

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4112 \_\_\_\_\_ 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**

Adopted: \_\_\_\_\_

Amendment submitted by: Tammy West

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED SUBCOMMITTEE  
SUBSTITUTE  
4 FOR  
HOUSE BILL NO. 4112

5 By: West (Tammy)

6

7 PROPOSED SUBCOMMITTEE SUBSTITUTE

8 An Act relating to court fines and fees; amending 20  
9 O.S. 2021, Sections 1313.2, as amended by Section 1,  
Chapter 305, O.S.L. 2025, 1313.3, and 1313.4 (20 O.S.  
10 Supp. 2025, Section 1313.2), which relate to fines  
and fees in criminal cases; directing the deposit of  
certain fees into the General Revenue Fund; amending  
22 O.S. 2021, Section 983, as last amended by Section  
11 2, Chapter 211, O.S.L. 2024 (22 O.S. Supp. 2025,  
12 Section 983), which relates to the payment of fines,  
fees, and costs in criminal cases; allowing relief  
13 from court financial obligations upon a showing of  
certain evidence; amending 22 O.S. 2021, Section  
14 991a, as last amended by Section 1, Chapter 306,  
O.S.L. 2025 (22 O.S. Supp. 2025, Section 991a), which  
15 relates to sentencing powers of the court; deleting  
assessment of prosecution fees; making the unpaid  
16 balance of court financial obligations unenforceable  
and uncollectible; vacating certain judgments;  
17 directing the Administrative Office of the Courts to  
remove costs from cases; amending 22 O.S. 2021,  
18 Section 991c, as amended by Section 3, Chapter 305,  
O.S.L. 2025 (22 O.S. Supp. 2025, Section 991c), which  
19 relates to deferred judgments; deleting assessment of  
prosecution fees; making the unpaid balance of court  
20 financial obligations unenforceable and  
uncollectible; vacating certain judgments; directing  
21 the Administrative Office of the Courts to remove  
costs from cases; amending 22 O.S. 2021, Section  
22 991d, which relates to supervision fees; deleting  
assessment of supervision fees; making the unpaid  
23 balance of court financial obligations unenforceable  
and uncollectible; vacating certain judgments;  
24 directing the Administrative Office of the Courts to

1 remove costs from cases; providing effective dates;  
2 and declaring an emergency.

3

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

5 SECTION 1. AMENDATORY 20 O.S. 2021, Section 1313.2, as  
6 amended by Section 1, Chapter 305, O.S.L. 2025 (20 O.S. Supp. 2025,  
7 Section 1313.2), is amended to read as follows:

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

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

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

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

16 4. "DNA" means deoxyribonucleic acid.

17 B. Any person convicted of an offense including traffic  
18 offenses but excluding parking and standing violations, punishable  
19 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any  
20 person forfeiting bond when charged with such an offense, shall be  
21 ordered by the court to pay Ten Dollars (\$10.00) as a separate fee,  
22 which fee shall be in addition to and not in substitution for any  
23 and all fines and penalties otherwise provided for by law for such  
24 offense.

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

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

14       a. ~~the OSBI who shall deposit the monies into the OSBI~~  
15                    ~~Revolving Fund provided for in Section 150.19a of~~  
16                    ~~Title 74 of the Oklahoma Statutes to the General~~  
17                    Revenue Fund of the State Treasury for services

18                    rendered or administered by the OSBI,

19       b. the Office of the Chief Medical Examiner who shall  
20                    deposit the monies into the Chief Medical Examiner  
21                    Revolving Fund provided for in Section 948 of Title 63  
22                    of the Oklahoma Statutes for services rendered or  
23                    administered by the Office of the Chief Medical  
24                    Examiner, or

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

### 3. The monies from the Laboratory Analysis Fee Fund deposited

4 into the OSBI Revolving Fund shall be used for the following:

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

D. Upon conviction or bond forfeiture, the court shall collect

14 the fee provided for in subsection B of this section and deposit it

15 in an account created for that purpose. Except as otherwise

16 provided in subsection E of this section, monies shall be forwarded

17 monthly by the court clerk to the Council on Law Enforcement

18 Education and Training (CLEET). Beginning July 1, 2003, deposits

19 shall be due on the fifteenth day of each month for the preceding

20 calendar month. There shall be a late fee imposed for failure to

make timely deposits; provided, CLEET, in its discretion, may wait

22 all or part of the late fee. Such late fee shall be one percent

23 (1%) of the principal amount due per day beginning from the tenth

24 day after payment is due and accumulating until the late fee reaches

1 one hundred percent (100%) of the principal amount due. Beginning  
2 on July 1, 1987, ninety percent (90%) of the monies received by  
3 CLEET from the court clerks pursuant to this section shall be  
4 deposited in the CLEET Fund, and ten percent (10%) shall be  
5 deposited in the General Revenue Fund. Beginning January 1, 2001,  
6 sixty and fifty-three one-hundredths percent (60.53%) of the monies  
7 received by CLEET from the court clerks pursuant to this section  
8 shall be deposited in the CLEET Fund created pursuant to subsection  
9 F of this section, five and eighty-three one-hundredths percent  
10 (5.83%) shall be deposited in the General Revenue Fund and thirty-  
11 three and sixty-four one-hundredths percent (33.64%) shall be  
12 deposited in the ~~CLEET~~ C.L.E.E.T. Training Center Revolving Fund  
13 created pursuant to Section 3311.6 of Title 70 of the Oklahoma  
14 Statutes. Along with the deposits required by this subsection, each  
15 court shall also submit a report stating the total amount of funds  
16 collected and the total number of fees imposed during the preceding  
17 quarter. The report may be made on computerized or manual  
18 disposition reports.

19 E. Any municipality or county having a basic law enforcement  
20 academy approved by CLEET pursuant to the criteria developed by  
21 CLEET for training law enforcement officers shall retain from monies  
22 collected pursuant to subsections A through D of this section, Two  
23 Dollars (\$2.00) from each fee. These monies shall be deposited into  
24 an account for the sole use of the municipality or county in

1 | implementing its law enforcement training functions. Not more than  
2 | seven percent (7%) of the monies shall be used for court and  
3 | prosecution training. The court clerk of any such municipality or  
4 | county shall furnish to CLEET the report required by subsection D of  
5 | this section.

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

15 | G. 1. Any person arrested or convicted of a felony offense or  
16 | convicted of a misdemeanor offense of assault and battery, domestic  
17 | abuse, stalking, possession of a controlled substance prohibited  
18 | under Schedule IV of the Uniform Controlled Dangerous Substances  
19 | Act, outraging public decency, resisting arrest, escaping or  
20 | attempting to escape, eluding a police officer, Peeping Tom,  
21 | pointing a firearm, threatening an act of violence, breaking and  
22 | entering a dwelling place, destruction of property, negligent  
23 | homicide or causing a personal injury accident while driving under  
24 | the influence of any intoxicating substance shall pay a DNA fee of

1 One Hundred Fifty Dollars (\$150.00). This fee shall not be  
2 collected if the person has a valid DNA sample in the OSBI DNA  
3 Offender Database at the time of sentencing.

