

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1460

By: West (Tammy), Deck,
Blancett, Osburn, Kannady,
Stark, Pogemiller and Hill
of the House

and
Gollihare of the Senate

[fees - fines - assessment - court - sentences -
costs - cases - offenses - supervision - yield -
effective date]

AUTHOR: Add the following Senate Coauthor: Nice

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

"[fees - fines - assessment - court - sentences -
costs - cases - offenses - supervision - yield -
effective date]

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

SECTION 1. AMENDATORY 20 O.S. 2021, Section 1313.2, is
amended to read as follows:

Section 1313.2. A. As used in this section:

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~~ 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. Upon conviction or bond forfeiture, the court shall collect
7 the fee provided for in subsection B of this section and deposit it
8 in an account created for that purpose. Except as otherwise
9 provided in subsection E of this section, monies shall be forwarded
10 monthly by the court clerk to the Council on Law Enforcement
11 Education and Training (CLEET). Beginning July 1, 2003, deposits
12 shall be due on the fifteenth day of each month for the preceding
13 calendar month. There shall be a late fee imposed for failure to
14 make timely deposits; provided, CLEET, in its discretion, may waive
15 all or part of the late fee. Such late fee shall be one percent
16 (1%) of the principal amount due per day beginning from the tenth
17 day after payment is due and accumulating until the late fee reaches
18 one hundred percent (100%) of the principal amount due. Beginning
19 on July 1, 1987, ninety percent (90%) of the monies received by
20 CLEET from the court clerks pursuant to this section shall be
21 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 ~~G~~ F 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. 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 D 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 D of
22 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.~~ There is hereby created in the State Treasury a fund for the
11 Council on Law Enforcement Education and Training to be designated
12 the "CLEET Fund". The fund shall be subject to legislative
13 appropriation and shall consist of any monies received from fees and
14 receipts collected pursuant to the Oklahoma Open Records Act,
15 reimbursements for parts used in the repair of weapons of law
16 enforcement officers attending the basic academies, gifts, bequests,
17 contributions, tuition, fees, devises and the assessments levied
18 pursuant to the fund pursuant to law.

19 ~~H.~~ G. 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.

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.~~ H. 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 2. AMENDATORY 22 O.S. 2021, Section 991a, as
13 last amended by Section 1, Chapter 61, O.S.L. 2024 (22 O.S. Supp.
14 2024, Section 991a), is amended to read as follows:

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

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

23 a. to provide restitution to the victim as provided by
24 Section 991f et seq. of this title or according to a

1 schedule of payments established by the sentencing
2 court, together with interest upon any pecuniary sum
3 at the rate of twelve percent (12%) per annum, if the
4 defendant agrees to pay such restitution or, in the
5 opinion of the court, if the defendant is able to pay
6 such restitution without imposing manifest hardship on
7 the defendant or the immediate family and if the
8 extent of the damage to the victim is determinable
9 with reasonable certainty,

10 b. to reimburse any state agency for amounts paid by the
11 state agency for hospital and medical expenses
12 incurred by the victim or victims, as a result of the
13 criminal act for which such person was convicted,
14 which reimbursement shall be made directly to the
15 state agency, with interest accruing thereon at the
16 rate of twelve percent (12%) per annum,

17 c. to engage in a term of community service without
18 compensation, according to a schedule consistent with
19 the employment and family responsibilities of the
20 person convicted,

21 d. to pay a reasonable sum into any trust fund
22 established pursuant to the provisions of Sections 176
23 through 180.4 of Title 60 of the Oklahoma Statutes and
24 which provides restitution payments by convicted

1 defendants to victims of crimes committed within this
2 state wherein such victim has incurred a financial
3 loss,

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

6 f. to confinement as provided by law together with a term
7 of post-imprisonment community supervision for not
8 less than three (3) years of the total term allowed by
9 law for imprisonment, with or without restitution;
10 provided, however, the authority of this provision is
11 limited to Section 843.5 of Title 21 of the Oklahoma
12 Statutes when the offense involved sexual abuse or
13 sexual exploitation; Sections 681, 741 and 843.1 of
14 Title 21 of the Oklahoma Statutes when the offense
15 involved sexual abuse or sexual exploitation; and
16 Sections 865 et seq., 885, 886, 888, 891, 1021,
17 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
18 1123 of Title 21 of the Oklahoma Statutes,

19 g. to repay the reward or part of the reward paid by a
20 local certified crime stoppers program and the
21 Oklahoma Reward System. In determining whether the
22 defendant shall repay the reward or part of the
23 reward, the court shall consider the ability of the
24 defendant to make the payment, the financial hardship

1 on the defendant to make the required payment and the
2 importance of the information to the prosecution of
3 the defendant as provided by the arresting officer or
4 the district attorney with due regard for the
5 confidentiality of the records of the local certified
6 crime stoppers program and the Oklahoma Reward System.
7 The court shall assess this repayment against the
8 defendant as a cost of prosecution. The term
9 "certified" means crime stoppers organizations that
10 annually meet the certification standards for crime
11 stoppers programs established by the Oklahoma Crime
12 Stoppers Association to the extent those standards do
13 not conflict with state statutes. The term "court"
14 refers to all municipal and district courts within
15 this state. The "Oklahoma Reward System" means the
16 reward program established by Section 150.18 of Title
17 74 of the Oklahoma Statutes,

18 h. to reimburse the Oklahoma State Bureau of
19 Investigation for costs incurred by that agency during
20 its investigation of the crime for which the defendant
21 pleaded guilty, nolo contendere or was convicted
22 including compensation for laboratory, technical or
23 investigation services performed by the Bureau if, in
24 the opinion of the court, the defendant is able to pay

1 without imposing manifest hardship on the defendant,
2 and if the costs incurred by the Bureau during the
3 investigation of the defendant's case may be
4 determined with reasonable certainty,

5 i. ~~to reimburse the Oklahoma State Bureau of~~
6 ~~Investigation and any authorized law enforcement~~
7 ~~agency for all costs incurred by that agency for~~
8 ~~cleaning up an illegal drug laboratory site for which~~
9 ~~the defendant pleaded guilty, nolo contendere or was~~
10 ~~convicted. The court clerk shall collect the amount~~
11 ~~and may retain five percent (5%) of such monies to be~~
12 ~~deposited in the Court Clerk's Revolving Fund to cover~~
13 ~~administrative costs and shall remit the remainder to~~
14 ~~the Oklahoma State Bureau of Investigation to be~~
15 ~~deposited in the OSBI Revolving Fund established by~~
16 ~~Section 150.19a of Title 74 of the Oklahoma Statutes~~
17 ~~or to the general fund wherein the other law~~
18 ~~enforcement agency is located,~~

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

23 k.
24

1 j. to reimburse the court fund for amounts paid to court-
2 appointed attorneys for representing the defendant in
3 the case in which the person is being sentenced,

4 ~~l.~~

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

14 ~~m.~~

15 l. to be placed in a victims impact panel program, as
16 defined in subsection H of this section, or
17 victim/offender reconciliation program and payment of
18 a fee to the program of Seventy-five Dollars (\$75.00)
19 as set by the governing authority of the program to
20 offset the cost of participation by the defendant.
21 Provided, each victim/offender reconciliation program
22 shall be required to obtain a written consent form
23 voluntarily signed by the victim and defendant that
24 specifies the methods to be used to resolve the

1 issues, the obligations and rights of each person and
2 the confidentiality of the proceedings. Volunteer
3 mediators and employees of a victim/offender
4 reconciliation program shall be immune from liability
5 and have rights of confidentiality as provided in
6 Section 1805 of Title 12 of the Oklahoma Statutes,

7 ~~n.~~

8 m. to install, at the expense of the defendant, an
9 ignition interlock device approved by the Board of
10 Tests for Alcohol and Drug Influence. The device
11 shall be installed upon every motor vehicle operated
12 by the defendant, and the court shall require that a
13 notation of this restriction be affixed to the
14 defendant's driver license. The restriction shall
15 remain on the driver license not exceeding two (2)
16 years to be determined by the court. The restriction
17 may be modified or removed only by order of the court
18 and notice of any modification order shall be given to
19 Service Oklahoma. Upon the expiration of the period
20 for the restriction, Service Oklahoma shall remove the
21 restriction without further court order. Failure to
22 comply with the order to install an ignition interlock
23 device or operating any vehicle without a device
24 during the period of restriction shall be a violation

1 of the sentence and may be punished as deemed proper
2 by the sentencing court. As used in this paragraph,
3 "ignition interlock device" means a device that,
4 without tampering or intervention by another person,
5 would prevent the defendant from operating a motor
6 vehicle if the defendant has a blood or breath alcohol
7 concentration of two-hundredths (0.02) or greater,

8 ~~e.~~

9 n. to be confined by electronic monitoring administered
10 and supervised by the Department of Corrections or a
11 community sentence provider, ~~and payment of a~~
12 ~~monitoring fee to the supervising authority, not to~~
13 ~~exceed Three Hundred Dollars (\$300.00) per month. Any~~
14 ~~fees collected pursuant to this subparagraph shall be~~
15 ~~deposited with the appropriate supervising authority.~~
16 ~~Any willful violation of an order of the court for the~~
17 ~~payment of the monitoring fee shall be a violation of~~
18 ~~the sentence and may be punished as deemed proper by~~
19 ~~the sentencing court. As used in this paragraph,~~
20 "electronic monitoring" means confinement of the
21 defendant within a specified location or locations
22 with supervision by means of an electronic device
23 approved by the Department of Corrections which is
24 designed to detect if the defendant is in the court-

ordered location at the required times and which records violations for investigation by a qualified supervisory agency or person,

~~p.~~

o. to perform one or more courses of treatment, education or rehabilitation for any conditions, behaviors, deficiencies or disorders which may contribute to criminal conduct including but not limited to alcohol and substance abuse, mental health, emotional health, physical health, propensity for violence, antisocial behavior, personality or attitudes, deviant sexual behavior, child development, parenting assistance, job skills, vocational-technical skills, domestic relations, literacy, education or any other identifiable deficiency which may be treated appropriately in the community and for which a certified provider or a program recognized by the court as having significant positive impact exists in the community. Any treatment, education or rehabilitation provider required to be certified pursuant to law or rule shall be certified by the appropriate state agency or a national organization,

~~q.~~

1 p. to submit to periodic testing for alcohol,
2 intoxicating substance or controlled dangerous
3 substances by a qualified laboratory,

4 ~~r.~~

5 q. to pay a fee or costs for treatment, education,
6 supervision, participation in a program or any
7 combination thereof as determined by the court, based
8 upon the defendant's ability to pay the fees or costs,

9 ~~s.~~

10 r. to be supervised by a Department of Corrections
11 employee, a private supervision provider or other
12 person designated by the court,

13 ~~t.~~

14 s. to obtain positive behavior modeling by a trained
15 mentor,

16 ~~u.~~

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

19 ~~v.~~

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

23 ~~w.~~

1 v. to obtain employment or participate in employment-
2 related activities,

3 ~~x.~~

4 w. to participate in mandatory day reporting to
5 facilities or persons for services, payments, duties
6 or person-to-person contacts as specified by the
7 court,

8 ~~y.~~

9 x. to pay day fines not to exceed fifty percent (50%) of
10 the net wages earned. For purposes of this paragraph,
11 "day fine" means the offender is ordered to pay an
12 amount calculated as a percentage of net daily wages
13 earned. The day fine shall be paid to the local
14 community sentencing system as reparation to the
15 community. Day fines shall be used to support the
16 local system,

17 ~~z.~~

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

20 ~~aa.~~

21 z. to repair or restore property damaged by the
22 defendant's conduct, if the court determines the
23 defendant possesses sufficient skill to repair or
24

1 restore the property and the victim consents to the
2 repairing or restoring of the property,

3 ~~bb.~~

4 aa. to restore damaged property in kind or payment of out-
5 of-pocket expenses to the victim, if the court is able
6 to determine the actual out-of-pocket expenses
7 suffered by the victim,

8 ~~ee.~~

9 bb. to attend a victim-offender reconciliation program if
10 the victim agrees to participate and the offender is
11 deemed appropriate for participation,

12 ~~dd.~~

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

22 ~~ee.~~

23 dd. in the case of a sex offender sentenced after November
24 1, 1989, and required by law to register pursuant to

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

21 ~~ff.~~

22 ee. in addition to other sentencing powers of the court,
23 the court in the case of a defendant being sentenced
24 for a felony conviction for a violation of Section 2-

1 402 of Title 63 of the Oklahoma Statutes which
2 involves marijuana may require the person to
3 participate in a drug court program, if available. If
4 a drug court program is not available, the defendant
5 may be required to participate in a community
6 sanctions program, if available,

7 ~~gg.~~

8 ff. in the case of a person convicted of any false or
9 bogus check violation, as defined in Section 1541.4 of
10 Title 21 of the Oklahoma Statutes, impose a fee of
11 Twenty-five Dollars (\$25.00) to the victim for each
12 check, and impose a bogus check fee to be paid to the
13 district attorney. The bogus check fee paid to the
14 district attorney shall be equal to the amount
15 assessed as court costs plus Twenty-five Dollars
16 (\$25.00) for each check upon filing of the case in
17 district court. This money shall be deposited in the
18 Bogus Check Restitution Program Fund as established in
19 subsection B of Section 114 of this title.

