

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1462

By: West (Tammy), **Blancett**, and  
**Osburn** of the House

and

Gollihare of the Senate

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9  
10                               COMMITTEE SUBSTITUTE

11           An Act relating to criminal procedure; amending 22  
12           O.S. 2021, Sections 991a, as last amended by Section  
13           1, Chapter 61, O.S.L. 2024, 991b and 991f (22 O.S.  
14           Supp. 2024, Section 991a), which relate to sentencing  
15           powers of the court, revocation of sentences and  
16           restitution; directing courts and court clerks to  
17           prioritize orders of payments of restitution; and  
18           providing an effective date.

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

20           SECTION 1.           AMENDATORY           22 O.S. 2021, Section 991a, as  
21           last amended by Section 1, Chapter 61, O.S.L. 2024 (22 O.S. Supp.  
22           2024, Section 991a), is amended to read as follows:

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

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

5            a. to provide restitution to the victim as provided by  
6                Section 991f et seq. of this title or according to a  
7                schedule of payments established by the sentencing  
8                court, together with interest upon any pecuniary sum  
9                at the rate of twelve percent (12%) per annum, if the  
10               defendant agrees to pay such restitution or, in the  
11               opinion of the court, if the defendant is able to pay  
12               such restitution without imposing manifest hardship on  
13               the defendant or the immediate family and if the  
14               extent of the damage to the victim is determinable  
15               with reasonable certainty,

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

23           c. to engage in a term of community service without  
24                compensation, according to a schedule consistent with

1 the employment and family responsibilities of the  
2 person convicted,

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

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

12 f. to confinement as provided by law together with a term  
13 of post-imprisonment community supervision for not  
14 less than three (3) years of the total term allowed by  
15 law for imprisonment, with or without restitution;  
16 provided, however, the authority of this provision is  
17 limited to Section 843.5 of Title 21 of the Oklahoma  
18 Statutes when the offense involved sexual abuse or  
19 sexual exploitation; Sections 681, 741 and 843.1 of  
20 Title 21 of the Oklahoma Statutes when the offense  
21 involved sexual abuse or sexual exploitation; and  
22 Sections 865 et seq., 885, 886, 888, 891, 1021,  
23 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and  
24 1123 of Title 21 of the Oklahoma Statutes,

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

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

12          i.    to reimburse the Oklahoma State Bureau of  
13               Investigation and any authorized law enforcement  
14               agency for all costs incurred by that agency for  
15               cleaning up an illegal drug laboratory site for which  
16               the defendant pleaded guilty, nolo contendere or was  
17               convicted. The court clerk shall collect the amount  
18               and may retain five percent (5%) of such monies to be  
19               deposited in the Court Clerk's Revolving Fund to cover  
20               administrative costs and shall remit the remainder to  
21               the Oklahoma State Bureau of Investigation to be  
22               deposited in the OSBI Revolving Fund established by  
23               Section 150.19a of Title 74 of the Oklahoma Statutes  
24

1 or to the general fund wherein the other law  
2 enforcement agency is located,

3 j. to pay a reasonable sum to the Crime Victims  
4 Compensation Board, created by Section 142.2 et seq.  
5 of Title 21 of the Oklahoma Statutes, for the benefit  
6 of crime victims,

7 k. to reimburse the court fund for amounts paid to court-  
8 appointed attorneys for representing the defendant in  
9 the case in which the person is being sentenced,

10 l. to participate in an assessment and evaluation by an  
11 assessment agency or assessment personnel certified by  
12 the Department of Mental Health and Substance Abuse  
13 Services pursuant to Section 3-460 of Title 43A of the  
14 Oklahoma Statutes and, as determined by the  
15 assessment, participate in an alcohol and drug  
16 substance abuse course or treatment program or both,  
17 pursuant to Sections 3-452 and 3-453 of Title 43A of  
18 the Oklahoma Statutes, or as ordered by the court,

19 m. to be placed in a victims impact panel program, as  
20 defined in subsection H of this section, or  
21 victim/offender reconciliation program and payment of  
22 a fee to the program of Seventy-five Dollars (\$75.00)  
23 as set by the governing authority of the program to  
24 offset the cost of participation by the defendant.

