

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3992

By: Fetgatter

AS INTRODUCED

An Act relating to sex crimes; creating Knights Law; requiring persons convicted of certain crimes to serve one hundred percent of sentence; prohibiting inmates from receiving earned credits; amending 21 O.S. 2021, Section 13.1, which relates to required minimum sentences; removing crimes from list of offenses; amending 21 O.S. 2021, Section 748, as amended by Section 1, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2023, Section 748), which relates to the crime of human trafficking; modifying and adding penalties; amending 21 O.S. 2021, Section 843.5, which relates to the crime of child abuse; modifying penalties for certain offenses; amending 21 O.S. 2021, Sections 1021.2, 1021.3, 1024.2, 1031 and 1040.12a, which relate to the Oklahoma Law on Obscenity and Child Pornography; modifying penalties for certain offenses; amending 21 O.S. 2021, Section 1115, which relates to penalties for first degree rape; modifying penalty; amending 22 O.S. 2021, Section 1101, as amended by Section 1, Chapter 117, O.S.L. 2022 (22 O.S. Supp. 2023, Section 1101), which relates to persons authorized to take bail; creating rebuttable presumption for persons arrested for certain sex crimes; amending 57 O.S. 2021, Section 138, which relates to credits for good conduct; prohibiting persons convicted of certain sex crimes from receiving earned credits; providing for noncodification; providing for codification; and providing an effective date.

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

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

4 Sections 1 through 14 of this act shall be known and may be
5 cited as "Knights Law".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 13.2 of Title 21, unless there
8 is created a duplication in numbering, reads as follows:

9 Persons convicted of:

10 1. Rape in the first degree as provided for in Section 1111,
11 1114, or 1115 of Title 21 of the Oklahoma Statutes;

12 2. Child sexual abuse as provided for in subsection E or F of
13 Section 843.5 of Title 21 of the Oklahoma Statutes;

14 3. Lewd or indecent proposals or acts to a child as provided
15 for in subsection A of Section 1123 of Title 21 of the Oklahoma
16 Statutes;

17 4. Child pornography or aggravated child pornography as
18 provided for in Section 1021.2, 1021.3, 1024.1, 1024.2, or 1040.12a
19 of Title 21 of the Oklahoma Statutes;

20 5. Child prostitution as provided for in Section 1031 of Title
21 21 of the Oklahoma Statutes; or

22 6. Human trafficking of a minor for commercial sex as provided
23 for in Section 748 of Title 21 of the Oklahoma Statutes,
24
--

1 shall be required to serve not less than one hundred percent (100%)
2 of any sentence of imprisonment imposed by the judicial system.
3 Persons convicted of these offenses shall not be eligible for earned
4 credits or any other type of credits which have the effect of
5 reducing the length of the sentence to less than one hundred percent
6 (100%) of the sentence imposed.

7 SECTION 3. AMENDATORY 21 O.S. 2021, Section 13.1, is
8 amended to read as follows:

9 Section 13.1 Persons convicted of:

- 10 1. First degree murder as defined in Section 701.7 of this
11 title;
- 12 2. Second degree murder as defined by Section 701.8 of this
13 title;
- 14 3. Manslaughter in the first degree as defined by Section 711
15 of this title;
- 16 4. Poisoning with intent to kill as defined by Section 651 of
17 this title;
- 18 5. Shooting with intent to kill, use of a vehicle to facilitate
19 use of a firearm, crossbow or other weapon, assault, battery, or
20 assault and battery with a deadly weapon or by other means likely to
21 produce death or great bodily harm, as provided for in Section 652
22 of this title;
- 23 6. Assault with intent to kill as provided for in Section 653
24 of this title;

1 7. Conjoint robbery as defined by Section 800 of this title;

2 8. Robbery with a dangerous weapon as defined in Section 801 of
3 this title;

4 9. First degree robbery as defined in Section 797 of this
5 title;

6 ~~10. First degree rape as provided for in Section 1111, 1114 or
7 1115 of this title;~~

8 ~~11.~~ First degree arson as defined in Section 1401 of this
9 title;

10 ~~12.~~ 11. First degree burglary as provided for in Section 1436
11 of this title;

12 ~~13.~~ 12. Bombing as defined in Section 1767.1 of this title;

13 ~~14.~~ Any 13. Except for the crime of child sexual abuse, any
14 crime against a child provided for in Section 843.5 of this title;

15 ~~15.~~ 14. Forcible sodomy as defined in Section 888 of this
16 title;

17 ~~16.~~ Child pornography or aggravated child pornography as
18 defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of
19 this title;

20 ~~17.~~ Child prostitution as defined in Section 1030 of this
21 title;

22 ~~18.~~ Lewd molestation of a child as defined in Section 1123 of
23 this title;

1 ~~19.~~ 15. Abuse of a vulnerable adult as defined in Section 10-
2 103 of Title 43A of the Oklahoma Statutes;

3 ~~20.~~ 16. Aggravated trafficking as provided for in subsection C
4 of Section 2-415 of Title 63 of the Oklahoma Statutes;

5 ~~21.~~ 17. Aggravated assault and battery upon any person
6 defending another person from assault and battery; or

7 ~~22.—Human~~ 18. Except for the crime of human trafficking of a
8 minor for commercial sex, human trafficking as provided for in
9 Section 748 of this title,
10 shall be required to serve not less than eighty-five percent (85%)
11 of any sentence of imprisonment imposed by the judicial system prior
12 to becoming eligible for consideration for parole. Persons
13 convicted of these offenses shall not be eligible for earned credits
14 or any other type of credits which have the effect of reducing the
15 length of the sentence to less than eighty-five percent (85%) of the
16 sentence imposed.

17 SECTION 4. AMENDATORY 21 O.S. 2021, Section 748, as
18 amended by Section 1, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2023,
19 Section 748), is amended to read as follows:

20 Section 748. A. As used in Sections 748 and 748.2 of this
21 title:

22 1. "Coercion" means compelling, forcing or intimidating a
23 person to act by:

- 1 a. threats of harm or physical restraint against any
2 person,
3 b. any act, scheme, plan, or pattern intended to cause a
4 person to believe that performing, or failing to
5 perform, an act would result in serious physical,
6 financial, or emotional harm or distress to or
7 physical restraint against any person,
8 c. the abuse or threatened abuse of the law or legal
9 process,
10 d. knowingly destroying, concealing, removing,
11 confiscating or possessing any actual or purported
12 passport, labor or immigration document, or other
13 government identification document, including but not
14 limited to a driver license or birth certificate, of
15 another person,
16 e. facilitating or controlling a person's access to any
17 addictive or controlled substance other than for legal
18 medical purposes,
19 f. blackmail,
20 g. demanding or claiming money, goods, or any other thing
21 of value from or on behalf of a prostituted person
22 where such demand or claim arises from or is directly
23 related to the act of prostitution,
24

