

1 STATE OF OKLAHOMA

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

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 4112

6 By: West (Tammy)

7 SUBCOMMITTEE RECOMMENDATION

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

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

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

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

13 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
21 make timely deposits; provided, CLEET, in its discretion, may waive
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

1 b. failure to appear at a cost hearing or willfulness
2 hearing, or

3 c. failure to appear at the office of the court clerk of
4 the county in which the court financial obligation is
5 owed within ten (10) days of being cited by a law
6 enforcement officer to appear;

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

10 a. failure to comply with terms of a court financial
11 obligations payment plan, or

12 b. failure to appear at a cost hearing or willfulness
13 hearing;

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

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

22 5. "Payment-in-full" means a court financial payment term that
23 requires the defendant to pay the full amount of court financial
24 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:
24

- 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:

8 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.

24

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

1 court financial obligations, either in whole or in
2 part,

3 b. whether there is any new evidence of ability to pay
4 not previously considered or a change in circumstances
5 since the cost hearing,

6 c. whether the defendant was afforded sufficient time and
7 opportunity to fulfill the obligation to pay the court
8 financial obligations,

9 d. whether the defendant made any efforts to satisfy the
10 court financial obligations, and

11 e. whether there are any other relevant facts or
12 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:

17 a. the hearing is conducted on the record pursuant to the
18 rules promulgated by the Court of Criminal Appeals,
19 and

20 b. the defendant is represented by counsel or expressly
21 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
24

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

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

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

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

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

23 e. to confinement in the county jail for a period not to
24 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

1 crime stoppers program and the Oklahoma Reward System.
2 The court shall assess this repayment against the
3 defendant as a cost of prosecution. The term
4 "certified" means crime stoppers organizations that
5 annually meet the certification standards for crime
6 stoppers programs established by the Oklahoma Crime
7 Stoppers Association to the extent those standards do
8 not conflict with state statutes. The term "court"
9 refers to all municipal and district courts within
10 this state. The "Oklahoma Reward System" means the
11 reward program established by Section 150.18 of Title
12 74 of the Oklahoma Statutes,

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

- 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

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

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

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

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

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

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

10 dd. to prioritize payments for restitution to the victim,

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

20 ff. in the case of a sex offender sentenced after November
21 1, 1989, and required by law to register pursuant to
22 the Sex Offender Registration Act, the court shall
23 require the person to comply with sex offender
24 specific rules and conditions of supervision

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

18 gg. in addition to other sentencing powers of the court,
19 the court in the case of a defendant being sentenced
20 for a felony conviction for a violation of Section 2-
21 402 of Title 63 of the Oklahoma Statutes which
22 involves marijuana may require the person to
23 participate in a drug court program, if available. If
24 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,
24

1 c. to both participate in the alcohol and drug substance
2 abuse course or treatment program, pursuant to
3 subparagraph a of this paragraph and attend a victims
4 impact panel program, pursuant to subparagraph b of
5 this paragraph,

6 d. to install, at the expense of the person, an ignition
7 interlock device approved by the Board of Tests for
8 Alcohol and Drug Influence, upon every motor vehicle
9 operated by such person and to require that a notation
10 of this restriction be affixed to the person's driver
11 license at the time of reinstatement of the license.
12 The restriction shall remain on the driver license for
13 such period as the court shall determine. The
14 restriction may be modified or removed by order of the
15 court and notice of the order shall be given to
16 Service Oklahoma. Upon the expiration of the period
17 for the restriction, Service Oklahoma shall remove the
18 restriction without further court order. Failure to
19 comply with the order to install an ignition interlock
20 device or operating any vehicle without such device
21 during the period of restriction shall be a violation
22 of the sentence and may be punished as deemed proper
23 by the sentencing court, or
24

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;

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.

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

20
21 60-2-16430 GRS 02/17/26