

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 2041

By: Standridge

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending Section 7, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20G), which relates to Class B2 offenses; adding certain offenses; amending 63 O.S. 2021, Section 2-402, as amended by Section 1, Chapter 266, O.S.L. 2023 (63 O.S. Supp. 2025, Section 2-402), which relates to the Uniform Controlled Dangerous Substances Act; creating certain felony offense; assigning certain classifications; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 7, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20G), is amended to read as follows:

Section 20G. A. ~~Upon the effective date of this act~~ On or after January 1, 2026, Class B2 shall include the following criminal offenses:

1. ~~Transport, move, Transporting, moving, or attempt attempting~~ to transport in this state any alien knowing that the alien has entered the United States in violation of law, as provided for in

1 subsection A of Section 446 of ~~Title 21 of the Oklahoma Statutes~~
2 this title;

3 2. ~~Conceal, harbor,~~ Concealing, harboring, or ~~shelter~~
4 sheltering from detection any alien in any place within this state
5 knowing that the alien has entered the United States in violation of
6 law, as provided for in subsection B of Section 446 of ~~Title 21 of~~
7 ~~the Oklahoma Statutes~~ this title;

8 3. Intentionally ~~destroy, hide, alter, abscond~~ destroying,
9 hiding, altering, absconding with, or ~~keep~~ keeping certain
10 identification documentation of an individual for the purpose of
11 trafficking the individual, as provided for in subsection C of
12 Section 446 of ~~Title 21 of the Oklahoma Statutes~~ this title;

13 4. Allowing any person lawfully held in custody to escape or go
14 at large by a sheriff, deputy, coroner, clerk of a court, constable,
15 or other ministerial officer, as provided for in Section 532 of
16 ~~Title 21 of the Oklahoma Statutes~~ this title;

17 5. Kidnapping, as provided for in Section 741 of ~~Title 21 of~~
18 ~~the Oklahoma Statutes~~ this title;

19 6. Causing, aiding, abetting, or encouraging a minor child to
20 distribute, dispense, possess, or manufacture a controlled dangerous
21 substance or a counterfeit or imitation controlled dangerous
22 substance, as provided for in Section 856.1 of ~~Title 21 of the~~
23 ~~Oklahoma Statutes~~ this title;

1 7. Trafficking in children, as provided for in Section 866 of
2 ~~Title 21 of the Oklahoma Statutes~~ this title;

3 8. Photographing, publishing, distributing, or participating in
4 the preparation of child ~~pornography~~ sexual abuse material, as
5 provided for in subsection C of Section 1040.8 of ~~Title 21 of the~~
6 ~~Oklahoma Statutes~~ this title;

7 9. Procuring another for the purpose of prostitution, as
8 provided for in Section 1081 of ~~Title 21 of the Oklahoma Statutes~~
9 this title;

10 10. Keeping, holding, detaining, or restraining against her
11 will a female in a house of prostitution, as provided for in Section
12 1085 of ~~Title 21 of the Oklahoma Statutes~~ this title;

13 11. Rape in the second degree, as provided for in subsection B
14 of Section 1114 of ~~Title 21 of the Oklahoma Statutes~~ this title;

15 12. Arson in the second degree, as provided for in Section 1402
16 of ~~Title 21 of the Oklahoma Statutes~~ this title;

17 13. Second or subsequent conviction of residing, either
18 temporarily or permanently, within a two-thousand-foot radius of a
19 public or private school, playground, park, licensed child care
20 center, family child care home, or residence of a victim by a person
21 who is required to register as a sex offender pursuant to the Sex
22 Offenders Registration Act, as provided for in subsection A of
23 Section 590 of Title 57 of the Oklahoma Statutes;

1 14. Second or subsequent conviction for residing with a minor
2 child by a person who is required to register as a sex offender
3 pursuant to the Sex Offenders Registration Act for an offense in
4 which a minor child was the victim, as provided for in subsection B
5 of Section 590 of Title 57 of the Oklahoma Statutes;

6 15. Breaking into and entering the dwelling house of a
7 defendant by a bail enforcer, as provided for in Section 1350.6 of
8 Title 59 of the Oklahoma Statutes;

9 16. Possessing a drug product containing ephedrine,
10 pseudoephedrine, or phenylpropanolamine with intent to use the
11 product as a precursor to manufacture methamphetamine or other
12 controlled substance, as provided for in subsection A of Section 2-
13 332 of Title 63 of the Oklahoma Statutes;

14 17. Third offense of possessing methamphetamine, cocaine, or
15 fentanyl within ten (10) years as provided for in subparagraph b of
16 paragraph 3 of subsection B of Section 2-402 of Title 63 of the
17 Oklahoma Statutes;

18 18. Fourth or subsequent offense within ten (10) years of
19 knowingly or intentionally possessing, buying, or selling a
20 controlled dangerous substance as provided for in paragraph 4 of
21 subsection B of Section 2-402 of Title 63 of the Oklahoma Statutes;

22 19. Aggravated trafficking of marijuana, as provided for in
23 subparagraph b of paragraph 1 of subsection C of Section 2-415 of
24 Title 63 of the Oklahoma Statutes;

~~18.~~ 20. Aggravated trafficking of cocaine, coca leaves, or cocaine base, as provided for in subparagraph c of paragraph 2 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

~~19.~~ 21. Aggravated trafficking of heroin, as provided for in subparagraph b of paragraph 3 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

~~20.~~ 22. Aggravated trafficking of amphetamine or methamphetamine, as provided for in subparagraph c of paragraph 4 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

~~21.~~ 23. Aggravated trafficking of lysergic acid diethylamide (LSD), as provided for in subparagraph b of paragraph 5 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes; and

~~22.~~ 24. Aggravated trafficking of phencyclidine (PCP), as provided for in subparagraph b of paragraph 6 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes.