1            Provided, each victim/offender reconciliation program  
2            shall be required to obtain a written consent form  
3            voluntarily signed by the victim and defendant that  
4            specifies the methods to be used to resolve the  
5            issues, the obligations and rights of each person and  
6            the confidentiality of the proceedings. Volunteer  
7            mediators and employees of a victim/offender  
8            reconciliation program shall be immune from liability  
9            and have rights of confidentiality as provided in  
10           Section 1805 of Title 12 of the Oklahoma Statutes,  
11           n.    to install, at the expense of the defendant, an  
12           ignition interlock device approved by the Board of  
13           Tests for Alcohol and Drug Influence. The device  
14           shall be installed upon every motor vehicle operated  
15           by the defendant, and the court shall require that a  
16           notation of this restriction be affixed to the  
17           defendant's driver license. The restriction shall  
18           remain on the driver license not exceeding two (2)  
19           years to be determined by the court. The restriction  
20           may be modified or removed only by order of the court  
21           and notice of any modification order shall be given to  
22           Service Oklahoma. Upon the expiration of the period  
23           for the restriction, Service Oklahoma shall remove the  
24           restriction without further court order. Failure to

1           comply with the order to install an ignition interlock  
2           device or operating any vehicle without a device  
3           during the period of restriction shall be a violation  
4           of the sentence and may be punished as deemed proper  
5           by the sentencing court. As used in this paragraph,  
6           "ignition interlock device" means a device that,  
7           without tampering or intervention by another person,  
8           would prevent the defendant from operating a motor  
9           vehicle if the defendant has a blood or breath alcohol  
10          concentration of two-hundredths (0.02) or greater,  
11          o. to be confined by electronic monitoring administered  
12          and supervised by the Department of Corrections or a  
13          community sentence provider, and payment of a  
14          monitoring fee to the supervising authority, not to  
15          exceed Three Hundred Dollars (\$300.00) per month. Any  
16          fees collected pursuant to this subparagraph shall be  
17          deposited with the appropriate supervising authority.  
18          Any willful violation of an order of the court for the  
19          payment of the monitoring fee shall be a violation of  
20          the sentence and may be punished as deemed proper by  
21          the sentencing court. As used in this paragraph,  
22          "electronic monitoring" means confinement of the  
23          defendant within a specified location or locations  
24          with supervision by means of an electronic device



1 approved by the Department of Corrections which is  
2 designed to detect if the defendant is in the court-  
3 ordered location at the required times and which  
4 records violations for investigation by a qualified  
5 supervisory agency or person,

6 p. to perform one or more courses of treatment, education  
7 or rehabilitation for any conditions, behaviors,  
8 deficiencies or disorders which may contribute to  
9 criminal conduct including but not limited to alcohol  
10 and substance abuse, mental health, emotional health,  
11 physical health, propensity for violence, antisocial  
12 behavior, personality or attitudes, deviant sexual  
13 behavior, child development, parenting assistance, job  
14 skills, vocational-technical skills, domestic  
15 relations, literacy, education or any other  
16 identifiable deficiency which may be treated  
17 appropriately in the community and for which a  
18 certified provider or a program recognized by the  
19 court as having significant positive impact exists in  
20 the community. Any treatment, education or  
21 rehabilitation provider required to be certified  
22 pursuant to law or rule shall be certified by the  
23 appropriate state agency or a national organization,  
24

- 1 q. to submit to periodic testing for alcohol,  
2 intoxicating substance or controlled dangerous  
3 substances by a qualified laboratory,
- 4 r. to pay a fee or costs for treatment, education,  
5 supervision, participation in a program or any  
6 combination thereof as determined by the court, based  
7 upon the defendant's ability to pay the fees or costs,
- 8 s. to be supervised by a Department of Corrections  
9 employee, a private supervision provider or other  
10 person designated by the court,
- 11 t. to obtain positive behavior modeling by a trained  
12 mentor,
- 13 u. to serve a term of confinement in a restrictive  
14 housing facility available in the community,
- 15 v. to serve a term of confinement in the county jail at  
16 night or during weekends pursuant to Section 991a-2 of  
17 this title or for work release,
- 18 w. to obtain employment or participate in employment-  
19 related activities,
- 20 x. to participate in mandatory day reporting to  
21 facilities or persons for services, payments, duties  
22 or person-to-person contacts as specified by the  
23 court,  
24

1 y. to pay day fines not to exceed fifty percent (50%) of  
2 the net wages earned. For purposes of this paragraph,  
3 "day fine" means the offender is ordered to pay an  
4 amount calculated as a percentage of net daily wages  
5 earned. The day fine shall be paid to the local  
6 community sentencing system as reparation to the  
7 community. Day fines shall be used to support the  
8 local system,

9 z. to submit to blood or saliva testing as required by  
10 subsection I of this section,

11 aa. to repair or restore property damaged by the  
12 defendant's conduct, if the court determines the  
13 defendant possesses sufficient skill to repair or  
14 restore the property and the victim consents to the  
15 repairing or restoring of the property,

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

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

23 dd. to prioritize payments for restitution to the victim,  
24

1        ee.     in the case of a person convicted of prostitution  
2               pursuant to Section 1029 of Title 21 of the Oklahoma  
3               Statutes, require such person to receive counseling  
4               for the behavior which may have caused such person to  
5               engage in prostitution activities. Such person may be  
6               required to receive counseling in areas including but  
7               not limited to alcohol and substance abuse, sexual  
8               behavior problems or domestic abuse or child abuse  
9               problems,

