, and costs of incarceration is warranted, the
17 court shall equally apply the same percentage reduction to the fine,
18 costs, and costs of incarceration owed by the defendant.

19 SECTION 9. AMENDATORY 22 O.S. 2021, Section 982, is
20 amended to read as follows:

21 Section 982. A. Whenever a person is convicted of a violent
22 felony offense whether the conviction is for a single offense or
23 part of any combination of offenses, except when the death sentence
24 is available as punishment for the offense, the court may, before

1 imposing the sentence, require a presentence investigation be made
2 of the offender by the Department of Corrections. ~~The court shall~~
3 ~~order the defendant to pay a fee to the Department of Corrections of~~
4 ~~not less than Fifty Dollars (\$50.00) nor more than Five Hundred~~
5 ~~Dollars (\$500.00) for the presentence investigation. In hardship~~
6 ~~eases, the court may reduce the amount of the fee and establish a~~
7 ~~payment schedule.~~

8 B. Whenever a person has a prior felony conviction and enters a
9 plea of guilty or nolo contendere to a felony offense other than a
10 violent felony offense, without an agreement by the district
11 attorney regarding the sentence to be imposed, the court may order a
12 presentence investigation be made by the Department of Corrections.
13 ~~The fee provided in subsection A of this section shall apply to~~
14 ~~persons subject to this subsection.~~

15 C. Whenever a person has entered a plea of not guilty to a
16 nonviolent felony offense and is found guilty by a court following a
17 non-jury trial, the court may require a presentence investigation be
18 made by the Department of Corrections. ~~The fee provided in~~
19 ~~subsection A of this section shall apply to persons subject to this~~
20 ~~subsection.~~

21 D. When conducting a presentence investigation, the Department
22 shall inquire into the circumstances of the offense and the
23 characteristics of the offender. The information obtained from the
24 investigation shall include, but not be limited to, a voluntary

1 statement from each victim of the offense concerning the nature of
2 the offense and the impact of the offense on the victim and the
3 immediate family of the victim, the amount of the loss suffered or
4 incurred by the victim as a result of the criminal conduct of the
5 offender, and the age, marital status, living arrangements,
6 financial obligations, income, family history and education, prior
7 juvenile and criminal records, associations with other persons
8 convicted of a felony offense, social history, indications of a
9 predisposition to violence or substance abuse, remorse or guilt
10 about the offense or the harm to the victim, job skills and
11 employment history of the offender. The Department shall make a
12 report of information from such investigation to the court,
13 including a recommendation detailing the punishment which is deemed
14 appropriate for both the offense and the offender, and specifically
15 a recommendation for or against probation or suspended sentence.
16 The report of the investigation shall be presented to the judge
17 within a reasonable time, and upon failure to present the report,
18 the judge may proceed with sentencing. Whenever, in the opinion of
19 the court or the Department, it is desirable, the investigation
20 shall include a physical and mental examination or either a physical
21 or mental examination of the offender.

22 E. The district attorney may have a presentence investigation
23 made by the Department on each person charged with a violent felony
24 offense and entering a plea of guilty or a plea of nolo contendere

1 as part of or in exchange for a plea agreement for a violent felony
2 offense. The presentence investigation shall be completed before
3 the terms of the plea agreement are finalized. The court shall not
4 approve the terms of any plea agreement without reviewing the
5 presentence investigation report to determine whether or not the
6 terms of the sentence are appropriate for both the offender and the
7 offense. ~~The fee provided in subsection A of this section shall~~
8 ~~apply to persons subject to this subsection and shall be a condition~~
9 ~~of the plea agreement and sentence.~~

10 F. The presentence investigation reports specified in this
11 section shall not be referred to, or be considered, in any appeal
12 proceedings. Before imposing a sentence, the court shall advise the
13 defendant, counsel for the defendant, and the district attorney of
14 the factual contents and conclusions of the presentence
15 investigation report. The court shall afford the offender a fair
16 opportunity to controvert the findings and conclusions of the
17 reports at the time of sentencing. If either the defendant or the
18 district attorney desires, a hearing shall be set by the court to
19 allow both parties an opportunity to offer evidence proving or
20 disproving any finding contained in a report, which shall be a
21 hearing in mitigation or aggravation of punishment.

22 G. The required presentence investigation and report may be
23 waived upon written waiver by the district attorney and the
24 defendant and upon approval by the Court.

- 1 H. As used in this section, "violent felony offense" means:
- 2 1. Arson in the first degree;
 - 3 2. Assault with a dangerous weapon, battery with a dangerous
4 weapon or assault and battery with a dangerous weapon;
 - 5 3. Aggravated assault and battery on a police officer, sheriff,
6 highway patrol officer, or any other officer of the law;
 - 7 4. Assault with intent to kill, or shooting with intent to
8 kill;
 - 9 5. Assault with intent to commit a felony, or use of a firearm
10 to commit a felony;
 - 11 6. Assault while masked or disguised;
 - 12 7. Burglary in the first degree or burglary with explosives;
 - 13 8. Child beating or maiming;
 - 14 9. Forcible sodomy;
 - 15 10. Kidnapping, or kidnapping for extortion;
 - 16 11. Lewd or indecent proposition or lewd or indecent acts with
17 a child;
 - 18 12. Manslaughter in the first or second degrees;
 - 19 13. Murder in the first or second degrees;
 - 20 14. Rape in the first or second degrees, or rape by
21 instrumentation;
 - 22 15. Robbery in the first or second degrees, or robbery by two
23 or more persons, or robbery with a dangerous weapon; or
24

1 16. Any attempt, solicitation or conspiracy to commit any of
2 the above enumerated offenses.

3 SECTION 10. AMENDATORY 22 O.S. 2021, Section 991a, is
4 amended to read as follows:

5 Section 991a. A. Except as otherwise provided in the Elderly
6 and Incapacitated Victim's Protection Program, when a defendant is
7 convicted of a crime and no death sentence is imposed, the court
8 shall either:

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

13 a. to provide restitution to the victim as provided by
14 Section 991f et seq. of this title or according to a
15 schedule of payments established by the sentencing
16 court, together with interest upon any pecuniary sum
17 at the rate of twelve percent (12%) per annum, if the
18 defendant agrees to pay such restitution or, in the
19 opinion of the court, if the defendant is able to pay
20 such restitution without imposing manifest hardship on
21 the defendant or the immediate family and if the
22 extent of the damage to the victim is determinable
23 with reasonable certainty,

24

- 1 b. to reimburse any state agency for amounts paid by the
2 state agency for hospital and medical expenses
3 incurred by the victim or victims, as a result of the
4 criminal act for which such person was convicted,
5 which reimbursement shall be made directly to the
6 state agency, with interest accruing thereon at the
7 rate of twelve percent (12%) per annum,
- 8 c. to engage in a term of community service without
9 compensation, according to a schedule consistent with
10 the employment and family responsibilities of the
11 person convicted,
- 12 d. to pay a reasonable sum into any trust fund,
13 established pursuant to the provisions of Sections 176
14 through 180.4 of Title 60 of the Oklahoma Statutes,
15 and which provides restitution payments by convicted
16 defendants to victims of crimes committed within this
17 state wherein such victim has incurred a financial
18 loss,
- 19 e. to confinement in the county jail for a period not to
20 exceed six (6) months,
- 21 f. to confinement as provided by law together with a term
22 of post-imprisonment community supervision for not
23 less than three (3) years of the total term allowed by
24 law for imprisonment, with or without restitution;

1 provided, however, the authority of this provision is
2 limited to Section 843.5 of Title 21 of the Oklahoma
3 Statutes when the offense involved sexual abuse or
4 sexual exploitation; Sections 681, 741 and 843.1 of
5 Title 21 of the Oklahoma Statutes when the offense
6 involved sexual abuse or sexual exploitation; and
7 Sections 865 et seq., 885, 886, 888, 891, 1021,
8 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
9 1123 of Title 21 of the Oklahoma Statutes,

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

1 annually meet the certification standards for crime
2 stoppers programs established by the Oklahoma Crime
3 Stoppers Association to the extent those standards do
4 not conflict with state statutes. The term "court"
5 refers to all municipal and district courts within
6 this state. The "Oklahoma Reward System" means the
7 reward program established by Section 150.18 of Title
8 74 of the Oklahoma Statutes,

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

20 i. to reimburse the Oklahoma State Bureau of
21 Investigation and any authorized law enforcement
22 agency for all costs incurred by that agency for
23 cleaning up an illegal drug laboratory site for which
24 the defendant pleaded guilty, nolo contendere or was

1 convicted. The court clerk shall collect the amount
2 and may retain five percent (5%) of such monies to be
3 deposited in the Court Clerk Revolving Fund to cover
4 administrative costs and shall remit the remainder to
5 the Oklahoma State Bureau of Investigation to be
6 deposited in the OSBI Revolving Fund established by
7 Section 150.19a of Title 74 of the Oklahoma Statutes
8 or to the general fund wherein the other law
9 enforcement agency is located,

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

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

17 l. 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,
24

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. to be placed in a victims impact panel program, as
4 defined in subsection H of this section, or
5 victim/offender reconciliation program and payment of
6 a fee to the program of not less than Fifteen Dollars
7 (\$15.00) nor more than Sixty Dollars (\$60.00) as set
8 by the governing authority of the program to offset
9 the cost of participation by the defendant. Provided,
10 each victim/offender reconciliation program shall be
11 required to obtain a written consent form voluntarily
12 signed by the victim and defendant that specifies the
13 methods to be used to resolve the issues, the
14 obligations and rights of each person, and the
15 confidentiality of the proceedings. Volunteer
16 mediators and employees of a victim/offender
17 reconciliation program shall be immune from liability
18 and have rights of confidentiality as provided in
19 Section 1805 of Title 12 of the Oklahoma Statutes,
20 n. to install, at the expense of the defendant, an
21 ignition interlock device approved by the Board of
22 Tests for Alcohol and Drug Influence. The device
23 shall be installed upon every motor vehicle operated
24 by the defendant, and the court shall require that a

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

- 21 o. to be confined by electronic monitoring administered
22 and supervised by the Department of Corrections or a
23 community sentence provider, ~~and payment of a~~
24 ~~monitoring fee to the supervising authority, not to~~

1 ~~exceed Three Hundred Dollars (\$300.00) per month. Any~~
2 ~~fees collected pursuant to this paragraph shall be~~
3 ~~deposited with the appropriate supervising authority.~~
4 ~~Any willful violation of an order of the court for the~~
5 ~~payment of the monitoring fee shall be a violation of~~
6 ~~the sentence and may be punished as deemed proper by~~
7 ~~the sentencing court. As used in this paragraph,~~
8 "electronic monitoring" means confinement of the
9 defendant within a specified location or locations
10 with supervision by means of an electronic device
11 approved by the Department of Corrections which is
12 designed to detect if the defendant is in the court-
13 ordered location at the required times and which
14 records violations for investigation by a qualified
15 supervisory agency or person,

16 p. to perform one or more courses of treatment, education
17 or rehabilitation for any conditions, behaviors,
18 deficiencies or disorders which may contribute to
19 criminal conduct, including but not limited to alcohol
20 and substance abuse, mental health, emotional health,
21 physical health, propensity for violence, antisocial
22 behavior, personality or attitudes, deviant sexual
23 behavior, child development, parenting assistance, job
24 skills, vocational-technical skills, domestic

1 relations, literacy, education, or any other
2 identifiable deficiency which may be treated
3 appropriately in the community and for which a
4 certified provider or a program recognized by the
5 court as having significant positive impact exists in
6 the community. Any treatment, education or
7 rehabilitation provider required to be certified
8 pursuant to law or rule shall be certified by the
9 appropriate state agency or a national organization,

- 10 q. to submit to periodic testing for alcohol,
11 intoxicating substance, or controlled dangerous
12 substances by a qualified laboratory,
- 13 r. to pay a fee, costs for treatment, education,
14 supervision, participation in a program, or any
15 combination thereof as determined by the court, based
16 upon the defendant's ability to pay the fees or costs,
- 17 s. to be supervised by a Department of Corrections
18 employee, a private supervision provider, or other
19 person designated by the court,
- 20 t. to obtain positive behavior modeling by a trained
21 mentor,
- 22 u. to serve a term of confinement in a restrictive
23 housing facility available in the community,
- 24

- v. to serve a term of confinement in the county jail at night or during weekends pursuant to Section 991a-2 of this title or for work release,
- w. to obtain employment or participate in employment-related activities,
- x. to participate in mandatory day reporting to facilities or persons for services, payments, duties or person-to-person contacts as specified by the court,
- y. to pay day fines not to exceed fifty percent (50%) of the net wages earned. For purposes of this paragraph, "day fine" means the offender is ordered to pay an amount calculated as a percentage of net daily wages earned. The day fine shall be paid to the local community sentencing system as reparation to the community. Day fines shall be used to support the local system,
- z. to submit to blood or saliva testing as required by subsection I of this section,
- aa. to repair or restore property damaged by the defendant's conduct, 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,

- 1 bb. to restore damaged property in kind or payment of out-
2 of-pocket expenses to the victim, if the court is able
3 to determine the actual out-of-pocket expenses
4 suffered by the victim,
- 5 cc. to attend a victim-offender reconciliation program if
6 the victim agrees to participate and the offender is
7 deemed appropriate for participation,
- 8 dd. in the case of a person convicted of prostitution
9 pursuant to Section 1029 of Title 21 of the Oklahoma
10 Statutes, require such person to receive counseling
11 for the behavior which may have caused such person to
12 engage in prostitution activities. Such person may be
13 required to receive counseling in areas including but
14 not limited to alcohol and substance abuse, sexual
15 behavior problems, or domestic abuse or child abuse
16 problems,
- 17 ee. in the case of a sex offender sentenced after November
18 1, 1989, and required by law to register pursuant to
19 the Sex Offender Registration Act, the court shall
20 require the person to comply with sex offender
21 specific rules and conditions of supervision
22 established by the Department of Corrections and
23 require the person to participate in a treatment
24 program designed for the treatment of sex offenders

1 during the period of time while the offender is
2 subject to supervision by the Department of
3 Corrections. The treatment program shall include
4 polygraph examinations specifically designed for use
5 with sex offenders for purposes of supervision and
6 treatment compliance, and shall be administered not
7 less than each six (6) months during the period of
8 supervision. The examination shall be administered by
9 a certified licensed polygraph examiner. The
10 treatment program must be approved by the Department
11 of Corrections or the Department of Mental Health and
12 Substance Abuse Services. Such treatment shall be at
13 the expense of the defendant based on the defendant's
14 ability to pay,

15 ff. in addition to other sentencing powers of the court,
16 the court in the case of a defendant being sentenced
17 for a felony conviction for a violation of Section 2-
18 402 of Title 63 of the Oklahoma Statutes which
19 involves marijuana may require the person to
20 participate in a drug court program, if available. If
21 a drug court program is not available, the defendant
22 may be required to participate in a community
23 sanctions program, if available,
24

1 gg. in the case of a person convicted of any false or
2 bogus check violation, as defined in Section 1541.4 of
3 Title 21 of the Oklahoma Statutes, impose a fee of
4 Twenty-five Dollars (\$25.00) to the victim for each
5 check, and impose a bogus check fee to be paid to the
6 district attorney. The bogus check fee paid to the
7 district attorney shall be equal to the amount
8 assessed as court costs plus Twenty-five Dollars
9 (\$25.00) for each check upon filing of the case in
10 district court. This money shall be deposited in the
11 Bogus Check Restitution Program Fund as established in
12 subsection B of Section 114 of this title.
13 Additionally, the court may require the offender to
14 pay restitution and bogus check fees on any other
15 bogus check or checks that have been submitted to the
16 District Attorney Bogus Check Restitution Program,

17 hh. in the case of a person being sentenced for a
18 conviction for a violation of Section 644 of Title 21
19 of the Oklahoma Statutes, require the person to
20 receive an assessment for batterers, which shall be
21 conducted through a certified treatment program for
22 batterers, and

23 ii. any other provision specifically ordered by the court.
24

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

6 However, unless under the supervision of the district attorney,
7 the offender shall be required to pay Forty Dollars (\$40.00) per
8 month to the district attorney during the first two (2) years of
9 probation to compensate the district attorney for the costs incurred
10 during the prosecution of the offender and for the additional work
11 of verifying the compliance of the offender with the rules and
12 conditions of his or her probation. The district attorney may waive
13 any part of this requirement in the best interests of justice. Any
14 fees collected by the district attorney pursuant to this paragraph
15 shall be deposited in the General Revenue Fund of the State
16 Treasury. The court shall not waive, suspend, defer or dismiss the
17 costs of prosecution in its entirety. However, if the court
18 determines that a reduction in the fine, costs and costs of
19 prosecution is warranted, the court shall equally apply the same
20 percentage reduction to the fine, costs and costs of prosecution
21 owed by the offender;