20 Additionally, the court may require the offender to
21 pay restitution and bogus check fees on any other
22 bogus check or checks that have been submitted to the
23 Bogus Check Restitution Program, ~~and~~

24 ~~hh.~~

1 gg. in the case of a person convicted of an offense under
2 Section 644 of Title 21 of the Oklahoma Statutes,
3 require the person to receive an assessment for
4 batterers, which shall be conducted through a
5 certified treatment program for batterers, and
6 hh. any other provision specifically ordered by the court.

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

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

1 ~~offender~~ the same manner as the court waives financial obligations
2 pursuant to Section 983 of this title. Any unpaid costs of
3 prosecution shall be waived if the suspended sentence of an offender
4 expires without being revoked;

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

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

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

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

1 ~~to be deposited in the Court Clerk's Revolving Fund to cover~~
2 ~~administrative costs and shall remit the remainder to the Oklahoma~~
3 ~~State Bureau of Investigation to be deposited in the OSBI Revolving~~
4 ~~Fund established by Section 150.19a of Title 74 of the Oklahoma~~
5 ~~Statutes;~~

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

8 ~~7.~~ 6. In addition to the other sentencing powers of the court,
9 in the case of a person convicted of operating or being in control
10 of a motor vehicle while the person was under the influence of
11 alcohol, other intoxicating substance or a combination of alcohol or
12 another intoxicating substance, or convicted of operating a motor
13 vehicle while the ability of the person to operate such vehicle was
14 impaired due to the consumption of alcohol, require such person:

- 15 a. to participate in an alcohol and drug assessment and
16 evaluation by an assessment agency or assessment
17 personnel certified by the Department of Mental Health
18 and Substance Abuse Services pursuant to Section 3-460
19 of Title 43A of the Oklahoma Statutes and, as
20 determined by the assessment, participate in an
21 alcohol and drug substance abuse course or treatment
22 program or both, pursuant to Sections 3-452 and 3-453
23 of Title 43A of the Oklahoma Statutes,

- 1 b. to attend a victims impact panel program, as defined
2 in subsection H of this section, and to pay a fee of
3 Seventy-five Dollars (\$75.00) as set by the governing
4 authority of the program and approved by the court, to
5 the program to offset the cost of participation by the
6 defendant, if in the opinion of the court the
7 defendant has the ability to pay such fee,
- 8 c. to both participate in the alcohol and drug substance
9 abuse course or treatment program, pursuant to
10 subparagraph a of this paragraph and attend a victims
11 impact panel program, pursuant to subparagraph b of
12 this paragraph,
- 13 d. to install, at the expense of the person, an ignition
14 interlock device approved by the Board of Tests for
15 Alcohol and Drug Influence, upon every motor vehicle
16 operated by such person and to require that a notation
17 of this restriction be affixed to the person's driver
18 license at the time of reinstatement of the license.
19 The restriction shall remain on the driver license for
20 such period as the court shall determine. The
21 restriction may be modified or removed by order of the
22 court and notice of the order shall be given to
23 Service Oklahoma. Upon the expiration of the period
24 for the restriction, Service Oklahoma shall remove the

1 restriction without further court order. Failure to
2 comply with the order to install an ignition interlock
3 device or operating any vehicle without such device
4 during the period of restriction shall be a violation
5 of the sentence and may be punished as deemed proper
6 by the sentencing court, or

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

19 ~~8.~~ 7. In addition to the other sentencing powers of the court,
20 in the case of a person convicted of prostitution pursuant to
21 Section 1029 of Title 21 of the Oklahoma Statutes, require such
22 person to receive counseling for the behavior which may have caused
23 such person to engage in prostitution activities. Such person may
24 be required to receive counseling in areas including but not limited

1 to alcohol and substance abuse, sexual behavior problems or domestic
2 abuse or child abuse problems;

3 ~~9.~~ 8. In addition to the other sentencing powers of the court,
4 in the case of a person convicted of any crime related to domestic
5 abuse, as defined in Section 60.1 of this title, the court may
6 require the defendant to undergo the treatment or participate in the
7 counseling services necessary to bring about the cessation of
8 domestic abuse against the victim. The defendant may be required to
9 pay all or part of the cost of the treatment or counseling services;

10 ~~10.~~ 9. In addition to the other sentencing powers of the court,
11 the court, in the case of a sex offender sentenced after November 1,
12 1989, and required by law to register pursuant to the Sex Offenders
13 Registration Act, shall require the defendant to participate in a
14 treatment program designed specifically for the treatment of sex
15 offenders, if available. The treatment program will include
16 polygraph examinations specifically designed for use with sex
17 offenders for the purpose of supervision and treatment compliance,
18 provided the examination is administered by a certified licensed
19 polygraph examiner. The treatment program must be approved by the
20 Department of Corrections or the Department of Mental Health and
21 Substance Abuse Services. Such treatment shall be at the expense of
22 the defendant based on the ability of the defendant to pay;

23 ~~11.~~ 10. In addition to the other sentencing powers of the
24 court, the court, in the case of a person convicted of abuse or

1 neglect of a child, as defined in Section 1-1-105 of Title 10A of
2 the Oklahoma Statutes, may require the person to undergo treatment
3 or to participate in counseling services. The defendant may be
4 required to pay all or part of the cost of the treatment or
5 counseling services;

6 ~~12.~~ 11. In addition to the other sentencing powers of the
7 court, the court, in the case of a person convicted of cruelty to
8 animals pursuant to Section 1685 of Title 21 of the Oklahoma
9 Statutes, may require the person to pay restitution to animal
10 facilities for medical care and any boarding costs of victimized
11 animals;

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

21 ~~14.~~ 13. In addition to the other sentencing powers of the
22 court, in the case of a sex offender who is required by law to
23 register pursuant to the Sex Offenders Registration Act, the court
24 may prohibit the person from accessing or using any Internet social

1 networking website that has the potential or likelihood of allowing
2 the sex offender to have contact with any child who is under the age
3 of eighteen (18) years;

4 ~~15.~~ 14. In addition to the other sentencing powers of the
5 court, in the case of a sex offender who is required by law to
6 register pursuant to the Sex Offenders Registration Act, the court
7 shall require the person to register any electronic mail address
8 information, instant message, chat or other Internet communication
9 name or identity information that the person uses or intends to use
10 while accessing the Internet or used for other purposes of social
11 networking or other similar Internet communication; or

12 ~~16.~~ 15. In addition to the other sentencing powers of the
13 court, and pursuant to the terms and conditions of a written plea
14 agreement, the court may prohibit the defendant from entering,
15 visiting or residing within the judicial district in which the
16 defendant was convicted until after completion of his or her
17 sentence; provided, however, the court shall ensure that the
18 defendant has access to those services or programs for which the
19 defendant is required to participate as a condition of probation.
20 When seeking to enter the prohibited judicial district for personal
21 business not related to his or her criminal case, the defendant
22 shall be required to obtain approval by the court.

23 B. Notwithstanding any other provision of law, any person who
24 is found guilty of a violation of any provision of Section 761 or

1 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
2 guilty or nolo contendere for a violation of any provision of such
3 sections shall be ordered to participate in, prior to sentencing, an
4 alcohol and drug assessment and evaluation by an assessment agency
5 or assessment personnel certified by the Department of Mental Health
6 and Substance Abuse Services for the purpose of evaluating the
7 receptivity to treatment and prognosis of the person. The court
8 shall order the person to reimburse the agency or assessor for the
9 evaluation. The fee shall be the amount provided in subsection C of
10 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
11 shall be conducted at a certified assessment agency, the office of a
12 certified assessor or at another location as ordered by the court.
13 The agency or assessor shall, within seventy-two (72) hours from the
14 time the person is assessed, submit a written report to the court
15 for the purpose of assisting the court in its final sentencing
16 determination. No person, agency or facility operating an alcohol
17 and drug substance abuse evaluation program certified by the
18 Department of Mental Health and Substance Abuse Services shall
19 solicit or refer any person evaluated pursuant to this subsection
20 for any treatment program or alcohol and drug substance abuse
21 service in which such person, agency or facility has a vested
22 interest; however, this provision shall not be construed to prohibit
23 the court from ordering participation in or any person from
24 voluntarily utilizing a treatment program or alcohol and drug

1 substance abuse service offered by such person, agency or facility.
2 If a person is sentenced to the custody of the Department of
3 Corrections and the court has received a written evaluation report
4 pursuant to this subsection, the report shall be furnished to the
5 Department of Corrections with the judgment and sentence. Any
6 evaluation report submitted to the court pursuant to this subsection
7 shall be handled in a manner which will keep such report
8 confidential from the general public's review. Nothing contained in
9 this subsection shall be construed to prohibit the court from
10 ordering judgment and sentence in the event the defendant fails or
11 refuses to comply with an order of the court to obtain the
12 evaluation required by this subsection.

13 C. When sentencing a person convicted of a crime, the court
14 shall first consider a program of restitution for the victim, as
15 well as imposition of a fine or incarceration of the offender. The
16 provisions of paragraph 1 of subsection A of this section shall not
17 apply to defendants being sentenced upon their third or subsequent
18 to their third conviction of a felony. Provided, the court may
19 waive these prohibitions upon written application of the district
20 attorney. Both the application and the waiver shall be made part of
21 the record of the case.

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

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

21 F. The Department of Corrections, or such other agency as the
22 court may designate, shall be responsible for the monitoring and
23 administration of the restitution and service programs provided for
24 by subparagraphs a, c and d of paragraph 1 of subsection A of this

1 section, and shall ensure that restitution payments are forwarded to
2 the victim and that service assignments are properly performed.

3 G. 1. The Department of Corrections is hereby authorized,
4 subject to funds available through appropriation by the Legislature,
5 to contract with counties for the administration of county Community
6 Service Sentencing Programs.

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

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

20 4. The Department is hereby authorized to provide technical
21 assistance to any county in establishing a Program, regardless of
22 whether the county enters into a contract pursuant to this
23 subsection. Technical assistance shall include appropriate
24

1 staffing, development of community resources, sponsorship,
2 supervision and any other requirements.