10       ~~ee.~~

11       ff.     in the case of a sex offender sentenced after November  
12               1, 1989, and required by law to register pursuant to  
13               the Sex Offender Registration Act, the court shall  
14               require the person to comply with sex offender  
15               specific rules and conditions of supervision  
16               established by the Department of Corrections and  
17               require the person to participate in a treatment  
18               program designed for the treatment of sex offenders  
19               during the period of time while the offender is  
20               subject to supervision by the Department of  
21               Corrections. The treatment program shall include  
22               polygraph examinations specifically designed for use  
23               with sex offenders for purposes of supervision and  
24               treatment compliance, and shall be administered not

1 less than each six (6) months during the period of  
2 supervision. The examination shall be administered by  
3 a certified licensed polygraph examiner. The  
4 treatment program must be approved by the Department  
5 of Corrections or the Department of Mental Health and  
6 Substance Abuse Services. Such treatment shall be at  
7 the expense of the defendant based on the defendant's  
8 ability to pay,

9 ~~ff.~~

10 gg. in addition to other sentencing powers of the court,  
11 the court in the case of a defendant being sentenced  
12 for a felony conviction for a violation of Section 2-  
13 402 of Title 63 of the Oklahoma Statutes which  
14 involves marijuana may require the person to  
15 participate in a drug court program, if available. If  
16 a drug court program is not available, the defendant  
17 may be required to participate in a community  
18 sanctions program, if available,

19 ~~gg.~~

20 hh. in the case of a person convicted of any false or  
21 bogus check violation, as defined in Section 1541.4 of  
22 Title 21 of the Oklahoma Statutes, impose a fee of  
23 Twenty-five Dollars (\$25.00) to the victim for each  
24 check, and impose a bogus check fee to be paid to the

1 district attorney. The bogus check fee paid to the  
2 district attorney shall be equal to the amount  
3 assessed as court costs plus Twenty-five Dollars  
4 (\$25.00) for each check upon filing of the case in  
5 district court. This money shall be deposited in the  
6 Bogus Check Restitution Program Fund as established in  
7 subsection B of Section 114 of this title.  
8 Additionally, the court may require the offender to  
9 pay restitution and bogus check fees on any other  
10 bogus check or checks that have been submitted to the  
11 Bogus Check Restitution Program, and

12 ~~hh.~~

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

14 However, any such order for restitution, community service,  
15 payment to a local certified crime stoppers program, payment to the  
16 Oklahoma Reward System or confinement in the county jail, or a  
17 combination thereof, shall be made in conjunction with probation and  
18 shall be made a condition of the suspended sentence.

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

1 conditions of his or her probation. The district attorney may waive  
2 any part of this requirement in the best interests of justice. The  
3 court shall not waive, suspend, defer or dismiss the costs of  
4 prosecution in its entirety. However, if the court determines that  
5 a reduction in the fine, costs and costs of prosecution is  
6 warranted, the court shall equally apply the same percentage  
7 reduction to the fine, costs and costs of prosecution owed by the  
8 offender;

9 2. Impose a fine prescribed by law for the offense, with or  
10 without probation or commitment and with or without restitution or  
11 service as provided for in this section, Section 991a-4.1 of this  
12 title or Section 227 of Title 57 of the Oklahoma Statutes;

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

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

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

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

13        7. In addition to the other sentencing powers of the court, in  
14 the case of a person convicted of operating or being in control of a  
15 motor vehicle while the person was under the influence of alcohol,  
16 other intoxicating substance or a combination of alcohol or another  
17 intoxicating substance, or convicted of operating a motor vehicle  
18 while the ability of the person to operate such vehicle was impaired  
19 due to the consumption of alcohol, require such person:

- 20            a. to participate in an alcohol and drug assessment and  
21                      evaluation by an assessment agency or assessment  
22                      personnel certified by the Department of Mental Health  
23                      and Substance Abuse Services pursuant to Section 3-460  
24                      of Title 43A of the Oklahoma Statutes and, as



1 determined by the assessment, participate in an  
2 alcohol and drug substance abuse course or treatment  
3 program or both, pursuant to Sections 3-452 and 3-453  
4 of Title 43A of the Oklahoma Statutes,

5 b. to attend a victims impact panel program, as defined  
6 in subsection H of this section, and to pay a fee of  
7 Seventy-five Dollars (\$75.00) as set by the governing  
8 authority of the program and approved by the court, to  
9 the program to offset the cost of participation by the  
10 defendant, if in the opinion of the court the  
11 defendant has the ability to pay such fee,

12 c. to both participate in the alcohol and drug substance  
13 abuse course or treatment program, pursuant to  
14 subparagraph a of this paragraph and attend a victims  
15 impact panel program, pursuant to subparagraph b of  
16 this paragraph,