22 2. Impose a fine prescribed by law for the offense, with or
23 without probation or commitment and with or without restitution or
24

1 service as provided for in this section, Section 991a-4.1 of this
2 title or Section 227 of Title 57 of the Oklahoma Statutes;

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

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

14 5. Order the defendant to reimburse the Oklahoma State Bureau
15 of Investigation for all costs incurred by that agency for cleaning
16 up an illegal drug laboratory site for which the defendant pleaded
17 guilty, nolo contendere or was convicted. The court clerk shall
18 collect the amount and may retain five percent (5%) of such monies
19 to be deposited in the Court Clerk Revolving Fund to cover
20 administrative costs and shall remit the remainder to the Oklahoma
21 State Bureau of Investigation to be deposited in the OSBI Revolving
22 Fund established by Section 150.19a of Title 74 of the Oklahoma
23 Statutes;

1 6. In addition to the other sentencing powers of the court, in
2 the case of a person convicted of operating or being in control of a
3 motor vehicle while the person was under the influence of alcohol,
4 other intoxicating substance, or a combination of alcohol or another
5 intoxicating substance, or convicted of operating a motor vehicle
6 while the ability of the person to operate such vehicle was impaired
7 due to the consumption of alcohol, require such person:

8 a. to participate in an alcohol and drug assessment and
9 evaluation by an assessment agency or assessment
10 personnel certified by the Department of Mental Health
11 and Substance Abuse Services pursuant to Section 3-460
12 of Title 43A of the Oklahoma Statutes and, as
13 determined by the assessment, participate in an
14 alcohol and drug substance abuse course or treatment
15 program or both, pursuant to Sections 3-452 and 3-453
16 of Title 43A of the Oklahoma Statutes,

17 b. to attend a victims impact panel program, as defined
18 in subsection H of this section, if such a program is
19 offered in the county where the judgment is rendered,
20 and to pay a fee of not less than Fifteen Dollars
21 (\$15.00) nor more than Sixty Dollars (\$60.00) as set
22 by the governing authority of the program and approved
23 by the court, to the program to offset the cost of
24 participation by the defendant, if in the opinion of

1 the court the defendant has the ability to pay such
2 fee,

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

8 d. to install, at the expense of the person, an ignition
9 interlock device approved by the Board of Tests for
10 Alcohol and Drug Influence, upon every motor vehicle
11 operated by such person and to require that a notation
12 of this restriction be affixed to the person's driver
13 license at the time of reinstatement of the license.
14 The restriction shall remain on the driver license for
15 such period as the court shall determine. The
16 restriction may be modified or removed by order of the
17 court and notice of the order shall be given to the
18 Department of Public Safety. Upon the expiration of
19 the period for the restriction, the Department of
20 Public Safety shall remove the restriction without
21 further court order. Failure to comply with the order
22 to install an ignition interlock device or operating
23 any vehicle without such device during the period of
24 restriction shall be a violation of the sentence and

1 may be punished as deemed proper by the sentencing
2 court, or

3 e. beginning January 1, 1993, to submit to electronically
4 monitored home detention administered and supervised
5 by the Department of Corrections, and to pay to the
6 Department a monitoring fee, not to exceed Seventy-
7 five Dollars (\$75.00) a month, to the Department of
8 Corrections, if in the opinion of the court the
9 defendant has the ability to pay such fee. Any fees
10 collected pursuant to this subparagraph shall be
11 deposited in the Department of Corrections Revolving
12 Fund. Any order by the court for the payment of the
13 monitoring fee, if willfully disobeyed, may be
14 enforced as an indirect contempt of court;

15 7. In addition to the other sentencing powers of the court, in
16 the case of a person convicted of prostitution pursuant to Section
17 1029 of Title 21 of the Oklahoma Statutes, require such person to
18 receive counseling for the behavior which may have caused such
19 person to engage in prostitution activities. Such person may be
20 required to receive counseling in areas including but not limited to
21 alcohol and substance abuse, sexual behavior problems, or domestic
22 abuse or child abuse problems;

23 8. In addition to the other sentencing powers of the court, in
24 the case of a person convicted of any crime related to domestic

1 abuse, as defined in Section 60.1 of this title, the court may
2 require the defendant to undergo the treatment or participate in an
3 intervention program for batterers certified by the Office of the
4 Attorney General, necessary to bring about the cessation of domestic
5 abuse. In the instance where the defendant alleges that he or she
6 is a victim of domestic abuse and the current conviction is a
7 response to that abuse, the court may require the defendant to
8 undergo an assessment by a domestic violence program certified by
9 the Office of the Attorney General, and, if based upon the results
10 of the assessment, the defendant is determined to be a victim of
11 domestic violence, the defendant shall undergo treatment and
12 participate in a certified program for domestic violence victims.
13 The defendant may be required to pay all or part of the cost of the
14 treatment or counseling services;

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

1 Department of Corrections or the Department of Mental Health and
2 Substance Abuse Services. Such treatment shall be at the expense of
3 the defendant based on the defendant's ability to pay;

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

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

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

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

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

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

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

1 confidential from the general public's review. Nothing contained in
2 this subsection shall be construed to prohibit the court from
3 ordering judgment and sentence in the event the defendant fails or
4 refuses to comply with an order of the court to obtain the
5 evaluation required by this subsection.

6 C. When sentencing a person convicted of a crime, the court
7 shall first consider a program of restitution for the victim, as
8 well as imposition of a fine or incarceration of the offender. The
9 provisions of paragraph 1 of subsection A of this section shall not
10 apply to a defendant being sentenced for:

11 1. A third or subsequent conviction of a violent crime
12 enumerated in Section 571 of Title 57 of the Oklahoma Statutes;

13 2. A fourth or subsequent conviction for any other felony
14 crime; or

15 3. Beginning January 1, 1993, a defendant being sentenced for a
16 second or subsequent felony conviction for violation of Section 11-
17 902 of Title 47 of the Oklahoma Statutes, except as otherwise
18 provided in this subsection.

19 In the case of a person being sentenced for a second or
20 subsequent felony conviction for violation of Section 11-902 of
21 Title 47 of the Oklahoma Statutes, the court may sentence the person
22 pursuant to the provisions of paragraph 1 of subsection A of this
23 section if the court orders the person to submit to electronically
24 monitored home detention administered and supervised by the

1 Department of Corrections pursuant to subparagraph e of paragraph 7
2 of subsection A of this section. Provided, the court may waive
3 these prohibitions upon written application of the district
4 attorney. Both the application and the waiver shall be made part of
5 the record of the case.

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

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

1 the sentence upon a determination by the court or the Division of
2 Probation and Parole of the Department of Corrections that the best
3 interests of the public and the release will be served by an
4 extended period of supervision. Any supervision provided for under
5 this section may not have the period of supervision extended for a
6 failure to pay fines, fees and other costs, excluding restitution,
7 except upon a finding of willful nonpayment.

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

14 G. 1. The Department of Corrections is hereby authorized,
15 subject to funds available through appropriation by the Legislature,
16 to contract with counties for the administration of county Community
17 Service Sentencing Programs.

18 2. Any offender eligible to participate in the Program pursuant
19 to Section 991a et seq. of this title shall be eligible to
20 participate in a county Program; provided, participation in county-
21 funded Programs shall not be limited to offenders who would
22 otherwise be sentenced to confinement with the Department of
23 Corrections.

24

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

9 4. The Department is hereby authorized to provide technical
10 assistance to any county in establishing a Program, regardless of
11 whether the county enters into a contract pursuant to this
12 subsection. Technical assistance shall include appropriate
13 staffing, development of community resources, sponsorship,
14 supervision and any other requirements.

15 5. The Department shall annually make a report to the Governor,
16 the President Pro Tempore of the Senate and the Speaker of the House
17 on the number of such Programs, the number of participating
18 offenders, the success rates of each Program according to criteria
19 established by the Department and the costs of each Program.

20 H. As used in this section:

21 1. "Ignition interlock device" means a device that, without
22 tampering or intervention by another person, would prevent the
23 defendant from operating a motor vehicle if the defendant has a
24

1 blood or breath alcohol concentration of two-hundredths (0.02) or
2 greater;

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

8 3. "Victims impact panel program" means a meeting with at least
9 one live presenter who will share personal stories with participants
10 about how alcohol, drug abuse and the illegal conduct of others has
11 personally impacted the life of the presenter. A victims impact
12 panel program shall be attended by persons who have committed the
13 offense of driving, operating or being in actual physical control of
14 a motor vehicle while under the influence of alcohol or other
15 intoxicating substance. Persons attending a victims impact panel
16 program shall be required to pay a fee of not less than Fifteen
17 Dollars (\$15.00) nor more than Sixty Dollars (\$60.00) to the
18 provider of the program. A certificate of completion shall be
19 issued to the person upon satisfying the attendance and fee
20 requirements of the victims impact panel program. A victims impact
21 panel program shall not be provided by any certified assessment
22 agency or certified assessor. The provider of the victims impact
23 panel program shall carry general liability insurance and maintain

24

1 an accurate accounting of all business transactions and funds
2 received in relation to the victims impact panel program.

3 I. A person convicted of a felony offense or receiving any form
4 of probation for an offense in which registration is required
5 pursuant to the Sex Offenders Registration Act, shall submit to
6 deoxyribonucleic acid DNA testing for law enforcement identification
7 purposes in accordance with Section 150.27 of Title 74 of the
8 Oklahoma Statutes and the rules promulgated by the Oklahoma State
9 Bureau of Investigation for the OSBI Combined DNA Index System
10 (CODIS) Database. Subject to the availability of funds, any person
11 convicted of a misdemeanor offense of assault and battery, domestic
12 abuse, stalking, possession of a controlled substance prohibited
13 under Schedule IV of the Uniform Controlled Dangerous Substances
14 Act, outraging public decency, resisting arrest, escape or
15 attempting to escape, eluding a police officer, Peeping Tom,
16 pointing a firearm, unlawful carry of a firearm, illegal transport
17 of a firearm, discharging of a firearm, threatening an act of
18 violence, breaking and entering a dwelling place, destruction of
19 property, negligent homicide, or causing a personal injury accident
20 while driving under the influence of any intoxicating substance, or
21 any alien unlawfully present under federal immigration law, upon
22 arrest, shall submit to deoxyribonucleic acid DNA testing for law
23 enforcement identification purposes in accordance with Section
24 150.27 of Title 74 of the Oklahoma Statutes and the rules

1 promulgated by the Oklahoma State Bureau of Investigation for the
2 OSBI Combined DNA Index System (CODIS) Database. Any defendant
3 sentenced to probation shall be required to submit to testing within
4 thirty (30) days of sentencing either to the Department of
5 Corrections or to the county sheriff or other peace officer as
6 directed by the court. Defendants who are sentenced to a term of
7 incarceration shall submit to testing in accordance with Section
8 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who
9 enter the custody of the Department of Corrections or to the county
10 sheriff, for those defendants sentenced to incarceration in a county
11 jail. Convicted individuals who have previously submitted to DNA
12 testing under this section and for whom a valid sample is on file in
13 the OSBI Combined DNA Index System (CODIS) Database at the time of
14 sentencing shall not be required to submit to additional testing.
15 Except as required by the Sex Offenders Registration Act, a deferred
16 judgment does not require submission to deoxyribonucleic acid
17 testing.

18 Any person who is incarcerated in the custody of the Department
19 of Corrections after July 1, 1996, and who has not been released
20 before January 1, 2006, shall provide a blood or saliva sample prior
21 to release. Every person subject to DNA testing after January 1,
22 2006, whose sentence does not include a term of confinement with the
23 Department of Corrections, shall submit a blood or saliva sample.
24 Every person subject to DNA testing who is sentenced to unsupervised

1 probation or otherwise not supervised by the Department of
2 Corrections shall submit for blood or saliva testing to the sheriff
3 of the sentencing county.

4 J. Samples of blood or saliva for DNA testing required by
5 subsection I of this section shall be taken by employees or
6 contractors of the Department of Corrections, peace officers, or the
7 county sheriff or employees or contractors of the sheriff's office.
8 The individuals shall be properly trained to collect blood or saliva
9 samples. Persons collecting blood or saliva for DNA testing
10 pursuant to this section shall be immune from civil liabilities
11 arising from this activity. All collectors of DNA samples shall
12 ensure the collection of samples are mailed to the Oklahoma State
13 Bureau of Investigation within ten (10) days of the time the subject
14 appears for testing or within ten (10) days of the date the subject
15 comes into physical custody to serve a term of incarceration. All
16 collectors of DNA samples shall use sample kits provided by the OSBI
17 and procedures promulgated by the OSBI. Persons subject to DNA
18 testing who are not received at the Lexington Assessment and
19 Reception Center shall be required to pay a fee of Fifteen Dollars
20 (\$15.00) to the agency collecting the sample for submission to the
21 OSBI Combined DNA Index System (CODIS) Database. Any fees collected
22 pursuant to this subsection shall be deposited in the revolving
23 account or the service fee account of the collection agency or
24 department.

1 K. When sentencing a person who has been convicted of a crime
2 that would subject that person to the provisions of the Sex
3 Offenders Registration Act, neither the court nor the district
4 attorney shall be allowed to waive or exempt such person from the
5 registration requirements of the Sex Offenders Registration Act.

6 SECTION 11. AMENDATORY 22 O.S. 2021, Section 1105.2, is
7 amended to read as follows:

8 Section 1105.2 A. Following an arrest for a misdemeanor or
9 felony offense and before formal charges have been filed or an
10 indictment made, the arrested person may have bail set by the court
11 as provided in this act; provided there are no provisions of law to
12 the contrary.

13 B. When formal charges or an indictment has been filed, bail
14 shall be set according to law and the pretrial bond, if any, may be
15 reaffirmed unless additional security is required. Every judicial
16 district may, upon the order of the presiding judge for the
17 district, establish a pretrial bail schedule for felony or
18 misdemeanor offenses, except for traffic offenses included in
19 subsections B, C and D of Section 1115.3 of Title 22 of the Oklahoma
20 Statutes and those offenses specifically excluded herein. The bail
21 schedule established pursuant to the authority of this act shall
22 exclude any offense for which bail is not allowed by law. The bail
23 schedule authorized by this act shall be set in accordance with
24 guidelines relating to bail and shall be published and reviewed by

1 March 1 of each year by the courts and district attorney of the
2 judicial district.

3 C. The pretrial bail shall be set in a numerical dollar amount.
4 If the person fails to appear in court as required the judge shall:

5 1. Rescind the bond and proceed to enter a judgment against the
6 defendant for the dollar amount of the pretrial bail if no private
7 bail was given at the time of release; provided, however, the court
8 clerk shall follow the procedures as set forth in Section 1301 et
9 seq. of Title 59 of the Oklahoma Statutes in collecting the
10 forfeiture amount against the person who fails to appear in court;
11 or

12 2. Rescind and forfeit the private bail if cash, property or
13 surety bail was furnished at the time of release as set forth in
14 Section 1301 et seq. of Title 59 of the Oklahoma Statutes.

15 D. When a pretrial program exists in the judicial district
16 where the person is being held, the judge may utilize the services
17 of the pretrial release program when ordering pretrial release,
18 except when private bail has been furnished.

19 E. Upon an order for pretrial release or release on bond, the
20 person shall be released from custody without undue delay.

21 F. The court may require the person to be placed on an
22 electronic monitoring device as a condition of pretrial release.

23 ~~G. In instances where an electronic monitoring device has been~~
24 ~~ordered, the court may impose payment of a supervision fee. Payment~~

1 ~~of the fee, in whole or according to a court-ordered installment~~
2 ~~schedule, shall be a condition of pretrial release. The court clerk~~
3 ~~shall collect the supervision fees.~~

4 SECTION 12. AMENDATORY 22 O.S. 2021, Section 1334, is
5 amended to read as follows:

6 Section 1334. A. The boards of county commissioners of
7 counties and the governing bodies of municipalities may offer and
8 pay a reward, ~~from funds set aside for that purpose, in an amount~~
9 ~~not to exceed fifty percent (50%) of the fine imposed,~~ for the
10 arrest and conviction or for evidence leading to the arrest and
11 conviction of any person who violates the provisions of Sections
12 1753.3 or 1761.1 of Title 21 of the Oklahoma Statutes.