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

8 H. As used in this section:

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

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

19 3. "Victims impact panel program" means a program conducted by
20 a corporation registered with the Secretary of State in Oklahoma for
21 the sole purpose of operating a victims impact panel program. The
22 program shall include live presentations from presenters who will
23 share personal stories with participants about how alcohol, drug
24 abuse, the operation of a motor vehicle while using an electronic

1 communication device or the illegal conduct of others has personally
2 impacted the lives of the presenters. A victims impact panel
3 program shall be attended by persons who have committed the offense
4 of driving, operating or being in actual physical control of a motor
5 vehicle while under the influence of alcohol or other intoxicating
6 substance, operating a motor vehicle while the ability of the person
7 to operate such vehicle was impaired due to the consumption of
8 alcohol or any other substance or operating a motor vehicle while
9 using an electronic device or by persons who have been convicted of
10 furnishing alcoholic beverage to persons under twenty-one (21) years
11 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the
12 Oklahoma Statutes. Persons attending a victims impact panel program
13 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to
14 the provider of the program. A certificate of completion shall be
15 issued to the person upon satisfying the attendance and fee
16 requirements of the victims impact panel program. The certificate
17 of completion shall contain the business identification number of
18 the program provider. A certified assessment agency, certified
19 assessor or provider of an alcohol and drug substance abuse course
20 shall be prohibited from providing a victims impact panel program
21 and shall further be prohibited from having any proprietary or
22 pecuniary interest in a victims impact panel program. The provider
23 of the victims impact panel program shall carry general liability
24 insurance and maintain an accurate accounting of all business

1 transactions and funds received in relation to the victims impact
2 panel program. Beginning October 1, 2020, and each October 1
3 thereafter, the provider of the victims impact panel program shall
4 provide to the District Attorneys Council the following:

5 a. proof of registration with the Oklahoma Secretary of
6 State,

7 b. proof of general liability insurance,

8 c. end-of-year financial statements prepared by a
9 certified public accountant,

10 d. a copy of federal income tax returns filed with the
11 Internal Revenue Service,

12 e. a registration fee of One Thousand Dollars
13 (\$1,000.00). The registration fee shall be deposited
14 in the District Attorneys Council Revolving Fund
15 created in Section 215.28 of Title 19 of the Oklahoma
16 Statutes, and

17 f. a statement certifying that the provider of the
18 victims impact panel program has complied with all of
19 the requirements set forth in this paragraph.

20 I. A person convicted of a felony offense or receiving any form
21 of probation for an offense in which registration is required
22 pursuant to the Sex Offenders Registration Act, shall submit to
23 deoxyribonucleic acid (DNA) testing for law enforcement
24 identification purposes in accordance with Section 150.27 of Title

1 74 of the Oklahoma Statutes and the rules promulgated by the
2 Oklahoma State Bureau of Investigation for the OSBI Combined DNA
3 Index System (CODIS) Database. Subject to the availability of
4 funds, any person convicted of a misdemeanor offense of assault and
5 battery, domestic abuse, stalking, possession of a controlled
6 substance prohibited under the Uniform Controlled Dangerous
7 Substances Act, outraging public decency, resisting arrest, escape
8 or attempting to escape, eluding a police officer, Peeping Tom,
9 pointing a firearm, threatening an act of violence, breaking and
10 entering a dwelling place, destruction of property, negligent
11 homicide or causing a personal injury accident while driving under
12 the influence of any intoxicating substance, or any alien unlawfully
13 present under federal immigration law, upon arrest, shall submit to
14 DNA testing for law enforcement identification purposes in
15 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes
16 and the rules promulgated by the Oklahoma State Bureau of
17 Investigation for the OSBI Combined DNA Index System (CODIS)
18 Database. Any defendant sentenced to probation shall be required to
19 submit to testing within thirty (30) days of sentencing either to
20 the Department of Corrections or to the county sheriff or other
21 peace officer as directed by the court. Defendants who are
22 sentenced to a term of incarceration shall submit to testing in
23 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,
24 for those defendants who enter the custody of the Department of

1 Corrections or to the county sheriff, for those defendants sentenced
2 to incarceration in a county jail. Convicted individuals who have
3 previously submitted to DNA testing under this section and for whom
4 a valid sample is on file in the OSBI Combined DNA Index System
5 (CODIS) Database at the time of sentencing shall not be required to
6 submit to additional testing. Except as required by the Sex
7 Offenders Registration Act, a deferred judgment does not require
8 submission to DNA testing.

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

19 J. Samples of blood or saliva for DNA testing required by
20 subsection I of this section shall be taken by employees or
21 contractors of the Department of Corrections, peace officers, or the
22 county sheriff or employees or contractors of the sheriff's office.
23 The individuals shall be properly trained to collect blood or saliva
24 samples. Persons collecting blood or saliva for DNA testing

pursuant to this section shall be immune from civil liabilities arising from this activity. All collectors of DNA samples shall ensure the collection of samples are mailed to the Oklahoma State Bureau of Investigation within ten (10) days of the time the subject appears for testing or within ten (10) days of the date the subject comes into physical custody to serve a term of incarceration. All collectors of DNA samples shall use sample kits provided by the OSBI and procedures promulgated by the OSBI. Persons subject to DNA testing who are not received at the Lexington Assessment and Reception Center shall be required to pay a fee of Fifteen Dollars (\$15.00) to the agency collecting the sample for submission to the OSBI Combined DNA Index System (CODIS) Database. Any fees collected pursuant to this subsection shall be deposited in the revolving account or the service fee account of the collection agency or department.

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

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

Section 991c. A. Upon a verdict or plea of guilty or upon a plea of nolo contendere, but before a judgment of guilt, the court

1 may, without entering a judgment of guilt and with the consent of
2 the defendant, defer further proceedings upon the specific
3 conditions prescribed by the court not to exceed a seven-year
4 period, except as authorized under subsection B of this section.

5 The court shall first consider restitution among the various
6 conditions it may prescribe. The court may also consider ordering
7 the defendant to:

8 1. Pay court costs;

9 2. Pay an assessment in lieu of any fine authorized by law for
10 the offense;

11 3. Pay any other assessment or cost authorized by law;

12 4. Engage in a term of community service without compensation,
13 according to a schedule consistent with the employment and family
14 responsibilities of the defendant;

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

18 6. Pay an amount as reimbursement for reasonable attorney fees,
19 to be paid into the court fund, if a court-appointed attorney has
20 been provided to the defendant;

21 7. Be supervised in the community for a period not to exceed
22 eighteen (18) months, unless a petition alleging violation of any
23 condition of deferred judgment is filed during the period of
24 supervision. As a condition of any supervision, the defendant shall

1 be required to pay a supervision fee of Forty Dollars (\$40.00) per
2 month. The supervision fee shall be waived in whole or part by the
3 supervisory agency when the accused is indigent. Any fees collected
4 by the district attorney pursuant to this paragraph shall be
5 deposited in the General Revenue Fund of the State Treasury. No
6 person shall be denied supervision based solely on the inability of
7 the person to pay a fee;

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

14 9. Make other reparations to the community or victim as
15 required and deemed appropriate by the court;

16 10. Order any conditions which can be imposed for a suspended
17 sentence pursuant to paragraph 1 of subsection A of Section 991a of
18 this title; or

19 11. Any combination of the ~~above~~ provisions in paragraphs 1
20 through 10 of this subsection.

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

1 during the prosecution of the offender and for the additional work
2 of verifying the compliance of the offender with the rules and
3 conditions of his or her probation. The district attorney may waive
4 any part of this requirement in the best interests of justice. The
5 court ~~shall not~~ may waive, ~~suspend, defer or dismiss~~ the costs of
6 prosecution in ~~its entirety~~. ~~However, if the court determines that~~
7 ~~a reduction in the fine, costs and costs of prosecution is~~
8 ~~warranted, the court shall equally apply the same percentage~~
9 ~~reduction to the fine, costs and costs of prosecution owed by the~~
10 ~~offender~~ the same manner as the court waives financial obligations
11 pursuant to Section 983 of this title. Any unpaid costs of
12 prosecution shall be waived if the deferred sentence of an offender
13 expires without being accelerated. Any fees collected by the
14 district attorney pursuant to this paragraph shall be deposited in
15 the General Revenue Fund of the State Treasury.

16 B. When the court has ordered restitution as a condition of
17 supervision as provided for in subsection A of this section and that
18 condition has not been satisfied, the court may, at any time prior
19 to the termination or expiration of the supervision period, order an
20 extension of supervision for a period not to exceed three (3) years.

21 C. In addition to any conditions of supervision provided for in
22 subsection A of this section, the court shall, in the case of a
23 person before the court for the offense of operating or being in
24 control of a motor vehicle while the person was under the influence

1 of alcohol, other intoxicating substance, or a combination of
2 alcohol and another intoxicating substance, or who is before the
3 court for the offense of operating a motor vehicle while the ability
4 of the person to operate such vehicle was impaired due to the
5 consumption of alcohol, require the person to participate in an
6 alcohol and drug substance abuse evaluation program offered by a
7 facility or qualified practitioner certified by the Department of
8 Mental Health and Substance Abuse Services for the purpose of
9 evaluating the receptivity to treatment and prognosis of the person.
10 The court shall order the person to reimburse the facility or
11 qualified practitioner for the evaluation. The Department of Mental
12 Health and Substance Abuse Services shall establish a fee schedule,
13 based upon the ability of a person to pay, provided the fee for an
14 evaluation shall not exceed Seventy-five Dollars (\$75.00). The
15 evaluation shall be conducted at a certified facility, the office of
16 a qualified practitioner or at another location as ordered by the
17 court. The facility or qualified practitioner shall, within
18 seventy-two (72) hours from the time the person is assessed, submit
19 a written report to the court for the purpose of assisting the court
20 in its determination of conditions for deferred sentence. No
21 person, agency or facility operating an alcohol and drug substance
22 abuse evaluation program certified by the Department of Mental
23 Health and Substance Abuse Services shall solicit or refer any
24 person evaluated pursuant to this subsection for any treatment

1 program or alcohol and drug substance abuse service in which the
2 person, agency or facility has a vested interest; however, this
3 provision shall not be construed to prohibit the court from ordering
4 participation in or any person from voluntarily utilizing a
5 treatment program or alcohol and drug substance abuse service
6 offered by such person, agency or facility. Any evaluation report
7 submitted to the court pursuant to this subsection shall be handled
8 in a manner which will keep the report confidential from review by
9 the general public. Nothing contained in this subsection shall be
10 construed to prohibit the court from ordering judgment and sentence
11 in the event the defendant fails or refuses to comply with an order
12 of the court to obtain the evaluation required by this subsection.
13 As used in this subsection, "qualified practitioner" means a person
14 with at least a bachelor's degree in substance abuse treatment,
15 mental health or a related health care field and at least two (2)
16 years of experience in providing alcohol abuse treatment, other drug
17 abuse treatment, or both alcohol and other drug abuse treatment who
18 is certified each year by the Department of Mental Health and
19 Substance Abuse Services to provide these assessments. However, any
20 person who does not meet the requirements for a qualified
21 practitioner as defined herein, but who has been previously
22 certified by the Department of Mental Health and Substance Abuse
23 Services to provide alcohol or drug treatment or assessments, shall
24 be considered a qualified practitioner provided all education,

1 experience and certification requirements stated herein are met by
2 September 1, 1995. The court may also require the person to
3 participate in one or both of the following:

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

6 2. A victims impact panel program, as defined in subsection H
7 of Section 991a of this title, if such a program is offered in the
8 county where the judgment is rendered. The defendant shall be
9 required to pay a fee of Seventy-five Dollars (\$75.00) as set by the
10 governing authority of the program and approved by the court to the
11 victims impact panel program to offset the cost of participation by
12 the defendant, if in the opinion of the court the defendant has the
13 ability to pay such fee.

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

23 1. All references to the name of the defendant shall be deleted
24 from the docket sheet;

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

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

6 4. No information concerning the confidential file shall be
7 revealed or released, except upon written order of a judge of the
8 district court or upon written request by the named defendant to the
9 court clerk for the purpose of updating the criminal history record
10 of the defendant with the Oklahoma State Bureau of Investigation;
11 and

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

16 Records expunged pursuant to this subsection shall be sealed to
17 the public but not to law enforcement agencies for law enforcement
18 purposes. Records expunged pursuant to this subsection shall be
19 admissible in any subsequent criminal prosecution to prove the
20 existence of a prior conviction or prior deferred judgment without
21 the necessity of a court order requesting the unsealing of such
22 records.