17 d. to install, at the expense of the person, an ignition  
18 interlock device approved by the Board of Tests for  
19 Alcohol and Drug Influence, upon every motor vehicle  
20 operated by such person and to require that a notation  
21 of this restriction be affixed to the person's driver  
22 license at the time of reinstatement of the license.  
23 The restriction shall remain on the driver license for  
24 such period as the court shall determine. The

1 restriction may be modified or removed by order of the  
2 court and notice of the order shall be given to  
3 Service Oklahoma. Upon the expiration of the period  
4 for the restriction, Service Oklahoma shall remove the  
5 restriction without further court order. Failure to  
6 comply with the order to install an ignition interlock  
7 device or operating any vehicle without such device  
8 during the period of restriction shall be a violation  
9 of the sentence and may be punished as deemed proper  
10 by the sentencing court, or

11 e. beginning January 1, 1993, to submit to electronically  
12 monitored home detention administered and supervised  
13 by the Department of Corrections, and to pay to the  
14 Department a monitoring fee, not to exceed Seventy-  
15 five Dollars (\$75.00) a month, to the Department of  
16 Corrections, if in the opinion of the court the  
17 defendant has the ability to pay such fee. Any fees  
18 collected pursuant to this subparagraph shall be  
19 deposited in the Department of Corrections Revolving  
20 Fund. Any order by the court for the payment of the  
21 monitoring fee, if willfully disobeyed, may be  
22 enforced as an indirect contempt of court;

23 8. In addition to the other sentencing powers of the court, in  
24 the case of a person convicted of prostitution pursuant to Section

1 1029 of Title 21 of the Oklahoma Statutes, require such person to  
2 receive counseling for the behavior which may have caused such  
3 person to engage in prostitution activities. Such person may be  
4 required to receive counseling in areas including but not limited to  
5 alcohol and substance abuse, sexual behavior problems or domestic  
6 abuse or child abuse problems;

7 9. In addition to the other sentencing powers of the court, in  
8 the case of a person convicted of any crime related to domestic  
9 abuse, as defined in Section 60.1 of this title, the court may  
10 require the defendant to undergo the treatment or participate in the  
11 counseling services necessary to bring about the cessation of  
12 domestic abuse against the victim. The defendant may be required to  
13 pay all or part of the cost of the treatment or counseling services;

14 10. In addition to the other sentencing powers of the court,  
15 the court, in the case of a sex offender sentenced after November 1,  
16 1989, and required by law to register pursuant to the Sex Offenders  
17 Registration Act, shall require the defendant to participate in a  
18 treatment program designed specifically for the treatment of sex  
19 offenders, if available. The treatment program will include  
20 polygraph examinations specifically designed for use with sex  
21 offenders for the purpose of supervision and treatment compliance,  
22 provided the examination is administered by a certified licensed  
23 polygraph examiner. The treatment program must be approved by the  
24 Department of Corrections or the Department of Mental Health and

1 Substance Abuse Services. Such treatment shall be at the expense of  
2 the defendant based on the ability of the defendant to pay;

3 11. In addition to the other sentencing powers of the court,  
4 the court, in the case of a person convicted of abuse or neglect of  
5 a child, as defined in Section 1-1-105 of Title 10A of the Oklahoma  
6 Statutes, may require the person to undergo treatment or to  
7 participate in counseling services. The defendant may be required  
8 to pay all or part of the cost of the treatment or counseling  
9 services;

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

15 13. In addition to the other sentencing powers of the court, a  
16 sex offender who is habitual or aggravated as defined by Section 584  
17 of Title 57 of the Oklahoma Statutes and who is required to register  
18 as a sex offender pursuant to the Sex Offenders Registration Act  
19 shall be supervised by the Department of Corrections for the  
20 duration of the registration period and shall be assigned to a  
21 global position monitoring device by the Department of Corrections  
22 for the duration of the registration period. The cost of such  
23 monitoring device shall be reimbursed by the offender;

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

8        15. In addition to the other sentencing powers of the court, in  
9 the case of a sex offender who is required by law to register  
10 pursuant to the Sex Offenders Registration Act, the court shall  
11 require the person to register any electronic mail address  
12 information, instant message, chat or other Internet communication  
13 name or identity information that the person uses or intends to use  
14 while accessing the Internet or used for other purposes of social  
15 networking or other similar Internet communication; or

16        16. In addition to the other sentencing powers of the court,  
17 and pursuant to the terms and conditions of a written plea  
18 agreement, the court may prohibit the defendant from entering,  
19 visiting or residing within the judicial district in which the  
20 defendant was convicted until after completion of his or her  
21 sentence; provided, however, the court shall ensure that the  
22 defendant has access to those services or programs for which the  
23 defendant is required to participate as a condition of probation.  
24 When seeking to enter the prohibited judicial district for personal

1 business not related to his or her criminal case, the defendant  
2 shall be required to obtain approval by the court.