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

21 3. ~~The monies from the DNA sample fee deposited into the OSBI~~  
22 ~~Revolving Fund shall be used for creating, staffing and maintaining~~  
23 ~~the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)~~  
24 ~~Database.~~

1       H. It shall be the responsibility of the court clerk to account  
2 for and ensure the correctness and accuracy of payments made to the  
3 state agencies identified in Sections 1313.2 through 1313.4 of this  
4 title. Payments made directly to an agency by the court clerk as a  
5 result of different types of assessments and fees pursuant to  
6 Sections 1313.2 through 1313.4 of this title shall be made monthly  
7 to each state agency.

8           SECTION 2.       AMENDATORY       20 O.S. 2021, Section 1313.3, is  
9 amended to read as follows:

10           Section 1313.3. A. In addition to the fees imposed by Sections  
11 1313.2 and 1313.4 of this title, any person convicted of any  
12 offense, including traffic offenses but excluding parking and  
13 standing violations, punishable by a fine of Ten Dollars (\$10.00) or  
14 more or by incarceration or any person forfeiting bond when charged  
15 with such offense, shall be ordered by the court to pay a  
16 fingerprinting fee in the amount of Ten Dollars (\$10.00) for each  
17 offense ~~for the A.F.I.S. Fund created by Section 150.25 of Title 74~~  
18 ~~of the Oklahoma Statutes.~~ The fee shall be in addition to and not  
19 in substitution for any and all fines and penalties otherwise  
20 provided for by law for the offense. The fee shall be collected at  
21 the same time as the fees provided for in Section 1313.2 of this  
22 title. Nine Dollars (\$9.00) of each fee received pursuant to this  
23 section shall be paid directly to the ~~A.F.I.S. Fund and the balance~~  
24 ~~shall be deposited in the General Revenue Fund of the State Treasury~~

1 by the court clerk. The payments shall be made ~~to the appropriate~~  
2 ~~fund~~ by the court clerk on a monthly basis ~~as set forth by~~  
3 ~~subsection H of Section 1313.2 of this title.~~

4 B. As used in this section:

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

8 2. "Court" means any state or municipal court having  
9 jurisdiction to impose a criminal fine or penalty.

10 SECTION 3. AMENDATORY 20 O.S. 2021, Section 1313.4, is  
11 amended to read as follows:

12 Section 1313.4. A. In addition to the penalty assessments and  
13 fees imposed by Sections 1313.2 and 1313.3 of this title, any person  
14 convicted of any offense, including traffic offenses, but excluding  
15 parking and standing violations, punishable by a fine of Ten Dollars  
16 (\$10.00) or more or by incarceration, or any person forfeiting any  
17 bond when charged with any offense, shall be ordered by the court to  
18 pay a Forensic Science Improvement Assessment in the amount of Ten  
19 Dollars (\$10.00) for each offense. The assessment shall be in  
20 addition to, and not in substitution for, any and all fines and  
21 penalties otherwise provided by law for the offense. The assessment  
22 shall be collected at the time and in the manner as the fees  
23 provided in Sections 1313.2 and 1313.3 of this title. Each  
24 municipal court clerk is authorized to retain five percent (5%) of

1 the assessment collected by each municipal court clerk pursuant to  
2 the provisions of this section. All court clerks shall send the  
3 assessments collected to the ~~Oklahoma State Bureau of Investigation~~  
4 ~~for deposit into the Forensic Science Improvement Revolving Fund~~  
5 ~~created by Section 150.35 of Title 74 of the Oklahoma Statutes~~  
6 General Revenue Fund of the State Treasury less any amount  
7 authorized to be retained. ~~The deposits of funds collected pursuant~~  
8 ~~to the provisions of this section shall be due and payable as~~  
9 ~~required in subsection H of Section 1313.2 of this title. Any funds~~  
10 ~~deposited as required by this section shall be listed as a separate~~  
11 ~~item from other deposits made pursuant to Sections 1313.2 and 1313.3~~  
12 ~~of this title.~~

13       B. As used in this section, "convicted" and "court" shall have  
14 the same meaning as defined by Section 1313.2 of this title.

15       SECTION 4.       AMENDATORY       22 O.S. 2021, Section 983, as last  
16 amended by Section 2, Chapter 211, O.S.L. 2024 (22 O.S. Supp. 2025,  
17 Section 983), is amended to read as follows:

18       Section 983. A. As used in this section, unless the context  
19 otherwise requires:

20       1. "Cost arrest warrant" means a warrant authorizing arrest  
21 that is issued by a court under the following circumstances:

22           a. failure to comply with the terms of a court financial  
23               obligations payment plan,

24

- b. failure to appear at a cost hearing or willfulness hearing, or
- c. failure to appear at the office of the court clerk of the county in which the court financial obligation is owed within ten (10) days of being cited by a law enforcement officer to appear;

2. "Cost cite and release warrant" means a warrant issued by a court authorizing citation and release under the following circumstances:

- a. failure to comply with terms of a court financial obligations payment plan, or
- b. failure to appear at a cost hearing or willfulness hearing;

3. "Cost hearing" means a hearing in which the court determines the ability of a defendant to pay court financial obligations. Once a cost hearing date has been set, all court financial obligations shall be suspended until the cost hearing has been held;

4. "Court financial obligation" means all financial obligations including fines, costs, fees, and assessments, imposed by the court or required by law to be paid, excluding restitution or payments to be made other than to the court clerk;

5. "Payment-in-full" means a court financial payment term that requires the defendant to pay the full amount of court financial obligations owed within ninety (90) days of a plea or sentence in

1 the district court or within thirty (30) days of a plea or sentence  
2 in the municipal court;

3 6. "Payment-in-installments" means payment terms for court  
4 financial obligations that require the defendant to make monthly  
5 payments in any amount until the amount owed is fully paid; and

6 7. "Willfulness hearing" means a hearing in which the court  
7 determines whether a defendant who has previously been found to have  
8 the ability to pay court financial obligations has willfully failed  
9 to pay the debt.

10 B. 1. Except in cases provided for in Section 983b of this  
11 title, when the judgment and sentence of a court, either in whole or  
12 in part, imposes court financial obligations upon a defendant, the  
13 court at the time of sentencing may immediately, or at any point  
14 thereafter until the debt is either paid or waived, determine the  
15 ability of a defendant to pay the court financial obligations. The  
16 court may make such determinations at a cost hearing or upon written  
17 motion or affidavit by the defendant. The ability of a defendant to  
18 pay court financial obligations may not impact the sentence imposed.

19 2. Defendants with court financial obligations who are found by  
20 the court to be unable to pay, in whole or in part, or who show  
21 evidence of a presumption pursuant to paragraph 5 of this  
22 subsection, shall be relieved of the debt by the court through a  
23 hardship waiver of the court financial obligations, either in whole  
24 or in part.