23 E. The provisions of subsection D of this section shall be
24 retroactive.

1 F. Whenever a judgment has been deferred by the court according
2 to the provisions of this section, deferred judgment may not be
3 accelerated for any technical violation unless a petition setting
4 forth the grounds for such acceleration is filed by the district
5 attorney with the clerk of the sentencing court and competent
6 evidence justifying the acceleration of the judgment is presented to
7 the court at a hearing to be held for that purpose. The hearing
8 shall be held not more than twenty (20) days after the entry of the
9 plea of not guilty to the petition, unless waived by both the state
10 and the defendant. Any acceleration of a deferred sentence based on
11 a technical violation shall not exceed ninety (90) days for a first
12 acceleration or five (5) years for a second or subsequent
13 acceleration.

14 G. Upon any violation of the deferred judgment, other than a
15 technical violation, the court may enter a judgment of guilt and
16 proceed as provided in Section 991a of this title or may modify any
17 condition imposed. Provided, however, if the deferred judgment is
18 for a felony offense, and the defendant commits another felony
19 offense, the defendant shall not be allowed bail pending appeal.

20 H. The deferred judgment procedure described in this section
21 shall apply only to defendants who have not been previously
22 convicted of a felony offense and have not received more than one
23 deferred judgment for a felony offense within the ten (10) years
24 previous to the commission of the pending offense.

1 Provided, the court may waive this prohibition upon written
2 application of the district attorney. Both the application and the
3 waiver shall be made a part of the record of the case.

4 I. The deferred judgment procedure described in this section
5 shall not apply to defendants found guilty or who plead guilty or
6 nolo contendere to a sex offense required by law to register
7 pursuant to the Sex Offenders Registration Act.

8 J. All defendants who are supervised pursuant to this section
9 shall be subject to the sanction process as established in
10 subsection D of Section 991b of this title.

11 K. Notwithstanding the provisions of subsections F and G of
12 this section, a person who is being considered for an acceleration
13 of a deferred judgment for an offense where the penalty has
14 subsequently been lowered to a misdemeanor shall only be subject to
15 a judgment and sentence that would have been applicable had he or
16 she committed the offense after July 1, 2017.

17 SECTION 4. AMENDATORY 22 O.S. 2021, Section 1355A, is
18 amended to read as follows:

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

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

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

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

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.

1 SECTION 5. AMENDATORY 28 O.S. 2021, Section 153, as
2 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2024,
3 Section 153), is amended to read as follows:

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

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

intoxicating substance or an offense
provided for in paragraph 1 or 2 of this
subsection, whether charged individually
or conjointly with others.....\$93.00

4. For each defendant convicted of a
felony, other than for driving under the
influence of alcohol or other
intoxicating substance, whether charged
individually or conjointly with others.....\$103.00

5. For each defendant convicted of the
misdemeanor of driving under the
influence of alcohol or other
intoxicating substance, whether charged
individually or conjointly with others.....\$433.00

6. For each defendant convicted of the
felony of driving under the influence of
alcohol or other intoxicating substance,
whether charged individually or
conjointly with others.....\$433.00

7. For the services of a court reporter at
each preliminary hearing and trial held
in the case.....\$20.00

8. For each time a jury is requested.....\$30.00

9. A sheriff's fee for serving or

endeavoring to serve each writ, warrant,

order, process, command, or notice or

pursuing any fugitive from justice

a. within the county..... \$50.00, or

mileage as

established by the

Oklahoma Statutes,

whichever is

greater, or

b. outside of the county..... \$50.00, or

actual, necessary

expenses, whichever

is greater

B. In addition to the amount collected pursuant to paragraphs 2

through 6 of subsection A of this section, the sum of Six Dollars

(\$6.00) shall be assessed and credited to the Law Library Fund

pursuant to Section 1201 et seq. of Title 20 of the Oklahoma

Statutes.

C. In addition to the amount collected pursuant to subsection A

of this section, the sum of Twenty Dollars (\$20.00) shall be

assessed and collected in every traffic case for each offense other

than for driving under the influence of alcohol or other

intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be

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

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

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

21 F. In addition to the amounts collected pursuant to paragraphs
22 1 through 6 of subsection A of this section, the sum of Three
23 Dollars (\$3.00) shall be assessed and credited to the Office of the
24 Attorney General Victim Services Unit.

1 G. In addition to the amounts collected pursuant to paragraphs
2 1 through 6 of subsection A of this section, the sum of Three
3 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
4 Multidisciplinary Account. This fee shall not be used for purposes
5 of hiring or employing any law enforcement officers.

6 ~~H. In addition to the amount collected pursuant to paragraphs 5~~
7 ~~and 6 of subsection A of this section, the sum of Fifteen Dollars~~
8 ~~(\$15.00) shall be assessed in every misdemeanor or felony case for~~
9 ~~each offense of driving under the influence of alcohol or other~~
10 ~~intoxicating substance and credited to the Oklahoma Impaired Driver~~
11 ~~Database Revolving Fund created pursuant to Section 11-902d of Title~~
12 ~~47 of the Oklahoma Statutes.~~

13 ~~I.~~ Prior to conviction, parties in criminal cases shall not be
14 required to pay, advance, or post security for the issuance or
15 service of process to obtain compulsory attendance of witnesses.

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

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

21 1. A court clerk issuing a misdemeanor warrant is entitled to
22 ten percent (10%) of the sheriff's service fee, provided for in
23 paragraph 9 of subsection A of this section, collected on a warrant
24 referred to the contractor for the misdemeanor warrant notification

1 program governed by Sections 514.4 and 514.5 of Title 19 of the
2 Oklahoma Statutes. This ten-percent sum shall be deposited into the
3 issuing Court Clerk's Revolving Fund, created pursuant to Section
4 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
5 the warrant with the balance of the sheriff's service fee to be
6 deposited into the Sheriff's Service Fee Account, created pursuant
7 to the provisions of Section 514.1 of Title 19 of the Oklahoma
8 Statutes, of the sheriff in the county in which service is made or
9 attempted. Otherwise, the sheriff's service fee, when collected,
10 shall be deposited in its entirety into the Sheriff's Service Fee
11 Account of the sheriff in the county in which service is made or
12 attempted;

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

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

21 4. The fees provided for in subsection C of this section shall
22 be forwarded to the District Attorneys Council Revolving Fund to
23 defray the costs of prosecution; and
24

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

6 a. Ten Dollars (\$10.00) of the ~~Ninety-eight-Dollar~~
7 ninety-eight-dollar fee provided for in paragraph 2 of
8 subsection A of this section,

9 b. Ten Dollars (\$10.00) of the ~~Ninety-three-Dollar~~
10 ninety-three-dollar fee provided for in paragraph 3 of
11 subsection A of this section,

12 c. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~
13 ~~Thirty-three-Dollar~~ four-hundred-thirty-three-dollar
14 fee provided for in paragraph 5 of subsection A of
15 this section, and

16 d. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~
17 ~~Thirty-three-Dollar~~ four-hundred-thirty-three-dollar
18 fee provided for in paragraph 6 of subsection A of
19 this section.

20 ~~H.~~ K. As used in this section, "convicted" means any final
21 adjudication of guilt, whether pursuant to a plea of guilty or nolo
22 contendere or otherwise, and any deferred judgment or suspended
23 sentence.

1 ~~M.~~ L. A court clerk may accept in payment for any fee, fine,
2 forfeiture payment, cost, penalty assessment or other charge or
3 collection to be assessed or collected by a court clerk pursuant to
4 this section a nationally recognized credit card or debit card or
5 other electronic payment method as provided in paragraph 1 of
6 subsection B of Section 151 of this title.

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

10 SECTION 6. AMENDATORY 47 O.S. 2021, Section 11-902, is
11 amended to read as follows:

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

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

22 2. Is under the influence of alcohol;

23 3. Has any amount of a Schedule I chemical or controlled
24 substance, as defined in Section 2-204 of Title 63 of the Oklahoma

1 Statutes, or one of its metabolites or analogs in the person's
2 blood, saliva, urine or any other bodily fluid at the time of a test
3 of such person's blood, saliva, urine or any other bodily fluid
4 administered within two (2) hours after the arrest of such person;

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

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

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

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

- 19 a. participate in an assessment and evaluation pursuant
20 to subsection G of this section and shall follow all
21 recommendations made in the assessment and evaluation,
22 b. be punished by imprisonment in jail for not less than
23 ten (10) days nor more than one (1) year, and
24

1 c. be fined not more than One Thousand Dollars
2 (\$1,000.00).

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

16 a. follow all recommendations made in the assessment and
17 evaluation for treatment at the defendant's expense,

18 ~~or~~

19 b. placement in the custody of the Department of
20 Corrections for not less than one (1) year and not to
21 exceed five (5) years and a fine of not more than Two
22 Thousand Five Hundred Dollars (\$2,500.00), 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 treatment in subsection G of this section does
5 not include residential or inpatient treatment for a period of not
6 less than five (5) days, the person shall serve a term of
7 imprisonment of at least five (5) days.

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

- 17 a. follow all recommendations made in the assessment and
18 evaluation for treatment at the defendant's expense,
19 two hundred forty (240) hours of community service and
20 use of an ignition interlock device, as provided by
21 subparagraph n of paragraph 1 of subsection A of
22 Section 991a of Title 22 of the Oklahoma Statutes, ~~or~~
23 b. placement in the custody of the Department of
24 Corrections for not less than one (1) year and not to

1 exceed ten (10) years and a fine of not more than Five
2 Thousand Dollars (\$5,000.00), or

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

6 However, if the treatment in subsection G of this section does
7 not include residential or inpatient treatment for a period of not
8 less than ten (10) days, the person shall serve a term of
9 imprisonment of at least ten (10) days.

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

19 a. follow all recommendations made in the assessment and
20 evaluation for treatment at the defendant's expense,
21 followed by not less than one (1) year of supervision
22 and periodic testing at the defendant's expense, four
23 hundred eighty (480) hours of community service, and
24 use of an ignition interlock device, as provided by

1 subparagraph n of paragraph 1 of subsection A of
2 Section 991a of Title 22 of the Oklahoma Statutes, for
3 a minimum of thirty (30) days, ~~or~~

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

8 c. treatment, imprisonment and a fine within the
9 limitations prescribed in subparagraphs a and b of
10 this paragraph.

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

14 5. Any person who, after a previous conviction of a violation
15 of murder in the second degree or manslaughter in the first degree
16 in which the death was caused as a result of driving under the
17 influence of alcohol or other intoxicating substance, is convicted
18 of a violation of this section shall be guilty of a felony and shall
19 be punished by imprisonment in the custody of the Department of
20 Corrections for not less than five (5) years and not to exceed
21 twenty (20) years, and a fine of not more than Ten Thousand Dollars
22 (\$10,000.00).

23 6. Provided, however, a conviction from another state shall not
24 be used to enhance punishment pursuant to the provisions of this

1 subsection if that conviction is based on a blood or breath alcohol
2 concentration of less than eight-hundredths (0.08).

3 7. In any case in which a defendant is charged with driving
4 under the influence of alcohol or other intoxicating substance
5 offense within any municipality with a municipal court other than a
6 court of record, the charge shall be presented to the county's
7 district attorney and filed with the district court of the county
8 within which the municipality is located.

9 D. Any person who is convicted of a violation of driving under
10 the influence with a blood or breath alcohol concentration of
11 fifteen-hundredths (0.15) or more pursuant to this section shall be
12 deemed guilty of aggravated driving under the influence. A person
13 convicted of aggravated driving under the influence shall
14 participate in an assessment and evaluation pursuant to subsection G
15 of this section and shall comply with all recommendations for
16 treatment. Such person shall be sentenced as provided in paragraph
17 1, 2, 3, 4 or 5 of subsection C of this section and to:

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

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

1 E. When a person is sentenced to imprisonment in the custody of
2 the Department of Corrections, the person shall be processed through
3 the Lexington Assessment and Reception Center or at a place
4 determined by the Director of the Department of Corrections. The
5 Department of Corrections shall classify and assign the person to
6 one or more of the following:

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

10 2. A correctional facility operated by the Department of
11 Corrections with assignment to substance abuse treatment.
12 Successful completion of a Department-of-Corrections-approved
13 substance abuse treatment program shall satisfy the recommendation
14 for a ten-hour or twenty-four-hour alcohol and drug substance abuse
15 course or treatment program or both. Successful completion of an
16 approved Department of Corrections substance abuse treatment program
17 may precede or follow the required assessment.