- 1 h. determining, dictating or setting the times at which
2 another person will be available to engage in an act
3 of prostitution with a third party,
4 i. determining, dictating or setting the places at which
5 another person will be available for solicitation of,
6 or to engage in, an act of prostitution with a third
7 party, or
8 j. determining, dictating or setting the places at which
9 another person will reside for purposes of making such
10 person available to engage in an act of prostitution
11 with a third party;

12 2. "Commercial sex" means any form of commercial sexual
13 activity such as sexually explicit performances, prostitution,
14 participation in the production of pornography, performance in a
15 strip club, or exotic dancing or display;

16 3. "Debt bondage" means the status or condition of a debtor
17 arising from a pledge by the debtor of his or her personal services
18 or of those of a person under his or her control as a security for
19 debt if the value of those services as reasonably assessed is not
20 applied toward the liquidation of the debt or the length and nature
21 of those services are not respectively limited and defined;

22 4. "Human trafficking" means modern-day slavery that includes,
23 but is not limited to, extreme exploitation and the denial of
24
--

1 freedom or liberty of an individual for purposes of deriving benefit
2 from that individual's commercial sex act or labor;

3 5. "Human trafficking for labor" means:

4 a. recruiting, enticing, harboring, maintaining,
5 transporting, providing or obtaining, by any means,
6 another person through deception, force, fraud, threat
7 or coercion or for purposes of engaging the person in
8 labor, or

9 b. benefiting, financially or by receiving anything of
10 value, from participation in a venture that has
11 engaged in an act of trafficking for labor;

12 6. "Human trafficking for commercial sex" means:

13 a. recruiting, enticing, harboring, maintaining,
14 transporting, providing or obtaining, by any means,
15 another person through deception, force, fraud, threat
16 or coercion for purposes of engaging the person in a
17 commercial sex act,

18 b. recruiting, enticing, harboring, maintaining,
19 transporting, providing, purchasing or obtaining, by
20 any means, a minor for purposes of engaging the minor
21 in a commercial sex act, or

22 c. benefiting, financially or by receiving anything of
23 value, from participating in a venture that has
24 engaged in an act of trafficking for commercial sex;

--

1 7. "Legal process" means the criminal law, the civil law, or
2 the regulatory system of the federal government, any state,
3 territory, district, commonwealth, or trust territory therein, and
4 any foreign government or subdivision thereof and includes legal
5 civil actions, criminal actions, and regulatory petitions or
6 applications;

7 8. "Minor" means an individual under eighteen (18) years of
8 age; and

9 9. "Victim" means a person against whom a violation of any
10 provision of this section has been committed.

11 B. It shall be unlawful to knowingly engage in human
12 trafficking.

13 C. 1. Any person violating the provisions of this section
14 shall, upon conviction, be guilty of a felony punishable by
15 imprisonment in the custody of the Department of Corrections for a
16 term of not less than five (5) years or for life, or by a fine of
17 not more than One Hundred Thousand Dollars (\$100,000.00), or by both
18 such fine and imprisonment.

19 2. Any person violating the provisions of this section where
20 the victim of the offense of human trafficking for labor is under
21 eighteen (18) years of age at the time of the offense shall, upon
22 conviction, be guilty of a felony punishable by imprisonment in the
23 custody of the Department of Corrections for a term of not less than
24 fifteen (15) years or for life, or by a fine of not more than Two
--

1 Hundred Fifty Thousand Dollars (\$250,000.00), or by both such fine
2 and imprisonment.

3 3. Any person violating the provisions of this section where
4 the victim of the offense of human trafficking for commercial sex is
5 under eighteen (18) years of age at the time of the offense shall,
6 upon conviction, be guilty of a felony punishable by imprisonment in
7 the custody of the Department of Corrections for a term of life
8 without parole.

9 4. The court shall also order the defendant to pay restitution
10 to the victim as provided in Section 991f of Title 22 of the
11 Oklahoma Statutes.

12 5. If the person is convicted of human trafficking, the person
13 shall serve eighty-five percent (85%) of the sentence before being
14 eligible for parole consideration or any earned credits. If the
15 person is convicted of human trafficking of a minor for commercial
16 sex, the person shall serve not less than one hundred percent (100%)
17 of the sentence imposed.

18 6. The terms of imprisonment specified in this subsection shall
19 not be subject to statutory provisions for suspension, deferral or
20 probation, or state correctional institution earned credits accruing
21 from and after November 1, 1989, except for the achievement earned
22 credits authorized by subsection H of Section 138 of Title 57 of the
23 Oklahoma Statutes. To qualify for such achievement earned credits,
24 such inmates must also be in compliance with the standards for Class
--

1 level 2 behavior, as defined in subsection D of Section 138 of Title
2 57 of the Oklahoma Statutes.

3 D. It is an affirmative defense to prosecution for a criminal,
4 youthful offender, or delinquent offense that, during the time of
5 the alleged commission of the offense, the defendant or alleged
6 youthful offender or delinquent was a victim of human trafficking.

7 E. The consent of a victim to the activity prohibited by this
8 section shall not constitute a defense.

9 F. Lack of knowledge of the age of the victim shall not
10 constitute a defense to the activity prohibited by this section with
11 respect to human trafficking of a minor.

12 SECTION 5. AMENDATORY 21 O.S. 2021, Section 843.5, is
13 amended to read as follows:

14 Section 843.5 A. Any person who shall willfully or maliciously
15 engage in child abuse, as defined in this section, shall, upon
16 conviction, be guilty of a felony punishable by imprisonment in the
17 custody of the Department of Corrections not exceeding life
18 imprisonment, or by imprisonment in a county jail not exceeding one
19 (1) year, or by a fine of not less than Five Hundred Dollars
20 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
21 such fine and imprisonment.

22 B. Any person responsible for the health, safety or welfare of
23 a child who shall willfully or maliciously engage in enabling child
24 abuse, as defined in this section, shall, upon conviction, be
..

1 punished by imprisonment in the custody of the Department of
2 Corrections not exceeding life imprisonment, or by imprisonment in a
3 county jail not exceeding one (1) year, or by a fine of not less
4 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
5 Dollars (\$5,000.00), or both such fine and imprisonment.

6 C. Any person responsible for the health, safety or welfare of
7 a child who shall willfully or maliciously engage in child neglect,
8 as defined in this section, shall, upon conviction, be punished by
9 imprisonment in the custody of the Department of Corrections not
10 exceeding life imprisonment, or by imprisonment in a county jail not
11 exceeding one (1) year, or by a fine of not less than Five Hundred
12 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
13 or both such fine and imprisonment.