1       3. In determining the ability of a defendant to pay, the court  
2 shall consider the following factors:

- 3       a. individual and household income,
- 4       b. household living expenses,
- 5       c. number of dependents,
- 6       d. assets,
- 7       e. child support obligations,
- 8       f. physical or mental health conditions that diminish the  
9               ability to generate income or manage resources,
- 10      g. additional case-related expenses to be paid by the  
11               defendant, and
- 12      h. any other factors relevant to the ability of the  
13               defendant to pay.

14      4. In determining the ability of a defendant to pay, the  
15 following shall not be considered as income or assets:

- 16      a. child support income,
- 17      b. any monies received from a federal, state, or tribal  
18               government need-based or disability assistance  
19               program, or
- 20      c. assets exempt from bankruptcy.

21      5. Defendants in the following circumstances are presumed  
22 unable to pay and eligible for relief under paragraph 2 of this  
23 subsection:

1                   a. designated as totally disabled by any federal, state,  
2                   or tribal disability services program including but  
3                   not limited to military disability, Social Security  
4                   Disability Insurance, Supplemental Security Income, or  
5                   tribal disability benefits,  
6                   b. receives support from the Temporary Assistance for  
7                   Needy Families program, Supplemental Nutrition  
8                   Assistance Program, the Special Supplemental Nutrition  
9                   Program for Women, Infants, and Children nutrition  
10                  education and supplemental food program, or any other  
11                  federal need-based financial support,  
12                  c. receives subsidized housing support through the  
13                  Housing Choice Voucher program, the United States  
14                  Department of Housing and Urban Development, or other  
15                  state, local, or federal government housing subsidy  
16                  program, or  
17                  d. total income is below one hundred fifty percent (150%)  
18                  of the federal poverty level.

19                  C. 1. At the time of a plea or sentencing, the court shall  
20                  inform the defendant of the total court financial obligations owed,  
21                  the consequences of failing to pay the court financial obligations,  
22                  and that the defendant may request a cost hearing if at any time he  
23                  or she is unable to pay the court financial obligations, at which  
24                  point the court may waive all or part of the debt owed. If the

1 total amount of court financial obligations owed is not available at  
2 the time of the plea or sentencing, the court shall inform the  
3 defendant that court financial obligations have been incurred and  
4 the time and location where the defendant may learn of the total  
5 amount owed.

6 2. The court shall order the defendant to appear immediately  
7 after sentencing at the office of the court clerk to provide current  
8 contact information and to either select payment terms or request a  
9 cost hearing. Failure to immediately report to the court clerk  
10 shall result in the full amount of court financial obligations to be  
11 due thirty (30) days from the date of the plea or sentencing in  
12 district courts or thirty (30) days from the date of the plea or  
13 sentencing in municipal courts.

14 3. Payment of court financial obligations may be made under the  
15 following terms:

16 a. payment in full, or  
17 b. payment in installments.

18 Upon any change in circumstances affecting the ability of a  
19 defendant to pay, a defendant may request a cost hearing before the  
20 court by contacting the court clerk.

21 4. The district court for each county and all municipal courts  
22 shall provide a cost hearing for any defendant upon request, either  
23 by establishing a dedicated docket or on an as-requested basis. A  
24 defendant who requests a cost hearing will receive a summons by

1 personal service or by United States mail to appear in court as  
2 required by subsection G of this section. If a defendant fails to  
3 appear for a requested cost hearing, the court may issue either a  
4 cost cite and release warrant or a cost arrest warrant. No fees  
5 shall be assessed or collected from the defendant as a consequence  
6 of either requesting a cost hearing or the issuing of a cost cite  
7 and release warrant.

8       D. In determining the ability of the defendant to pay court  
9 financial obligations, the court may rely on testimony, relevant  
10 documents, and any information provided by the defendant using a  
11 cost hearing affidavit promulgated by the Court of Criminal Appeals.  
12 In addition, the court may make inquiry of the defendant and  
13 consider any other evidence or testimony concerning the ability of  
14 the defendant to pay.

15       E. 1. If at the initial cost hearing or any subsequent cost  
16 hearing, the court determines that the defendant is able to pay some  
17 or all of the court financial obligations, the court may order any  
18 of the following conditions for payment:

- 19           a. payment in full,
- 20           b. payment in installments,
- 21           c. financial incentive under a set of conditions  
22                   determined by the court, or
- 23           d. community service in lieu of payment; provided, the  
24                   defendant shall receive credit for no less than two

1 times the amount of the minimum wage specified  
2 pursuant to state law for each hour of community  
3 service.

4 2. Any defendant who fails to comply with the terms of the  
5 payment plan ordered by the court shall be considered delinquent and  
6 the court may issue either a cost cite and release warrant or a cost  
7 arrest warrant.

8 F. If the court determines that a waiver of any of the court  
9 financial obligations is warranted, the court shall apply the same  
10 percentage reduction equally to all fines, costs, fees, and  
11 assessments, excluding restitution.

12 G. 1. A defendant is considered delinquent in the payment of  
13 court financial obligations under the following circumstances:

- 14 a. when the total amount due has not been paid by the due  
15 date, or
- 16 b. when no installment payments have been received in the  
17 most recent ninety-day period.

18 2. The court clerk shall periodically review cases for  
19 delinquency at least once every six (6) months and, upon identifying  
20 a delinquent defendant, notify the court which shall, within ten  
21 (10) days thereafter, set a cost hearing for the court to determine  
22 if the defendant is able to pay. The cost hearing shall be set  
23 within forty-five (45) days of the issuance of the summons. The  
24 hearing shall be set on a date that shall allow the court clerk to

1 | issue a summons fourteen (14) days prior to the cost hearing.

2 Defendants shall incur no additional fees associated with the  
3 issuance of the summons.

4       3. At least fourteen (14) days prior to the cost hearing, the  
5 court clerk shall issue one summons to the defendant to be served by  
6 United States mail to the mailing address of the defendant on file  
7 in the case, substantially as follows:

## SUMMONS

9 You are ORDERED to appear for a COST HEARING at a specified  
10 time, place, and date to determine if you are financially able to  
11 pay the fines, costs, fees, or assessments or an installment due in  
12 Case No. .

13 | YOU MUST BE PRESENT AT THE HEARING.

14 At any time before the date of the cost hearing, you may contact  
15 the court clerk and pay the amount due or request in writing or in  
16 person prior to the court date, that the hearing be rescheduled for  
17 no later than thirty (30) days after the scheduled time.

18        THIS IS NOT AN ARREST WARRANT. However, if you fail to appear  
19 for the cost hearing or pay the amount due, the court may issue a  
20 WARRANT and may refer the case to a court cost compliance liaison  
21 which will cause an additional administrative fee of up to thirty-  
22 five percent (35%) to be added to the amount owed and may include  
23 additional costs imposed by the court.