18 F. The Department of Public Safety is hereby authorized to
19 reinstate any suspended or revoked driving privilege when the person
20 meets the statutory requirements which affect the existing driving
21 privilege.

22 G. Any person who is found guilty of a violation of the
23 provisions of this section shall be ordered to participate in an
24 alcohol and drug substance abuse evaluation and assessment program

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

1 court shall, as a condition of any sentence imposed, including
2 deferred and suspended sentences, require the person to follow all
3 recommendations identified by the evaluation and assessment and
4 ordered by the court. No person, agency or facility operating an
5 evaluation and assessment program certified by the Department of
6 Mental Health and Substance Abuse Services shall solicit or refer
7 any person evaluated and assessed pursuant to this section for any
8 treatment program or substance abuse service in which such person,
9 agency or facility has a vested interest; however, this provision
10 shall not be construed to prohibit the court from ordering
11 participation in or any person from voluntarily utilizing a
12 treatment program or substance abuse service offered by such person,
13 agency or facility. If a person is sentenced to imprisonment in the
14 custody of the Department of Corrections and the court has received
15 a written evaluation report pursuant to the provisions of this
16 subsection, the report shall be furnished to the Department of
17 Corrections with the judgment and sentence. Any evaluation and
18 assessment report submitted to the court pursuant to the provisions
19 of this subsection shall be handled in a manner which will keep such
20 report confidential from the general public's review. Nothing
21 contained in this subsection shall be construed to prohibit the
22 court from ordering judgment and sentence in the event the defendant
23 fails or refuses to comply with an order of the court to obtain the
24 evaluation and assessment required by this subsection. If the

1 defendant fails or refuses to comply with an order of the court to
2 obtain the evaluation and assessment, the Department of Public
3 Safety shall not reinstate driving privileges until the defendant
4 has complied in full with such order. Nothing contained in this
5 subsection shall be construed to prohibit the court from ordering
6 judgment and sentence and any other sanction authorized by law for
7 failure or refusal to comply with an order of the court.

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

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

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

1 K. ~~When a person is found guilty of a violation of the~~
2 ~~provisions of this section, the court shall order, in addition to~~
3 ~~any other penalty, the defendant to pay a one hundred dollar~~
4 ~~assessment to be deposited in the Drug Abuse Education and Treatment~~
5 ~~Revolving Fund created in Section 2-503.2 of Title 63 of the~~
6 ~~Oklahoma Statutes, upon collection.~~

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

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

19 ~~M.~~ L. Any plea of guilty, nolo contendere or finding of guilt
20 for a violation of this section or a violation pursuant to the
21 provisions of any law of this state or another state prohibiting the
22 offenses provided for in this section, Section 11-904 of this title,
23 or paragraph 4 of subsection A of Section 852.1 of Title 21 of the
24 Oklahoma Statutes, shall constitute a conviction of the offense for

1 the purpose of this section; provided, any deferred judgment shall
2 only be considered to constitute a conviction for a period of ten
3 (10) years following the completion of any court-imposed
4 probationary term.

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

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

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

20 SECTION 7. This act shall become effective November 1, 2025."
21
22
23
24

1 Passed the Senate the 5th day of May, 2025.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2025.

7
8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 1460

By: West (Tammy), Deck,
Blancett, Osburn, Kannady,
Stark, Pogemiller and Hill
of the House

4 and

5 Gollihare of the Senate

6
7
8 [fees - fines - assessment - court - sentences -
9 costs - cases - offenses - supervision - yield -
10 effective date]
11
12
13

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

15 SECTION 8. AMENDATORY 20 O.S. 2021, Section 1313.2, is
16 amended to read as follows:

17 Section 1313.2. A. As used in this section:

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

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

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

1 4. "DNA" means ~~Deoxyribonucleic~~ deoxyribonucleic acid.

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

10 C. 1. Any person convicted of any misdemeanor or felony
11 offense shall pay a Laboratory Analysis Fee in the amount of One
12 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
13 or laboratory services are rendered or administered by the Oklahoma
14 State Bureau of Investigation (OSBI), by the Toxicology Laboratory
15 of the Office of the Chief Medical Examiner or by any municipality
16 or county in connection with the case. This fee shall be in
17 addition to and not a substitution for any and all fines and
18 penalties otherwise provided for by law for this offense.

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

- 23 a. the OSBI who shall deposit the monies into the OSBI
24 Revolving Fund provided for in Section 150.19a of

1 Title 74 of the Oklahoma Statutes for services
2 rendered or administered by the OSBI,

3 b. the Office of the Chief Medical Examiner who shall
4 deposit the monies into the Chief Medical Examiner
5 Revolving Fund provided for in Section 948 of Title 63
6 of the Oklahoma Statutes for services rendered or
7 administered by the Office of the Chief Medical
8 Examiner, or

9 c. the appropriate municipality or county for services
10 rendered or administered by a municipality or county.

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

- 13 a. providing criminalistic laboratory services,
14 b. the purchase and maintenance of equipment for use by
15 the laboratory in performing analysis,
16 c. education, training, and scientific development of
17 OSBI personnel, and
18 d. the destruction of seized property and chemicals as
19 prescribed in Sections 2-505 and 2-508 of Title 63 of
20 the Oklahoma Statutes.

21 D. Upon conviction or bond forfeiture, the court shall collect
22 the fee provided for in subsection B of this section and deposit it
23 in an account created for that purpose. Except as otherwise
24 provided in subsection E of this section, monies shall be forwarded

1 monthly by the court clerk to the Council on Law Enforcement
2 Education and Training (CLEET). Beginning July 1, 2003, deposits
3 shall be due on the fifteenth day of each month for the preceding
4 calendar month. There shall be a late fee imposed for failure to
5 make timely deposits; provided, CLEET, in its discretion, may waive
6 all or part of the late fee. Such late fee shall be one percent
7 (1%) of the principal amount due per day beginning from the tenth
8 day after payment is due and accumulating until the late fee reaches
9 one hundred percent (100%) of the principal amount due. Beginning
10 on July 1, 1987, ninety percent (90%) of the monies received by
11 CLEET from the court clerks pursuant to this section shall be
12 deposited in the CLEET Fund, and ten percent (10%) shall be
13 deposited in the General Revenue Fund. Beginning January 1, 2001,
14 sixty and fifty-three one-hundredths percent (60.53%) of the monies
15 received by CLEET from the court clerks pursuant to this section
16 shall be deposited in the CLEET Fund created pursuant to subsection
17 G F of this section, five and eighty-three one-hundredths percent
18 (5.83%) shall be deposited in the General Revenue Fund and thirty-
19 three and sixty-four one-hundredths percent (33.64%) shall be
20 deposited in the CLEET Training Center Revolving Fund created
21 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
22 Along with the deposits required by this subsection, each court
23 shall also submit a report stating the total amount of funds
24 collected and the total number of fees imposed during the preceding

1 quarter. The report may be made on computerized or manual
2 disposition reports.

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

14 F. ~~1. Any person entering a plea of guilty or nolo contendere~~
15 ~~or is found guilty of the crime of misdemeanor possession of~~
16 ~~marijuana or drug paraphernalia shall be ordered by the court to pay~~
17 ~~a five-dollar fee, which shall be in addition to and not in~~
18 ~~substitution for any and all fines and penalties otherwise provided~~
19 ~~for by law for such offense.~~

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

1 ~~G.~~ There is hereby created in the State Treasury a fund for the
2 Council on Law Enforcement Education and Training to be designated
3 the "CLEET Fund". The fund shall be subject to legislative
4 appropriation and shall consist of any monies received from fees and
5 receipts collected pursuant to the Oklahoma Open Records Act,
6 reimbursements for parts used in the repair of weapons of law
7 enforcement officers attending the basic academies, gifts, bequests,
8 contributions, tuition, fees, devises and the assessments levied
9 pursuant to the fund pursuant to law.

10 ~~H.~~ G. 1. Any person arrested or convicted of a felony offense
11 or convicted of a misdemeanor offense of assault and battery,
12 domestic abuse, stalking, possession of a controlled substance
13 prohibited under Schedule IV of the Uniform Controlled Dangerous
14 Substances Act, outraging public decency, resisting arrest, escaping
15 or attempting to escape, eluding a police officer, Peeping Tom,
16 pointing a firearm, threatening an act of violence, breaking and
17 entering a dwelling place, destruction of property, negligent
18 homicide or causing a personal injury accident while driving under
19 the influence of any intoxicating substance shall pay a DNA fee of
20 One Hundred Fifty Dollars (\$150.00). This fee shall not be
21 collected if the person has a valid DNA sample in the OSBI DNA
22 Offender Database at the time of sentencing.

23 2. The court clerk shall cause to be deposited the amount of
24 One Hundred Fifty Dollars (\$150.00) as collected for every felony

1 arrest, felony conviction or every conviction for a misdemeanor
2 offense of assault and battery, domestic abuse, stalking, possession
3 of a controlled substance prohibited under the Uniform Controlled
4 Dangerous Substances Act, outraging public decency, resisting
5 arrest, escaping or attempting to escape, eluding a police officer,
6 Peeping Tom, pointing a firearm, threatening an act of violence,
7 breaking and entering a dwelling place, destruction of property,
8 negligent homicide or causing a personal injury accident while
9 driving under the influence of any intoxicating substance as
10 described in this subsection. The court clerk shall remit the
11 monies in the fund on a monthly basis directly to the OSBI who shall
12 deposit the monies into the OSBI Revolving Fund provided for in
13 Section 150.19a of Title 74 of the Oklahoma Statutes for services
14 rendered or administered by the OSBI.

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

19 ~~H.~~ H. It shall be the responsibility of the court clerk to
20 account for and ensure the correctness and accuracy of payments made
21 to the state agencies identified in Sections 1313.2 through 1313.4
22 of this title. Payments made directly to an agency by the court
23 clerk as a result of different types of assessments and fees
24

1 pursuant to Sections 1313.2 through 1313.4 of this title shall be
2 made monthly to each state agency.