14 D. Any parent or other person who shall willfully or
15 maliciously engage in enabling child neglect shall, upon conviction,
16 be punished by imprisonment in the custody of the Department of
17 Corrections not exceeding life imprisonment, or by imprisonment in a
18 county jail not exceeding one (1) year, or by a fine of not less
19 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
20 Dollars (\$5,000.00), or both such fine and imprisonment.

21 E. Any person responsible for the health, safety or welfare of
22 a child who shall willfully or maliciously engage in child sexual
23 abuse, as defined in this section, shall, upon conviction, be
24 punished by imprisonment in the custody of the Department of
..

1 ~~Corrections not exceeding for a term of life imprisonment, or by~~
2 ~~imprisonment in a county jail not exceeding one (1) year, or by a~~
3 ~~fine of not less than Five Hundred Dollars (\$500.00) nor more than~~
4 ~~Five Thousand Dollars (\$5,000.00), or both such fine and~~
5 ~~imprisonment, except as provided in Section 51.1a of this title or~~
6 ~~as otherwise provided in subsection F of this section for a child~~
7 ~~victim under twelve (12) years of age. Except for persons sentenced~~
8 ~~to life or life without parole, any person sentenced to imprisonment~~
9 ~~for two (2) years or more for a violation of this subsection shall~~
10 ~~be required to serve a term of post-imprisonment supervision~~
11 ~~pursuant to subparagraph f of paragraph 1 of subsection A of Section~~
12 ~~991a of Title 22 of the Oklahoma Statutes under conditions~~
13 ~~determined by the Department of Corrections. The jury shall be~~
14 ~~advised that the mandatory post-imprisonment supervision shall be in~~
15 ~~addition to the actual imprisonment.~~

16 F. ~~Any person responsible for the health, safety or welfare of~~
17 ~~a child who shall willfully or maliciously engage in child sexual~~
18 ~~abuse, as defined in this section, to a child under twelve (12)~~
19 ~~years of age shall, upon conviction, be punished by imprisonment in~~
20 ~~the custody of the Department of Corrections for not less than~~
21 ~~twenty five (25) years nor more than life imprisonment, and by a~~
22 ~~fine of not less than Five Hundred Dollars (\$500.00) nor more than~~
23 ~~Five Thousand Dollars (\$5,000.00).~~

1 ~~G.~~ Any parent or other person who shall willfully or
2 maliciously engage in enabling child sexual abuse shall, upon
3 conviction, be punished by imprisonment in the custody of the
4 Department of Corrections not exceeding life imprisonment, or by
5 imprisonment in a county jail not exceeding one (1) year, or by a
6 fine of not less than Five Hundred Dollars (\$500.00) nor more than
7 Five Thousand Dollars (\$5,000.00), or both such fine and
8 imprisonment.

9 ~~H.~~ G. Any person who shall willfully or maliciously engage in
10 child sexual exploitation, as defined in this section, shall, upon
11 conviction, be punished by imprisonment in the custody of the
12 Department of Corrections not exceeding life imprisonment, or by
13 imprisonment in a county jail not exceeding one (1) year, or by a
14 fine of not less than Five Hundred Dollars (\$500.00) nor more than
15 Five Thousand Dollars (\$5,000.00), or both such fine and
16 imprisonment except as provided in subsection I of this section for
17 a child victim under twelve (12) years of age. Except for persons
18 sentenced to life or life without parole, any person sentenced to
19 imprisonment for two (2) years or more for a violation of this
20 subsection shall be required to serve a term of post-imprisonment
21 supervision pursuant to subparagraph f of paragraph 1 of subsection
22 A of Section 991a of Title 22 of the Oklahoma Statutes under
23 conditions determined by the Department of Corrections. The jury
24

1 shall be advised that the mandatory post-imprisonment supervision
2 shall be in addition to the actual imprisonment.

3 ~~F.~~ H. Any person who shall willfully or maliciously engage in
4 child sexual exploitation, as defined in this section, of a child
5 under twelve (12) years of age shall, upon conviction, be punished
6 by imprisonment in the custody of the Department of Corrections for
7 not less than twenty-five (25) years nor more than life
8 imprisonment, and by a fine of not less than Five Hundred Dollars
9 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

10 ~~F.~~ I. Any person responsible for the health, safety or welfare
11 of a child who shall willfully or maliciously engage in enabling
12 child sexual exploitation, as defined in this section, shall, upon
13 conviction, be punished by imprisonment in the custody of the
14 Department of Corrections not exceeding life imprisonment, or by
15 imprisonment in a county jail not exceeding one (1) year, or by a
16 fine of not less than Five Hundred Dollars (\$500.00) nor more than
17 Five Thousand Dollars (\$5,000.00), or both such fine and
18 imprisonment.

19 ~~K.~~ J. Notwithstanding any other provision of law, any person
20 convicted of forcible anal or oral sodomy, rape, rape by
21 instrumentation, or lewd molestation of a child under fourteen (14)
22 years of age subsequent to a previous conviction for any offense of
23 forcible anal or oral sodomy, rape, rape by instrumentation, or lewd
24

1 molestation of a child under fourteen (14) years of age shall be
2 punished by death or by imprisonment for life without parole.

3 ~~H.~~ K. Provided, however, that nothing contained in this section
4 shall prohibit any parent or guardian from using reasonable and
5 ordinary force pursuant to Section 844 of this title.

6 ~~M.~~ L. Consent shall not be a defense for any violation provided
7 for in this section.

8 ~~N.~~ M. Notwithstanding the age requirements of other statutes
9 referenced within this section, this section shall apply to any
10 child under eighteen (18) years of age.

11 ~~O.~~ N. As used in this section:

12 1. "Child abuse" means:

13 a. the willful or malicious harm or threatened harm or
14 failure to protect from harm or threatened harm to the
15 health, safety or welfare of a child under eighteen
16 (18) years of age by a person responsible for a
17 child's health, safety or welfare, or

18 b. the act of willfully or maliciously injuring,
19 torturing or maiming a child under eighteen (18) years
20 of age by any person;

21 2. "Child neglect" means the willful or malicious neglect, as
22 defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of
23 a child under eighteen (18) years of age by a person responsible for
24 a child's health, safety or welfare;

1 3. "Child sexual abuse" means the willful or malicious sexual
2 abuse of a child under eighteen (18) years of age by a person
3 responsible for a child's health, safety or welfare and includes,
4 but is not limited to:

- 5 a. sexual intercourse,
- 6 b. penetration of the vagina or anus, however slight, by
7 an inanimate object or any part of the human body not
8 amounting to sexual intercourse,
- 9 c. sodomy,
- 10 d. incest, or
- 11 e. a lewd act or proposal, as defined in this section;