B. Any person convicted of a Class B2 criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes.

SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-402, as amended by Section 1, Chapter 266, O.S.L. 2023 (63 O.S. Supp. 2025, Section 2-402), is amended to read as follows:

Section 2-402. A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous

1 substance unless such substance was obtained directly, or pursuant
2 to a valid prescription or order from a practitioner, while acting
3 in the course of his or her professional practice, or except as
4 otherwise authorized by Section 2-101 et seq. of this title.

5 2. It shall be unlawful for any person to purchase any
6 preparation excepted from the provisions of the Uniform Controlled
7 Dangerous Substances Act pursuant to Section 2-313 of this title in
8 an amount or within a time interval other than that permitted by
9 Section 2-313 of this title.

10 3. It shall be unlawful for any person or business to sell,
11 market, advertise, or label any product containing ephedrine, its
12 salts, optical isomers, or salts of optical isomers, for the
13 indication of stimulation, mental alertness, weight loss, appetite
14 control, muscle development, energy, or other indication which is
15 not approved by the pertinent federal OTC Final Monograph, Tentative
16 Final Monograph, or FDA-approved new drug application or its legal
17 equivalent. In determining compliance with this requirement, the
18 following factors shall be considered:

- 19 a. the packaging of the product,
- 20 b. the name of the product, and
- 21 c. the distribution and promotion of the product,
22 including verbal representations made at the point of
23 sale.

1 B. 1. Any person who violates this section is guilty of a
2 misdemeanor punishable by ~~confinement~~ imprisonment in a county jail
3 for not more than one (1) year and by a fine not exceeding One
4 Thousand Dollars (\$1,000.00).

5 2. Any person who violates this section a second time within
6 ten (10) years, upon conviction, shall be guilty of a misdemeanor.
7 The court may, with the consent of the defendant, order the
8 defendant to complete a substance abuse assessment and evaluation
9 and to complete a diversion program for up to one (1) year following
10 the date of conviction in lieu of other punishments. At the
11 discretion of the court, the diversion program may include drug
12 testing as a requirement. If the defendant refuses or fails to
13 complete the assessment and evaluation or diversion program, the
14 court may impose punishment as provided for in paragraph 1 of this
15 subsection. The provisions of this paragraph shall not apply to
16 violations related to the possession of marijuana.

17 3. a. Any person who violates this section a third time
18 within ten (10) years shall, upon conviction, be
19 guilty of a misdemeanor punishable by a fine not
20 exceeding One Thousand Dollars (\$1,000.00),
21 imprisonment in the county jail for a minimum of
22 thirty (30) days, or by both such fine and
23 imprisonment.
24

1 b. Any person who possesses methamphetamine, cocaine, or
2 fentanyl in violation of this section for a third time
3 within ten (10) years, shall, upon conviction, be
4 guilty of a Class B2 felony offense punishable by a
5 fine not exceeding Four Thousand Dollars (\$4,000.00),
6 imprisonment in the custody of the Department of
7 Corrections for not more than four (4) years, or by
8 both such fine and imprisonment.

9 The court may, with the consent of the defendant, order the
10 defendant to complete a substance abuse assessment and evaluation
11 and to complete a diversion program for up to three (3) years
12 following the date of conviction. At the discretion of the court,
13 the diversion program may include drug testing as a requirement. If
14 the defendant refuses or fails to complete the assessment and
15 evaluation or diversion program, the court may impose punishment as
16 provided for in paragraph 1 of this subsection. The provisions of
17 this paragraph shall not apply to violations related to the
18 possession of marijuana.

19 4. a. Any person who violates this section a fourth time
20 within ten (10) years shall, upon conviction, be
21 guilty of a Class B2 felony punishable by a fine not
22 exceeding Five Thousand Dollars (\$5,000.00),
23 imprisonment in the custody of the Department of
24 Corrections for not ~~less than one (1) year nor~~ more

1 than five (5) years, or by both such fine and
2 imprisonment.

3 b. Upon a verdict or plea of guilty or upon a plea of
4 nolo contendere, but before a judgment of guilt of a
5 violation of this paragraph, the court may, without
6 entering a judgment of guilt and with the consent of
7 the defendant, defer further proceedings upon the
8 specific conditions prescribed by the court not to
9 exceed a three-year period. The court may, with the
10 consent of the defendant, order the defendant to
11 complete a substance abuse assessment and evaluation
12 and to complete a diversion program for up to three
13 (3) years.

14 c. Upon successful completion of the court-ordered
15 substance abuse assessment and evaluation and
16 diversion program within the time prescribed, the
17 felony charge shall be changed to a misdemeanor. If
18 the defendant refuses or fails to complete the
19 assessment and evaluation or diversion program, the
20 court may impose punishment as provided for in
21 subparagraph a of this paragraph.

22 d. The provisions of this paragraph shall not apply to
23 violations related to the possession of marijuana.
24

1 C. Any person convicted of any offense described in this
2 section shall, in addition to any fine imposed, pay a special
3 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
4 deposited into the Trauma Care Assistance Revolving Fund created in
5 Section 1-2530.9 of this title.

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