3 B. Notwithstanding any other provision of law, any person who  
4 is found guilty of a violation of any provision of Section 761 or  
5 11-902 of Title 47 of the Oklahoma Statutes or any person pleading  
6 guilty or nolo contendere for a violation of any provision of such  
7 sections shall be ordered to participate in, prior to sentencing, an  
8 alcohol and drug assessment and evaluation by an assessment agency  
9 or assessment personnel certified by the Department of Mental Health  
10 and Substance Abuse Services for the purpose of evaluating the  
11 receptivity to treatment and prognosis of the person. The court  
12 shall order the person to reimburse the agency or assessor for the  
13 evaluation. The fee shall be the amount provided in subsection C of  
14 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation  
15 shall be conducted at a certified assessment agency, the office of a  
16 certified assessor or at another location as ordered by the court.  
17 The agency or assessor shall, within seventy-two (72) hours from the  
18 time the person is assessed, submit a written report to the court  
19 for the purpose of assisting the court in its final sentencing  
20 determination. No person, agency or facility operating an alcohol  
21 and drug substance abuse evaluation program certified by the  
22 Department of Mental Health and Substance Abuse Services shall  
23 solicit or refer any person evaluated pursuant to this subsection  
24 for any treatment program or alcohol and drug substance abuse

1 service in which such person, agency or facility has a vested  
2 interest; however, this provision shall not be construed to prohibit  
3 the court from ordering participation in or any person from  
4 voluntarily utilizing a treatment program or alcohol and drug  
5 substance abuse service offered by such person, agency or facility.  
6 If a person is sentenced to the custody of the Department of  
7 Corrections and the court has received a written evaluation report  
8 pursuant to this subsection, the report shall be furnished to the  
9 Department of Corrections with the judgment and sentence. Any  
10 evaluation report submitted to the court pursuant to this subsection  
11 shall be handled in a manner which will keep such report  
12 confidential from the general public's review. Nothing contained in  
13 this subsection shall be construed to prohibit the court from  
14 ordering judgment and sentence in the event the defendant fails or  
15 refuses to comply with an order of the court to obtain the  
16 evaluation required by this subsection.

17 C. When sentencing a person convicted of a crime, the court  
18 shall first consider a program of restitution for the victim, as  
19 well as imposition of a fine or incarceration of the offender. The  
20 provisions of paragraph 1 of subsection A of this section shall not  
21 apply to defendants being sentenced upon their third or subsequent  
22 to their third conviction of a felony. Provided, the court may  
23 waive these prohibitions upon written application of the district  
24

1 attorney. Both the application and the waiver shall be made part of  
2 the record of the case.

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

6 E. Probation, for purposes of subsection A of this section, is  
7 a procedure by which a defendant found guilty of a crime, whether  
8 upon a verdict or plea of guilty or upon a plea of nolo contendere,  
9 is released by the court subject to conditions imposed by the court  
10 and subject to supervision by the Department of Corrections, a  
11 private supervision provider or other person designated by the  
12 court. Such supervision shall be initiated upon an order of  
13 probation from the court, and shall not exceed two (2) years, unless  
14 a petition alleging a violation of any condition of deferred  
15 judgment or seeking revocation of the suspended sentence is filed  
16 during the supervision, or as otherwise provided by law. In the  
17 case of a person convicted of a sex offense, supervision shall begin  
18 immediately upon release from incarceration or if parole is granted  
19 and shall not be limited to two (2) years. Provided further, any  
20 supervision provided for in this section may be extended for a  
21 period not to exceed the expiration of the maximum term or terms of  
22 the sentence upon a determination by the court or the Division of  
23 Probation and Parole of the Department of Corrections that the best  
24



1 interests of the public and the release will be served by an  
2 extended period of supervision.

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

9 G. 1. The Department of Corrections is hereby authorized,  
10 subject to funds available through appropriation by the Legislature,  
11 to contract with counties for the administration of county Community  
12 Service Sentencing Programs.

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

18 3. The Department shall establish criteria and specifications  
19 for contracts with counties for such Programs. A county may apply  
20 to the Department for a contract for a county-funded Program for a  
21 specific period of time. The Department shall be responsible for  
22 ensuring that any contracting county complies in full with  
23 specifications and requirements of the contract. The contract shall  
24

1 set appropriate compensation to the county for services to the  
2 Department.

3 4. The Department is hereby authorized to provide technical  
4 assistance to any county in establishing a Program, regardless of  
5 whether the county enters into a contract pursuant to this  
6 subsection. Technical assistance shall include appropriate  
7 staffing, development of community resources, sponsorship,  
8 supervision and any other requirements.

9 5. The Department shall annually make a report to the Governor,  
10 the President Pro Tempore of the Senate and the Speaker of the House  
11 on the number of such Programs, the number of participating  
12 offenders, the success rates of each Program according to criteria  
13 established by the Department and the costs of each Program.