12 4. "Child sexual exploitation" means the willful or malicious
13 sexual exploitation of a child under eighteen (18) years of age by
14 another and includes, but is not limited to:

- 15 a. human trafficking, as provided for in Section 748 of
16 this title, if the offense involved child trafficking
17 for commercial sex,
- 18 b. trafficking in children, as provided for in Section
19 866 of this title, if the offense was committed for
20 the sexual gratification of any person,
- 21 c. procuring or causing the participation of a minor in
22 child pornography, as provided for in Section 1021.2
23 of this title,

- 1 d. purchase, procurement or possession of child
2 pornography, as provided for in Section 1024.2 of this
3 title,
4 e. engaging in or soliciting prostitution, as provided
5 for in Section 1029 of this title, if the offense
6 involved child prostitution,
7 f. publication, distribution or participation in the
8 preparation of obscene material, as provided for in
9 Section 1040.8 of this title, if the offense involved
10 child pornography,
11 g. aggravated possession of child pornography, as
12 provided for in Section 1040.12a of this title,
13 h. sale or distribution of obscene material, as provided
14 for in Section 1040.13 of this title,
15 i. soliciting sexual conduct or communication with a
16 minor by use of technology, as provided for in Section
17 ~~1043.13a~~ 1040.13a of this title,
18 j. offering or transporting a child for purposes of
19 prostitution, as provided for in Section 1087 of this
20 title, and
21 k. child prostitution, as provided for in Section 1088 of
22 this title;
23
24
--

1 5. "Enabling child abuse" means the causing, procuring or
2 permitting of child abuse by a person responsible for a child's
3 health, safety or welfare;

4 6. "Enabling child neglect" means the causing, procuring or
5 permitting of child neglect by a person responsible for a child's
6 health, safety or welfare;

7 7. "Enabling child sexual abuse" means the causing, procuring
8 or permitting of child sexual abuse by a person responsible for a
9 child's health, safety or welfare;

10 8. "Enabling child sexual exploitation" means the causing,
11 procuring or permitting of child sexual exploitation by a person
12 responsible for a child's health, safety or welfare;

13 9. "Incest" means marrying, committing adultery or fornicating
14 with a child by a person responsible for the health, safety or
15 welfare of a child;

16 10. "Lewd act or proposal" means:

17 a. making any oral, written or electronic or computer-
18 generated lewd or indecent proposal to a child for the
19 child to have unlawful sexual relations or sexual
20 intercourse with any person,

21 b. looking upon, touching, mauling or feeling the body or
22 private parts of a child in a lewd or lascivious
23 manner or for the purpose of sexual gratification,
24
--

- 1 c. asking, inviting, enticing or persuading any child to
2 go alone with any person to a secluded, remote or
3 secret place for a lewd or lascivious purpose,
4 d. urinating or defecating upon a child or causing,
5 forcing or requiring a child to defecate or urinate
6 upon the body or private parts of another person for
7 the purpose of sexual gratification,
8 e. ejaculating upon or in the presence of a child,
9 f. causing, exposing, forcing or requiring a child to
10 look upon the body or private parts of another person
11 for the purpose of sexual gratification,
12 g. causing, forcing or requiring any child to view any
13 obscene materials, child pornography or materials
14 deemed harmful to minors as such terms are defined in
15 Sections 1024.1 and 1040.75 of this title,
16 h. causing, exposing, forcing or requiring a child to
17 look upon sexual acts performed in the presence of the
18 child for the purpose of sexual gratification, or
19 i. causing, forcing or requiring a child to touch or feel
20 the body or private parts of the child or another
21 person for the purpose of sexual gratification;

22 11. "Permit" means to authorize or allow for the care of a
23 child by an individual when the person authorizing or allowing such
24

1 care knows or reasonably should know that the child will be placed
2 at risk of the conduct or harm proscribed by this section;

3 12. "Person responsible for a child's health, safety or
4 welfare" for purposes of this section shall include, but not be
5 limited to:

- 6 a. the parent of the child,
- 7 b. the legal guardian of the child,
- 8 c. the custodian of the child,
- 9 d. the foster parent of the child,
- 10 e. a person eighteen (18) years of age or older with whom
11 the parent of the child cohabitates, who is at least
12 three (3) years older than the child,
- 13 f. any other person eighteen (18) years of age or older
14 residing in the home of the child, who is at least
15 three (3) years older than the child,
- 16 g. an owner, operator, agent, employee or volunteer of a
17 public or private residential home, institution,
18 facility or day treatment program, as defined in
19 Section 175.20 of Title 10 of the Oklahoma Statutes,
20 that the child attended,
- 21 h. an owner, operator, agent, employee or volunteer of a
22 child care facility, as defined in Section 402 of
23 Title 10 of the Oklahoma Statutes, that the child
24 attended,
-

1 i. an intimate partner of the parent of the child, as
2 defined in Section 60.1 of Title 22 of the Oklahoma
3 Statutes, or

4 j. a person who has voluntarily accepted responsibility
5 for the care or supervision of a child;

6 13. "Sexual intercourse" means the actual penetration, however
7 slight, of the vagina or anus by the penis; and

8 14. "Sodomy" means:

9 a. penetration, however slight, of the mouth of the child
10 by a penis,

11 b. penetration, however slight, of the vagina of a person
12 responsible for a child's health, safety or welfare,
13 by the mouth of a child,

14 c. penetration, however slight, of the mouth of the
15 person responsible for a child's health, safety or
16 welfare by the penis of the child, or

17 d. penetration, however slight, of the vagina of the
18 child by the mouth of the person responsible for a
19 child's health, safety or welfare.

20 SECTION 6. AMENDATORY 21 O.S. 2021, Section 1021.2, is
21 amended to read as follows:

22 Section 1021.2 A. Any person who shall procure or cause the
23 participation of any minor under the age of eighteen (18) years in
24 any child pornography or who knowingly possesses, procures, or
--

1 manufactures, or causes to be sold or distributed any child
2 pornography shall be guilty, upon conviction, of a felony and shall
3 be punished by imprisonment in the custody of the Department of
4 Corrections for ~~not more than twenty (20) years or by the imposition~~
5 ~~of a fine of not more than Twenty five Thousand Dollars (\$25,000.00)~~
6 ~~or by both said fine and imprisonment. Persons convicted under this~~
7 ~~section shall not be eligible for a deferred sentence. Except for~~
8 ~~persons sentenced to life or a term of life without parole, any~~
9 ~~person sentenced to imprisonment for two (2) years or more for a~~
10 ~~violation of this subsection shall be required to serve a term of~~
11 ~~post-imprisonment supervision pursuant to subparagraph f of~~
12 ~~paragraph 1 of subsection A of Section 991a of Title 22 of the~~
13 ~~Oklahoma Statutes under conditions determined by the Department of~~
14 ~~Corrections. The jury shall be advised that the mandatory post-~~
15 ~~imprisonment supervision shall be in addition to the actual~~
16 ~~imprisonment.~~

17 B. The consent of the minor, or of the mother, father, legal
18 guardian, or custodian of the minor to the activity prohibited by
19 this section shall not constitute a defense.