3 SECTION 9. AMENDATORY 22 O.S. 2021, Section 991a, as
4 last amended by Section 1, Chapter 61, O.S.L. 2024 (22 O.S. Supp.
5 2024, Section 991a), is amended to read as follows:

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

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

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

- 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 and
15 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;

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

g. to repay the reward or part of the reward paid by a local certified crime stoppers program and the Oklahoma Reward System. In determining whether the defendant shall repay the reward or part of the reward, the court shall consider the ability of the defendant to make the payment, the financial hardship on the defendant to make the required payment and the importance of the information to the prosecution of the defendant as provided by the arresting officer or the district attorney with due regard for the confidentiality of the records of the local certified crime stoppers program and the Oklahoma Reward System. The court shall assess this repayment against the defendant as a cost of prosecution. The term "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's 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.~~

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

18 ~~l.~~

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

1 substance abuse course or treatment program or both,
2 pursuant to Sections 3-452 and 3-453 of Title 43A of
3 the Oklahoma Statutes, or as ordered by the court,

4 ~~m.~~

5 l. to be placed in a victims impact panel program, as
6 defined in subsection H of this section, or
7 victim/offender reconciliation program and payment of
8 a fee to the program of Seventy-five Dollars (\$75.00)
9 as set by the governing authority of the program to
10 offset the cost of participation by the defendant.
11 Provided, each victim/offender reconciliation program
12 shall be required to obtain a written consent form
13 voluntarily signed by the victim and defendant that
14 specifies the methods to be used to resolve the
15 issues, the obligations and rights of each person and
16 the confidentiality of the proceedings. Volunteer
17 mediators and employees of a victim/offender
18 reconciliation program shall be immune from liability
19 and have rights of confidentiality as provided in
20 Section 1805 of Title 12 of the Oklahoma Statutes,

21 ~~n.~~

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

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

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

18 ~~p.~~

19 o. to perform one or more courses of treatment, education
20 or rehabilitation for any conditions, behaviors,
21 deficiencies or disorders which may contribute to
22 criminal conduct including but not limited to alcohol
23 and substance abuse, mental health, emotional health,
24 physical health, propensity for violence, antisocial

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

13 ~~q.~~

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

17 ~~r.~~

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

22 ~~s.~~

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

~~t.~~

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

~~u.~~

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

~~v.~~

u. 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.~~

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

~~x.~~

w. 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.~~

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

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

7 ~~z.~~

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

10 ~~aa.~~

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

16 ~~bb.~~

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

21 ~~ee.~~

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

~~dd.~~

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

~~ee.~~

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

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

10 ~~ff.~~

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

20 ~~gg.~~

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

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

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

13 ~~hh.~~

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

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

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

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

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

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

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

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

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

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

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

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

5 b. to attend a victims impact panel program, as defined
6 in subsection H of this section, and to pay a fee of
7 Seventy-five Dollars (\$75.00) as set by the governing
8 authority of the program and approved by the court, to
9 the program to offset the cost of participation by the
10 defendant, if in the opinion of the court the
11 defendant has the ability to pay such fee,

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

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

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

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

23 ~~8.~~ 7. In addition to the other sentencing powers of the court,
24 in the case of a person convicted of prostitution pursuant to

1 Section 1029 of Title 21 of the Oklahoma Statutes, require such
2 person to receive counseling for the behavior which may have caused
3 such person to engage in prostitution activities. Such person may
4 be required to receive counseling in areas including but not limited
5 to alcohol and substance abuse, sexual behavior problems or domestic
6 abuse or child abuse problems;

7 ~~9.~~ 8. In addition to the other sentencing powers of the court,
8 in the case of a person convicted of any crime related to domestic
9 abuse, as defined in Section 60.1 of this title, the court may
10 require the defendant to undergo the treatment or participate in the
11 counseling services necessary to bring about the cessation of
12 domestic abuse against the victim. The defendant may be required to
13 pay all or part of the cost of the treatment or counseling services;

14 ~~10.~~ 9. In addition to the other sentencing powers of the court,
15 the court, in the case of a sex offender sentenced after November 1,
16 1989, and required by law to register pursuant to the Sex Offenders
17 Registration Act, shall require the defendant to participate in a
18 treatment program designed specifically for the treatment of sex
19 offenders, if available. The treatment program will include
20 polygraph examinations specifically designed for use with sex
21 offenders for the purpose of supervision and treatment compliance,
22 provided the examination is administered by a certified licensed
23 polygraph examiner. The treatment program must be approved by the
24 Department of Corrections or the Department of Mental Health and

1 Substance Abuse Services. Such treatment shall be at the expense of
2 the defendant based on the ability of the defendant to pay;

3 ~~11.~~ 10. In addition to the other sentencing powers of the
4 court, the court, in the case of a person convicted of abuse or
5 neglect of a child, as defined in Section 1-1-105 of Title 10A of
6 the Oklahoma Statutes, may require the person to undergo treatment
7 or to participate in counseling services. The defendant may be
8 required to pay all or part of the cost of the treatment or
9 counseling services;

10 ~~12.~~ 11. In addition to the other sentencing powers of the
11 court, the court, in the case of a person convicted of cruelty to
12 animals pursuant to Section 1685 of Title 21 of the Oklahoma
13 Statutes, may require the person to pay restitution to animal
14 facilities for medical care and any boarding costs of victimized
15 animals;

16 ~~13.~~ 12. In addition to the other sentencing powers of the
17 court, a sex offender who is habitual or aggravated as defined by
18 Section 584 of Title 57 of the Oklahoma Statutes and who is required
19 to register as a sex offender pursuant to the 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 ~~14.~~ 13. In addition to the other sentencing powers of the
2 court, in the case of a sex offender who is required by law to
3 register pursuant to the Sex Offenders Registration Act, the court
4 may prohibit the person from accessing or using any Internet social
5 networking website that has the potential or likelihood of allowing
6 the sex offender to have contact with any child who is under the age
7 of eighteen (18) years;

8 ~~15.~~ 14. In addition to the other sentencing powers of the
9 court, in the case of a sex offender who is required by law to
10 register pursuant to the Sex Offenders Registration Act, the court
11 shall 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; or

16 ~~16.~~ 15. In addition to the other sentencing powers of the
17 court, and pursuant to the terms and conditions of a written plea
18 agreement, the court may prohibit the defendant from entering,
19 visiting or residing within the judicial district in which the
20 defendant was convicted until after completion of his or her
21 sentence; provided, however, the court shall ensure that the
22 defendant has access to those services or programs for which the
23 defendant is required to participate as a condition of probation.
24 When seeking to enter the prohibited judicial district for personal

1 business not related to his or her criminal case, the defendant
2 shall be required to obtain approval by the court.

3 B. Notwithstanding any other provision of law, any person who
4 is found guilty of a violation of any provision of Section 761 or
5 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
6 guilty or nolo contendere for a violation of any provision of such
7 sections shall be ordered to participate in, prior to sentencing, an
8 alcohol and drug assessment and evaluation by an assessment agency
9 or assessment personnel certified by the Department of Mental Health
10 and Substance Abuse Services for the purpose of evaluating the
11 receptivity to treatment and prognosis of the person. The court
12 shall order the person to reimburse the agency or assessor for the
13 evaluation. The fee shall be the amount provided in subsection C of
14 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
15 shall be conducted at a certified assessment agency, the office of a
16 certified assessor or at another location as ordered by the court.
17 The agency or assessor shall, within seventy-two (72) hours from the
18 time the person is assessed, submit a written report to the court
19 for the purpose of assisting the court in its final sentencing
20 determination. No person, agency or facility operating an alcohol
21 and drug substance abuse evaluation program certified by the
22 Department of Mental Health and Substance Abuse Services shall
23 solicit or refer any person evaluated pursuant to this subsection
24 for any treatment program or alcohol and drug substance abuse

1 service in which such person, agency or facility has a vested
2 interest; however, this provision shall not be construed to prohibit
3 the court from ordering participation in or any person from
4 voluntarily utilizing a treatment program or alcohol and drug
5 substance abuse service offered by such person, agency or facility.
6 If a person is sentenced to the custody of the Department of
7 Corrections and the court has received a written evaluation report
8 pursuant to this subsection, the report shall be furnished to the
9 Department of Corrections with the judgment and sentence. Any
10 evaluation report submitted to the court pursuant to this subsection
11 shall be handled in a manner which will keep such report
12 confidential from the general public's review. Nothing contained in
13 this subsection shall be construed to prohibit the court from
14 ordering judgment and sentence in the event the defendant fails or
15 refuses to comply with an order of the court to obtain the
16 evaluation required by this subsection.

17 C. When sentencing a person convicted of a crime, the court
18 shall first consider a program of restitution for the victim, as
19 well as imposition of a fine or incarceration of the offender. The
20 provisions of paragraph 1 of subsection A of this section shall not
21 apply to defendants being sentenced upon their third or subsequent
22 to their third conviction of a felony. Provided, the court may
23 waive these prohibitions upon written application of the district
24

1 attorney. Both the application and the waiver shall be made part of
2 the record of the case.

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

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

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

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

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

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

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

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

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

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

14 H. As used in this section:

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

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

1 3. "Victims impact panel program" means a program conducted by
2 a corporation registered with the Secretary of State in Oklahoma for
3 the sole purpose of operating a victims impact panel program. The
4 program shall include live presentations from presenters who will
5 share personal stories with participants about how alcohol, drug
6 abuse, the operation of a motor vehicle while using an electronic
7 communication device or the illegal conduct of others has personally
8 impacted the lives of the presenters. A victims impact panel
9 program shall be attended by persons who have committed the offense
10 of driving, operating or being in actual physical control of a motor
11 vehicle while under the influence of alcohol or other intoxicating
12 substance, operating a motor vehicle while the ability of the person
13 to operate such vehicle was impaired due to the consumption of
14 alcohol or any other substance or operating a motor vehicle while
15 using an electronic device or by persons who have been convicted of
16 furnishing alcoholic beverage to persons under twenty-one (21) years
17 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the
18 Oklahoma Statutes. Persons attending a victims impact panel program
19 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to
20 the provider of the program. A certificate of completion shall be
21 issued to the person upon satisfying the attendance and fee
22 requirements of the victims impact panel program. The certificate
23 of completion shall contain the business identification number of
24 the program provider. A certified assessment agency, certified

1 assessor or provider of an alcohol and drug substance abuse course
2 shall be prohibited from providing a victims impact panel program
3 and shall further be prohibited from having any proprietary or
4 pecuniary interest in a victims impact panel program. The provider
5 of the victims impact panel program shall carry general liability
6 insurance and maintain an accurate accounting of all business
7 transactions and funds received in relation to the victims impact
8 panel program. Beginning October 1, 2020, and each October 1
9 thereafter, the provider of the victims impact panel program shall
10 provide to the District Attorneys Council the following:

- 11 a. proof of registration with the Oklahoma Secretary of
12 State,
- 13 b. proof of general liability insurance,
- 14 c. end-of-year financial statements prepared by a
15 certified public accountant,
- 16 d. a copy of federal income tax returns filed with the
17 Internal Revenue Service,
- 18 e. a registration fee of One Thousand Dollars
19 (\$1,000.00). The registration fee shall be deposited
20 in the District Attorneys Council Revolving Fund
21 created in Section 215.28 of Title 19 of the Oklahoma
22 Statutes, and
23
24

1 f. a statement certifying that the provider of the
2 victims impact panel program has complied with all of
3 the requirements set forth in this paragraph.

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

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

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

1 Corrections shall submit for blood or saliva testing to the sheriff
2 of the sentencing county.

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

24

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 3. AMENDATORY 22 O.S. 2021, Section 1355A, is
7 amended to read as follows:

8 Section 1355A. A. When an indigent requests representation by
9 the Oklahoma Indigent Defense System, such person shall submit an
10 appropriate application to the court clerk, which shall state that
11 the application is signed under oath and under the penalty of
12 perjury and that a false statement may be prosecuted as such. The
13 application shall state whether or not the indigent has been
14 released on bond. In addition, if the indigent has been released on
15 bond, the application shall include a written statement from the
16 applicant that the applicant has contacted three named attorneys,
17 licensed to practice law in this state, and the applicant has been
18 unable to obtain legal counsel. ~~A nonrefundable application fee of~~
19 ~~Forty Dollars (\$40.00) shall be paid to the court clerk at the time~~
20 ~~the application is submitted, and no application shall be accepted~~
21 ~~without payment of the fee; except that the court may, based upon~~
22 ~~the financial information submitted, defer all or part of the fee if~~
23 ~~the court determines that the person does not have the financial~~
24 ~~resources to pay the fee at time of application, to attach as a~~

~~court fee upon conviction. Any fees collected pursuant to this subsection shall be retained by the court clerk, deposited in the Court Clerk's Revolving Fund, and reported quarterly to the Administrative Office of the Courts.~~

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

2. Upon promulgation of the rules required by law, the determination of indigency shall be subject to review by the Presiding Judge of the Judicial Administrative District. Until such rules become effective, the determination of indigency shall be subject to review by the Court of Criminal Appeals.

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

1 the indigent, the court shall hold a hearing on the issue of
2 eligibility for appointment of the System.

3 D. If the defendant is admitted to bail and the defendant or
4 another person on behalf of the defendant posts a bond, other than
5 by personal recognizance, the court may consider such fact in
6 determining the eligibility of the defendant for appointment of the
7 System; provided, however, such consideration shall not be the sole
8 factor in the determination of eligibility.