13 B. The board of county commissioners or the governing body of
14 the municipality may create and maintain a reward fund in the county
15 or municipal treasury which shall be a revolving fund not subject to
16 fiscal year limitations, from which to pay the rewards provided for
17 in subsection A of this section, and to offset the cost of any
18 special enforcement programs originated by any law enforcement
19 agency responsible for the arrest or prosecution of any person who
20 violates the provisions of Sections 1753.3 or 1761.1 of Title 21 of
21 the Oklahoma Statutes. These costs may include, but not be limited
22 to, the posting of signs along the state's highways advising
23 motorists of the fines for littering or illegal dumping.

24

1 C. The board of county commissioners may provide for the
2 publication, advertisement and countywide distribution to the public
3 of information as to the reward program specified by this section.

4 D. Claims for rewards shall be on forms provided by the county
5 or municipality and shall be submitted to the prosecuting attorney
6 of the county or municipality no later than thirty (30) days after
7 sentencing of the defendant. The prosecuting attorney shall
8 investigate the validity of the claim and make a nonbinding written
9 recommendation to the board of county commissioners or governing
10 body of the municipality.

11 E. All claims relating to a conviction shall be considered
12 together at the next regular meeting of the board of county
13 commissioners or governing body of the municipality following
14 receipt of the prosecuting attorney's report.

15 F. In determining the amount of the reward, the board of county
16 commissioners or the governing body of the municipality shall have
17 sole discretion to honor or deny the claim, but shall consider:

- 18 1. The severity of the offense;
- 19 2. The size of the fine imposed;
- 20 3. The number of persons claiming a reward and the degree to
21 which each claimant was responsible for the arrest or conviction;
- 22 4. The burden, if any, incurred by the claimant including cost
23 to appear at trial; and

1 5. Other factors which the board or governing body deems
2 appropriate.

3 G. No reward shall be authorized and no debt shall accrue to
4 the county or municipality upon the depletion of the reward fund
5 authorized by this section.

6 H. The reward authorized by this section shall be in lieu of
7 any other county or municipal reward.

8 I. Full-time peace officers of this state or of any county or
9 municipality within this state shall not be eligible for the reward
10 provided by this section.

11 J. All courts assessing and receiving reward funds as required
12 by Sections 1753.3 and 1761.1 of Title 21 of the Oklahoma Statutes
13 shall provide appropriate transfer of the reward funds to the proper
14 county or municipal reward fund as prescribed by the provisions of
15 this section.

16 SECTION 13. AMENDATORY 22 O.S. 2021, Section 1355A, is
17 amended to read as follows:

18 Section 1355A. A. When an indigent requests representation by
19 the Oklahoma Indigent Defense System, such person shall submit an
20 appropriate application to the court clerk, which shall state that
21 the application is signed under oath and under the penalty of
22 perjury and that a false statement may be prosecuted as such. The
23 application shall state whether or not the indigent has been
24 released on bond. In addition, if the indigent has been released on

1 bond, the application shall include a written statement from the
2 applicant that the applicant has contacted three named attorneys,
3 licensed to practice law in this state, and the applicant has been
4 unable to obtain legal counsel. ~~A nonrefundable application fee of~~
5 ~~Forty Dollars (\$40.00) shall be paid to the court clerk at the time~~
6 ~~the application is submitted, and no application shall be accepted~~
7 ~~without payment of the fee; except that the court may, based upon~~
8 ~~the financial information submitted, defer all or part of the fee if~~
9 ~~the court determines that the person does not have the financial~~
10 ~~resources to pay the fee at time of application, to attach as a~~
11 ~~court fee upon conviction. Any fees collected pursuant to this~~
12 ~~subsection shall be retained by the court clerk, deposited in the~~
13 ~~Court Clerk's Revolving Fund, and reported quarterly to the~~
14 ~~Administrative Office of the Courts.~~

15 B. 1. The Court of Criminal Appeals shall promulgate rules
16 governing the determination of indigency pursuant to the provisions
17 of Section 55 of Title 20 of the Oklahoma Statutes. The initial
18 determination of indigency shall be made by the Chief Judge of the
19 Judicial District or a designee thereof, based on the defendant's
20 application and the rules provided herein.

21 2. Upon promulgation of the rules required by law, the
22 determination of indigency shall be subject to review by the
23 Presiding Judge of the Judicial Administrative District. Until such
24

1 rules become effective, the determination of indigency shall be
2 subject to review by the Court of Criminal Appeals.

3 C. Before the court appoints the System based on the
4 application, the court shall advise the indigent or, if applicable,
5 a parent or legal guardian, that the application is signed under
6 oath and under the penalty of perjury and that a false statement may
7 be prosecuted as such. A copy of the application shall be sent to
8 the prosecuting attorney or the Office of the Attorney General,
9 whichever is appropriate, for review. Upon request by any party
10 including, but not limited to, the attorney appointed to represent
11 the indigent, the court shall hold a hearing on the issue of
12 eligibility for appointment of the System.

13 D. If the defendant is admitted to bail and the defendant or
14 another person on behalf of the defendant posts a bond, other than
15 by personal recognizance, the court may consider such fact in
16 determining the eligibility of the defendant for appointment of the
17 System; provided, however, such consideration shall not be the sole
18 factor in the determination of eligibility.

19 E. The System shall be prohibited from accepting an appointment
20 unless a completed application for court-appointed counsel as
21 provided by Form 13.3 of Section XIII of the Rules of the Court of
22 Criminal Appeals, 22 O.S. 2001, Ch. 18, App., has been filed of
23 record in the case.

24

1 SECTION 14. AMENDATORY 28 O.S. 2021, Section 153, is
2 amended to read as follows:

3 Section 153. A. The clerks of the courts shall collect as
4 costs in every criminal case for each offense of which the defendant
5 is convicted, irrespective of whether or not the sentence is
6 deferred, the following flat charges and no more, except for
7 standing and parking violations and for charges otherwise provided
8 for by law, which fee shall cover docketing of the case, filing of
9 all papers, issuance of process, warrants, orders, and other
10 services to the date of judgment:

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

- 1 provided for in paragraph 1 or 2 of this
2 subsection, whether charged individually
3 or conjointly with others\$93.00
- 4 4. For each defendant convicted of a
5 felony, other than for driving under the
6 influence of alcohol or other
7 intoxicating substance, whether charged
8 individually or conjointly with others\$103.00
- 9 5. For each defendant convicted of the
10 misdemeanor of driving under the influence
11 of alcohol or other intoxicating substance,
12 whether charged individually or conjointly
13 with others \$433.00
- 14 6. For each defendant convicted of the
15 felony of driving under the influence of
16 alcohol or other intoxicating substance,
17 whether charged individually or
18 conjointly with others\$433.00
- 19 7. For the services of a court reporter at
20 each preliminary hearing and trial held
21 in the case\$20.00
- 22 8. For each time a jury is requested.....\$30.00
- 23 9. A sheriff's fee for serving or
24 endeavoring to serve each writ, warrant,

1 order, process, command, or notice or
2 pursuing any fugitive from justice

3 a. within the county..... \$50.00, or
4 mileage as
5 established by the
6 Oklahoma Statutes,
7 whichever is
8 greater, or

9 b. outside of the county..... \$50.00, or
10 actual, necessary
11 expenses, whichever
12 is greater

13 10. For the services of a language interpreter, other than an
14 interpreter appointed pursuant to the provisions of the Oklahoma
15 Interpreter for the Deaf Act, at each hearing held in the case, the
16 actual cost of the interpreter.

17 B. In addition to the amount collected pursuant to paragraphs 2
18 through 6 of subsection A of this section, the sum of Six Dollars
19 (\$6.00) shall be assessed and credited to the Law Library Fund
20 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
21 Statutes.

22 C. In addition to the amount collected pursuant to subsection A
23 of this section, the sum of Twenty Dollars (\$20.00) shall be
24 assessed and collected in every traffic case for each offense other

1 than for driving under the influence of alcohol or other
2 intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be
3 assessed and collected in every misdemeanor case for each offense;
4 the sum of Thirty Dollars (\$30.00) shall be assessed and collected
5 in every misdemeanor case for each offense for driving under the
6 influence of alcohol or other intoxicating substance; the sum of
7 Fifty Dollars (\$50.00) shall be assessed and collected in every
8 felony case for each offense; and the sum of Fifty Dollars (\$50.00)
9 shall be assessed and collected in every felony case for each
10 offense for driving under the influence of alcohol or other
11 intoxicating substance.

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

17 E. In addition to the amount collected pursuant to paragraphs 1
18 through 6 of subsection A of this section, the sum of Ten Dollars
19 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
20 Account in the county in which the conviction occurred for the
21 purpose of enhancing existing or providing additional courthouse
22 security.

23 F. In addition to the amounts collected pursuant to paragraphs
24 1 through 6 of subsection A of this section, the sum of Three

1 Dollars (\$3.00) shall be assessed and credited to the Office of the
2 Attorney General Victim Services Unit.

3 G. In addition to the amounts collected pursuant to paragraphs
4 1 through 6 of subsection A of this section, the sum of Three
5 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
6 Multidisciplinary Account. This fee shall not be used for purposes
7 of hiring or employing any law enforcement officers.

8 ~~H. In addition to the amount collected pursuant to paragraphs 5
9 and 6 of subsection A of this section, the sum of Fifteen Dollars
10 (\$15.00) shall be assessed in every misdemeanor or felony case for
11 each offense of driving under the influence of alcohol or other
12 intoxicating substance and credited to the Oklahoma Impaired Driver
13 Database Revolving Fund created pursuant to Section 8 of Enrolled
14 House Bill No. 3146 of the 2nd Session of the 55th Oklahoma
15 Legislature.~~

16 ~~I.~~ Prior to conviction, parties in criminal cases shall not be
17 required to pay, advance, or post security for the services of a
18 language interpreter or for the issuance or service of process to
19 obtain compulsory attendance of witnesses.

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

23 ~~K.~~ J. The fees collected pursuant to this section shall be
24 deposited into the court fund, except the following:

1 1. A court clerk issuing a misdemeanor warrant is entitled to
2 ten percent (10%) of the sheriff's service fee, provided for in
3 paragraph 9 of subsection A of this section, collected on a warrant
4 referred to the contractor for the misdemeanor warrant notification
5 program governed by Sections 514.4 and 514.5 of Title 19 of the
6 Oklahoma Statutes. This ten-percent sum shall be deposited into the
7 issuing Court Clerk's Revolving Fund, created pursuant to Section
8 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
9 the warrant with the balance of the sheriff's service fee to be
10 deposited into the Sheriff's Service Fee Account, created pursuant
11 to the provisions of Section 514.1 of Title 19 of the Oklahoma
12 Statutes, of the sheriff in the county in which service is made or
13 attempted. Otherwise, the sheriff's service fee, when collected,
14 shall be deposited in its entirety into the Sheriff's Service Fee
15 Account of the sheriff in the county in which service is made or
16 attempted;

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

19 3. ~~The witness fees paid by the district attorney pursuant to~~
20 ~~the provisions of Section 82 of this title which, if collected by~~
21 ~~the court clerk, shall be transferred to the district attorney's~~
22 ~~office in the county where witness attendance was required. Fees~~
23 ~~transferred pursuant to this paragraph shall be deposited in the~~
24 ~~district attorney's maintenance and operating expense account;~~

1 ~~4.~~ The fees provided for in subsection C of this section shall
2 be forwarded to the District Attorneys Council Revolving Fund to
3 defray the costs of prosecution; and

4 ~~5.~~ 4. The following amounts of the fees provided for in
5 paragraphs 2, 3, 5 and 6 of subsection A of this section, when
6 collected, shall be deposited in the Trauma Care Assistance
7 Revolving Fund, created pursuant to the provisions of Section 1-
8 2530.9 of Title 63 of the Oklahoma Statutes:

- 9 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee
10 provided for in paragraph 2 of subsection A of this
11 section,
- 12 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee
13 provided for in paragraph 3 of subsection A of this
14 section,
- 15 c. One Hundred Dollars (\$100.00) of the Four-Hundred-
16 Thirty-three-Dollar fee provided for in paragraph 5 of
17 subsection A of this section, and
- 18 d. One Hundred Dollars (\$100.00) of the Four-Hundred-
19 Thirty-three-Dollar fee provided for in paragraph 6 of
20 subsection A of this section.

21 ~~L.~~ K. Costs required to be collected pursuant to this section
22 shall not be dismissed or waived; provided, if the court determines
23 that a person needing the services of a language interpreter is
24

1 indigent, the court may waive all or part of the costs or require
2 the payment of costs in installments.

3 ~~M.~~ L. As used in this section, "convicted" means any final
4 adjudication of guilt, whether pursuant to a plea of guilty or nolo
5 contendere or otherwise, and any deferred judgment or suspended
6 sentence.

7 ~~N.~~ M. A court clerk may accept in payment for any fee, fine,
8 forfeiture payment, cost, penalty assessment or other charge or
9 collection to be assessed or collected by a court clerk pursuant to
10 this section a nationally recognized credit card or debit card or
11 other electronic payment method as provided in paragraph 1 of
12 subsection B of Section 151 of this title.

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

16 SECTION 15. AMENDATORY 29 O.S. 2021, Section 7-207, is
17 amended to read as follows:

18 Section 7-207. A. When a person is convicted of a wildlife
19 offense which involves a species of wildlife listed in Section 5-411
20 of this title or a species referenced in Section 5-412 of this title
21 and involves the unlawful possession, taking or killing of the
22 wildlife from an unlawful hunt, chase, trap, capture, shooting,
23 killing or slaughter, netting, shocking, or poisoning, by any means,
24 the court, in addition to the execution of sentence in whole or in

1 part, shall order the convicted defendant to provide restitution to
2 the Oklahoma Department of Wildlife Conservation.

3 ~~The amount of restitution shall be not less than One Hundred~~
4 ~~Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)~~
5 ~~depending on the species, the type of specimen and the value of that~~
6 ~~animal to the wildlife resources of the state. The Department of~~
7 ~~Wildlife Conservation shall provide the court with a recommendation~~
8 ~~on the replacement cost. The court shall also take into~~
9 ~~consideration any previous convictions for violations of any fish~~
10 ~~and wildlife laws or regulations by the offender.~~

11 B. When a person is convicted of a wildlife offense which
12 involves any species of wildlife other than those listed or
13 referenced in Sections 5-411 and 5-412 of this title and involves
14 the unlawful possession, taking or killing of the wildlife from an
15 unlawful hunt, chase, trap, capture, shooting, killing or slaughter,
16 netting, shocking, or poisoning, by any means, the court, in
17 addition to the execution of sentence in whole or in part, shall
18 order the convicted defendant to provide restitution to the Oklahoma
19 Department of Wildlife Conservation. The amount of restitution
20 shall be not less than Ten Dollars (\$10.00) nor more than Five
21 Thousand Dollars (\$5,000.00) depending on the species, the type of
22 specimen and the value of that animal to the wildlife resources of
23 the state. The Department of Wildlife Conservation shall provide
24 the court with a recommendation on the replacement cost. The court

1 shall also take into consideration any previous convictions for
2 violations of any fish and wildlife laws or regulations by the
3 offender.

4 C. One hundred percent (100%) of the amount of restitution
5 shall be forfeited to the Oklahoma Department of Wildlife
6 Conservation in the event of a guilty plea or a conviction.

7 SECTION 16. AMENDATORY 47 O.S. 2021, Section 11-705, is
8 amended to read as follows:

9 Section 11-705. A. The driver of a vehicle meeting or
10 overtaking a school bus that is stopped to take on or discharge
11 school children, and on which the red loading signals are in
12 operation, is to stop the vehicle before it reaches the school bus
13 and not proceed until the loading signals are deactivated and then
14 proceed past such school bus at a speed which is reasonable and with
15 due caution for the safety of such school children and other
16 occupants. Any person convicted of violating the provisions of this
17 subsection shall be punished by a fine of not less than One Hundred
18 Dollars (\$100.00). ~~In addition to the fine, a special assessment of~~
19 ~~One Hundred Dollars (\$100.00) shall be assessed, of which seventy-~~
20 ~~five percent (75%) shall be deposited to the credit of the Cameras~~
21 ~~for School Bus Stops Revolving Fund established in Section 9-119 of~~
22 ~~Title 70 of the Oklahoma Statutes. The remaining twenty-five~~
23 ~~percent (25%) of the special assessment shall be deposited to the~~

24

1 ~~credit of the reviewing law enforcement agency referred to in~~
2 ~~subsection E of this section.~~

3 B. Visual signals, meeting the requirements of Section 12-228
4 of this title, shall be actuated by the driver of said school bus
5 whenever, but only whenever, such vehicle is stopped on the highway
6 for the purpose of receiving or discharging school children.