20 SECTION 7. AMENDATORY 21 O.S. 2021, Section 1021.3, is
21 amended to read as follows:

22 Section 1021.3 A. Any parent, guardian or individual having
23 custody of a minor under the age of eighteen (18) years who
24 knowingly permits or consents to the participation of a minor in any
--

1 child pornography shall be guilty of a felony and, upon conviction,
2 shall be imprisoned in the custody of the Department of Corrections
3 for a ~~period of not more than twenty (20) years or a fine of not~~
4 ~~more than Twenty-five Thousand Dollars (\$25,000.00) or by both such~~
5 ~~fine and imprisonment. Persons convicted under this section shall~~
6 ~~not be eligible for a deferred sentence. Except for persons~~
7 ~~sentenced to life or term of life without parole, any person~~
8 ~~sentenced to imprisonment for two (2) years or more for a violation~~
9 ~~of this subsection shall be required to serve a term of post-~~
10 ~~imprisonment supervision pursuant to subparagraph f of paragraph 1~~
11 ~~of subsection A of Section 991a of Title 22 of the Oklahoma Statutes~~
12 ~~under conditions determined by the Department of Corrections. The~~
13 ~~jury shall be advised that the mandatory post-imprisonment~~
14 ~~supervision shall be in addition to the actual imprisonment.~~

15 B. The consent of the minor to the activity prohibited by this
16 section shall not constitute a defense.

17 SECTION 8. AMENDATORY 21 O.S. 2021, Section 1024.2, is
18 amended to read as follows:

19 Section 1024.2 It shall be unlawful for any person to buy,
20 procure or possess child pornography in violation of Sections 1024.1
21 through 1024.4 of this title. Such person shall, upon conviction,
22 be guilty of a felony and shall be ~~imprisoned for a period of not~~
23 ~~more than twenty (20) years or a fine up to, but not exceeding,~~
24 ~~Twenty-five Thousand Dollars (\$25,000.00) or by both such fine and~~
..

1 punished by imprisonment in the custody of the Department of
2 Corrections for a term of life without parole.

3 SECTION 9. AMENDATORY 21 O.S. 2021, Section 1031, as
4 amended by Section 2, Chapter 265, O.S.L. 2023 (21 O.S. Supp. 2023,
5 Section 1031), is amended to read as follows:

6 Section 1031. A. Except as provided in subsection B, C, D, or
7 E of this section, any person violating any of the provisions of
8 Section 1028, paragraph 1, 2, 3, or 5 of subsection A of Section
9 1029, or Section 1030 of this title shall, upon conviction, be
10 guilty of a misdemeanor and shall be punished by imprisonment in the
11 county jail for not less than thirty (30) days nor more than one (1)
12 year or by fines as follows: a fine not more than Two Thousand Five
13 Hundred Dollars (\$2,500.00) upon the first conviction for violation
14 of any of such provisions, a fine not more than Five Thousand
15 Dollars (\$5,000.00) upon the second conviction for violation of any
16 of such provisions, and a fine not more than Seven Thousand Five
17 Hundred Dollars (\$7,500.00) upon the third or subsequent convictions
18 for violation of any of such provisions, or by both such
19 imprisonment and fine. In addition, the court may require a term of
20 community service not less than forty (40) nor more than eighty (80)
21 hours. The court in which any such conviction is had shall notify
22 the county superintendent of public health of such conviction.

23 B. Any person who engages in an act of prostitution with
24 knowledge that he or she is infected with the human immunodeficiency
--

1 virus shall, upon conviction, be guilty of a felony punishable by
2 imprisonment in the custody of the Department of Corrections for not
3 more than five (5) years.

4 C. Any person who engages in an act of child prostitution as
5 defined in Section 1030 of this title shall, upon conviction, be
6 guilty of a felony punishable by imprisonment in the custody of the
7 Department of Corrections for ~~not more than ten (10) years and by~~
8 ~~finer as follows: a fine not more than Five Thousand Dollars~~
9 ~~(\$5,000.00) upon the first conviction, a fine not more than Ten~~
10 ~~Thousand Dollars (\$10,000.00) upon the second conviction, and a fine~~
11 ~~not more than Fifteen Thousand Dollars (\$15,000.00) upon the third~~
12 ~~or subsequent convictions~~ a term of life without parole.

13 D. Any person violating any of the provisions of Section 1028,
14 1029 or 1030 of this title within one thousand (1,000) feet of a
15 school or church shall, upon conviction, be guilty of a felony and
16 shall be punished by imprisonment in the custody of the Department
17 of Corrections for not more than five (5) years or by fines as
18 follows: a fine not more than Two Thousand Five Hundred Dollars
19 (\$2,500.00) upon the first conviction for violation of any of such
20 provisions, a fine not more than Five Thousand Dollars (\$5,000.00)
21 upon the second conviction for violation of any of such provisions,
22 and a fine not more than Seven Thousand Five Hundred Dollars
23 (\$7,500.00) upon the third or subsequent convictions for violation
24 of any of such provisions, or by both such imprisonment and fine.

1 In addition, the court may require a term of community service not
2 less than forty (40) nor more than eighty (80) hours. The court in
3 which any such conviction is had shall notify the county
4 superintendent of public health of such conviction.

5 E. Any person violating paragraph 4 of subsection A of Section
6 1029 of this title shall, upon conviction, be guilty of a felony and
7 shall be punished in accordance with the provisions of subsection B
8 of Section ~~3~~ 1040.57 of this ~~act~~ title.

9 SECTION 10. AMENDATORY 21 O.S. 2021, Section 1040.12a,
10 is amended to read as follows:

11 Section 1040.12a A. Any person who, with knowledge of its
12 contents, possesses one hundred (100) or more separate materials
13 depicting child pornography shall ~~be~~, upon conviction, be guilty of
14 aggravated possession of child pornography. The violator shall be
15 punished by imprisonment in the custody of the Department of
16 Corrections for a term ~~not exceeding~~ of life ~~imprisonment and by a~~
17 ~~fine in an amount not more than Ten Thousand Dollars (\$10,000.00)~~
18 without parole. The violator, upon conviction, shall be required to
19 register as a sex offender under the Sex Offenders Registration Act.

