

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 3497

By: Duel

7 POLICY COMMITTEE RECOMMENDATION

8 An Act relating to criminal procedure; amending 22
9 O.S. 2021, Section 1053, as amended by Section 2,
10 Chapter 209, O.S.L. 2022 (22 O.S. Supp. 2025, Section
11 1053), which relates to appeals taken by the state or
12 municipality; adding statutory reference; defining
13 terms; and providing an effective date.

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

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

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

- 20 1. Upon judgment for the defendant on quashing or setting aside
21 an indictment or information;
 - 22 2. Upon an order of the court arresting the judgment;
 - 23 3. Upon a question reserved by the state or a municipality;
- 24

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

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

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

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

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

15 B. As used in this section:

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

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

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

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

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