7 C. The driver of a vehicle upon a highway with separate
8 roadways need not stop upon meeting or passing a school bus which is
9 on a different roadway or when upon a controlled-access highway and
10 the school bus is stopped in a loading zone which is a part of or
11 adjacent to such highway and where pedestrians are not permitted to
12 cross the roadway.

13 D. If the driver of a school bus witnesses a violation of the
14 provisions of subsection A of this section, on or before the end of
15 the next business day following the alleged offense, the driver
16 shall report the violation, the vehicle color, license tag number,
17 and the time and place such violation occurred to the law
18 enforcement authority of the municipality where the violation
19 occurred. The law enforcement authority of a municipality shall
20 issue a letter of warning on the alleged violation to the person in
21 whose name the vehicle is registered. The Office of the Attorney
22 General shall provide a form letter to each municipal law
23 enforcement agency in this state for the issuance of the warning
24 provided for in this subsection. Such form letter shall be used by

1 each such law enforcement agency in the exact form provided for by
2 the Office of the Attorney General. A warning letter issued
3 pursuant to this subsection shall not be recorded on the driving
4 record of the person to whom such letter was issued. Issuance of a
5 warning letter pursuant to this section shall not preclude the
6 imposition of other penalties as provided by law.

7 E. 1. A school district may install and operate a video-
8 monitoring system in or on the school buses or the bus stop-arms
9 operated by the district or contract with a private vendor to do so
10 on behalf of the school district for the purpose of recording
11 violations of subsection A of this section. In the event the video-
12 monitoring system captures a recording of a violation of subsection
13 A of this section, appropriate personnel at the school district
14 shall extract data related to the violation from the recording. The
15 extracted data shall include a recorded image or video containing
16 the requirements listed in paragraph 2 of this subsection. The
17 school district shall submit the extracted data for review to the
18 law enforcement agency with jurisdiction in which the violation
19 occurred. If the reviewing law enforcement agency determines there
20 is sufficient evidence to identify the vehicle and the driver, such
21 evidence shall be submitted to the district attorney's office for
22 prosecution.

23 2. For the purposes of this subsection, "video-monitoring
24 system" means a system with one or more camera sensors and computers

1 installed and operated on a school bus that produces live digital
2 and recorded video of motor vehicles being operated in violation of
3 subsection A of this section. The system shall, at a minimum,
4 produce a recorded image of the license plate of the vehicle, an
5 identifiable picture of the driver's face, the activation status of
6 at least one warning device as prescribed in Section 12-228 of this
7 title and the time, date and location of the vehicle when the image
8 was recorded.

9 SECTION 17. AMENDATORY 47 O.S. 2021, Section 11-801e, is
10 amended to read as follows:

11 Section 11-801e. Notwithstanding any other provision of law,
12 any person convicted of a speeding violation of one (1) to ten (10)
13 miles per hour over the limit, pursuant to subsection B or F of
14 Section 11-801 of ~~Title 47 of the Oklahoma Statutes~~ this title,
15 shall be punished by a fine of Five Dollars (\$5.00) and costs and
16 fees not to exceed Ninety-five Dollars (\$95.00). The court clerk
17 shall collect fine, costs and fees to be directed as follows:

18 1. The sum of Thirty-three Dollars and seventy-two cents
19 (\$33.72) for each offense of which the defendant is convicted,
20 irrespective of whether the sentence is deferred, shall cover
21 docketing of the case, filing of all papers, issuance of process,
22 warrants, order and other services to the date of judgment;

23
24

1 2. The sum of Eight Dollars and eighty cents (\$8.80) shall be
2 assessed and credited to the District Attorneys Council Revolving
3 Fund to defray the cost of prosecution;

4 3. The sum of Eleven Dollars (\$11.00) shall be assessed and
5 credited to the Oklahoma Court Information System Revolving Fund
6 created pursuant to Section 1315 of Title 20 of the Oklahoma
7 Statutes;

8 4. The sum of Four Dollars and fifty cents (\$4.50) shall be
9 assessed and credited to the Sheriff's Service Fee Account in the
10 county in which the conviction occurred for the purpose of enhancing
11 existing or providing additional courthouse security;

12 5. The sum of One Dollar and thirty cents (\$1.30) shall be
13 assessed and credited to the Office of the Attorney General Victim
14 Services Unit;

15 6. The sum of One Dollar and thirty cents (\$1.30) shall be
16 assessed and credited to the Child Abuse Multidisciplinary Account;

17 7. The sum of Two Dollars and twenty-five cents (\$2.25) shall
18 be assessed and credited to the Sheriff's Service Fee Account of the
19 sheriff of the county in which the arrest was made;

20 8. The sum of Four Dollars and fifty cents (\$4.50) shall be
21 assessed and credited to the Council on Law Enforcement Education
22 and Training (CLEET) Fund;

23 9. ~~The sum of Four Dollars and fifty cents (\$4.50) shall be~~
24 ~~assessed. Four Dollars and ten cents (\$4.10) of each fee received~~

1 ~~pursuant to this paragraph shall be credited to the A.F.I.S. Fund~~
2 ~~created by Section 150.25 of Title 74 of the Oklahoma Statutes and~~
3 ~~the balance deposited into the General Revenue Fund by the court~~
4 ~~clerk. The payments shall be made to the appropriate fund by the~~
5 ~~court clerk on a monthly basis as set forth by subsection I of~~
6 ~~Section 1313.2 of Title 20 of the Oklahoma Statutes;~~

7 ~~10.~~ The sum of Four Dollars and fifty cents (\$4.50) shall be
8 assessed. Four Dollars and twenty-eight cents (\$4.28) of each fee
9 received pursuant to this paragraph shall be collected and sent to
10 the Oklahoma State Bureau of Investigation for deposit into the
11 Forensic Science Improvement Revolving Fund created by Section
12 150.35 of Title 74 of the Oklahoma Statutes. The balance shall be
13 retained by the municipal court clerk;

14 ~~11.~~ 10. The sum of Nine Dollars (\$9.00) shall be assessed and
15 forwarded monthly in one check or draft to the Department of Public
16 Safety to be deposited in the Department of Public Safety Patrol
17 Vehicle Revolving Fund;

18 ~~12.~~ 11. Pursuant to subsection C of Section 220 of Title 19 of
19 the Oklahoma Statutes, the court clerk shall assess an
20 administrative fee of ten percent (10%) on fees assessed in
21 paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection which
22 shall be deposited in the Court Clerk's Revolving Fund;

23 ~~13.~~ 12. Pursuant to subsection D of Section 220 of Title 19 of
24 the Oklahoma Statutes, the court clerk shall assess an

1 administrative fee of fifteen percent (15%) on fees assessed in
2 paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection and shall
3 be deposited in the District Court Revolving Fund.

4 SECTION 18. AMENDATORY 47 O.S. 2021, Section 11-902, is
5 amended to read as follows:

6 Section 11-902. A. It is unlawful and punishable as provided
7 in this section for any person to drive, operate, or be in actual
8 physical control of a motor vehicle within this state, whether upon
9 public roads, highways, streets, turnpikes, other public places or
10 upon any private road, street, alley or lane which provides access
11 to one or more single_ or multi-family dwellings, who:

12 1. Has a blood or breath alcohol concentration, as defined in
13 Section 756 of this title, of eight-hundredths (0.08) or more at the
14 time of a test of such person's blood or breath administered within
15 two (2) hours after the arrest of such person;

16 2. Is under the influence of alcohol;

17 3. Has any amount of a Schedule I chemical or controlled
18 substance, as defined in Section 2-204 of Title 63 of the Oklahoma
19 Statutes, or one of its metabolites or analogs in the person's
20 blood, saliva, urine or any other bodily fluid at the time of a test
21 of such person's blood, saliva, urine or any other bodily fluid
22 administered within two (2) hours after the arrest of such person;

23

24

1 4. Is under the influence of any intoxicating substance other
2 than alcohol which may render such person incapable of safely
3 driving or operating a motor vehicle; or

4 5. Is under the combined influence of alcohol and any other
5 intoxicating substance which may render such person incapable of
6 safely driving or operating a motor vehicle.

7 B. The fact that any person charged with a violation of this
8 section is or has been lawfully entitled to use alcohol or a
9 controlled dangerous substance or any other intoxicating substance
10 shall not constitute a defense against any charge of violating this
11 section.

12 C. 1. Any person who is convicted of a violation of the
13 provisions of this section shall be guilty of a misdemeanor for the
14 first offense and shall:

- 15 a. participate in an assessment and evaluation pursuant
16 to subsection G of this section and shall follow all
17 recommendations made in the assessment and evaluation,
- 18 b. be punished by imprisonment in jail for not less than
19 ten (10) days nor more than one (1) year, and
- 20 c. be fined not more than One Thousand Dollars
21 (\$1,000.00).

22 2. Any person who, having been convicted of or having received
23 deferred judgment for a violation of this section or a violation
24 pursuant to the provisions of any law of this state or another state

1 prohibiting the offenses provided in this section, Section 11-904 of
2 this title or paragraph 4 of subsection A of Section 852.1 of Title
3 21 of the Oklahoma Statutes, or having a prior conviction in a
4 municipal criminal court of record for the violation of a municipal
5 ordinance prohibiting the offense provided for in this section
6 commits a subsequent violation of this section within ten (10) years
7 of the date following the completion of the execution of said
8 sentence or deferred judgment shall, upon conviction, be guilty of a
9 felony and shall participate in an assessment and evaluation
10 pursuant to subsection G of this section and shall be sentenced to:

- 11 a. follow all recommendations made in the assessment and
12 evaluation for treatment at the defendant's expense,
13 or
- 14 b. placement in the custody of the Department of
15 Corrections for not less than one (1) year and not to
16 exceed five (5) years and a fine of not more than Two
17 Thousand Five Hundred Dollars (\$2,500.00), or
- 18 c. treatment, imprisonment and a fine within the
19 limitations prescribed in subparagraphs a and b of
20 this paragraph.

21 However, if the treatment in subsection G of this section does
22 not include residential or inpatient treatment for a period of not
23 less than five (5) days, the person shall serve a term of
24 imprisonment of at least five (5) days.

1 3. Any person who commits a violation of this section after
2 having been convicted of a felony offense pursuant to the provisions
3 of this section or a violation pursuant to the provisions of any law
4 of this state or another state prohibiting the offenses provided for
5 in this section, Section 11-904 of this title or paragraph 4 of
6 subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes
7 shall be guilty of a felony and participate in an assessment and
8 evaluation pursuant to subsection G of this section and shall be
9 sentenced to:

- 10 a. follow all recommendations made in the assessment and
11 evaluation for treatment at the defendant's expense,
12 two hundred forty (240) hours of community service and
13 use of an ignition interlock device, as provided by
14 subparagraph n of paragraph 1 of subsection A of
15 Section 991a of Title 22 of the Oklahoma Statutes, or
- 16 b. placement in the custody of the Department of
17 Corrections for not less than one (1) year and not to
18 exceed ten (10) years and a fine of not more than Five
19 Thousand Dollars (\$5,000.00), or
- 20 c. treatment, imprisonment and a fine within the
21 limitations prescribed in subparagraphs a and b of
22 this paragraph.

23 However, if the treatment in subsection G of this section does
24 not include residential or inpatient treatment for a period of not

1 less than ten (10) days, the person shall serve a term of
2 imprisonment of at least ten (10) days.

3 4. Any person who commits a violation of this section after
4 having been twice convicted of a felony offense pursuant to the
5 provisions of this section or a violation pursuant to the provisions
6 of any law of this state or another state prohibiting the offenses
7 provided for in this section, Section 11-904 of this title or
8 paragraph 4 of subsection A of Section 852.1 of Title 21 of the
9 Oklahoma Statutes shall be guilty of a felony and participate in an
10 assessment and evaluation pursuant to subsection G of this section
11 and shall be sentenced to:

12 a. follow all recommendations made in the assessment and
13 evaluation for treatment at the defendant's expense,
14 followed by not less than one (1) year of supervision
15 and periodic testing at the defendant's expense, four
16 hundred eighty (480) hours of community service, and
17 use of an ignition interlock device, as provided by
18 subparagraph n of paragraph 1 of subsection A of
19 Section 991a of Title 22 of the Oklahoma Statutes, for
20 a minimum of thirty (30) days, or

21 b. placement in the custody of the Department of
22 Corrections for not less than one (1) year and not to
23 exceed twenty (20) years and a fine of not more than
24 Five Thousand Dollars (\$5,000.00), or

1 c. treatment, imprisonment and a fine within the
2 limitations prescribed in subparagraphs a and b of
3 this paragraph.

4 However, if the person does not undergo residential or inpatient
5 treatment pursuant to subsection G of this section the person shall
6 serve a term of imprisonment of at least ten (10) days.

7 5. Any person who, after a previous conviction of a violation
8 of murder in the second degree or manslaughter in the first degree
9 in which the death was caused as a result of driving under the
10 influence of alcohol or other intoxicating substance, is convicted
11 of a violation of this section shall be guilty of a felony and shall
12 be punished by imprisonment in the custody of the Department of
13 Corrections for not less than five (5) years and not to exceed
14 twenty (20) years, and a fine of not more than Ten Thousand Dollars
15 (\$10,000.00).

16 6. Provided, however, a conviction from another state shall not
17 be used to enhance punishment pursuant to the provisions of this
18 subsection if that conviction is based on a blood or breath alcohol
19 concentration of less than eight-hundredths (0.08).

20 7. In any case in which a defendant is charged with driving
21 under the influence of alcohol or other intoxicating substance
22 offense within any municipality with a municipal court other than a
23 court of record, the charge shall be presented to the county's
24

1 district attorney and filed with the district court of the county
2 within which the municipality is located.

3 D. Any person who is convicted of a violation of driving under
4 the influence with a blood or breath alcohol concentration of
5 fifteen-hundredths (0.15) or more pursuant to this section shall be
6 deemed guilty of aggravated driving under the influence. A person
7 convicted of aggravated driving under the influence shall
8 participate in an assessment and evaluation pursuant to subsection G
9 of this section and shall comply with all recommendations for
10 treatment. Such person shall be sentenced as provided in paragraph
11 1, 2, 3, 4 or 5 of subsection C of this section and to:

12 1. Not less than one (1) year of supervision and periodic
13 testing at the defendant's expense; and

14 2. An ignition interlock device or devices, as provided by
15 subparagraph n of paragraph 1 of subsection A of Section 991a of
16 Title 22 of the Oklahoma Statutes, for a minimum of ninety (90)
17 days.

18 E. When a person is sentenced to imprisonment in the custody of
19 the Department of Corrections, the person shall be processed through
20 the Lexington Assessment and Reception Center or at a place
21 determined by the Director of the Department of Corrections. The
22 Department of Corrections shall classify and assign the person to
23 one or more of the following:

24

1 1. The Department of Mental Health and Substance Abuse Services
2 pursuant to paragraph 1 of subsection A of Section 612 of Title 57
3 of the Oklahoma Statutes; or

4 2. A correctional facility operated by the Department of
5 Corrections with assignment to substance abuse treatment.

6 Successful completion of a Department-of-Corrections-approved
7 substance abuse treatment program shall satisfy the recommendation
8 for a ten-hour or twenty-four-hour alcohol and drug substance abuse
9 course or treatment program or both. Successful completion of an
10 approved Department of Corrections substance abuse treatment program
11 may precede or follow the required assessment.

12 F. The Department of Public Safety is hereby authorized to
13 reinstate any suspended or revoked driving privilege when the person
14 meets the statutory requirements which affect the existing driving
15 privilege.