20 B. For purposes of this section:

21 1. Multiple copies of the same identical material shall each be
22 counted as a separate item;

23 2. The term "material" means the same definition provided by
24 Section 1040.75 of Title 21 of the Oklahoma Statutes and, in
--

1 addition, includes all digital and computerized images and
2 depictions; and

3 3. The term "child pornography" means the same definition
4 provided by Section 1040.80 of Title 21 of the Oklahoma Statutes
5 and, in addition, includes sexual conduct, sexual excitement,
6 sadomasochistic abuse, and performance of material harmful to minors
7 where a minor is present or depicted as such terms are defined in
8 Section 1040.75 of Title 21 of the Oklahoma Statutes.

9 SECTION 11. AMENDATORY 21 O.S. 2021, Section 1115, is
10 amended to read as follows:

11 Section 1115. Rape in the first degree is a felony punishable
12 by ~~death or~~ imprisonment in the custody of the Department of
13 Corrections, ~~for a term of not less than five (5) years, life or~~
14 ~~life without parole. Except for persons sentenced to life or life~~
15 ~~without parole, any person sentenced to imprisonment for two (2)~~
16 ~~years or more for a violation of this section shall be required to~~
17 ~~serve a term of post-imprisonment supervision pursuant to~~
18 ~~subparagraph f of paragraph 1 of subsection A of Section 991a of~~
19 ~~Title 22 of the Oklahoma Statutes under conditions determined by the~~
20 ~~Department of Corrections. The jury shall be advised that the~~
21 ~~mandatory post-imprisonment supervision shall be in addition to the~~
22 ~~actual imprisonment. Any person convicted of a second or subsequent~~
23 ~~violation of subsection A of Section 1114 of this title shall not be~~
24 ~~eligible for any form of probation. Any person convicted of a third~~

1 ~~or subsequent violation of subsection A of Section 1114 of this~~
2 ~~title or of an offense under Section 888 of this title or an offense~~
3 ~~under Section 1123 of this title or sexual abuse of a child pursuant~~
4 ~~to Section 843.5 of this title, or any attempt to commit any of~~
5 ~~these offenses or any combination of these offenses shall be~~
6 ~~punished by imprisonment in the custody of the Department of~~
7 ~~Corrections for life or life without parole.~~

8 SECTION 12. AMENDATORY 22 O.S. 2021, Section 1101, as
9 amended by Section 1, Chapter 117, O.S.L. 2022 (22 O.S. Supp. 2023,
10 Section 1101), is amended to read as follows:

11 Section 1101. A. Except as otherwise provided by law, bail, by
12 sufficient sureties, shall be admitted upon all arrests in criminal
13 cases where the offense is not punishable by death and in such cases
14 it may be taken by any of the persons or courts authorized by law to
15 arrest, to imprison offenders or to perform pretrial services, or by
16 the clerk of the district court or his or her deputy, or by the
17 judge of such courts.

18 B. In criminal cases where the defendant is currently an
19 escaped prisoner from the Department of Corrections, the defendant
20 must be processed back into the Department of Corrections prior to
21 bail being set on new criminal charges.

22 C. All persons shall be bailable by sufficient sureties, except
23 that bail may be denied for:
24
--

1 1. Capital offenses when the proof of guilt is evident, or the
2 presumption thereof is great;

3 2. Violent offenses;

4 3. Offenses where the maximum sentence may be life imprisonment
5 or life imprisonment without parole;

6 4. Felony offenses where the person charged with the offense
7 has been convicted of two or more felony offenses arising out of
8 different transactions; and

9 5. Controlled dangerous substances offenses where the maximum
10 sentence may be at least ten (10) years' imprisonment.

11 On all offenses specified in paragraphs 2 through 5 of this
12 subsection, the proof of guilt must be evident, or the presumption
13 must be great, and it must be on the grounds that no condition of
14 release would assure the safety of the community or any person.

15 D. There shall be a rebuttable presumption that no condition of
16 release would assure the safety of the community if the state shows
17 by clear and convincing evidence that the person was arrested for a
18 violation of Section 741 of Title 21 of the Oklahoma Statutes.

19 E. If the person was arrested for any crime provided for in the
20 Protection from Domestic Abuse Act or a violent crime provided for
21 in Section 571 of Title 57 of the Oklahoma Statutes, the court shall
22 be responsible for assessing prior patterns of abuse and shall
23 present written findings on the bail amount.
24
--

1 F. There shall be a rebuttable presumption that no condition of
2 release would assure the safety of the community if the state shows
3 by clear and convincing evidence that the person, at the time of the
4 offense, was a registered sex offender and was arrested for a sex
5 crime provided for in Section 582 of Title 57 of the Oklahoma
6 Statutes.

7 SECTION 13. AMENDATORY 57 O.S. 2021, Section 138, is
8 amended to read as follows:

9 Section 138. A. Except as otherwise provided by law, every
10 inmate of a state correctional institution shall have their term of
11 imprisonment reduced monthly, based upon the class level to which
12 they are assigned. Earned credits may be subtracted from the total
13 credits accumulated by an inmate, upon recommendation of the
14 institution's disciplinary committee, following due process, and
15 upon approval of the warden or superintendent. Each earned credit
16 is equivalent to one (1) day of incarceration. Lost credits may be
17 restored by the warden or superintendent upon approval of the
18 classification committee. If a maximum and minimum term of
19 imprisonment is imposed, the provisions of this subsection shall
20 apply only to the maximum term. No earned credit deductions shall
21 be credited ~~to any~~ or recorded for:

22 1. Any inmate serving a sentence of life imprisonment; however,
23 a complete record of the inmate's participation in work, school,
24 vocational training, or other approved program shall be maintained
--

1 by the Department for consideration by the paroling authority.—~~No~~
2 ~~earned credit deductions shall be credited or recorded for any;~~

3 2. Any inmate serving any sentence for a criminal act which
4 resulted in the death of a police officer, a law enforcement
5 officer, an employee of the Department of Corrections, or an
6 employee of a private prison contractor and the death occurred while
7 the police officer, law enforcement officer, employee of the
8 Department of Corrections, or employee of a private prison
9 contractor was acting within the scope of their employment.—~~No~~
10 ~~earned credit deductions shall be credited or recorded for any;~~

11 3. Any person who is referred to an intermediate revocation
12 facility for violating any of the terms and conditions of probation;
13 or

14 4. Any inmate serving a sentence for:

15 a. rape in the first degree as provided for in Section
16 1111, 1114, or 1115 of Title 21 of the Oklahoma
17 Statutes,

18 b. child sexual abuse as provided for in subsection E or
19 F of Section 843.5 of Title 21 of the Oklahoma
20 Statutes,

21 c. child pornography or aggravated child pornography as
22 provided for in Section 1021.2, 1021.3, 1024.1,
23 1024.2, or 1040.12a of Title 21 of the Oklahoma
24 Statutes,

- 1 d. child prostitution as provided for in Section 1031 of
2 Title 21 of the Oklahoma Statutes, or
3 e. human trafficking of a minor for commercial sex as
4 provided for in Section 748 of Title 21 of the
5 Oklahoma Statutes.