1       4. Referrals to the court cost compliance program as provided  
2 in subsection L of this section shall be made as follows:  
3           a. courts shall refer a case to the court cost compliance  
4                   program upon the issuance of a cost arrest warrant,  
5           b. courts may refer a case to the court cost compliance  
6                   program upon the issuance of a cost cite and release  
7                   warrant, or  
8           c. courts may refer a case to the court cost compliance  
9                   program without the issuance of a warrant; provided,  
10                   the defendant is delinquent and has had sufficient  
11                   notice and opportunity to have a cost hearing.

12       5. A municipal court, in lieu of mailing the summons provided  
13 for in this subsection, may give the summons to the defendant in  
14 person at the time of sentencing or subsequent appearance of a  
15 specific date, time, and place, not fewer than thirty (30) days nor  
16 more than one hundred twenty (120) days from the date of sentencing  
17 to appear for a cost hearing if the court financial obligations  
18 remain unpaid.

19       H. 1. If a defendant is found by a law enforcement officer to  
20 have an outstanding cost cite and release warrant, the law  
21 enforcement officer shall issue a Warning/Notice to appear within  
22 ten (10) days of release from detention on the warrant to the court  
23 clerk of the court in which the court financial obligations are  
24 owed. If the officer has the necessary equipment, the officer shall

1 | immediately transmit the Warning/Notice electronically to the court  
2 | clerk of the court in which the court financial obligations are  
3 | owed. The law enforcement officer shall not take the defendant into  
4 | custody on the cite and release warrant. If the law enforcement  
5 | officer is unable to transmit the Warning/Notice electronically to  
6 | the court clerk, the officer shall inform the appropriate department  
7 | staff member within the agency of the law enforcement officer of the  
8 | Warning/Notice within five (5) days. The department staff member  
9 | shall then promptly notify the law enforcement agency in the  
10 | jurisdiction that issued the warrant electronically who shall  
11 | promptly notify the court clerk. The electronic communication shall  
12 | be treated as a duplicate original for all purposes in any  
13 | subsequent hearings before the appropriate court.

14 |       2. If the defendant reports to the office of the court clerk  
15 | within the ten (10) days, the court clerk shall:

- 16 |           a. inform the court of the Warning/Notice to the  
17 |                   defendant and contact,
- 18 |           b. schedule a cost hearing pursuant to applicable local  
19 |                   court rule, and
- 20 |           c. submit the warrant to the court for recall pending the  
21 |                   cost hearing.

22 |       3. If the defendant fails to report to the office of the court  
23 | clerk within the ten (10) days, the court may issue a cost arrest  
24 | warrant for the arrest of the defendant.

1       4. Following an arrest on a cost arrest warrant, the defendant  
2 must be released after seventy-two (72) hours in custody. The  
3 defendant may be released prior to seventy-two (72) hours if:

4           a. the custodian is presented with proof of payment in  
5                   the amount of One Hundred Dollars (\$100.00) to each  
6                   jurisdiction where the court financial obligations are  
7                   owed and the new cost hearing date is provided,  
8           b. the court releases the defendant on the defendant's  
9                   own recognizance and a new cost hearing date is  
10                  provided, or  
11           c. the court conducts a cost or willfulness hearing, as  
12                  appropriate, pursuant to the provisions of this  
13                  section and determines the defendant should be  
14                  released.

15       5. The provisions for issuing a separate summons described in  
16 subsection G of this section shall not apply to a municipal court if  
17 the municipal court has previously provided actual personal notice  
18 to the defendant of an opportunity for a cost hearing. If such  
19 notice was given and the defendant fails to appear, the municipal  
20 court may issue either a cost cite and release warrant or a cost  
21 arrest warrant.

22       6. All warrants for failure to appear at a cost hearing or for  
23 failure to pay court financial obligations which have been issued  
24 prior to the effective date of this act and which remain unserved,

1 shall be treated as cost cite and release warrants. All warrant  
2 fees assessed for warrants for failure to appear at a cost hearing  
3 or for failure to pay court financial obligations issued prior to  
4 the effective date of this act shall remain in effect unless waived  
5 by the court.

6 I. Supporting documents in a motion or affidavit for relief  
7 from court financial obligation debt or any documents taken into  
8 evidence during a cost hearing or willfulness hearing shall not be  
9 viewable by the public on a court-controlled website.

10 J. 1. After a cost hearing where a defendant is found able to  
11 pay a court financial obligation, either in whole or in part, and  
12 then becomes delinquent in that payment, a court may conduct a  
13 willfulness hearing at any time beginning immediately after a cost  
14 hearing has been held and a decision rendered on the court financial  
15 obligations. Findings of a defendant's prior ability to pay may be  
16 considered as evidence of ability to pay or willfulness at the  
17 hearing. The requirements of this paragraph shall not be construed  
18 to prohibit the court from holding subsequent cost hearings on the  
19 same court financial obligations.

20 2. At a willfulness hearing, the court shall evaluate the  
21 following:

22 a. whether a cost hearing has been held previously where  
23 evidence relating to ability to pay was presented and  
24 the court found the defendant was able to pay the

court financial obligations, either in whole or in part,

- b. whether there is any new evidence of ability to pay not previously considered or a change in circumstances since the cost hearing,
- c. whether the defendant was afforded sufficient time and opportunity to fulfill the obligation to pay the court financial obligations,
- d. whether the defendant made any efforts to satisfy the court financial obligations, and
- e. whether there are any other relevant facts or circumstances.

13       3. After a finding of willful failure to pay court financial  
14 obligations, the court may impose a jail sentence pursuant to  
15 Section 101 of Title 28 of the Oklahoma Statutes. A jail sentence  
16 may be imposed only under the following circumstances:

- a. the hearing is conducted on the record pursuant to the rules promulgated by the Court of Criminal Appeals, and
- b. the defendant is represented by counsel or expressly waives his or her right to counsel.

22       4. If a jail sentence is imposed, the court may grant credit  
23 for any time already served. At any time after incarceration, the

1   jail sentence may be satisfied upon payment in full of the  
2   outstanding balance with credit for any time already served.

3           K. The district court or municipal court, within one hundred  
4   twenty (120) days from the date upon which the person fails to  
5   comply with the financial obligation as ordered by the court or  
6   fails to appear for the offered cost or willfulness hearing, may, if  
7   the defendant has previously been notified of the possibility of a  
8   suspension, send notice of nonpayment of any court-ordered financial  
9   obligation for a moving traffic violation to Service Oklahoma with a  
10   recommendation of suspension of driving privileges of the defendant  
11   until the total amount of any court financial obligation has been  
12   paid or waived by the court. Upon receipt of payment of the total  
13   amount of the court financial obligations for the moving traffic  
14   violation, the court shall send notice thereof to Service Oklahoma,  
15   if a nonpayment notice was sent as provided for in this subsection.  
16   Notices sent to Service Oklahoma shall be on forms or by a method  
17   approved by Service Oklahoma.

