

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3497 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Collin Duel

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED POLICY
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3497

By: Duel

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22 O.S. 2021, Section 1053, as amended by Section 2, Chapter 209, O.S.L. 2022 (22 O.S. Supp. 2025, Section 1053), which relates to appeals taken by the state or municipality; adding statutory reference; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 1053, as amended by Section 2, Chapter 209, O.S.L. 2022 (22 O.S. Supp. 2025, Section 1053), is amended to read as follows:

Section 1053. A. Appeals to the Court of Criminal Appeals may be taken by the state or a municipality in the following cases only:

1. Upon judgment for the defendant on quashing or setting aside an indictment or information;
2. Upon an order of the court arresting the judgment;
3. Upon a question reserved by the state or a municipality;

1 4. Upon judgment for the defendant on a motion to quash for
2 insufficient evidence in a felony matter;

3 5. Upon a pretrial order, decision, or judgment suppressing or
4 excluding evidence where appellate review of the issue would be in
5 the best interests of justice;

6 6. Upon a pretrial order, decision or judgment suppressing or
7 excluding evidence in cases alleging a violation of any of the
8 provisions of Section 13.1 of Title 21 of the Oklahoma Statutes or
9 Section 571 of Title 57 of the Oklahoma Statutes; and

10 7. Upon an order, decision or judgment finding that a defendant
11 is immune from or not subject to criminal prosecution.

12 Priority shall be given to appeals taken pursuant to paragraph
13 5, 6, or 7 of this section, and an order staying proceedings shall
14 be entered pending the outcome of the appeal.

15 B. As used in this section:

16 1. "Suppressing evidence" means any judicial ruling that
17 disallows or limits the introduction or use of any evidence based
18 upon constitutional grounds; and

19 2. "Excluding evidence" means any judicial ruling that
20 disallows or limits the introduction or use of any evidence for any
21 other reason including, but not limited to, any perceived
22 nonconstitutional violation, prohibition of federal or state law or
23 regulation, application of the provisions of the Oklahoma Evidence
24 Code, application of the principles of common law, or application of

1 a decision of the United States Supreme Court, the Oklahoma Court of
2 Criminal Appeals, or of any other court or tribunal.

3 SECTION 2. This act shall become effective November 1, 2026.
4

5 60-2-16406 GRS 02/16/26
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24