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

21 C. If an inmate is subject to misconduct, nonperformance or
22 disciplinary action, earned credits may be removed according to the
23 policies and procedures developed by the Department. Earned credits
24
--

1 removed for misconduct, nonperformance or disciplinary action may be
2 restored as provided by Department policy, if any.

3 D. 1. Class levels shall be as follows:

4 a. Class level 1 shall include inmates not eligible to
5 participate in class levels 2 through 4, and shall
6 include, but not be limited to, inmates on escape
7 status.

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

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

19 d. Class level 4 shall include an inmate who has been
20 incarcerated at least eight (8) months, has received
21 an outstanding work, education, or program evaluation,
22 and has received an outstanding evaluation for
23 personal hygiene and maintenance of living area.
24

1 2. a. Until November 1, 2001, class level corresponding
2 credits are as follows:

3 Class 1 - 0 Credits per month;

4 Class 2 - 22 Credits per month;

5 Class 3 - 33 Credits per month;

6 Class 4 - 44 Credits per month.

7 b. Class level corresponding credits beginning November
8 1, 2001, for inmates who have ever been convicted as
9 an adult or a youthful offender or adjudicated
10 delinquent as a juvenile for a felony offense
11 enumerated in subsection E of this section are as
12 follows:

13 Class 1 - 0 Credits per month;

14 Class 2 - 22 Credits per month;

15 Class 3 - 33 Credits per month;

16 Class 4 - 44 Credits per month.

17 c. Class level corresponding credits beginning November
18 1, 2001, for inmates who have never been convicted as
19 an adult or a youthful offender or adjudicated
20 delinquent as a juvenile for a felony offense
21 enumerated in subsection E of this section are as
22 follows:

23 Class 1 - 0 Credits per month;

24 Class 2 - 22 Credits per month;

--

1 Class 3 - 45 Credits per month;

2 Class 4 - 60 Credits per month.

3 Each inmate shall receive the above specified monthly credits
4 for the class to which he or she is assigned. In determining the
5 prior criminal history of the inmate, the Department of Corrections
6 shall review criminal history records available through the Oklahoma
7 State Bureau of Investigation, Federal Bureau of Investigation, and
8 National Crime Information Center to determine the reported felony
9 convictions of all inmates. The Department of Corrections shall
10 also review the Office of Juvenile Affairs Juvenile On-line Tracking
11 System for inmates who were adjudicated delinquent or convicted as a
12 youthful offender for a crime that would be an offense enumerated in
13 subsection E of this section.

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

- 17 a. satisfactory participation in the work, education, or
18 program assignment at the standard required for the
19 particular class level,
20 b. maintenance of a clean and orderly living area and
21 personal hygiene at the standard required for the
22 particular class level,
23 c. cooperative behavior toward facility staff and other
24 inmates, and
--

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

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

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

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

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

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

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

20 E. No person ever convicted as an adult or a youthful offender
21 or adjudicated delinquent as a juvenile in this state for any felony
22 offense enumerated in this subsection or a similar felony offense
23 pursuant to the provisions of another state, the United States, or a
24 military court shall be eligible for the credits provided by the
--

1 provisions of subparagraph c of paragraph 2 of subsection D of this
2 section.

3 1. Assault, battery, or assault and battery with a dangerous
4 weapon as defined by Section 645, subsection C of Section 652 of
5 Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

6 2. Aggravated assault and battery on a police officer, sheriff,
7 highway patrolman, or any other officer of the law as defined by
8 Section 650, subsection C of Section 650.2, 650.5, subsection B of
9 Section 650.6, or subsection C of Section 650.7 of Title 21 of the
10 Oklahoma Statutes;

11 3. Poisoning with intent to kill as defined by Section 651 of
12 Title 21 of the Oklahoma Statutes;

13 4. Shooting with intent to kill as defined by Section 652 of
14 Title 21 of the Oklahoma Statutes;

15 5. Assault with intent to kill as defined by Section 653 of
16 Title 21 of the Oklahoma Statutes;

17 6. Assault with intent to commit a felony as defined by Section
18 681 of Title 21 of the Oklahoma Statutes;

19 7. Assaults while masked or disguised as defined by Section
20 1303 of Title 21 of the Oklahoma Statutes;

21 8. Entering premises of another while masked as defined by
22 Section 1302 of Title 21 of the Oklahoma Statutes;

23 9. Murder in the first degree as defined by Section 701.7 of
24 Title 21 of the Oklahoma Statutes;

- 1 10. Solicitation for Murder in the first degree as defined by
2 Section 701.16 of Title 21 of the Oklahoma Statutes;
- 3 11. Murder in the second degree as defined by Section 701.8 of
4 Title 21 of the Oklahoma Statutes;
- 5 12. Manslaughter in the first degree as defined by Section 711,
6 712 or 714 of Title 21 of the Oklahoma Statutes;
- 7 13. Manslaughter in the second degree as defined by Section 716
8 or 717 of Title 21 of the Oklahoma Statutes;
- 9 14. Kidnapping as defined by Section 741 of Title 21 of the
10 Oklahoma Statutes;
- 11 15. Burglary in the first degree as defined by Section 1431 of
12 Title 21 of the Oklahoma Statutes;
- 13 16. Burglary with explosives as defined by Section 1441 of
14 Title 21 of the Oklahoma Statutes;
- 15 17. Kidnapping for extortion as defined by Section 745 of Title
16 21 of the Oklahoma Statutes;
- 17 18. Maiming as defined by Section 751 of Title 21 of the
18 Oklahoma Statutes;
- 19 19. Robbery as defined by Section 791 of Title 21 of the
20 Oklahoma Statutes;
- 21 20. Robbery in the first degree as defined by Section 797 of
22 Title 21 of the Oklahoma Statutes;
- 23 21. Robbery in the second degree as defined by Section 797 of
24 Title 21 of the Oklahoma Statutes;
-

1 22. Armed robbery as defined by Section 801 of Title 21 of the
2 Oklahoma Statutes;

3 23. Robbery by two or more persons as defined by Section 800 of
4 Title 21 of the Oklahoma Statutes;

5 24. Robbery with dangerous weapon or imitation firearm as
6 defined by Section 801 of Title 21 of the Oklahoma Statutes;

7 25. Any crime against a child provided for in Section 843.5 of
8 Title 21 of the Oklahoma Statutes;

9 26. Wiring any equipment, vehicle or structure with explosives
10 as defined by Section 849 of Title 21 of the Oklahoma Statutes;