18           L. Every county and district court of this state shall fully  
19   utilize and participate in the court cost compliance program. Cases  
20   shall be referred to the court cost compliance program no more than  
21   sixty (60) days after the court has ordered the referral pursuant to  
22   paragraph 4 of subsection G of this section, unless the defendant  
23   pays the amount owed on the court financial obligation or an  
24   installment due. When the court refers a case, the updated contact

1 information on file shall be forwarded to a court cost compliance  
2 liaison for collection purposes.

3 M. The Court of Criminal Appeals shall implement procedures and  
4 rules for implementation of the requirements of this section. Such  
5 procedures, rules, and any supplemental forms may be made available  
6 by the Administrative Office of the Courts.

7 SECTION 5. AMENDATORY 22 O.S. 2021, Section 991a, as  
8 last amended by Section 1, Chapter 306, O.S.L. 2025 (22 O.S. Supp.  
9 2025, Section 991a), is amended to read as follows:

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

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

18 a. to provide restitution to the victim as provided by  
19 Section 991f et seq. of this title or according to a  
20 schedule of payments established by the sentencing  
21 court, together with interest upon any pecuniary sum  
22 at the rate of twelve percent (12%) per annum, if the  
23 defendant agrees to pay such restitution or, in the  
24 opinion of the court, if the defendant is able to pay

such restitution without imposing manifest hardship on the defendant or the immediate family and if the extent of the damage to the victim is determinable with reasonable certainty,

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

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

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

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

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

14 g. to repay the reward or part of the reward paid by a  
15 local certified crime stoppers program and the  
16 Oklahoma Reward System. In determining whether the  
17 defendant shall repay the reward or part of the  
18 reward, the court shall consider the ability of the  
19 defendant to make the payment, the financial hardship  
20 on the defendant to make the required payment and the  
21 importance of the information to the prosecution of  
22 the defendant as provided by the arresting officer or  
23 the district attorney with due regard for the  
24 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 annually meet the certification standards for crime stoppers programs established by the Oklahoma Crime Stoppers Association to the extent those standards do not conflict with state statutes. The term "court" refers to all municipal and district courts within this state. The "Oklahoma Reward System" means the reward program established by Section 150.18 of Title 74 of the Oklahoma Statutes,

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

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

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

19                  k. to reimburse the court fund for amounts paid to court-  
20                  appointed attorneys for representing the defendant in  
21                  the case in which the person is being sentenced,

22                  l. to participate in an assessment and evaluation by an  
23                  assessment agency or assessment personnel certified by  
24                  the Department of Mental Health and Substance Abuse

1 Services pursuant to Section 3-460 of Title 43A of the  
2 Oklahoma Statutes and, as determined by the  
3 assessment, participate in an alcohol and drug  
4 substance abuse course or treatment program or both,  
5 pursuant to Sections 3-452 and 3-453 of Title 43A of  
6 the Oklahoma Statutes, or as ordered by the court,  
7 m. to be placed in a victims impact panel program, as  
8 defined in subsection H of this section, or  
9 victim/offender reconciliation program and payment of  
10 a fee to the program of Seventy-five Dollars (\$75.00)  
11 as set by the governing authority of the program to  
12 offset the cost of participation by the defendant.  
13 Provided, each victim/offender reconciliation program  
14 shall be required to obtain a written consent form  
15 voluntarily signed by the victim and defendant that  
16 specifies the methods to be used to resolve the  
17 issues, the obligations and rights of each person and  
18 the confidentiality of the proceedings. Volunteer  
19 mediators and employees of a victim/offender  
20 reconciliation program shall be immune from liability  
21 and have rights of confidentiality as provided in  
22 Section 1805 of Title 12 of the Oklahoma Statutes,  
23 n. to install, at the expense of the defendant, an  
24 ignition interlock device approved by the Board of

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

community sentence provider, and payment of a monitoring fee to the supervising authority, not to exceed Three Hundred Dollars (\$300.00) per month. Any fees collected pursuant to this subparagraph shall be deposited with the appropriate supervising authority. Any willful violation of an order of the court for the payment of the monitoring fee shall be a violation of the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph, "electronic monitoring" means confinement of the defendant within a specified location or locations with supervision by means of an electronic device approved by the Department of Corrections which is 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. 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

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

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

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

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

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

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

dd. to prioritize payments for restitution to the victim,

ee. 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

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,

in the ca

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

gg. in addition to other sentencing powers of the court, the court in the case of a defendant being sentenced for a felony conviction for a violation of Section 2-402 of Title 63 of the Oklahoma Statutes which involves marijuana may require the person to participate in a drug court program, if available. If a drug court program is not available, the defendant

1                   may be required to participate in a community  
2                   sanctions program, if available,  
3                   hh. in the case of a person convicted of any false or  
4                   bogus check violation, as defined in Section 1541.4 of  
5                   Title 21 of the Oklahoma Statutes, impose a fee of  
6                   Twenty-five Dollars (\$25.00) to the victim for each  
7                   check, and impose a bogus check fee to be paid to the  
8                   district attorney. The bogus check fee paid to the  
9                   district attorney shall be equal to the amount  
10                  assessed as court costs plus Twenty-five Dollars  
11                  (\$25.00) for each check upon filing of the case in  
12                  district court. This money shall be deposited in the  
13                  Bogus Check Restitution Program Fund as established in  
14                  subsection B of Section 114 of this title.

15                  Additionally, the court may require the offender to  
16                  pay restitution and bogus check fees on any other  
17                  bogus check or checks that have been submitted to the  
18                  Bogus Check Restitution Program, and

19                  ii. any other provision specifically ordered by the court.

20                  However, any such order for restitution, community service,

21                  payment to a local certified crime stoppers program, payment to the  
22                  Oklahoma Reward System or confinement in the county jail, or a  
23                  combination thereof, shall be made in conjunction with probation and  
24                  shall be made a condition of the suspended sentence.

1       However, unless under the supervision of the district attorney,  
2 the offender shall be required to pay Forty Dollars (\$40.00) per  
3 month to the district attorney during the first two (2) years of  
4 probation to compensate the district attorney for the costs incurred  
5 during the prosecution of the offender and for the additional work  
6 of verifying the compliance of the offender with the rules and  
7 conditions of his or her probation. The district attorney may waive  
8 any part of this requirement in the best interests of justice. The  
9 court shall not waive, suspend, defer or dismiss the costs of  
10 prosecution in its entirety. However, if the court determines that  
11 a reduction in the fine, costs and costs of prosecution is  
12 warranted, the court shall equally apply the same percentage  
13 reduction to the fine, costs and costs of prosecution owed by the  
14 offender Beginning November 1, 2026, the unpaid balance of any fee  
15 assessed for the costs of prosecution previously payable to the  
16 district attorney and owed by a defendant in his or her criminal  
17 case shall be waived and deemed unenforceable and uncollectible.  
18 Any portion of a judgment imposing such fees shall be vacated and  
19 the costs associated shall be removed from all applicable cases by  
20 the Administrative Office of the Courts;  
21       2. Impose a fine prescribed by law for the offense, with or  
22 without probation or commitment and with or without restitution or  
23 service as provided for in this section, Section 991a-4.1 of this  
24 title or Section 227 of Title 57 of the Oklahoma Statutes;