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

14 SECTION 4. AMENDATORY 28 O.S. 2021, Section 153, as
15 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2024,
16 Section 153), is amended to read as follows:

17 Section 153. A. The clerks of the courts shall collect as
18 costs in every criminal case for each offense of which the defendant
19 is convicted, irrespective of whether or not the sentence is
20 deferred, the following flat charges and no more, except for
21 standing and parking violations and for charges otherwise provided
22 for by law, which fee shall cover docketing of the case, filing of
23 all papers, issuance of process, warrants, orders, and other
24 services to the date of judgment:

1. For each defendant convicted of
exceeding the speed limit by at least
one (1) mile per hour but not more than
ten (10) miles per hour, whether charged
individually or conjointly with others.....\$77.00
2. For each defendant convicted of a
misdemeanor traffic violation other than
an offense provided for in paragraph 1
or 5 of this subsection, whether charged
individually or conjointly with others.....\$98.00
3. For each defendant convicted of a
misdemeanor, other than for driving
under the influence of alcohol or other
intoxicating substance or an offense
provided for in paragraph 1 or 2 of this
subsection, whether charged individually
or conjointly with others.....\$93.00
4. For each defendant convicted of a
felony, other than for driving under the
influence of alcohol or other
intoxicating substance, whether charged
individually or conjointly with others.....\$103.00
5. For each defendant convicted of the
misdemeanor of driving under the

influence of alcohol or other
intoxicating substance, whether charged
individually or conjointly with others.....\$433.00

6. For each defendant convicted of the
felony of driving under the influence of
alcohol or other intoxicating substance,
whether charged individually or
conjointly with others.....\$433.00

7. For the services of a court reporter at
each preliminary hearing and trial held
in the case.....\$20.00

8. For each time a jury is requested.....\$30.00

9. A sheriff's fee for serving or
endeavoring to serve each writ, warrant,
order, process, command, or notice or
pursuing any fugitive from justice

a. within the county..... \$50.00, or
mileage as
established by the
Oklahoma Statutes,
whichever is
greater, or

b. outside of the county..... \$50.00, or

1 actual, necessary
2 expenses, whichever
3 is greater

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

9 C. In addition to the amount collected pursuant to subsection A
10 of this section, the sum of Twenty Dollars (\$20.00) shall be
11 assessed and collected in every traffic case for each offense other
12 than for driving under the influence of alcohol or other
13 intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be
14 assessed and collected in every misdemeanor case for each offense;
15 the sum of Thirty Dollars (\$30.00) shall be assessed and collected
16 in every misdemeanor case for each offense for driving under the
17 influence of alcohol or other intoxicating substance; the sum of
18 Fifty Dollars (\$50.00) shall be assessed and collected in every
19 felony case for each offense; and the sum of Fifty Dollars (\$50.00)
20 shall be assessed and collected in every felony case for each
21 offense for driving under the influence of alcohol or other
22 intoxicating substance.

23 D. In addition to the amounts collected pursuant to subsections
24 A and B of this section, the sum of Twenty-five Dollars (\$25.00)

1 shall be assessed and credited to the Oklahoma Court Information
2 System Revolving Fund created pursuant to Section 1315 of Title 20
3 of the Oklahoma Statutes.

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

10 F. In addition to the amounts collected pursuant to paragraphs
11 1 through 6 of subsection A of this section, the sum of Three
12 Dollars (\$3.00) shall be assessed and credited to the Office of the
13 Attorney General Victim Services Unit.

14 G. In addition to the amounts collected pursuant to paragraphs
15 1 through 6 of subsection A of this section, the sum of Three
16 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
17 Multidisciplinary Account. This fee shall not be used for purposes
18 of hiring or employing any law enforcement officers.

19 ~~H. In addition to the amount collected pursuant to paragraphs 5~~
20 ~~and 6 of subsection A of this section, the sum of Fifteen Dollars~~
21 ~~(\$15.00) shall be assessed in every misdemeanor or felony case for~~
22 ~~each offense of driving under the influence of alcohol or other~~
23 ~~intoxicating substance and credited to the Oklahoma Impaired Driver~~

1 ~~Database Revolving Fund created pursuant to Section 11-902d of Title~~
2 ~~47 of the Oklahoma Statutes.~~

3 ~~I.~~ Prior to conviction, parties in criminal cases shall not be
4 required to pay, advance, or post security for the issuance or
5 service of process to obtain compulsory attendance of witnesses.

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

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

11 1. A court clerk issuing a misdemeanor warrant is entitled to
12 ten percent (10%) of the sheriff's service fee, provided for in
13 paragraph 9 of subsection A of this section, collected on a warrant
14 referred to the contractor for the misdemeanor warrant notification
15 program governed by Sections 514.4 and 514.5 of Title 19 of the
16 Oklahoma Statutes. This ten-percent sum shall be deposited into the
17 issuing Court Clerk's Revolving Fund, created pursuant to Section
18 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
19 the warrant with the balance of the sheriff's service fee to be
20 deposited into the Sheriff's Service Fee Account, created pursuant
21 to the provisions of Section 514.1 of Title 19 of the Oklahoma
22 Statutes, of the sheriff in the county in which service is made or
23 attempted. Otherwise, the sheriff's service fee, when collected,
24 shall be deposited in its entirety into the Sheriff's Service Fee

1 Account of the sheriff in the county in which service is made or
2 attempted;

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

5 3. The witness fees paid by the district attorney pursuant to
6 the provisions of Section 82 of this title which, if collected by
7 the court clerk, shall be transferred to the district attorney's
8 office in the county where witness attendance was required. Fees
9 transferred pursuant to this paragraph shall be deposited in the
10 district attorney's maintenance and operating expense account;

11 4. The fees provided for in subsection C of this section shall
12 be forwarded to the District Attorneys Council Revolving Fund to
13 defray the costs of prosecution; and

14 5. The following amounts of the fees provided for in paragraphs
15 2, 3, 5 and 6 of subsection A of this section, when collected, shall
16 be deposited in the Trauma Care Assistance Revolving Fund, created
17 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
18 Oklahoma Statutes:

19 a. Ten Dollars (\$10.00) of the ~~Ninety-eight-Dollar~~
20 ninety-eight-dollar fee provided for in paragraph 2 of
21 subsection A of this section,

22 b. Ten Dollars (\$10.00) of the ~~Ninety-three-Dollar~~
23 ninety-three-dollar fee provided for in paragraph 3 of
24 subsection A of this section,

1 c. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~
2 ~~Thirty-three-Dollar~~ four-hundred-thirty-three-dollar
3 fee provided for in paragraph 5 of subsection A of
4 this section, and

5 d. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~
6 ~~Thirty-three-Dollar~~ four-hundred-thirty-three-dollar
7 fee provided for in paragraph 6 of subsection A of
8 this section.

9 ~~L.~~ K. As used in this section, "convicted" means any final
10 adjudication of guilt, whether pursuant to a plea of guilty or nolo
11 contendere or otherwise, and any deferred judgment or suspended
12 sentence.

13 ~~M.~~ L. A court clerk may accept in payment for any fee, fine,
14 forfeiture payment, cost, penalty assessment or other charge or
15 collection to be assessed or collected by a court clerk pursuant to
16 this section a nationally recognized credit card or debit card or
17 other electronic payment method as provided in paragraph 1 of
18 subsection B of Section 151 of this title.

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

22 SECTION 5. AMENDATORY 47 O.S. 2021, Section 11-902, is
23 amended to read as follows:
24

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

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

11 2. Is under the influence of alcohol;

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

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

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

1 B. The fact that any person charged with a violation of this
2 section is or has been lawfully entitled to use alcohol or a
3 controlled dangerous substance or any other intoxicating substance
4 shall not constitute a defense against any charge of violating this
5 section.

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

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

16 2. Any person who, having been convicted of or having received
17 deferred judgment for a violation of this section or a violation
18 pursuant to the provisions of any law of this state or another state
19 prohibiting the offenses provided in this section, Section 11-904 of
20 this title or paragraph 4 of subsection A of Section 852.1 of Title
21 21 of the Oklahoma Statutes, or having a prior conviction in a
22 municipal criminal court of record for the violation of a municipal
23 ordinance prohibiting the offense provided for in this section
24 commits a subsequent violation of this section within ten (10) years

1 of the date following the completion of the execution of said
2 sentence or deferred judgment shall, upon conviction, be guilty of a
3 felony and shall participate in an assessment and evaluation
4 pursuant to subsection G of this section and shall be sentenced to:

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

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

19 3. Any person who commits a violation of this section after
20 having been convicted of a felony offense pursuant to the provisions
21 of this section or a violation pursuant to the provisions of any law
22 of this state or another state prohibiting the offenses provided for
23 in this section, Section 11-904 of this title or paragraph 4 of
24 subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes

1 shall be guilty of a felony and participate in an assessment and
2 evaluation pursuant to subsection G of this section and shall be
3 sentenced to:

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

17 However, if the treatment in subsection G of this section does
18 not include residential or inpatient treatment for a period of not
19 less than ten (10) days, the person shall serve a term of
20 imprisonment of at least ten (10) days.

21 4. Any person who commits a violation of this section after
22 having been twice convicted of a felony offense pursuant to the
23 provisions of this section or a violation pursuant to the provisions
24 of any law of this state or another state prohibiting the offenses

1 provided for in this section, Section 11-904 of this title or
2 paragraph 4 of subsection A of Section 852.1 of Title 21 of the
3 Oklahoma Statutes shall be guilty of a felony and participate in an
4 assessment and evaluation pursuant to subsection G of this section
5 and shall be sentenced to:

- 6 a. follow all recommendations made in the assessment and
7 evaluation for treatment at the defendant's expense,
8 followed by not less than one (1) year of supervision
9 and periodic testing at the defendant's expense, four
10 hundred eighty (480) hours of community service, and
11 use of an ignition interlock device, as provided by
12 subparagraph n of paragraph 1 of subsection A of
13 Section 991a of Title 22 of the Oklahoma Statutes, for
14 a minimum of thirty (30) days, or
- 15 b. placement in the custody of the Department of
16 Corrections for not less than one (1) year and not to
17 exceed twenty (20) years and a fine of not more than
18 Five Thousand Dollars (\$5,000.00), or
- 19 c. treatment, imprisonment and a fine within the
20 limitations prescribed in subparagraphs a and b of
21 this paragraph.

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

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

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

14 7. In any case in which a defendant is charged with driving
15 under the influence of alcohol or other intoxicating substance
16 offense within any municipality with a municipal court other than a
17 court of record, the charge shall be presented to the county's
18 district attorney and filed with the district court of the county
19 within which the municipality is located.

20 D. Any person who is convicted of a violation of driving under
21 the influence with a blood or breath alcohol concentration of
22 fifteen-hundredths (0.15) or more pursuant to this section shall be
23 deemed guilty of aggravated driving under the influence. A person
24 convicted of aggravated driving under the influence shall

1 participate in an assessment and evaluation pursuant to subsection G
2 of this section and shall comply with all recommendations for
3 treatment. Such person shall be sentenced as provided in paragraph
4 1, 2, 3, 4 or 5 of subsection C of this section and to:

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

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

11 E. When a person is sentenced to imprisonment in the custody of
12 the Department of Corrections, the person shall be processed through
13 the Lexington Assessment and Reception Center or at a place
14 determined by the Director of the Department of Corrections. The
15 Department of Corrections shall classify and assign the person to
16 one or more of the following:

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

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

22 Successful completion of a Department-of-Corrections-approved
23 substance abuse treatment program shall satisfy the recommendation
24 for a ten-hour or twenty-four-hour alcohol and drug substance abuse

1 course or treatment program or both. Successful completion of an
2 approved Department of Corrections substance abuse treatment program
3 may precede or follow the required assessment.

4 F. The Department of Public Safety is hereby authorized to
5 reinstate any suspended or revoked driving privilege when the person
6 meets the statutory requirements which affect the existing driving
7 privilege.