14 H. As used in this section:

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

20 2. "Electronically monitored home detention" means  
21 incarceration of the defendant within a specified location or  
22 locations with monitoring by means of a device approved by the  
23 Department of Corrections that detects if the person leaves the  
24 confines of any specified location; and

1        3. "Victims impact panel program" means a program conducted by  
2 a corporation registered with the Secretary of State in Oklahoma for  
3 the sole purpose of operating a victims impact panel program. The  
4 program shall include live presentations from presenters who will  
5 share personal stories with participants about how alcohol, drug  
6 abuse, the operation of a motor vehicle while using an electronic  
7 communication device or the illegal conduct of others has personally  
8 impacted the lives of the presenters. A victims impact panel  
9 program shall be attended by persons who have committed the offense  
10 of driving, operating or being in actual physical control of a motor  
11 vehicle while under the influence of alcohol or other intoxicating  
12 substance, operating a motor vehicle while the ability of the person  
13 to operate such vehicle was impaired due to the consumption of  
14 alcohol or any other substance or operating a motor vehicle while  
15 using an electronic device or by persons who have been convicted of  
16 furnishing alcoholic beverage to persons under twenty-one (21) years  
17 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the  
18 Oklahoma Statutes. Persons attending a victims impact panel program  
19 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to  
20 the provider of the program. A certificate of completion shall be  
21 issued to the person upon satisfying the attendance and fee  
22 requirements of the victims impact panel program. The certificate  
23 of completion shall contain the business identification number of  
24 the program provider. A certified assessment agency, certified

1 assessor or provider of an alcohol and drug substance abuse course  
2 shall be prohibited from providing a victims impact panel program  
3 and shall further be prohibited from having any proprietary or  
4 pecuniary interest in a victims impact panel program. The provider  
5 of the victims impact panel program shall carry general liability  
6 insurance and maintain an accurate accounting of all business  
7 transactions and funds received in relation to the victims impact  
8 panel program. Beginning October 1, 2020, and each October 1  
9 thereafter, the provider of the victims impact panel program shall  
10 provide to the District Attorneys Council the following:

- 11 a. proof of registration with the Oklahoma Secretary of  
12 State,
- 13 b. proof of general liability insurance,
- 14 c. end-of-year financial statements prepared by a  
15 certified public accountant,
- 16 d. a copy of federal income tax returns filed with the  
17 Internal Revenue Service,
- 18 e. a registration fee of One Thousand Dollars  
19 (\$1,000.00). The registration fee shall be deposited  
20 in the District Attorneys Council Revolving Fund  
21 created in Section 215.28 of Title 19 of the Oklahoma  
22 Statutes, and

1           f.    a statement certifying that the provider of the  
2                   victims impact panel program has complied with all of  
3                   the requirements set forth in this paragraph.

4           I.   A person convicted of a felony offense or receiving any form  
5 of probation for an offense in which registration is required  
6 pursuant to the Sex Offenders Registration Act, shall submit to  
7 deoxyribonucleic acid (DNA) testing for law enforcement  
8 identification purposes in accordance with Section 150.27 of Title  
9 74 of the Oklahoma Statutes and the rules promulgated by the  
10 Oklahoma State Bureau of Investigation for the OSBI Combined DNA  
11 Index System (CODIS) Database. Subject to the availability of  
12 funds, any person convicted of a misdemeanor offense of assault and  
13 battery, domestic abuse, stalking, possession of a controlled  
14 substance prohibited under the Uniform Controlled Dangerous  
15 Substances Act, outraging public decency, resisting arrest, escape  
16 or attempting to escape, eluding a police officer, Peeping Tom,  
17 pointing a firearm, threatening an act of violence, breaking and  
18 entering a dwelling place, destruction of property, negligent  
19 homicide or causing a personal injury accident while driving under  
20 the influence of any intoxicating substance, or any alien unlawfully  
21 present under federal immigration law, upon arrest, shall submit to  
22 DNA testing for law enforcement identification purposes in  
23 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes  
24 and the rules promulgated by the Oklahoma State Bureau of

1 Investigation for the OSBI Combined DNA Index System (CODIS)  
2 Database. Any defendant sentenced to probation shall be required to  
3 submit to testing within thirty (30) days of sentencing either to  
4 the Department of Corrections or to the county sheriff or other  
5 peace officer as directed by the court. Defendants who are  
6 sentenced to a term of incarceration shall submit to testing in  
7 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,  
8 for those defendants who enter the custody of the Department of  
9 Corrections or to the county sheriff, for those defendants sentenced  
10 to incarceration in a county jail. Convicted individuals who have  
11 previously submitted to DNA testing under this section and for whom  
12 a valid sample is on file in the OSBI Combined DNA Index System  
13 (CODIS) Database at the time of sentencing shall not be required to  
14 submit to additional testing. Except as required by the Sex  
15 Offenders Registration Act, a deferred judgment does not require  
16 submission to DNA testing.