16 G. Any person who is found guilty of a violation of the
17 provisions of this section shall be ordered to participate in an
18 alcohol and drug substance abuse evaluation and assessment program
19 offered by a certified assessment agency or certified assessor for
20 the purpose of evaluating and assessing the receptivity to treatment
21 and prognosis of the person and shall follow all recommendations
22 made in the assessment and evaluation for treatment. The court
23 shall order the person to reimburse the agency or assessor for the
24 evaluation and assessment. Payment shall be remitted by the

1 defendant or on behalf of the defendant by any third party;
2 provided, no state-appropriated funds are utilized. The fee for an
3 evaluation and assessment shall be the amount provided in subsection
4 C of Section 3-460 of Title 43A of the Oklahoma Statutes. The
5 evaluation and assessment shall be conducted at a certified
6 assessment agency, the office of a certified assessor or at another
7 location as ordered by the court. The agency or assessor shall,
8 within seventy-two (72) hours from the time the person is evaluated
9 and assessed, submit a written report to the court for the purpose
10 of assisting the court in its sentencing determination. The court
11 shall, as a condition of any sentence imposed, including deferred
12 and suspended sentences, require the person to participate in and
13 successfully complete all recommendations from the evaluation, such
14 as an alcohol and substance abuse treatment program pursuant to
15 Section 3-452 of Title 43A of the Oklahoma Statutes. If such report
16 indicates that the evaluation and assessment shows that the
17 defendant would benefit from a ten-hour or twenty-four-hour alcohol
18 and drug substance abuse course or a treatment program or both, the
19 court shall, as a condition of any sentence imposed, including
20 deferred and suspended sentences, require the person to follow all
21 recommendations identified by the evaluation and assessment and
22 ordered by the court. No person, agency or facility operating an
23 evaluation and assessment program certified by the Department of
24 Mental Health and Substance Abuse Services shall solicit or refer

1 any person evaluated and assessed pursuant to this section for any
2 treatment program or substance abuse service in which such person,
3 agency or facility has a vested interest; however, this provision
4 shall not be construed to prohibit the court from ordering
5 participation in or any person from voluntarily utilizing a
6 treatment program or substance abuse service offered by such person,
7 agency or facility. If a person is sentenced to imprisonment in the
8 custody of the Department of Corrections and the court has received
9 a written evaluation report pursuant to the provisions of this
10 subsection, the report shall be furnished to the Department of
11 Corrections with the judgment and sentence. Any evaluation and
12 assessment report submitted to the court pursuant to the provisions
13 of this subsection shall be handled in a manner which will keep such
14 report confidential from the general public's review. Nothing
15 contained in this subsection shall be construed to prohibit the
16 court from ordering judgment and sentence in the event the defendant
17 fails or refuses to comply with an order of the court to obtain the
18 evaluation and assessment required by this subsection. If the
19 defendant fails or refuses to comply with an order of the court to
20 obtain the evaluation and assessment, the Department of Public
21 Safety shall not reinstate driving privileges until the defendant
22 has complied in full with such order. Nothing contained in this
23 subsection shall be construed to prohibit the court from ordering

24

1 judgment and sentence and any other sanction authorized by law for
2 failure or refusal to comply with an order of the court.

3 H. Any person who is found guilty of a violation of the
4 provisions of this section shall be required by the court to attend
5 a victims impact panel program, as defined in subsection H of
6 Section 991a of Title 22 of the Oklahoma Statutes, if such a program
7 is offered in the county where the judgment is rendered, and to pay
8 a fee of Seventy-five Dollars (\$75.00), as set by the governing
9 authority of the program and approved by the court, to the program
10 to offset the cost of participation by the defendant, if in the
11 opinion of the court the defendant has the ability to pay such fee.

12 I. Any person who is found guilty of a felony violation of the
13 provisions of this section shall be required to submit to electronic
14 monitoring as authorized and defined by Section 991a of Title 22 of
15 the Oklahoma Statutes.

16 J. Any person who is found guilty of a violation of the
17 provisions of this section who has been sentenced by the court to
18 perform any type of community service shall not be permitted to pay
19 a fine in lieu of performing the community service.

20 ~~K. When a person is found guilty of a violation of the~~
21 ~~provisions of this section, the court shall order, in addition to~~
22 ~~any other penalty, the defendant to pay a one hundred dollar~~
23 ~~assessment to be deposited in the Drug Abuse Education and Treatment~~

1 ~~Revolving Fund created in Section 2-503.2 of Title 63 of the~~
2 ~~Oklahoma Statutes, upon collection.~~

3 ~~H.~~ 1. When a person is eighteen (18) years of age or older,
4 and is the driver, operator, or person in physical control of a
5 vehicle, and is convicted of violating any provision of this section
6 while transporting or having in the motor vehicle any child less
7 than eighteen (18) years of age, the fine shall be enhanced to
8 double the amount of the fine imposed for the underlying driving
9 under the influence (DUI) violation which shall be in addition to
10 any other penalties allowed by this section.

11 2. Nothing in this subsection shall prohibit the prosecution of
12 a person pursuant to Section 852.1 of Title 21 of the Oklahoma
13 Statutes who is in violation of any provision of this section or
14 Section 11-904 of this title.

15 ~~M.~~ L. Any plea of guilty, nolo contendere or finding of guilt
16 for a violation of this section or a violation pursuant to the
17 provisions of any law of this state or another state prohibiting the
18 offenses provided for in this section, Section 11-904 of this title,
19 or paragraph 4 of subsection A of Section 852.1 of Title 21 of the
20 Oklahoma Statutes, shall constitute a conviction of the offense for
21 the purpose of this section; provided, any deferred judgment shall
22 only be considered to constitute a conviction for a period of ten
23 (10) years following the completion of any court-imposed
24 probationary term.

1 ~~N.~~ M. If qualified by knowledge, skill, experience, training or
2 education, a witness shall be allowed to testify in the form of an
3 opinion or otherwise solely on the issue of impairment, but not on
4 the issue of specific alcohol concentration level, relating to the
5 following:

6 1. The results of any standardized field sobriety test
7 including, but not limited to, the horizontal gaze nystagmus (HGN)
8 test administered by a person who has completed training in
9 standardized field sobriety testing; or

10 2. Whether a person was under the influence of one or more
11 impairing substances and the category of such impairing substance or
12 substances. A witness who has received training and holds a current
13 certification as a drug recognition expert shall be qualified to
14 give the testimony in any case in which such testimony may be
15 relevant.

16 SECTION 19. AMENDATORY 47 O.S. 2021, Section 11-1112, is
17 amended to read as follows:

18 Section 11-1112. A. Every driver, when transporting a child
19 under eight (8) years of age in a motor vehicle operated on the
20 roadways, streets, or highways of this state, shall provide for the
21 protection of said child by properly using a child passenger
22 restraint system as follows:

23 1. A child under four (4) years of age shall be properly
24 secured in a child passenger restraint system. Except as provided

1 in subsection G of this section, the child passenger restraint
2 system shall be rear-facing until the child reaches two (2) years of
3 age or until the child reaches the weight or height limit of the
4 rear-facing child passenger restraint system as allowed by the
5 manufacturer of the child passenger restraint system, whichever
6 occurs first; and

7 2. A child at least four (4) years of age but younger than
8 eight (8) years of age, if not taller than 4 feet 9 inches in
9 height, shall be properly secured in either a child passenger
10 restraint system or child booster seat.

11 For purposes of this section and Section 11-1113 of this title,
12 "child passenger restraint system" means an infant or child
13 passenger restraint system which meets the federal standards as set
14 by 49 C.F.R., Section 571.213.

15 B. If a child is eight (8) years of age or is taller than 4
16 feet 9 inches in height, a seat belt properly secured to the vehicle
17 shall be sufficient to meet the requirements of this section.

18 C. The provisions of this section shall not apply to:

19 1. The driver of a school bus, taxicab, moped, motorcycle, or
20 other motor vehicle not required to be equipped with safety belts
21 pursuant to state or federal laws;

22 2. The driver of an ambulance or emergency vehicle;

23 3. The driver of a vehicle in which all of the seat belts are
24 in use;

1 4. The transportation of children who for medical reasons are
2 unable to be placed in such devices, provided there is written
3 documentation from a physician of such medical reason; or

4 5. The transportation of a child who weighs more than forty
5 (40) pounds and who is being transported in the back seat of a
6 vehicle while wearing only a lap safety belt when the back seat of
7 the vehicle is not equipped with combination lap and shoulder safety
8 belts, or when the combination lap and shoulder safety belts in the
9 back seat are being used by other children who weigh more than forty
10 (40) pounds. Provided, however, for purposes of this paragraph,
11 back seat shall include all seats located behind the front seat of a
12 vehicle operated by a licensed child care facility or church.

13 Provided further, there shall be a rebuttable presumption that a
14 child has met the weight requirements of this paragraph if at the
15 request of any law enforcement officer, the licensed child care
16 facility or church provides the officer with a written statement
17 verified by the parent or legal guardian that the child weighs more
18 than forty (40) pounds.

19 D. A violation of the provisions of this section shall be
20 admissible as evidence in any civil action or proceeding for damages
21 unless the plaintiff in such action or proceeding is a child under
22 sixteen (16) years of age.

23 In any action brought by or on behalf of an infant for personal
24 injuries or wrongful death sustained in a motor vehicle collision,

1 the failure of any person to have the infant properly restrained in
2 accordance with the provisions of this section shall not be used in
3 aggravation or mitigation of damages.

4 E. A person who is certified as a Child Passenger Safety
5 Technician and who in good faith provides inspection, adjustment, or
6 educational services regarding child passenger restraint systems
7 shall not be liable for civil damages resulting from any act or
8 omission in providing such services, other than acts or omissions
9 constituting gross negligence or willful or wanton misconduct.

10 ~~F. Any person convicted of violating subsection A of this~~
11 ~~section shall be punished by a fine of Fifty Dollars (\$50.00) and~~
12 ~~shall pay all court costs thereof. Revenue from such fine shall be~~
13 ~~apportioned to the Department of Public Safety Restricted Revolving~~
14 ~~Fund and used by the Oklahoma Highway Safety Office to promote the~~
15 ~~use of child passenger restraint systems as provided in Section 11-~~
16 ~~1113 of this title. This fine shall be suspended and the court~~
17 ~~costs limited to a maximum of Fifteen Dollars (\$15.00) in the case~~
18 ~~of the first offense upon proof of purchase or acquisition by loan~~
19 ~~of a child passenger restraint system. Provided, the Department of~~
20 ~~Public Safety shall not assess points to the driving record of any~~
21 ~~person convicted of a violation of this section.~~

22 G. A driver of a vehicle who has been rightfully issued a
23 detachable placard indicating physical disability under the
24 provisions of Section 15-112 of this title or a physically disabled

1 license plate under the provisions of Section 1135.1 or 1135.2 of
2 this title and valid letter of forward-facing exemption issued from
3 the Department of Public Safety shall be permitted to transport a
4 child passenger under four (4) years of age in a forward-facing
5 child passenger restraint system. The placard and forward-facing
6 exemption letter must be present in the vehicle to be in compliance.

7 SECTION 20. AMENDATORY 47 O.S. 2021, Section 17-101, is
8 amended to read as follows:

9 Section 17-101. A. It is a misdemeanor for any person to
10 violate any of the provisions of this title unless such violation is
11 by this title or other law of this state declared to be a felony.

12 B. 1. Every person convicted of a misdemeanor for a violation
13 of any of the provisions of Sections 10-101 through 14-121 or
14 Sections 16-101 through 16-114 of this title for which another
15 penalty is not provided shall upon conviction thereof be punished by
16 a fine of not less than Five Dollars (\$5.00) nor more than Five
17 Hundred Dollars (\$500.00) or by imprisonment for not more than ten
18 (10) days; for a second such conviction within one (1) year after
19 the first conviction by imprisonment for not more than twenty (20)
20 days; upon a third or subsequent conviction within one (1) year
21 after the first conviction by imprisonment for not more than six (6)
22 months, or by both such fine and imprisonment.

23 2. Any person violating the provisions of Sections 10-101
24 through 14-121 or Sections 16-101 through 16-114 of this title,

1 where a jail sentence is not mandatory may, in the discretion of the
2 district attorney wherein the offense occurred, be permitted to
3 enter a plea of guilty by written statement by the person charged to
4 be presented to the court wherein the case is filed. A remittance
5 covering the fine and costs may be considered and received with the
6 same force and effect as a written plea of guilty.

7 C. Unless another penalty is in this title or by the laws of
8 this state provided, every person convicted of a misdemeanor for the
9 violation of any other provision of this title shall be punished by
10 a fine of not less than Five Dollars (\$5.00) nor more than Five
11 Hundred Dollars (\$500.00), or by imprisonment for not more than six
12 (6) months, or by both such fine and imprisonment.

13 D. Provided, however, notwithstanding any provision of law to
14 the contrary, any offense, including traffic offenses, in violation
15 of any of the provisions of this title which is not otherwise
16 punishable by a term of imprisonment or confinement shall be
17 punishable by a term of imprisonment not to exceed one (1) day in
18 the discretion of the court, in addition to any fine prescribed by
19 law.

20 E. The conviction of any person, as prescribed in this section,
21 when the offense occurred during a period when the driving
22 privileges of the person were under suspension, revocation,
23 cancellation, denial, or disqualification or the person had not been
24 granted driving privileges by Oklahoma or any other state, shall

1 result in the doubling of the appropriate fine, as provided for in
2 subsections B and C of this section, and the doubling of all court
3 costs and all fees collected by the court on behalf of any other
4 entity, unless waived by the court.

5 ~~F. One half (1/2) of any fine collected pursuant to the~~
6 ~~provisions of subsection E of this section, shall be deposited to~~
7 ~~the Trauma Care Assistance Revolving Fund created in Section 1-2522~~
8 ~~of Title 63 of the Oklahoma Statutes.~~

9 SECTION 21. AMENDATORY 47 O.S. 2021, Section 17-102, is
10 amended to read as follows:

11 Section 17-102. A. Any person who is convicted of a violation
12 of any of the provisions of the Uniform Vehicle Code declared by the
13 Code or by other laws of this state to constitute a felony except
14 those offenses specified in subsection A of Section 4-102 of this
15 title relating to unauthorized use of a vehicle and subsection A of
16 Section 4-103 of this title, relating to receiving or disposing of a
17 vehicle, shall be guilty of a felony and shall be punished by
18 imprisonment in the custody of the Department of Corrections for not
19 less than one (1) year nor more than five (5) years, or by a fine of
20 not less than Five Hundred Dollars (\$500.00) nor more than Five
21 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

22 B. The conviction of any person, as prescribed in this section,
23 when the offense occurred during a period when the driving
24 privileges of the person were under suspension, revocation,

1 cancellation, denial, or disqualification or the person had not been
2 granted driving privileges by Oklahoma or any other state, shall
3 result in the doubling of the appropriate fine, as provided for in
4 subsection A of this section, and the doubling of all court costs
5 and all fees collected by the court on behalf of any other entity,
6 unless waived by the court.

7 ~~C. One half (1/2) of any fine collected pursuant to the~~
8 ~~provisions of subsection B of this section, shall be deposited to~~
9 ~~the Trauma Care Assistance Revolving Fund created in Section 1-2522~~
10 ~~of Title 63 of the Oklahoma Statutes.~~

11 SECTION 22. AMENDATORY 47 O.S. 2021, Section 752, is
12 amended to read as follows:

13 Section 752. A. Only a licensed medical doctor, licensed
14 osteopathic physician, licensed chiropractic physician, registered
15 nurse, licensed practical nurse, physician's assistant, certified by
16 any state's appropriate licensing authority, an employee of a
17 hospital or other health care facility authorized by the hospital or
18 health care facility to withdraw blood, or individuals licensed in
19 accordance with Section 1-2505 of Title 63 of the Oklahoma Statutes
20 as an Intermediate Emergency Medical Technician, an Advanced
21 Emergency Medical Technician or a Paramedic, acting within the scope
22 of practice prescribed by their medical director, acting at the
23 request of a law enforcement officer may withdraw blood for the
24 purpose of having a determination made of its concentration of

1 alcohol or the presence or concentration of other intoxicating
2 substance. Only qualified persons authorized by the Board may
3 collect breath, saliva or urine, or administer tests of breath under
4 the provisions of this title.

5 B. If the person authorized to withdraw blood as specified in
6 subsection A of this section is presented with a written statement:

7 1. Authorizing blood withdrawal signed by the person whose
8 blood is to be withdrawn;

9 2. Signed by a duly authorized peace officer that the person
10 whose blood is to be withdrawn has agreed to the withdrawal of
11 blood;

12 3. Signed by a duly authorized peace officer that the person
13 whose blood is to be withdrawn has been placed under arrest and that
14 the officer has probable cause to believe that the person, while
15 intoxicated, has operated a motor vehicle in such manner as to have
16 caused the death or serious physical injury of another person, or
17 the person has been involved in a traffic accident and has been
18 removed from the scene of the accident that resulted in the death or
19 great bodily injury, as defined in subsection B of Section 646 of
20 Title 21 of the Oklahoma Statutes, of any person to a hospital or
21 other health care facility outside the State of Oklahoma before the
22 law enforcement officer was able to effect an arrest for such
23 offense; or

24

1 4. In the form of an order from a district court that blood be
2 withdrawn, the person authorized to withdraw the blood and the
3 hospital or other health care facility where the withdrawal occurs
4 may rely on such a statement or order as evidence that the person
5 has consented to or has been required to submit to the clinical
6 procedure and shall not require the person to sign any additional
7 consent or waiver form. In such a case, the person authorized to
8 perform the procedure, the employer of such person and the hospital
9 or other health care facility shall not be liable in any action
10 alleging lack of consent or lack of informed consent.