8 G. Any person who is found guilty of a violation of the
9 provisions of this section shall be ordered to participate in an
10 alcohol and drug substance abuse evaluation and assessment program
11 offered by a certified assessment agency or certified assessor for
12 the purpose of evaluating and assessing the receptivity to treatment
13 and prognosis of the person and shall follow all recommendations
14 made in the assessment and evaluation for treatment. The court
15 shall order the person to reimburse the agency or assessor for the
16 evaluation and assessment. Payment shall be remitted by the
17 defendant or on behalf of the defendant by any third party;
18 provided, no state-appropriated funds are utilized. The fee for an
19 evaluation and assessment shall be the amount provided in subsection
20 C of Section 3-460 of Title 43A of the Oklahoma Statutes. The
21 evaluation and assessment shall be conducted at a certified
22 assessment agency, the office of a certified assessor or at another
23 location as ordered by the court. The agency or assessor shall,
24 within seventy-two (72) hours from the time the person is evaluated

1 and assessed, submit a written report to the court for the purpose
2 of assisting the court in its sentencing determination. The court
3 shall, as a condition of any sentence imposed, including deferred
4 and suspended sentences, require the person to participate in and
5 successfully complete all recommendations from the evaluation, such
6 as an alcohol and substance abuse treatment program pursuant to
7 Section 3-452 of Title 43A of the Oklahoma Statutes. If such report
8 indicates that the evaluation and assessment shows that the
9 defendant would benefit from a ten-hour or twenty-four-hour alcohol
10 and drug substance abuse course or a treatment program or both, the
11 court shall, as a condition of any sentence imposed, including
12 deferred and suspended sentences, require the person to follow all
13 recommendations identified by the evaluation and assessment and
14 ordered by the court. No person, agency or facility operating an
15 evaluation and assessment program certified by the Department of
16 Mental Health and Substance Abuse Services shall solicit or refer
17 any person evaluated and assessed pursuant to this section for any
18 treatment program or substance abuse service in which such person,
19 agency or facility has a vested interest; however, this provision
20 shall not be construed to prohibit the court from ordering
21 participation in or any person from voluntarily utilizing a
22 treatment program or substance abuse service offered by such person,
23 agency or facility. If a person is sentenced to imprisonment in the
24 custody of the Department of Corrections and the court has received

1 a written evaluation report pursuant to the provisions of this
2 subsection, the report shall be furnished to the Department of
3 Corrections with the judgment and sentence. Any evaluation and
4 assessment report submitted to the court pursuant to the provisions
5 of this subsection shall be handled in a manner which will keep such
6 report confidential from the general public's review. Nothing
7 contained in this subsection shall be construed to prohibit the
8 court from ordering judgment and sentence in the event the defendant
9 fails or refuses to comply with an order of the court to obtain the
10 evaluation and assessment required by this subsection. If the
11 defendant fails or refuses to comply with an order of the court to
12 obtain the evaluation and assessment, the Department of Public
13 Safety shall not reinstate driving privileges until the defendant
14 has complied in full with such order. Nothing contained in this
15 subsection shall be construed to prohibit the court from ordering
16 judgment and sentence and any other sanction authorized by law for
17 failure or refusal to comply with an order of the court.

18 H. Any person who is found guilty of a violation of the
19 provisions of this section shall be required by the court to attend
20 a victims impact panel program, as defined in subsection H of
21 Section 991a of Title 22 of the Oklahoma Statutes, if such a program
22 is offered in the county where the judgment is rendered, and to pay
23 a fee of Seventy-five Dollars (\$75.00), as set by the governing
24 authority of the program and approved by the court, to the program

1 to offset the cost of participation by the defendant, if in the
2 opinion of the court the defendant has the ability to pay such fee.

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

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

11 ~~K. When a person is found guilty of a violation of the~~
12 ~~provisions of this section, the court shall order, in addition to~~
13 ~~any other penalty, the defendant to pay a one-hundred-dollar~~
14 ~~assessment to be deposited in the Drug Abuse Education and Treatment~~
15 ~~Revolving Fund created in Section 2-503.2 of Title 63 of the~~
16 ~~Oklahoma Statutes, upon collection.~~

17 ~~L.~~ 1. When a person is eighteen (18) years of age or older,
18 and is the driver, operator, or person in physical control of a
19 vehicle, and is convicted of violating any provision of this section
20 while transporting or having in the motor vehicle any child less
21 than eighteen (18) years of age, the fine shall be enhanced to
22 double the amount of the fine imposed for the underlying driving
23 under the influence (DUI) violation which shall be in addition to
24 any other penalties allowed by this section.

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

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

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

20 1. The results of any standardized field sobriety test
21 including, but not limited to, the horizontal gaze nystagmus (HGN)
22 test administered by a person who has completed training in
23 standardized field sobriety testing; or
24

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

7 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2-401, as
8 amended by Section 1, Chapter 77, O.S.L. 2024 (63 O.S. Supp. 2024,
9 Section 2-401), is amended to read as follows:

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

13 1. To distribute, dispense, transport with intent to distribute
14 or dispense, possess with intent to manufacture, distribute, or
15 dispense, a controlled dangerous substance or to solicit the use of
16 or use the services of a person less than eighteen (18) years of age
17 to cultivate, distribute or dispense a controlled dangerous
18 substance;

19 2. To create, distribute, transport with intent to distribute
20 or dispense, or possess with intent to distribute, a counterfeit
21 controlled dangerous substance; or

22 3. To distribute any imitation controlled substance as defined
23 by Section 2-101 of this title, except when authorized by the Food
24

1 and Drug Administration of the United States Department of Health
2 and Human Services.

3 B. Any person who violates the provisions of this section with
4 respect to:

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

20 2. Any other controlled dangerous substance classified in
21 Schedule III, IV, V or marijuana, upon conviction, shall be guilty
22 of a felony and shall be sentenced to a term of imprisonment in the
23 custody of the Department of Corrections for not more than five (5)
24 years and a fine not more than Twenty Thousand Dollars (\$20,000.00),

1 which shall be in addition to other punishment provided by law and
2 shall not be imposed in lieu of other punishment. A second
3 conviction for the violation of the provisions of this paragraph is
4 a felony punishable by a term of imprisonment in the custody of the
5 Department of Corrections for not more than ten (10) years. A third
6 or subsequent conviction for the violation of the provisions of this
7 paragraph is a felony punishable by a term of imprisonment in the
8 custody of the Department of Corrections for not more than fifteen
9 (15) years; or

10 3. An imitation controlled substance as defined by Section 2-
11 101 of this title, upon conviction, shall be guilty of a misdemeanor
12 and shall be sentenced to a term of imprisonment in the county jail
13 for a period not more than one (1) year and a fine not more than One
14 Thousand Dollars (\$1,000.00). A person convicted of a second
15 violation of the provisions of this paragraph shall be guilty of a
16 felony and shall be sentenced to a term of imprisonment in the
17 custody of the Department of Corrections for not more than two (2)
18 years and a fine not more than Five Thousand Dollars (\$5,000.00),
19 which shall be in addition to other punishment provided by law and
20 shall not be imposed in lieu of other punishment.

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

1 2. Any person convicted of violating the provisions of
2 paragraph 1 of this subsection with respect to distributing 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 not more than Twenty-
6 five Thousand Dollars (\$25,000.00), which shall be in addition to
7 other punishment provided by law and shall not be imposed in lieu of
8 other punishment.

9 3. A second conviction for the violation of the provisions of
10 paragraph 1 of this subsection with respect to distributing 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 4. Any person convicted of violating the provisions of
19 paragraph 1 of this subsection with respect to manufacturing a
20 controlled substance is guilty of a felony and shall be punished by
21 imprisonment in the custody of the Department of Corrections for a
22 term not to exceed ten (10) years and a fine not more than Twenty-
23 five Thousand Dollars (\$25,000.00), which shall be in addition to
24

1 other punishment provided by law and shall not be imposed in lieu of
2 other punishment.

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

12 D. Convictions for violations of the provisions of this section
13 shall be subject to the statutory provisions for suspended or
14 deferred sentences, or probation as provided in Section 991a of
15 Title 22 of the Oklahoma Statutes.

16 E. Any person who is at least eighteen (18) years of age and
17 who violates the provisions of this section by using or soliciting
18 the use of services of a person less than eighteen (18) years of age
19 to distribute, dispense, transport with intent to distribute or
20 dispense or cultivate a controlled dangerous substance or by
21 distributing a controlled dangerous substance to a person under
22 eighteen (18) years of age, or in the presence of a person under
23 twelve (12) years of age, is punishable by:
24

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

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

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

10 F. Any person who violates any provision of this section by
11 transporting with intent to distribute or dispense, distributing or
12 possessing with intent to distribute a controlled dangerous
13 substance to a person, or violation of subsection G of this section,
14 in or on, or within two thousand (2,000) feet of the real property
15 comprising a public or private elementary or secondary school,
16 public vocational school, public or private college or university,
17 or other institution of higher education, recreation center or
18 public park, including a state park or recreation area, public
19 housing project, or child care facility as defined by Section 402 of
20 Title 10 of the Oklahoma Statutes, shall be punished by:

21 1. For a first offense, a term of imprisonment in the custody
22 of the Department of Corrections, or by the imposition of a fine or
23 by both, not exceeding twice that authorized by the appropriate
24 provision of this section; or

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

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

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

18 2. Any person violating the provisions of this subsection with
19 respect to the unlawful manufacturing or attempting to unlawfully
20 manufacture any controlled dangerous substance, possessing any
21 substance listed in this subsection or Section 2-322 of this title,
22 or combining fentanyl with any other controlled dangerous substance,
23 upon conviction, is guilty of a felony and shall be punished by
24 imprisonment in the custody of the Department of Corrections for not

1 less than seven (7) years nor more than life and by a fine not less
2 than Fifty Thousand Dollars (\$50,000.00), which shall be in addition
3 to other punishment provided by law and shall not be imposed in lieu
4 of other punishment. The possession of any amount of anhydrous
5 ammonia in an unauthorized container shall be prima facie evidence
6 of intent to use such substance to manufacture a controlled
7 dangerous substance.

8 3. Any person violating the provisions of this subsection with
9 respect to the unlawful manufacturing or attempting to unlawfully
10 manufacture any controlled dangerous substance in the following
11 amounts:

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

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

16 (1) coca leaves, except coca leaves and extracts of
17 coca leaves from which cocaine, ecgonine, and
18 derivatives of ecgonine or their salts have been
19 removed,

20 (2) cocaine, its salts, optical and geometric
21 isomers, and salts of isomers,

22 (3) ecgonine, its derivatives, their salts, isomers,
23 and salts of isomers, or
24

- (4) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in divisions (1) through (3) of this subparagraph,
- c. fifty (50) grams or more of a mixture or substance described in division (2) of subparagraph b of this paragraph which contains cocaine base,
 - d. one hundred (100) grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP),
 - e. ten (10) grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD),
 - f. four hundred (400) grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide,
 - g. one thousand (1,000) kilograms or more of a mixture or substance containing a detectable amount of marijuana or one thousand (1000) or more marijuana plants regardless of weight,

1 h. fifty (50) grams or more of methamphetamine, its
2 salts, isomers, and salts of its isomers or 500 grams
3 or more of a mixture or substance containing a
4 detectable amount of methamphetamine, its salts,
5 isomers, or salts of its isomers, or

6 i. ten (10) grams or more of a mixture or substance
7 containing a detectable amount of fentanyl, its
8 analogues, or derivatives,

9 upon conviction, is guilty of aggravated manufacturing a controlled
10 dangerous substance punishable by imprisonment in the custody of the
11 Department of Corrections for not less than twenty (20) years nor
12 more than life and by a fine not less than Fifty Thousand Dollars
13 (\$50,000.00), which shall be in addition to other punishment
14 provided by law and shall not be imposed in lieu of other
15 punishment. Any person convicted of a violation of the provisions
16 of this paragraph shall be required to serve a minimum of eighty-
17 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 1-2530.9 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. 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.~~ 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 7. This act shall become effective November 1, 2025.
22
23
24

1 Passed the House of Representatives the 27th day of March, 2025.

2
3 _____
4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the _____ day of _____, 2025.

7
8 _____
9 Presiding Officer of the Senate