17 Any person who is incarcerated in the custody of the Department  
18 of Corrections after July 1, 1996, and who has not been released  
19 before January 1, 2006, shall provide a blood or saliva sample prior  
20 to release. Every person subject to DNA testing after January 1,  
21 2006, whose sentence does not include a term of confinement with the  
22 Department of Corrections shall submit a blood or saliva sample.  
23 Every person subject to DNA testing who is sentenced to unsupervised  
24 probation or otherwise not supervised by the Department of

1 Corrections shall submit for blood or saliva testing to the sheriff  
2 of the sentencing county.

3 J. Samples of blood or saliva for DNA testing required by  
4 subsection I of this section shall be taken by employees or  
5 contractors of the Department of Corrections, peace officers, or the  
6 county sheriff or employees or contractors of the sheriff's office.  
7 The individuals shall be properly trained to collect blood or saliva  
8 samples. Persons collecting blood or saliva for DNA testing  
9 pursuant to this section shall be immune from civil liabilities  
10 arising from this activity. All collectors of DNA samples shall  
11 ensure the collection of samples are mailed to the Oklahoma State  
12 Bureau of Investigation within ten (10) days of the time the subject  
13 appears for testing or within ten (10) days of the date the subject  
14 comes into physical custody to serve a term of incarceration. All  
15 collectors of DNA samples shall use sample kits provided by the OSBI  
16 and procedures promulgated by the OSBI. Persons subject to DNA  
17 testing who are not received at the Lexington Assessment and  
18 Reception Center shall be required to pay a fee of Fifteen Dollars  
19 (\$15.00) to the agency collecting the sample for submission to the  
20 OSBI Combined DNA Index System (CODIS) Database. Any fees collected  
21 pursuant to this subsection shall be deposited in the revolving  
22 account or the service fee account of the collection agency or  
23 department.

24

1 K. When sentencing a person who has been convicted of a crime  
2 that would subject that person to the provisions of the Sex  
3 Offenders Registration Act, neither the court nor the district  
4 attorney shall be allowed to waive or exempt such person from the  
5 registration requirements of the Sex Offenders Registration Act.

6 SECTION 2. AMENDATORY 22 O.S. 2021, Section 991b, is  
7 amended to read as follows:

8 Section 991b. A. Whenever a sentence has been suspended by the  
9 court after conviction of a person for any crime, the suspended  
10 sentence of the person may not be revoked, in whole or part, for any  
11 cause unless a petition setting forth the grounds for such  
12 revocation is filed by the district attorney with the clerk of the  
13 sentencing court and competent evidence justifying the revocation of  
14 the suspended sentence is presented to the court at a hearing to be  
15 held for that purpose within twenty (20) days after the entry of the  
16 plea of not guilty to the petition, unless waived by both the state  
17 and the defendant. The State of Oklahoma may dismiss the petition  
18 without prejudice one time upon good cause shown to the court,  
19 provided that any successor petition must be filed within forty-five  
20 (45) days of the date of the dismissal of the petition.

21 B. Whenever a sentence has been suspended by the court after  
22 conviction of a person for any crime, the suspended sentence of the  
23 person may not be revoked in whole for a technical violation unless  
24 a petition setting forth the grounds for such revocation is filed by



1 the district attorney with the clerk of the sentencing court and  
2 competent evidence justifying the revocation of the suspended  
3 sentence is presented to the court at a hearing to be held for that  
4 purpose within twenty (20) days after the entry of the plea of not  
5 guilty to the petition, unless waived by both the state and the  
6 defendant. The State of Oklahoma may dismiss the petition without  
7 prejudice one time upon good cause shown to the court; provided,  
8 that any successor petition must be filed within forty-five (45)  
9 days of the date of the dismissal of the petition. Any revocation  
10 of a suspended sentence based on a technical violation shall not  
11 exceed six (6) months for a first revocation and five (5) years for  
12 a second or subsequent revocation.

13 C. "Technical violation" as used in this section means a  
14 violation of the court-imposed rules and conditions of probation,  
15 other than:

- 16 1. Committing or being arrested for a new crime;
- 17 2. Attempting to falsify a drug screen, or three or more failed  
18 drug or alcohol screens within a three-month period;
- 19 3. Failing to pay restitution;
- 20 4. Tampering with an electronic monitoring device;
- 21 5. Failing to initially report or missing assigned reporting  
22 requirements for an excess of sixty (60) days;
- 23 6. Unlawfully contacting a victim, codefendant or criminal  
24 associates;

1        7. Five or more separate and distinct technical violations  
2 within a ninety-day period; or

3        8. Any violation of the Specialized Sex Offender Rules.