11 C. No person specified in subsection A of this section, no
12 employer of such person and no hospital or other health care
13 facility where blood is withdrawn shall incur any civil or criminal
14 liability as a result of the proper withdrawal of blood when acting
15 at the request of a law enforcement officer by the provisions of
16 Section 751 or 753 of this title, or when acting in reliance upon a
17 signed statement or court order as provided in this section, if the
18 act is performed in a reasonable manner according to generally
19 accepted clinical practice. No person specified in subsection A of
20 this section shall incur any civil or criminal liability as a result
21 of the proper collection of breath, saliva or urine when acting at
22 the request of a law enforcement officer under the provisions of
23 Section 751 or 753 of this title or when acting pursuant to a court
24 order.

1 D. The blood, breath, saliva or urine specimens obtained shall
2 be tested by the appropriate test as determined by the Board, or
3 tested by a laboratory that is exempt from the Board rules pursuant
4 to Section 759 of this title, to determine the alcohol concentration
5 thereof, or the presence or concentration of any other intoxicating
6 substance which might have affected the ability of the person tested
7 to operate a motor vehicle safely.

8 E. When blood is withdrawn for testing of its alcohol
9 concentration or other intoxicating substance presence or
10 concentration, at the request of a law enforcement officer, a
11 sufficient quantity of the same specimen shall be obtained to enable
12 the tested person, at his or her own option and expense, to have an
13 independent analysis made of such specimen. The excess blood
14 specimen shall be retained by a laboratory approved by the Board in
15 accordance with the rules and regulations of the Board or by a
16 laboratory that is exempt from the Board rules pursuant to Section
17 759 of this title, for sixty (60) days from the date of collection.
18 At any time within that period, the tested person or his or her
19 attorney may direct that such blood specimen be sent or delivered to
20 a laboratory of his or her own choosing and approved by the Board
21 for an independent analysis. Neither the tested person, nor any
22 agent of such person, shall have access to the additional blood
23 specimen prior to the completion of the independent analysis, except
24

1 the analyst performing the independent analysis and agents of the
2 analyst.

3 ~~F. The costs of collecting blood specimens for the purpose of
4 determining the alcohol or other intoxicating substance thereof, by
5 or at the direction of a law enforcement officer, shall be borne by
6 the law enforcement agency employing such officer; provided, if the
7 person is convicted for any offense involving the operation of a
8 motor vehicle while under the influence of or while impaired by
9 alcohol or an intoxicating substance, or both, as a direct result of
10 the incident which caused the collection of blood specimens, an
11 amount equal to the costs shall become a part of the court costs of
12 the person and shall be collected by the court and remitted to the
13 law enforcement agency bearing the costs. The cost of collecting,
14 retaining and sending or delivering to an independent laboratory the
15 excess specimens of blood for independent analysis at the option of
16 the tested person shall also be borne by such law enforcement
17 agency. The cost of the independent analysis of such specimen of
18 blood shall be borne by the tested person at whose option such
19 analysis is performed. The tested person, or his or her agent,
20 shall make all necessary arrangements for the performance of such
21 independent analysis other than the forwarding or delivery of such
22 specimen.~~

23 ~~G. Tests of blood or breath for the purpose of determining the
24 alcohol concentration thereof, and tests of blood for the purpose of~~

1 determining the presence or concentration of any other intoxicating
2 substance therein, under the provisions of this title, whether
3 administered by or at the direction of a law enforcement officer or
4 administered independently, at the option of the tested person, on
5 the excess specimen of such person's blood to be considered valid
6 and admissible in evidence under the provisions of this title, shall
7 have been administered in accordance with Section 759 of this title.

8 H. G. Any person who has been arrested for any offense arising
9 out of acts alleged to have been committed while the person was
10 operating or in actual physical control of a motor vehicle while
11 under the influence of alcohol, any other intoxicating substance or
12 the combined influence of alcohol and any other intoxicating
13 substance who is not requested by a law enforcement officer to
14 submit to a test shall be entitled to have an independent test of
15 his or her blood for the purpose of determining its alcohol
16 concentration or the presence or concentration of any other
17 intoxicating substance therein, performed by a person of his or her
18 own choosing who is qualified as stipulated in this section. The
19 arrested person shall bear the responsibility for making all
20 necessary arrangements for the administration of such independent
21 test and for the independent analysis of any specimens obtained, and
22 bear all costs thereof. The failure or inability of the arrested
23 person to obtain an independent test shall not preclude the
24 admission of other competent evidence bearing upon the question of

1 whether such person was under the influence of alcohol, or any other
2 intoxicating substance or the combined influence of alcohol and any
3 other intoxicating substance.

4 ~~F.~~ H. Any agency or laboratory certified by the Board or any
5 agency or laboratory that is exempt from the Board rules pursuant to
6 Section 759 of this title, which analyses blood shall make available
7 a written report of the results of the test administered by or at
8 the direction of the law enforcement officer to:

- 9 1. The tested person, or his or her attorney;
- 10 2. The Commissioner of Public Safety; and
- 11 3. The Fatality Analysis Reporting System (FARS) analyst of the
12 state, upon request.

13 The results of the tests provided for in this title shall be
14 admissible in all civil actions, including administrative hearings
15 regarding driving privileges.

16 SECTION 23. AMENDATORY 63 O.S. 2021, Section 2-401, is
17 amended to read as follows:

18 Section 2-401. A. Except as authorized by the Uniform
19 Controlled Dangerous Substances Act, it shall be unlawful for any
20 person:

- 21 1. To distribute, dispense, transport with intent to distribute
22 or dispense, possess with intent to manufacture, distribute, or
23 dispense, a controlled dangerous substance or to solicit the use of
24 or use the services of a person less than eighteen (18) years of age

1 to cultivate, distribute or dispense a controlled dangerous
2 substance;

3 2. To create, distribute, transport with intent to distribute
4 or dispense, or possess with intent to distribute, a counterfeit
5 controlled dangerous substance; or

6 3. To distribute any imitation controlled substance as defined
7 by Section 2-101 of this title, except when authorized by the Food
8 and Drug Administration of the United States Department of Health
9 and Human Services.

10 B. Any person who violates the provisions of this section with
11 respect to:

12 1. A substance classified in Schedule I or II, except for
13 marijuana, upon conviction, shall be guilty of transporting or
14 possessing with an intent to distribute a controlled dangerous
15 substance, a felony, and shall be sentenced to a term of
16 imprisonment in the custody of the Department of Corrections for not
17 more than seven (7) years and a fine of not more than One Hundred
18 Thousand Dollars (\$100,000.00), which shall be in addition to other
19 punishment provided by law and shall not be imposed in lieu of other
20 punishment. A second conviction for the violation of provisions of
21 this paragraph is a felony punishable by a term of imprisonment in
22 the custody of the Department of Corrections for not more than
23 fourteen (14) years. A third or subsequent conviction for the
24 violation of the provisions of this paragraph is a felony punishable

1 by a term of imprisonment in the custody of the Department of
2 Corrections for not more than twenty (20) years;

3 2. Any other controlled dangerous substance classified in
4 Schedule III, IV, V or marijuana, upon conviction, shall be guilty
5 of a felony and shall be sentenced to a term of imprisonment in the
6 custody of the Department of Corrections for not more than five (5)
7 years and a fine of not more than Twenty Thousand Dollars
8 (\$20,000.00), which shall be in addition to other punishment
9 provided by law and shall not be imposed in lieu of other
10 punishment. A second conviction for the violation of the provisions
11 of this paragraph is a felony punishable by a term of imprisonment
12 in the custody of the Department of Corrections for not more than
13 ten (10) years. A third or subsequent conviction for the violation
14 of the provisions of this paragraph is a felony punishable by a term
15 of imprisonment in the custody of the Department of Corrections for
16 not more than fifteen (15) years; or

17 3. An imitation controlled substance as defined by Section 2-
18 101 of this title, upon conviction, shall be guilty of a misdemeanor
19 and shall be sentenced to a term of imprisonment in the county jail
20 for a period of not more than one (1) year and a fine of not more
21 than One Thousand Dollars (\$1,000.00). A person convicted of a
22 second violation of the provisions of this paragraph shall be guilty
23 of a felony and shall be sentenced to a term of imprisonment in the
24 custody of the Department of Corrections for not more than two (2)

1 years and a fine of not more than Five Thousand Dollars (\$5,000.00),
2 which shall be in addition to other punishment provided by law and
3 shall not be imposed in lieu of other punishment.

4 C. 1. Except when authorized by the Food and Drug
5 Administration of the United States Department of Health and Human
6 Services, it shall be unlawful for any person to manufacture or
7 distribute a controlled substance or synthetic controlled substance.

8 2. Any person convicted of violating the provisions of
9 paragraph 1 of this subsection with respect to distributing a
10 controlled substance is guilty of a felony and shall be punished by
11 imprisonment in the custody of the Department of Corrections for a
12 term not to exceed ten (10) years and a fine of not more than
13 Twenty-five Thousand Dollars (\$25,000.00), which shall be in
14 addition to other punishment provided by law and shall not be
15 imposed in lieu of other punishment.

16 3. A second conviction for the violation of the provisions of
17 paragraph 1 of this subsection with respect to distributing a
18 controlled substance is a felony punishable by imprisonment in the
19 custody of the Department of Corrections for a term not less than
20 two (2) years nor more than twenty (20) years. A third or
21 subsequent conviction for the violation of the provisions of this
22 paragraph is a felony punishable by imprisonment in the custody of
23 the Department of Corrections for a term not less than ten (10)
24 years nor more than life.

1 4. Any person convicted of violating the provisions of
2 paragraph 1 of this subsection with respect to manufacturing a
3 controlled substance is guilty of a felony and shall be punished by
4 imprisonment in the custody of the Department of Corrections for a
5 term not to exceed ten (10) years and a fine of not more than
6 Twenty-five Thousand Dollars (\$25,000.00), which shall be in
7 addition to other punishment provided by law and shall not be
8 imposed in lieu of other punishment.

9 5. A second conviction for the violation of the provisions of
10 paragraph 1 of this subsection with respect to manufacturing a
11 controlled substance is a felony punishable by imprisonment in the
12 custody of the Department of Corrections for a term not less than
13 two (2) years nor more than twenty (20) years. A third or
14 subsequent conviction for the violation of the provisions of this
15 paragraph is a felony punishable by imprisonment in the custody of
16 the Department of Corrections for a term not less than ten (10)
17 years nor more than life.

18 D. Convictions for violations of the provisions of this section
19 shall be subject to the statutory provisions for suspended or
20 deferred sentences, or probation as provided in Section 991a of
21 Title 22 of the Oklahoma Statutes.

22 E. Any person who is at least eighteen (18) years of age and
23 who violates the provisions of this section by using or soliciting
24 the use of services of a person less than eighteen (18) years of age

1 to distribute, dispense, transport with intent to distribute or
2 dispense or cultivate a controlled dangerous substance or by
3 distributing a controlled dangerous substance to a person under
4 eighteen (18) years of age, or in the presence of a person under
5 twelve (12) years of age, is punishable by:

6 1. For a first violation of this section, a term of
7 imprisonment in the custody of the Department of Corrections not
8 less than two (2) years nor more than ten (10) years;

9 2. For a second violation of this section, a term of
10 imprisonment in the custody of the Department of Corrections for not
11 less than four (4) years nor more than twenty (20) years; or

12 3. For a third or subsequent violation of this section, a term
13 of imprisonment in the custody of the Department of Corrections for
14 not less than ten (10) years nor more than life.

15 F. Any person who violates any provision of this section by
16 transporting with intent to distribute or dispense, distributing or
17 possessing with intent to distribute a controlled dangerous
18 substance to a person, or violation of subsection G of this section,
19 in or on, or within two thousand (2,000) feet of the real property
20 comprising a public or private elementary or secondary school,
21 public vocational school, public or private college or university,
22 or other institution of higher education, recreation center or
23 public park, including state parks and recreation areas, public

24

1 housing project, or child care facility as defined by Section 402 of
2 Title 10 of the Oklahoma Statutes, shall be punished by:

3 1. For a first offense, a term of imprisonment in the custody
4 of the Department of Corrections, or by the imposition of a fine or
5 by both, not exceeding twice that authorized by the appropriate
6 provision of this section; or

7 2. For a second or subsequent violation of this section, a term
8 of imprisonment in the custody of the Department of Corrections, or
9 by the imposition of a fine or by both, not exceeding thrice that
10 authorized by the appropriate provision of this section.

11 Convictions for second and subsequent violations of the provisions
12 of this section shall not be subject to statutory provisions of
13 suspended sentences, deferred sentences or probation.

14 G. 1. Except as authorized by the Uniform Controlled Dangerous
15 Substances Act, it shall be unlawful for any person to manufacture
16 or attempt to manufacture any controlled dangerous substance or
17 possess any substance listed in Section 2-322 of this title or any
18 substance containing any detectable amount of pseudoephedrine or its
19 salts, optical isomers or salts of optical isomers, iodine or its
20 salts, optical isomers or salts of optical isomers, hydriodic acid,
21 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or
22 organic solvents with the intent to use that substance to
23 manufacture a controlled dangerous substance.

24

1 2. Any person violating the provisions of this subsection with
2 respect to the unlawful manufacturing or attempting to unlawfully
3 manufacture any controlled dangerous substance, or possessing any
4 substance listed in this subsection or Section 2-322 of this title,
5 upon conviction, is guilty of a felony and shall be punished by
6 imprisonment for not less than seven (7) years nor more than life
7 and by a fine of not less than Fifty Thousand Dollars (\$50,000.00),
8 which shall be in addition to other punishment provided by law and
9 shall not be imposed in lieu of other punishment. The possession of
10 any amount of anhydrous ammonia in an unauthorized container shall
11 be prima facie evidence of intent to use such substance to
12 manufacture a controlled dangerous substance.

13 3. Any person violating the provisions of this subsection with
14 respect to the unlawful manufacturing or attempting to unlawfully
15 manufacture any controlled dangerous substance in the following
16 amounts:

17 a. one (1) kilogram or more of a mixture or substance
18 containing a detectable amount of heroin,

19 b. five (5) kilograms or more of a mixture or substance
20 containing a detectable amount of:

21 (1) coca leaves, except coca leaves and extracts of
22 coca leaves from which cocaine, ecgonine, and
23 derivatives of ecgonine or their salts have been
24 removed,

1 (2) cocaine, its salts, optical and geometric
2 isomers, and salts of isomers,
3 (3) ecgonine, its derivatives, their salts, isomers,
4 and salts of isomers, or
5 (4) any compound, mixture, or preparation which
6 contains any quantity of any of the substances
7 referred to in divisions (1) through (3) of this
8 subparagraph,

9 c. fifty (50) grams or more of a mixture or substance
10 described in division (2) of subparagraph b of this
11 paragraph which contains cocaine base,

12 d. one hundred (100) grams or more of phencyclidine (PCP)
13 or 1 kilogram or more of a mixture or substance
14 containing a detectable amount of phencyclidine (PCP),

15 e. ten (10) grams or more of a mixture or substance
16 containing a detectable amount of lysergic acid
17 diethylamide (LSD),

18 f. four hundred (400) grams or more of a mixture or
19 substance containing a detectable amount of N-phenyl-
20 N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100
21 grams or more of a mixture or substance containing a
22 detectable amount of any analogue of N-phenyl-N-[1-(2-
23 phenylethyl)-4-piperidinyl] propanamide,
24

1 g. one thousand (1,000) kilograms or more of a mixture or
2 substance containing a detectable amount of ~~marihuana~~
3 marijuana or one thousand (1,000) or more ~~marihuana~~
4 marijuana plants regardless of weight, or

5 h. fifty (50) grams or more of methamphetamine, its
6 salts, isomers, and salts of its isomers or 500 grams
7 or more of a mixture or substance containing a
8 detectable amount of methamphetamine, its salts,
9 isomers, or salts of its isomers,

10 upon conviction, is guilty of aggravated manufacturing a controlled
11 dangerous substance punishable by imprisonment for not less than
12 twenty (20) years nor more than life and by a fine of not less than
13 Fifty Thousand Dollars (\$50,000.00), which shall be in addition to
14 other punishment provided by law and shall not be imposed in lieu of
15 other punishment. Any person convicted of a violation of the
16 provisions of this paragraph shall be required to serve a minimum of
17 eighty-five percent (85%) of the sentence received prior to becoming
18 eligible for state correctional earned credits towards the
19 completion of the sentence or eligible for parole.