11 27. Forcible sodomy as defined by Section 888 of Title 21 of
12 the Oklahoma Statutes;

13 28. Rape in the first degree as defined by Sections 1111 and
14 1114 of Title 21 of the Oklahoma Statutes;

15 29. Rape in the second degree as defined by Sections 1111 and
16 1114 of Title 21 of the Oklahoma Statutes;

17 30. Rape by instrumentation as defined by Section 1111.1 of
18 Title 21 of the Oklahoma Statutes;

19 31. Lewd or indecent proposition or lewd or indecent act with a
20 child as defined by Section 1123 of Title 21 of the Oklahoma
21 Statutes;

22 32. Sexual battery of a person over 16 as defined by Section
23 1123 of Title 21 of the Oklahoma Statutes;

24
--

1 33. Use of a firearm or offensive weapon to commit or attempt
2 to commit a felony as defined by Section 1287 of Title 21 of the
3 Oklahoma Statutes;

4 34. Pointing firearms as defined by Section 1289.16 of Title 21
5 of the Oklahoma Statutes;

6 35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of
7 the Oklahoma Statutes;

8 36. Inciting to riot as defined by Section 1320.2 of Title 21
9 of the Oklahoma Statutes;

10 37. Arson in the first degree as defined by Section 1401 of
11 Title 21 of the Oklahoma Statutes;

12 38. Endangering human life during arson as defined by Section
13 1405 of Title 21 of the Oklahoma Statutes;

14 39. Injuring or burning public buildings as defined by Section
15 349 of Title 21 of the Oklahoma Statutes;

16 40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of
17 Title 21 of the Oklahoma Statutes;

18 41. Extortion as defined by Section 1481 or 1486 of Title 21 of
19 the Oklahoma Statutes;

20 42. Obtaining signature by extortion as defined by Section 1485
21 of Title 21 of the Oklahoma Statutes;

22 43. Seizure of a bus, discharging firearm or hurling missile at
23 bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;

1 44. Mistreatment of a vulnerable adult as defined by Section
2 843.1 of Title 21 of the Oklahoma Statutes;

3 45. Sex offender providing services to a child as defined by
4 Section 404.1 of Title 10 of the Oklahoma Statutes;

5 46. A felony offense of domestic abuse as defined by subsection
6 C of Section 644 of Title 21 of the Oklahoma Statutes;

7 47. Prisoner placing body fluid on government employee as
8 defined by Section 650.9 of Title 21 of the Oklahoma Statutes;

9 48. Poisoning food or water supply as defined by Section 832 of
10 Title 21 of the Oklahoma Statutes;

11 49. Trafficking in children as defined by Section 866 of Title
12 21 of the Oklahoma Statutes;

13 50. Incest as defined by Section 885 of Title 21 of the
14 Oklahoma Statutes;

15 51. Procure, produce, distribute, or possess juvenile
16 pornography as defined by Section 1021.2 of Title 21 of the Oklahoma
17 Statutes;

18 52. Parental consent to juvenile pornography as defined by
19 Section 1021.3 of Title 21 of the Oklahoma Statutes;

20 53. Soliciting minor for indecent exposure as defined by
21 Section 1021 of Title 21 of the Oklahoma Statutes;

22 54. Distributing obscene material or child pornography as
23 defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

24 --

1 55. Child prostitution as defined by Section 1030 of Title 21
2 of the Oklahoma Statutes;

3 56. Procuring a minor for prostitution or other lewd acts as
4 defined by Section 1087 of Title 21 of the Oklahoma Statutes;

5 57. Transporting a child under 18 for purposes of prostitution
6 as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

7 58. Inducing a minor to engage in prostitution as defined by
8 Section 1088 of Title 21 of the Oklahoma Statutes;

9 59. A felony offense of stalking as defined by subsection D of
10 Section 1173 of Title 21 of the Oklahoma Statutes;

11 60. Spread of infectious diseases as defined by Section 1192 of
12 Title 21 of the Oklahoma Statutes;

13 61. Advocate overthrow of government by force, commit or
14 attempt to commit acts to overthrow the government, organize or
15 provide assistance to groups to overthrow the government as defined
16 by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma
17 Statutes;

18 62. Feloniously discharging a firearm as defined by Section
19 1289.17A of Title 21 of the Oklahoma Statutes;

20 63. Possession, use, manufacture, or threat of incendiary
21 device as defined by Section 1767.1 of Title 21 of the Oklahoma
22 Statutes;

23
24
--

1 64. Causing a personal injury accident while driving under the
2 influence as defined by Section 11-904 of Title 47 of the Oklahoma
3 Statutes; or

4 65. Using a motor vehicle to facilitate the discharge of a
5 firearm as defined by Section 652 of Title 21 of the Oklahoma
6 Statutes.

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

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

1 G. Inmates granted medical leaves for treatment that cannot be
2 furnished at the penal institution where incarcerated shall be
3 allowed the time spent on medical leave as time served. Any inmate
4 placed into administrative segregation for nondisciplinary reasons
5 by the institution's administration may be placed in Class 2. The
6 length of any jail term served by an inmate before being transported
7 to a state correctional institution pursuant to a judgment and
8 sentence of incarceration shall be deducted from the term of
9 imprisonment at the state correctional institution. Inmates
10 sentenced to the Department of Corrections and detained in a county
11 jail as a result of the Department's reception scheduling procedure
12 shall be awarded earned credits as provided for in subparagraph b of
13 paragraph 1 of subsection D of this section, beginning on the date
14 of the judgment and sentence, unless the inmate is convicted of a
15 misdemeanor or felony committed in the jail while the inmate is
16 awaiting transport to the Lexington Assessment and Reception Center
17 or other assessment and reception location determined by the
18 Director of the Department of Corrections.

19 H. Additional achievement earned credits for successful
20 completion of departmentally approved programs or for attaining
21 goals or standards set by the Department shall be awarded as
22 follows:

- 23 Bachelor's degree.....200 credits;
- 24 Associate's degree.....100 credits;
-

1 High School Diploma or High School
2 Equivalency Diploma.....90 credits;
3 Certification of Completion of
4 Vocational Training.....80 credits;
5 Successful completion of
6 Alcohol/Chemical Abuse Treatment
7 Program of not less than four (4)
8 months continuous participation.....70 credits;
9 Successful completion of other
10 Educational Accomplishments or
11 other programs not specified in
12 this subsection.....10-30 credits;

13 Achievement earned credits are subject to loss and restoration in
14 the same manner as earned credits.

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

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

21 2. Provided to the inmate.

22 SECTION 14. This act shall become effective November 1, 2024.

23
24 59-2-8440 GRS 01/18/23
--