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

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

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

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

24

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

- 8       a. to participate in an alcohol and drug assessment and  
9                evaluation by an assessment agency or assessment  
10                personnel certified by the Department of Mental Health  
11                and Substance Abuse Services pursuant to Section 3-460  
12                of Title 43A of the Oklahoma Statutes and, as  
13                determined by the assessment, participate in an  
14                alcohol and drug substance abuse course or treatment  
15                program or both, pursuant to Sections 3-452 and 3-453  
16                of Title 43A of the Oklahoma Statutes,
- 17       b. to attend a victims impact panel program, as defined  
18                in subsection H of this section, and to pay a fee of  
19                Seventy-five Dollars (\$75.00) as set by the governing  
20                authority of the program and approved by the court, to  
21                the program to offset the cost of participation by the  
22                defendant, if in the opinion of the court the  
23                defendant has the ability to pay such fee,

- c. to both participate in the alcohol and drug substance abuse course or treatment program, pursuant to subparagraph a of this paragraph and attend a victims impact panel program, pursuant to subparagraph b of this paragraph,
- d. to install, at the expense of the person, an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, upon every motor vehicle operated by such person and to require that a notation of this restriction be affixed to the person's driver license at the time of reinstatement of the license. The restriction shall remain on the driver license for such period as the court shall determine. The restriction may be modified or removed by order of the court and notice of the order shall be given to Service Oklahoma. Upon the expiration of the period for the restriction, Service Oklahoma shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without such device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court, or

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

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

21                9. In addition to the other sentencing powers of the court, in  
22                the case of a person convicted of any crime related to domestic  
23                abuse, as defined in Section 60.1 of this title, the court may  
24                require the defendant to undergo the treatment or participate in the

1 | counseling services necessary to bring about the cessation of  
2 | domestic abuse against the victim. The defendant may be required to  
3 | pay all or part of the cost of the treatment or counseling services;

4 |       10. In addition to the other sentencing powers of the court,  
5 | the court, in the case of a sex offender sentenced after November 1,  
6 | 1989, and required by law to register pursuant to the Sex Offenders  
7 | Registration Act, shall require the defendant to participate in a  
8 | treatment program designed specifically for the treatment of sex  
9 | offenders, if available. The treatment program will include  
10 | polygraph examinations specifically designed for use with sex  
11 | offenders for the purpose of supervision and treatment compliance,  
12 | provided the examination is administered by a certified licensed  
13 | polygraph examiner. The treatment program must be approved by the  
14 | Department of Corrections or the Department of Mental Health and  
15 | Substance Abuse Services. Such treatment shall be at the expense of  
16 | the defendant based on the ability of the defendant to pay;

17 |       11. In addition to the other sentencing powers of the court,  
18 | the court, in the case of a person convicted of abuse or neglect of  
19 | a child, as defined in Section 1-1-105 of Title 10A of the Oklahoma  
20 | Statutes, may require the person to undergo treatment or to  
21 | participate in counseling services. The defendant may be required  
22 | to pay all or part of the cost of the treatment or counseling  
23 | services;

24 |

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

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

15       14. In addition to the other sentencing powers of the court, in  
16 the case of a sex offender who is required by law to register  
17 pursuant to the Sex Offenders Registration Act, the court may  
18 prohibit the person from accessing or using any Internet social  
19 networking website that has the potential or likelihood of allowing  
20 the sex offender to have contact with any child who is under the age  
21 of eighteen (18) years;

22       15. In addition to the other sentencing powers of the court, in  
23 the case of a sex offender who is required by law to register  
24 pursuant to the Sex Offenders Registration Act, the court shall

1 require the person to register any electronic mail address  
2 information, instant message, chat or other Internet communication  
3 name or identity information that the person uses or intends to use  
4 while accessing the Internet or used for other purposes of social  
5 networking or other similar Internet communication; or

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

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

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

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

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

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

19 E. Probation, for purposes of subsection A of this section, is  
20 a procedure by which a defendant found guilty of a crime, whether  
21 upon a verdict or plea of guilty or upon a plea of nolo contendere,  
22 is released by the court subject to conditions imposed by the court  
23 and subject to supervision by the Department of Corrections, a  
24 private supervision provider or other person designated by the

1 court. Such supervision shall be initiated upon an order of  
2 probation from the court, and shall not exceed two (2) years, unless  
3 a petition alleging a violation of any condition of deferred  
4 judgment or seeking revocation of the suspended sentence is filed  
5 during the supervision, or as otherwise provided by law. In the  
6 case of a person convicted of a sex offense, supervision shall begin  
7 immediately upon release from incarceration or if parole is granted  
8 and shall not be limited to two (2) years. Provided further, any  
9 supervision provided for in this section may be extended for a  
10 period not to exceed the expiration of the maximum term or terms of  
11 the sentence upon a determination by the court or the Division of  
12 Probation and Parole of the Department of Corrections that the best  
13 interests of the public and the release will be served by an  
14 extended period of supervision.

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

21 G. 1. The Department of Corrections is hereby authorized,  
22 subject to funds available through appropriation by the Legislature,  
23 to contract with counties for the administration of county Community  
24 Service Sentencing Programs.

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

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

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

20       5. The Department shall annually make a report to the Governor,  
21 the President Pro Tempore of the Oklahoma State Senate and the  
22 Speaker of the House of Representatives on the number of such  
23 Programs, the number of participating offenders, the success rates  
24

1 of each Program according to criteria established by the Department  
2 and the costs of each Program.

3 H. As used in this section:

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

9 2. "Electronically monitored home detention" means  
10 incarceration of the defendant within a specified location or  
11 locations with monitoring by means of a device approved by the  
12 Department of Corrections that detects if the person leaves the  
13 confines of any specified location; and

14 3. "Victims impact panel program" means a program conducted by  
15 a corporation registered with the Secretary of State in Oklahoma for  
16 the sole purpose of operating a victims impact panel program. The  
17 program shall include live presentations from presenters who will  
18 share personal stories with participants about how alcohol, drug  
19 abuse, the operation of a motor vehicle while using an electronic  
20 communication device or the illegal conduct of others has personally  
21 impacted the lives of the presenters. A victims impact panel  
22 program shall be attended by persons who have committed the offense  
23 of driving, operating or being in actual physical control of a motor  
24 vehicle while under the influence of alcohol or other intoxicating