20 4. Any sentence to the custody of the Department of Corrections
21 for any violation of paragraph 3 of this subsection shall not be
22 subject to statutory provisions for suspended sentences, deferred
23 sentences, or probation. A person convicted of a second or
24 subsequent violation of the provisions of paragraph 3 of this

1 subsection shall be punished as a habitual offender pursuant to
2 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be
3 required to serve a minimum of eighty-five percent (85%) of the
4 sentence received prior to becoming eligible for state correctional
5 earned credits or eligibility for parole.

6 5. Any person who has been convicted of manufacturing or
7 attempting to manufacture methamphetamine pursuant to the provisions
8 of this subsection and who, after such conviction, purchases or
9 attempts to purchase, receive or otherwise acquire any product,
10 mixture, or preparation containing any detectable quantity of base
11 pseudoephedrine or ephedrine shall, upon conviction, be guilty of a
12 felony punishable by imprisonment in the custody of the Department
13 of Corrections for a term in the range of twice the minimum term
14 provided for in paragraph 2 of this subsection.

15 H. Any person convicted of any offense described in the Uniform
16 Controlled Dangerous Substances Act may, in addition to the fine
17 imposed, be assessed an amount not to exceed ten percent (10%) of
18 the fine imposed. Such assessment shall be paid into a revolving
19 fund for enforcement of controlled dangerous substances created
20 pursuant to Section 2-506 of this title.

21 ~~I. Any person convicted of any offense described in this~~
22 ~~section shall, in addition to any fine imposed, pay a special~~
23 ~~assessment trauma-care fee of One Hundred Dollars (\$100.00) to be~~

24

1 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
2 ~~Section 1-2522 of this title.~~

3 ~~J.~~ For purposes of this section, "public housing project" means
4 any dwelling or accommodations operated as a state or federally
5 subsidized multifamily housing project by any housing authority,
6 nonprofit corporation or municipal developer or housing projects
7 created pursuant to the Oklahoma Housing Authorities Act.

8 ~~K.~~ J. When a person is found guilty of a violation of the
9 provisions of this section, the court shall order, in addition to
10 any other penalty, the defendant to pay a one-hundred-dollar
11 assessment to be deposited in the Drug Abuse Education and Treatment
12 Revolving Fund created in Section 2-503.2 of this title, upon
13 collection.

14 ~~L.~~ K. Any person convicted of a second or subsequent felony
15 violation of the provisions of this section, except for paragraphs 1
16 and 2 of subsection B of this section, paragraphs 2, 3, 4 and 5 of
17 subsection C of this section, paragraphs 1, 2, and 3 of subsection E
18 of this section and paragraphs 1 and 2 of subsection F of this
19 section, shall be punished as a habitual offender pursuant to
20 Section 51.1 of Title 21 of the Oklahoma Statutes.

21 SECTION 24. AMENDATORY 63 O.S. 2021, Section 2-402, is
22 amended to read as follows:

23 Section 2-402. A. 1. It shall be unlawful for any person
24 knowingly or intentionally to possess a controlled dangerous

1 substance unless such substance was obtained directly, or pursuant
2 to a valid prescription or order from a practitioner, while acting
3 in the course of his or her professional practice, or except as
4 otherwise authorized by this act.

5 2. It shall be unlawful for any person to purchase any
6 preparation excepted from the provisions of the Uniform Controlled
7 Dangerous Substances Act pursuant to Section 2-313 of this title in
8 an amount or within a time interval other than that permitted by
9 Section 2-313 of this title.

10 3. It shall be unlawful for any person or business to sell,
11 market, advertise or label any product containing ephedrine, its
12 salts, optical isomers, or salts of optical isomers, for the
13 indication of stimulation, mental alertness, weight loss, appetite
14 control, muscle development, energy or other indication which is not
15 approved by the pertinent federal OTC Final Monograph, Tentative
16 Final Monograph, or FDA-approved new drug application or its legal
17 equivalent. In determining compliance with this requirement, the
18 following factors shall be considered:

- 19 a. the packaging of the product,
- 20 b. the name of the product, and
- 21 c. the distribution and promotion of the product,
22 including verbal representations made at the point of
23 sale.

24 B. Any person who violates this section with respect to:

1 1. Any Schedule I or II substance, except marijuana or a
2 substance included in subsection D of Section 2-206 of this title,
3 is guilty of a felony punishable by imprisonment for not more than
4 five (5) years and by a fine not exceeding Five Thousand Dollars
5 (\$5,000.00). A second violation of this section with respect to a
6 Schedule I or II substance, except marijuana or a substance included
7 in subsection D of Section 2-206 of this title, is a felony
8 punishable by imprisonment for not more than ten (10) years and by a
9 fine not exceeding Ten Thousand Dollars (\$10,000.00). A third or
10 subsequent violation of this section with respect to a Schedule I or
11 II substance, except marijuana or a substance included in subsection
12 D of Section 2-206 of this title, is a felony punishable by
13 imprisonment for not less than four (4) years nor more than fifteen
14 (15) years and by a fine not exceeding Ten Thousand Dollars
15 (\$10,000.00);

16 2. Any Schedule III, IV or V substance, marijuana, a substance
17 included in subsection D of Section 2-206 of this title, or any
18 preparation excepted from the provisions of the Uniform Controlled
19 Dangerous Substances Act is guilty of a misdemeanor punishable by
20 confinement for not more than one (1) year and by a fine not
21 exceeding One Thousand Dollars (\$1,000.00);

22 3. Any Schedule III, IV or V substance, marijuana, a substance
23 included in subsection D of Section 2-206 of this title, or any
24 preparation excepted from the provisions of the Uniform Controlled

1 Dangerous Substances Act and who, during the period of any court-
2 imposed probationary term or within ten (10) years of the date
3 following the completion of the execution of any sentence or
4 deferred judgment for a violation of this section, commits a second
5 or subsequent violation of this section shall, upon conviction, be
6 guilty of a felony punishable by imprisonment in the custody of the
7 Department of Corrections for not less than one (1) year nor more
8 than five (5) years and by a fine not exceeding Five Thousand
9 Dollars (\$5,000.00); or

10 4. Any Schedule III, IV or V substance, marijuana, a substance
11 included in subsection D of Section 2-206 of this title, or any
12 preparation excepted from the provisions of the Uniform Controlled
13 Dangerous Substances Act and who, ten (10) or more years following
14 the date of completion of the execution of any sentence or deferred
15 judgment for a violation of this section, commits a second or
16 subsequent violation of this section shall, upon conviction, be
17 guilty of a felony punishable by imprisonment in the custody of the
18 Department of Corrections for not less than one (1) year nor more
19 than five (5) years and by a fine not exceeding Five Thousand
20 Dollars (\$5,000.00).

21 C. Any person who violates any provision of this section by
22 possessing or purchasing a controlled dangerous substance from any
23 person, in or on, or within one thousand (1,000) feet of the real
24 property comprising a public or private elementary or secondary

1 school, public vocational school, public or private college or
2 university, or other institution of higher education, recreation
3 center or public park, including state parks and recreation areas,
4 or in the presence of any child under twelve (12) years of age,
5 shall be guilty of a felony and punished by:

6 1. For a first offense, a term of imprisonment, or by the
7 imposition of a fine, or by both, not exceeding twice that
8 authorized by the appropriate provision of this section. In
9 addition, the person shall serve a minimum of fifty percent (50%) of
10 the sentence received prior to becoming eligible for state
11 correctional institution earned credits toward the completion of
12 said sentence; or

13 2. For a second or subsequent offense, a term of imprisonment
14 not exceeding three times that authorized by the appropriate
15 provision of this section and the person shall serve a minimum of
16 ninety percent (90%) of the sentence received prior to becoming
17 eligible for state correctional institution earned credits toward
18 the completion of said sentence, and imposition of a fine not
19 exceeding Ten Thousand Dollars (\$10,000.00).

20 ~~D. Any person convicted of any offense described in this~~
21 ~~section shall, in addition to any fine imposed, pay a special~~
22 ~~assessment trauma care fee of One Hundred Dollars (\$100.00) to be~~
23 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
24 ~~Section 1-2530.9 of this title.~~

1 SECTION 25. AMENDATORY 63 O.S. 2021, Section 2-404, is
2 amended to read as follows:

3 Section 2-404. A. It shall be unlawful for any person:

4 1. Who is subject to the requirements of Article III of this
5 act to distribute or dispense a controlled dangerous substance in
6 violation of Section 2-308 of this title;

7 2. Who is a registrant to manufacture, distribute, or dispense
8 a controlled dangerous substance not authorized by his registration
9 to another registrant or other authorized person;

10 3. To omit, remove, alter, or obliterate a symbol required by
11 the Federal Controlled Substances Act or this act;

12 4. To refuse or fail to make, keep, or furnish any record,
13 notification, order form, statement, invoice, or information
14 required under this act;

15 5. To refuse any entry into any premises or inspection
16 authorized by this act; or

17 6. To keep or maintain any store, shop, warehouse, dwelling
18 house, building, vehicle, boat, aircraft, or any place whatever,
19 which is resorted to by persons using controlled dangerous
20 substances in violation of this act for the purpose of using such
21 substances, or which is used for the keeping or selling of the same
22 in violation of this act.

23 B. Any person who violates this section is punishable by a
24 civil fine of not more than One Thousand Dollars (\$1,000.00);

1 provided, that, if the violation is prosecuted by an information or
2 indictment which alleges that the violation was committed knowingly
3 or intentionally, and the trier of fact specifically finds that the
4 violation was committed knowingly or intentionally, such person is
5 guilty of a felony punishable by imprisonment for not more than five
6 (5) years, and a fine of not more than Ten Thousand Dollars
7 (\$10,000.00), except that if such person is a corporation it shall
8 be subject to a civil penalty of not more than One Hundred Thousand
9 Dollars (\$100,000.00). The fine provided for in this subsection
10 shall be in addition to other punishments provided by law and shall
11 not be in lieu of other punishment.

12 C. Any person convicted of a second or subsequent violation of
13 this section is punishable by a term of imprisonment twice that
14 otherwise authorized and by twice the fine otherwise authorized.
15 The fine provided for in this subsection shall be in addition to
16 other punishments provided by law and shall not be in lieu of other
17 punishment.

18 ~~D. Any person convicted of any offense described in this~~
19 ~~section shall, in addition to any fine imposed, pay a special~~
20 ~~assessment trauma care fee of One Hundred Dollars (\$100.00) to be~~
21 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
22 ~~Section 1-2522 of this title.~~

23 SECTION 26. AMENDATORY 63 O.S. 2021, Section 2-405, is
24 amended to read as follows:

1 Section 2-405. A. No person shall use tincture of opium,
2 tincture of opium camphorated, or any derivative thereof, by the
3 hypodermic method, either with or without a medical prescription
4 therefor.

5 B. No person shall use drug paraphernalia to plant, propagate,
6 cultivate, grow, harvest, manufacture, compound, convert, produce,
7 process, prepare, test, analyze, pack, repack, store, contain,
8 conceal, inject, ingest, inhale or otherwise introduce into the
9 human body a controlled dangerous substance in violation of the
10 Uniform Controlled Dangerous Substances Act, except those persons
11 holding an unrevoked license in the professions of podiatry,
12 dentistry, medicine, nursing, optometry, osteopathy, veterinary
13 medicine or pharmacy.

14 C. No person shall deliver, sell, possess or manufacture drug
15 paraphernalia knowing, or under circumstances where one reasonably
16 should know, that it will be used to plant, propagate, cultivate,
17 grow, harvest, manufacture, compound, convert, produce, process,
18 prepare, test, analyze, pack, repack, store, contain, conceal,
19 inject, ingest, inhale or otherwise introduce into the human body a
20 controlled dangerous substance in violation of the Uniform
21 Controlled Dangerous Substances Act.

22 D. Any person eighteen (18) years of age or over who violates
23 subsection C of this section by delivering or selling drug
24

1 paraphernalia to a person under eighteen (18) years of age shall,
2 upon conviction, be guilty of a felony.

3 E. Any person who violates ~~subsections~~ subsection A, B or C of
4 this section shall, upon conviction, be guilty of a misdemeanor
5 punishable as follows:

6 1. For a first offense the person shall be punished by
7 imprisonment in the county jail for not more than one (1) year or by
8 a fine of not more than One Thousand Dollars (\$1,000.00), or both
9 such fine and imprisonment;

10 2. For a second offense the person shall be punished by
11 imprisonment in the county jail for not more than one (1) year or by
12 a fine of not more than Five Thousand Dollars (\$5,000.00), or both
13 such fine and imprisonment; and

14 3. For a third or subsequent offense the person shall be
15 punished by imprisonment in the county jail for not more than one
16 (1) year or by a fine of not more than Ten Thousand Dollars
17 (\$10,000.00), or both such fine and imprisonment.

18 ~~F. Any person convicted of any offense described in this~~
19 ~~section shall, in addition to any fine imposed, pay a special~~
20 ~~assessment trauma care fee of One Hundred Dollars (\$100.00) to be~~
21 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
22 ~~Section 1-2522 of this title.~~

23 SECTION 27. AMENDATORY 63 O.S. 2021, Section 2-406, is
24 amended to read as follows:

1 Section 2-406. A. It shall be unlawful for any registrant
2 knowingly or intentionally:

3 1. To distribute, other than by dispensing or as otherwise
4 authorized by this act, a controlled dangerous substance classified
5 in Schedules I or II, in the course of his legitimate business,
6 except pursuant to an order form as required by Section 2-308 of
7 this title;

8 2. To use in the course of the manufacture or distribution of a
9 controlled dangerous substance a registration number which is
10 fictitious, revoked, suspended or issued to another person;

11 3. To acquire or obtain possession of a controlled dangerous
12 substance by misrepresentation, fraud, forgery, deception or
13 subterfuge;

14 4. To furnish false or fraudulent material information in, or
15 omit any material information from, any application, report, or
16 other document required to be kept or filed under this act, or any
17 record required to be kept by this act; and

18 5. To make, distribute, or possess any punch, die, plate,
19 stone, or other thing designed to print, imprint, or reproduce the
20 trademark, trade name, or other identifying mark, imprint, or device
21 of another or any likeness of any of the foregoing upon any drug or
22 container or labeling thereof so as to render such drug a
23 counterfeit controlled dangerous substance.

24

1 B. Any person who violates this section is guilty of a felony
2 punishable by imprisonment for not more than twenty (20) years or a
3 fine of not more than Two Hundred Fifty Thousand Dollars
4 (\$250,000.00), or both.

5 C. Any person convicted of a second or subsequent violation of
6 this section is punishable by a term of imprisonment twice that
7 otherwise authorized and by twice the fine otherwise authorized.
8 Convictions for second or subsequent violations of this section
9 shall not be subject to statutory provisions for suspended
10 sentences, deferred sentences, or probation.

11 ~~D. Any person convicted of any offense described in this~~
12 ~~section shall, in addition to any fine imposed, pay a special~~
13 ~~assessment trauma-care fee of One Hundred Dollars (\$100.00) to be~~
14 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
15 ~~Section 1-2522 of this title.~~

16 SECTION 28. AMENDATORY 63 O.S. 2021, Section 2-407, is
17 amended to read as follows:

18 Section 2-407. A. No person shall obtain or attempt to obtain
19 any preparation excepted from the provisions of the Uniform
20 Controlled Dangerous Substances Act pursuant to Section 2-313 of
21 this title in a manner inconsistent with the provisions of paragraph
22 1 of subsection B of Section 2-313 of this title, or a controlled
23 dangerous substance or procure or attempt to procure the
24 administration of a controlled dangerous substance:

1 1. By fraud, deceit, misrepresentation, or subterfuge;

2 2. By the forgery of, alteration of, adding any information to
3 or changing any information on a prescription or of any written
4 order;

5 3. By the concealment of a material fact;

6 4. By the use of a false name or the giving of a false address;
7 or

8 5. By knowingly failing to disclose the receipt of a controlled
9 dangerous substance or a prescription for a controlled dangerous
10 substance of the same or similar therapeutic use from another
11 practitioner within the previous thirty (30) days.

12 B. Except as authorized by this act, a person shall not
13 manufacture, create, deliver, or possess with intent to manufacture,
14 create, or deliver or possess a prescription form, an original
15 prescription form, or a counterfeit prescription form. This shall
16 not apply to the legitimate manufacture or delivery of prescription
17 forms, or a person acting as an authorized agent of the
18 practitioner.

19 C. Information communicated to a physician in an effort
20 unlawfully to procure a controlled dangerous substance, or
21 unlawfully to procure the administration of any such drug, shall not
22 be deemed a privileged communication.

23 D. Any person who violates this section is guilty of a felony
24 punishable by imprisonment for not more than ten (10) years, by a

1 fine of not more than Ten Thousand Dollars (\$10,000.00), or by both
2 such fine and imprisonment. A second or subsequent offense under
3 this section is a felony punishable by imprisonment for not less
4 than four (4) years nor more than twenty (20) years, by a fine of
5 not more than Twenty Thousand Dollars (\$20,000.00), or by both such
6 fine and imprisonment.

7 E. Convictions for second or subsequent violations of this
8 section shall not be subject to statutory provisions for suspended
9 sentences, deferred sentences, or probation.

10 ~~F. Any person convicted of any offense described in this~~
11 ~~section shall, in addition to any fine imposed, pay a special~~
12 ~~assessment trauma care fee of One Hundred Dollars (\$100.00) to be~~
13 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
14 ~~Section 1-2530.9 of this title.~~

15 SECTION 29. AMENDATORY 63 O.S. 2021, Section 2-407.1, is
16 amended to read as follows:

17 Section 2-407.1 A. For the purpose of inducing intoxication or
18 distortion or disturbance of the auditory, visual, muscular, or
19 mental process, no person shall ingest, use, or possess any
20 compound, liquid, or chemical which contains ethylchloride, butyl
21 nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl
22 nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or
23 mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl
24 nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite,

1 isopentyl nitrite, or any of their esters, isomers, or analogues, or
2 any other similar compound.

3 B. No person shall possess, buy, sell, or otherwise transfer
4 any substance specified in subsection A of this section for the
5 purpose of inducing or aiding any other person to inhale or ingest
6 such substance or otherwise violate the provisions of this section.

7 C. The provisions of subsections A and B of this section shall
8 not apply to:

9 1. The possession and use of a substance specified in
10 subsection A of this section which is used as part of the care or
11 treatment by a licensed physician of a disease, condition or injury
12 or pursuant to a prescription of a licensed physician; and

13 2. The possession of a substance specified in subsection A of
14 this section which is used as part of a known manufacturing process
15 or industrial operation when the possessor has obtained a permit
16 from the State Department of Health.

17 D. The State Board of Health shall promulgate rules and
18 regulations establishing procedures for the application, form and
19 issuance of a permit to legitimate manufacturing and industrial
20 applicants as provided for in subsection C of this section.

21 E. Any person convicted of violating any provision of
22 subsection A or B of this section shall be guilty of a misdemeanor
23 punishable by imprisonment in the county jail not to exceed ninety
24 (90) days or by the imposition of a fine not to exceed Five Hundred

1 Dollars (\$500.00), or by both such imprisonment and fine. Each
2 violation shall be considered a separate offense.

3 ~~F. Any person convicted of any offense described in this~~
4 ~~section shall, in addition to any fine imposed, pay a special~~
5 ~~assessment trauma care fee of One Hundred Dollars (\$100.00) to be~~
6 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
7 ~~Section 1-2522 of this title.~~

8 SECTION 30. AMENDATORY 63 O.S. 2021, Section 2-415, is
9 amended to read as follows:

10 Section 2-415. A. The provisions of the Trafficking in Illegal
11 Drugs Act shall apply to persons convicted of violations with
12 respect to the following substances:

- 13 1. Marijuana;
- 14 2. Cocaine or coca leaves;
- 15 3. Heroin;
- 16 4. Amphetamine or methamphetamine;
- 17 5. Lysergic acid diethylamide (LSD);
- 18 6. Phencyclidine (PCP);
- 19 7. Cocaine base, commonly known as "crack" or "rock";
- 20 8. 3,4-Methylenedioxy methamphetamine, commonly known as
21 "ecstasy" or MDMA;
- 22 9. Morphine;
- 23 10. Oxycodone;
- 24 11. Hydrocodone;

1 12. Benzodiazepine; or

2 13. Fentanyl and its analogs and derivatives.

3 B. Except as otherwise authorized by the Uniform Controlled
4 Dangerous Substances Act, it shall be unlawful for any person to:

5 1. Knowingly distribute, manufacture, bring into this state or
6 possess a controlled substance specified in subsection A of this
7 section in the quantities specified in subsection C of this section;

8 2. Possess any controlled substance with the intent to
9 manufacture a controlled substance specified in subsection A of this
10 section in quantities specified in subsection C of this section; or

11 3. Use or solicit the use of services of a person less than
12 eighteen (18) years of age to distribute or manufacture a controlled
13 dangerous substance specified in subsection A of this section in
14 quantities specified in subsection C of this section.

15 Violation of this section shall be known as "trafficking in
16 illegal drugs". Separate types of controlled substances described
17 in subsection A of this section when possessed at the same time in
18 violation of any provision of this section shall constitute a
19 separate offense for each substance.

20 Any person who commits the conduct described in paragraph 1, 2
21 or 3 of this subsection and represents the quantity of the
22 controlled substance to be an amount described in subsection C of
23 this section shall be punished under the provisions appropriate for
24

1 the amount of controlled substance represented, regardless of the
2 actual amount.

3 C. In the case of a violation of the provisions of subsection B
4 of this section, involving:

5 1. Marijuana:

6 a. twenty-five (25) pounds or more of a mixture or
7 substance containing a detectable amount of marijuana
8 shall be punishable by a fine of not less than Twenty-
9 five Thousand Dollars (\$25,000.00) and not more than
10 One Hundred Thousand Dollars (\$100,000.00), or

11 b. one thousand (1,000) pounds or more of a mixture or
12 substance containing a detectable amount of marijuana
13 shall be deemed aggravated trafficking punishable by a
14 fine of not less than One Hundred Thousand Dollars
15 (\$100,000.00) and not more than Five Hundred Thousand
16 Dollars (\$500,000.00);

17 2. Cocaine, coca leaves or cocaine base:

18 a. twenty-eight (28) grams or more of a mixture or
19 substance containing a detectable amount of cocaine,
20 coca leaves or cocaine base shall be punishable by a
21 fine of not less than Twenty-five Thousand Dollars
22 (\$25,000.00) and not more than One Hundred Thousand
23 Dollars (\$100,000.00),
24

1 b. three hundred (300) grams or more of a mixture or
2 substance containing a detectable amount of cocaine,
3 coca leaves or cocaine base shall be punishable by a
4 fine of not less than One Hundred Thousand Dollars
5 (\$100,000.00) and not more than Five Hundred Thousand
6 Dollars (\$500,000.00), or

7 c. four hundred fifty (450) grams or more of a mixture or
8 substance containing a detectable amount of cocaine,
9 coca leaves or cocaine base shall be deemed aggravated
10 trafficking punishable by a fine of not less than One
11 Hundred Thousand Dollars (\$100,000.00) and not more
12 than Five Hundred Thousand Dollars (\$500,000.00);

13 3. Heroin:

14 a. ten (10) grams or more of a mixture or substance
15 containing a detectable amount of heroin shall be
16 punishable by a fine of not less than Twenty-five
17 Thousand Dollars (\$25,000.00) and not more than Fifty
18 Thousand Dollars (\$50,000.00), or

19 b. twenty-eight (28) grams or more of a mixture or
20 substance containing a detectable amount of heroin
21 shall be deemed aggravated trafficking punishable by a
22 fine of not less than Fifty Thousand Dollars
23 (\$50,000.00) and not more than Five Hundred Thousand
24 Dollars (\$500,000.00);

1 4. Amphetamine or methamphetamine:

2 a. twenty (20) grams or more of a mixture or substance
3 containing a detectable amount of amphetamine or
4 methamphetamine shall be punishable by a fine of not
5 less than Twenty-five Thousand Dollars (\$25,000.00)
6 and not more than Two Hundred Thousand Dollars
7 (\$200,000.00),

8 b. two hundred (200) grams or more of a mixture or
9 substance containing a detectable amount of
10 amphetamine or methamphetamine shall be punishable by
11 a fine of not less than Fifty Thousand Dollars
12 (\$50,000.00) and not more than Five Hundred Thousand
13 Dollars (\$500,000.00), or

14 c. four hundred fifty (450) grams or more of a mixture or
15 substance containing a detectable amount of
16 amphetamine or methamphetamine shall be deemed
17 aggravated trafficking punishable by a fine of not
18 less than Fifty Thousand Dollars (\$50,000.00) and not
19 more than Five Hundred Thousand Dollars (\$500,000.00);

20 5. Lysergic acid diethylamide (LSD):

21 a. one (1) gram or more of a mixture or substance
22 containing a detectable amount of lysergic acid
23 diethylamide (LSD) shall be trafficking punishable by
24 a term of imprisonment in the custody of the

1 Department of Corrections not to exceed twenty (20)
2 years and by a fine of not less than Fifty Thousand
3 Dollars (\$50,000.00) and not more than One Hundred
4 Thousand Dollars (\$100,000.00), or

- 5 b. ten (10) grams or more of a mixture or substance
6 containing a detectable amount of lysergic acid
7 diethylamide (LSD) shall be aggravated trafficking
8 punishable by a term of imprisonment in the custody of
9 the Department of Corrections of not less than two (2)
10 years nor more than life and by a fine of not less
11 than One Hundred Thousand Dollars (\$100,000.00) and
12 not more than Two Hundred Fifty Thousand Dollars
13 (\$250,000.00);

14 6. Phencyclidine (PCP):

- 15 a. twenty (20) grams or more of a substance containing a
16 mixture or substance containing a detectable amount of
17 phencyclidine (PCP) shall be trafficking punishable by
18 a term of imprisonment in the custody of the
19 Department of Corrections not to exceed twenty (20)
20 years and by a fine of not less than Twenty Thousand
21 Dollars (\$20,000.00) and not more than Fifty Thousand
22 Dollars (\$50,000.00), or
23 b. one hundred fifty (150) grams or more of a substance
24 containing a mixture or substance containing a

1 detectable amount of phencyclidine (PCP) shall be
2 aggravated trafficking punishable by a term of
3 imprisonment in the custody of the Department of
4 Corrections of not less than two (2) years nor more
5 than life and by a fine of not less than Fifty
6 Thousand Dollars (\$50,000.00) and not more than Two
7 Hundred Fifty Thousand Dollars (\$250,000.00);

8 7. Methylenedioxy methamphetamine:

- 9 a. thirty (30) tablets or ten (10) grams of a mixture or
10 substance containing a detectable amount of 3,4-
11 Methylenedioxy methamphetamine shall be trafficking
12 punishable by a term of imprisonment in the custody of
13 the Department of Corrections not to exceed twenty
14 (20) years and by a fine of not less than Twenty-five
15 Thousand Dollars (\$25,000.00) and not more than One
16 Hundred Thousand Dollars (\$100,000.00), or
17 b. one hundred (100) tablets or thirty (30) grams of a
18 mixture or substance containing a detectable amount of
19 3,4-Methylenedioxy methamphetamine shall be deemed
20 aggravated trafficking punishable by a term of
21 imprisonment in the custody of the Department of
22 Corrections of not less than two (2) years nor more
23 than life by a fine of not less than One Hundred
24

1 Thousand Dollars (\$100,000.00) and not more than Five
2 Hundred Thousand Dollars (\$500,000.00);

3 8. Morphine: One thousand (1,000) grams or more of a mixture
4 containing a detectable amount of morphine shall be trafficking
5 punishable by a term of imprisonment in the custody of the
6 Department of Corrections not to exceed twenty (20) years and by a
7 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and
8 not more than Five Hundred Thousand Dollars (\$500,000.00);

9 9. Oxycodone: Four hundred (400) grams or more of a mixture
10 containing a detectable amount of oxycodone shall be trafficking
11 punishable by a term of imprisonment in the custody of the
12 Department of Corrections not to exceed twenty (20) years and by a
13 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and
14 not more than Five Hundred Thousand Dollars (\$500,000.00);

15 10. Hydrocodone: Three thousand seven hundred fifty (3,750)
16 grams or more of a mixture containing a detectable amount of
17 hydrocodone shall be trafficking punishable by a term of
18 imprisonment in the custody of the Department of Corrections not to
19 exceed twenty (20) years and by a fine of not less than One Hundred
20 Thousand Dollars (\$100,000.00) and not more than Five Hundred
21 Thousand Dollars (\$500,000.00);

22 11. Benzodiazepine: Five hundred (500) grams or more of a
23 mixture containing a detectable amount of benzodiazepine shall be
24 trafficking punishable by a term of imprisonment not to exceed

1 twenty (20) years and by a fine of not less than One Hundred
2 Thousand Dollars (\$100,000.00) and not more than Five Hundred
3 Thousand Dollars (\$500,000.00); and

4 12. Fentanyl and its analogs and derivatives:

5 a. one (1) gram or more of a mixture containing fentanyl
6 or carfentanil, or any fentanyl analogs or derivatives
7 shall be trafficking punishable by a term of
8 imprisonment in the custody of the Department of
9 Corrections not to exceed twenty (20) years and by a
10 fine of not less than One Hundred Thousand Dollars
11 (\$100,000.00) and not more than Two Hundred Fifty
12 Thousand Dollars (\$250,000.00), or

13 b. five (5) grams or more of a mixture containing
14 fentanyl or carfentanil, or any fentanyl analogs or
15 derivatives shall be aggravated trafficking punishable
16 by a term of imprisonment in the custody of the
17 Department of Corrections of not less than two (2)
18 years nor more than life and by a fine of not less
19 than Two Hundred Fifty Thousand Dollars (\$250,000.00)
20 and not more than Five Hundred Thousand Dollars
21 (\$500,000.00).

22 D. Any person who violates the provisions of this section with
23 respect to marijuana, cocaine, coca leaves, cocaine base, heroin,
24 amphetamine or methamphetamine in a quantity specified in paragraphs

1 1, 2, 3 and 4 of subsection C of this section shall, in addition to
2 any fines specified by this section, be punishable by a term of
3 imprisonment as follows:

4 1. For trafficking, a first violation of this section, a term
5 of imprisonment in the custody of the Department of Corrections not
6 to exceed twenty (20) years;

7 2. For trafficking, a second violation of this section, a term
8 of imprisonment in the Department of Corrections of not less than
9 four (4) years nor more than life, for which the person shall serve
10 fifty percent (50%) of the sentence before being eligible for parole
11 consideration;

12 3. For trafficking, a third or subsequent violation of this
13 section, a term of imprisonment in the custody of the Department of
14 Corrections of not less than twenty (20) years nor more than life,
15 of which the person shall serve fifty percent (50%) of the sentence
16 before being eligible for parole consideration.

17 Persons convicted of trafficking shall not be eligible for
18 earned credits or any other type of credits which have the effect of
19 reducing the length of sentence to less than fifty percent (50%) of
20 the sentence imposed; and

21 If the person is convicted of aggravated trafficking, the person
22 shall serve eighty-five percent (85%) of such sentence before being
23 eligible for parole consideration.

24

1 E. The penalties specified in subsections C and D of this
2 section are subject to the enhancements enumerated in subsections E
3 and F of Section 2-401 of this title.

4 ~~F. Any person convicted of any offense described in this~~
5 ~~section shall, in addition to any fine imposed, pay a special~~
6 ~~assessment trauma care fee of One Hundred Dollars (\$100.00) to be~~
7 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
8 ~~Section 1-2530.9 of this title and the assessment pursuant to~~
9 ~~Section 2-503.2 of this title.~~

10 SECTION 31. AMENDATORY 63 O.S. 2021, Section 2-902, is
11 amended to read as follows:

12 Section 2-902. A. Subject to the provisions of this act, the
13 district attorney may enter into a written agreement with the
14 defendant pursuant to the provisions of Sections 305.1 through 305.6
15 of Title 22 of the Oklahoma Statutes to defer prosecution of a
16 charge for possession of a controlled dangerous substance,
17 possession of drug paraphernalia or both possession of a controlled
18 dangerous substance and possession of drug paraphernalia for a
19 period to be determined by the district attorney, not to exceed
20 twenty-four (24) months.

21 ~~B. The defendant shall pay to the district attorney a fee equal~~
22 ~~to the amount which would have been assessed as court costs upon~~
23 ~~filing of the case in district court. Funds received by the~~
24 ~~district attorney pursuant to this act shall be deposited in a~~

1 ~~special fund with the county treasurer to be known as the "Drug~~
2 ~~Possession Diversion Program Fund". This fund shall be used by the~~
3 ~~district attorney to defray any lawful expense of the office of the~~
4 ~~district attorney. The district attorney shall keep records of all~~
5 ~~monies deposited to and disbursed from this fund. The records of~~
6 ~~the fund shall be audited at the same time the records of county~~
7 ~~funds are audited.~~

8 C. Unless the agreement between the defendant and the district
9 attorney provides otherwise, the defendant shall be supervised in
10 the community by the district attorney or by a private supervision
11 program pursuant to the provisions of subsection A of Section 991d
12 of Title 22 of the Oklahoma Statutes.

13 SECTION 32. This act shall become effective January 1, 2023.

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