1 substance, operating a motor vehicle while the ability of the person  
2 to operate such vehicle was impaired due to the consumption of  
3 alcohol or any other substance or operating a motor vehicle while  
4 using an electronic device or by persons who have been convicted of  
5 furnishing alcoholic beverage to persons under twenty-one (21) years  
6 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the  
7 Oklahoma Statutes. Persons attending a victims impact panel program  
8 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to  
9 the provider of the program. A certificate of completion shall be  
10 issued to the person upon satisfying the attendance and fee  
11 requirements of the victims impact panel program. The certificate  
12 of completion shall contain the business identification number of  
13 the program provider. A certified assessment agency, certified  
14 assessor or provider of an alcohol and drug substance abuse course  
15 shall be prohibited from providing a victims impact panel program  
16 and shall further be prohibited from having any proprietary or  
17 pecuniary interest in a victims impact panel program. The provider  
18 of the victims impact panel program shall carry general liability  
19 insurance and maintain an accurate accounting of all business  
20 transactions and funds received in relation to the victims impact  
21 panel program. Beginning October 1, 2020, and each October 1  
22 thereafter, the provider of the victims impact panel program shall  
23 provide to the District Attorneys Council the following:  
24

- a. proof of registration with the Oklahoma Secretary of State,
- b. proof of general liability insurance,
- c. end-of-year financial statements prepared by a certified public accountant,
- d. a copy of federal income tax returns filed with the Internal Revenue Service,
- e. a registration fee of One Thousand Dollars (\$1,000.00). The registration fee shall be deposited in the District Attorneys Council Revolving Fund created in Section 215.28 of Title 19 of the Oklahoma Statutes, and
- f. a statement certifying that the provider of the victims impact panel program has complied with all of the requirements set forth in this paragraph.

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

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

1 (CODIS) Database at the time of sentencing shall not be required to  
2 submit to additional testing. Except as required by the Sex  
3 Offenders Registration Act, a deferred judgment does not require  
4 submission to DNA testing.

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

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

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

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

17 SECTION 6. AMENDATORY 22 O.S. 2021, Section 991c, as  
18 amended by Section 3, Chapter 305, O.S.L. 2025 (22 O.S. Supp. 2025,  
19 Section 991c), is amended to read as follows:

20 Section 991c. A. Upon a verdict or plea of guilty or upon a  
21 plea of nolo contendere, but before a judgment of guilt, the court  
22 may, without entering a judgment of guilt and with the consent of  
23 the defendant, defer further proceedings upon the specific  
24 conditions prescribed by the court not to exceed a seven-year

1 period, except as authorized under subsection B of this section.

2 The court shall first consider restitution among the various

3 conditions it may prescribe. The court may also consider ordering

4 the defendant to:

5     1. Pay court costs;

6     2. Pay an assessment in lieu of any fine authorized by law for

7 the offense;

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

9     4. Engage in a term of community service without compensation,

10 according to a schedule consistent with the employment and family

11 responsibilities of the defendant;

12     5. County jail confinement for a period not to exceed ninety

13 (90) days or the maximum amount of jail time provided for the

14 offense, if it is less than ninety (90) days;

15     6. Pay an amount as reimbursement for reasonable attorney fees,

16 to be paid into the court fund, if a court-appointed attorney has

17 been provided to the defendant;

18     7. Be supervised in the community for a period not to exceed

19 eighteen (18) months, unless a petition alleging violation of any

20 condition of deferred judgment is filed during the period of

21 supervision. As a condition of any supervision, the defendant shall

22 be required to pay a supervision fee of Forty Dollars (\$40.00) per

23 month. The supervision fee shall be waived in whole or part by the

24 supervisory agency when the accused is indigent. ~~Any fees collected~~

1 by the district attorney pursuant to this paragraph shall be  
2 deposited in the General Revenue Fund of the State Treasury. No  
3 person shall be denied supervision based solely on the inability of  
4 the person to pay a fee;

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

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

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

16 11. Any combination of the provisions in paragraphs 1 through  
17 10 of this subsection.

18 However, unless under the supervision of the district attorney,  
19 the offender shall be required to pay Forty Dollars (\$40.00) per  
20 month to the district attorney during the first two (2) years of  
21 probation to compensate the district attorney for the costs incurred  
22 during the prosecution of the offender and for the additional work  
23 of verifying the compliance of the offender with the rules and  
24 conditions of his or her probation. The district attorney may waive

1 ~~any part of this requirement in the best interests of justice. The~~  
2 ~~court may waive the costs of prosecution in the same manner as the~~  
3 ~~court waives financial obligations pursuant to Section 983 of this~~  
4 ~~title. Any unpaid costs of prosecution shall be waived if the~~  
5 ~~deferred sentence of an offender expires without being accelerated.~~  
6 ~~Any fees collected by the district attorney pursuant to this~~  
7 ~~paragraph shall be deposited in the General Revenue Fund of the~~  
8 ~~State Treasury.~~

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

14       C. In addition to any conditions of supervision provided for in  
15 subsection A of this section, the court shall, in the case of a  
16 person before the court for the offense of operating or being in  
17 control of a motor vehicle while the person was under the influence  
18 of alcohol, other intoxicating substance, or a combination of  
19 alcohol and another intoxicating substance, or who is before the  
20 court for the offense of operating a motor vehicle while the ability  
21 of the person to operate such vehicle was impaired due to the  
22 consumption of alcohol, require the person to participate in an  
23 alcohol and drug substance abuse evaluation program offered by a  
24 facility or qualified practitioner certified by the Department of

1 Mental Health and Substance Abuse Services for the purpose of  
2 evaluating the receptivity to treatment and prognosis of the person.  
3 The court shall order the person to reimburse the facility or  
4 qualified practitioner for the evaluation. The Department of Mental  
5 Health and Substance Abuse Services shall establish a fee schedule,  
6 based upon the ability of a person to pay, provided the fee for an  
7 evaluation shall not exceed Seventy-five Dollars (\$75.00). The  
8 evaluation shall be conducted at a certified facility, the office of  
9 a qualified practitioner or at another location as ordered by the  
10 court. The facility or qualified practitioner shall, within  
11 seventy-two (72) hours from the time the person is assessed, submit  
12 a written report to the court for the purpose of assisting the court  
13 in its determination of conditions for deferred sentence. No  
14 person, agency or facility operating an alcohol and drug substance  
15 abuse evaluation program certified by the Department of Mental  
16 Health and Substance Abuse Services shall solicit or refer any  
17 person evaluated pursuant to this subsection for any treatment  
18 program or alcohol and drug substance abuse service in which the  
19 person, agency or facility has a vested interest; however, this  
20 provision shall not be construed to prohibit the court from ordering  
21 participation in or any person from voluntarily utilizing a  
22 treatment program or alcohol and drug substance abuse service  
23 offered by such person, agency or facility. Any evaluation report  
24 submitted to the court pursuant to this subsection shall be handled

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

6 As used in this subsection, "qualified practitioner" means a person  
7 with at least a bachelor's degree in substance abuse treatment,  
8 mental health or a related health care field and at least two (2)  
9 years of experience in providing alcohol abuse treatment, other drug  
10 abuse treatment, or both alcohol and other drug abuse treatment who  
11 is certified each year by the Department of Mental Health and  
12 Substance Abuse Services to provide these assessments. However, any  
13 person who does not meet the requirements for a qualified  
14 practitioner as defined herein, but who has been previously  
15 certified by the Department of Mental Health and Substance Abuse  
16 Services to provide alcohol or drug treatment or assessments, shall  
17 be considered a qualified practitioner provided all education,  
18 experience and certification requirements stated herein are met by  
19 September 1, 1995. The court may also require the person to  
20 participate in one or both of the following:

21 1. An alcohol and drug substance abuse course, pursuant to  
22 Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and  
23 2. A victims impact panel program, as defined in subsection H  
24 of Section 991a of this title, if such a program is offered in the

1 county where the judgment is rendered. The defendant shall be  
2 required to pay a fee of Seventy-five Dollars (\$75.00) as set by the  
3 governing authority of the program and approved by the court to the  
4 victims impact panel program to offset the cost of participation by  
5 the defendant, if in the opinion of the court the defendant has the  
6 ability to pay such fee.

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

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

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

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

23       4. No information concerning the confidential file shall be  
24 revealed or released, except upon written order of a judge of the

1 district court or upon written request by the named defendant to the  
2 court clerk for the purpose of updating the criminal history record  
3 of the defendant with the Oklahoma State Bureau of Investigation;  
4 and

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

9       Records expunged pursuant to this subsection shall be sealed to  
10 the public but not to law enforcement agencies for law enforcement  
11 purposes. Records expunged pursuant to this subsection shall be  
12 admissible in any subsequent criminal prosecution to prove the  
13 existence of a prior conviction or prior deferred judgment without  
14 the necessity of a court order requesting the unsealing of such  
15 records.

16       E. The provisions of subsection D of this section shall be  
17 retroactive.

18       F. Whenever a judgment has been deferred by the court according  
19 to the provisions of this section, deferred judgment may not be  
20 accelerated for any technical violation unless a petition setting  
21 forth the grounds for such acceleration is filed by the district  
22 attorney with the clerk of the sentencing court and competent  
23 evidence justifying the acceleration of the judgment is presented to  
24 the court at a hearing to be held for that purpose. The hearing

1 shall be held not more than twenty (20) days after the entry of the  
2 plea of not guilty to the petition, unless waived by both the state  
3 and the defendant. Any acceleration of a deferred sentence based on  
4 a technical violation shall not exceed ninety (90) days for a first  
5 acceleration or five (5) years for a second or subsequent  
6 acceleration.

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

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

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

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

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

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

10       L. Beginning November 1, 2026, the unpaid balance of any fee  
11       assessed for the costs of prosecution previously payable to the  
12       district attorney and owed by a defendant in his or her criminal  
13       case shall be waived and deemed unenforceable and uncollectible.  
14       Any portion of a judgment imposing such fees shall be vacated and  
15       the costs associated shall be removed from all applicable cases by  
16       the Administrative Office of the Courts.

17       SECTION 7.       AMENDATORY       22 O.S. 2021, Section 991d, is  
18 amended to read as follows:

19       Section 991d.   A. 1. When the court orders supervision by the  
20 Department of Corrections, or the district attorney requires the  
21 Department to supervise any person pursuant to a deferred  
22 prosecution agreement, the person shall be required to pay a  
23 supervision fee of Forty Dollars (\$40.00) per month during the  
24 supervision period, unless the fee would impose an unnecessary

1 hardship on the person. In hardship cases, the Department shall  
2 expressly waive all or part of the fee. The court shall make  
3 payment of the fee a condition of the sentence which shall be  
4 imposed whether the supervision is incident to the suspending of  
5 execution of a sentence, incident to the suspending of imposition of  
6 a sentence, or incident to the deferral of proceedings after a  
7 verdict or plea of guilty. The Department shall determine methods  
8 for payment of the supervision fee, and may charge a reasonable user  
9 fee for collection of supervision fees electronically. The  
10 Department is required to report to the sentencing court any failure  
11 of the person to pay supervision fees and to report immediately if  
12 the person violates any condition of the sentence.

13 2. ~~When the court imposes a suspended or deferred sentence for~~  
14 ~~any offense and does not order supervision by the Department of~~  
15 ~~Corrections, the offender shall be required to pay to the district~~  
16 ~~attorney a supervision fee of Forty Dollars (\$40.00) per month as a~~  
17 ~~fee to compensate the district attorney for the actual act of~~  
18 ~~supervising the offender during the applicable period of~~  
19 ~~supervision. In hardship cases, the district attorney shall~~  
20 ~~expressly waive all or part of the fee. Any fees collected by the~~  
21 ~~district attorney pursuant to this paragraph shall be deposited in~~  
22 ~~the General Revenue Fund of the State Treasury.~~

23 3. If restitution is ordered by the court in conjunction with  
24 supervision by the Department, the supervision fee will be paid in

1 addition to the restitution ordered. In addition to the restitution  
2 payment and supervision fee, a reasonable user fee may be charged by  
3 the Department of Corrections to cover the expenses of  
4 administration of the restitution, except no user fee shall be  
5 collected by the Department when restitution payment is collected  
6 and disbursed to the victim by the office of the district attorney  
7 as provided in Section 991f of this title or Section 991f-1.1 of  
8 this title.

9       B. The Pardon and Parole Board shall require a supervision fee  
10 to be paid by the parolee as a condition of parole which shall be  
11 paid to the Department of Corrections. The Department shall  
12 determine the amount of the fee as provided for other persons under  
13 supervision by the Department.

14       C. Upon acceptance of an offender by the Department of  
15 Corrections whose probation or parole supervision was transferred to  
16 Oklahoma through the Interstate Compact Agreement, or upon the  
17 assignment of an inmate to any community placement, a fee shall be  
18 required to be paid by the offender to the Department of Corrections  
19 as provided for other persons under supervision of the Department.

20       D. Except as provided in subsection A and this subsection, all  
21 fees collected pursuant to this section shall be deposited in the  
22 Department of Corrections Revolving Fund created pursuant to Section  
23 557 of Title 57 of the Oklahoma Statutes. For the fiscal year  
24 ending June 30, 1996, fifty percent (50%) of all collections

1 received from offenders placed on supervision after July 1, 1995,  
2 shall be transferred to the credit of the General Revenue Fund of  
3 the State Treasury until such time as total transfers equal Three  
4 Million Three Hundred Thousand Dollars (\$3,300,000.00).

5 E. Beginning November 1, 2026, the unpaid balance of any fee  
6 assessed for the costs of supervision previously payable to the  
7 district attorney and owed by a defendant in his or her criminal  
8 case shall be waived and deemed unenforceable and uncollectible.  
9 Any portion of a judgment imposing such fees shall be vacated and  
10 the costs associated shall be removed from all applicable cases by  
11 the Administrative Office of the Courts.

12 SECTION 8. Sections 1, 2, and 3 of this act shall become  
13 effective July 1, 2026.

14 SECTION 9. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

18 SECTION 10. Sections 4, 5, 6, and 7 of this act shall become  
19 effective November 1, 2026.

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