4        D. 1. The Department of Corrections shall develop a matrix of  
5 technical violations and sanctions to address violations committed  
6 by persons who are being supervised by the Department. The  
7 Department shall be authorized to use a violation response and  
8 intermediate sanction process based on the sanction matrix to apply  
9 to any technical violations of probationers. Within four (4)  
10 working days of the discovery of the violation, the probation  
11 officer shall initiate the violation response and intermediate  
12 sanction process. The sentencing judge may authorize any  
13 recommended sanctions, which may include, but are not limited to:  
14 short-term jail or lockup, day treatment, program attendance,  
15 community service, outpatient or inpatient treatment, monetary  
16 fines, curfews, ignition interlock devices on vehicles, or a one-  
17 time referral to a term of confinement of six (6) months in an  
18 intermediate revocation facility operated by the Department of  
19 Corrections; provided, upon approval of the district attorney, a  
20 person may be sanctioned to serve additional terms of confinement in  
21 an intermediate revocation facility. The probation officer shall  
22 complete a sanction form, which shall specify the technical  
23 violation, sanction, and the action plan to correct the noncompliant  
24 behavior resulting in the technical violation. The probation

1 officer shall refer to the sanctioning matrix to determine the  
2 supervision, treatment, and sanctions appropriate to address the  
3 noncompliant behavior. The probation officer shall refer the  
4 violation information and recommended response with a sanction plan  
5 to the Department of Corrections to be heard by a hearing officer.  
6 The Department of Corrections shall develop a sanction matrix,  
7 forms, policies and procedures necessary to implement this  
8 provision. The Department of Corrections shall establish procedures  
9 to hear responses to technical violations and review sanction plans  
10 including the following:

- 11 a. hearing officers shall report through a chain of  
12 command separate from that of the supervising  
13 probation officers,
- 14 b. the Department shall provide the offender written  
15 notice of the violation, the evidence relied upon, and  
16 the reason the sanction was imposed,
- 17 c. the hearing shall be held unless the offender waives  
18 the right to the hearing,
- 19 d. hearings shall be electronically recorded, and
- 20 e. the Department shall provide to judges and district  
21 attorneys a record of all violations and actions taken  
22 pursuant to this subsection.

23 2. The hearing officer shall determine based on a preponderance  
24 of the evidence whether a technical violation occurred. Upon a

1 finding that a technical violation occurred, the hearing officer may  
2 order the offender to participate in the recommended sanction plan  
3 or may modify the plan. Offenders who accept the sanction plan  
4 shall sign a violation response sanction form, and the hearing  
5 officer shall then impose the sanction. Failure of the offender to  
6 comply with the imposed sanction plan shall constitute a violation  
7 of the rules and conditions of supervision that may result in a  
8 revocation proceeding. If an offender does not voluntarily accept  
9 the recommended sanction plan, the Department shall either impose  
10 the sanction and allow the offender to appeal to the district court,  
11 or request a revocation proceeding as provided by law. Every  
12 administrative hearing and sanction imposed by the Department shall  
13 be appealable to the district court.

14 3. Absent a finding of willful nonpayment by the offender, the  
15 failure of an offender to pay fines and costs may not serve as a  
16 basis for revocation, excluding restitution.

17 E. 1. Where one of the grounds for revocation is the failure  
18 of the defendant to make restitution as ordered, the Department of  
19 Corrections shall forward to the district attorney all information  
20 pertaining to the failure of the defendant to make timely  
21 restitution as ordered by the court, and the district attorney shall  
22 file a petition setting forth the grounds for revocation.

23 2. The defendant ordered to make restitution can petition the  
24 court at any time for remission or a change in the terms of the

1 order of restitution if the defendant undergoes a change of  
2 condition which materially affects the ability of the defendant to  
3 comply with the order of the court.

4 3. At the hearing, if one of the grounds for the petition for  
5 revocation is the failure of the defendant to make timely  
6 restitution as ordered by the court, the court will hear evidence  
7 and if it appears to the satisfaction of the court from such  
8 evidence that the terms of the order of restitution create a  
9 manifest hardship on the defendant or the immediate family of the  
10 defendant, the court may cancel all or any part of the amount still  
11 due, or modify the terms or method of payment; provided, however,  
12 the court shall continue to prioritize an order for payments of  
13 restitution to the victim. Provided, if the court determines that a  
14 reduction in the restitution still due is warranted, the court shall  
15 equally apply the same percentage reduction to any court-ordered  
16 monetary obligation owed by the defendant including, but not limited  
17 to, fines, court costs and costs of incarceration.

18 F. The court may revoke a portion of the sentence and leave the  
19 remaining part not revoked, but suspended for the remainder of the  
20 term of the sentence, and under the provisions applying to it. The  
21 person whose suspended sentence is being considered for revocation  
22 at the hearing shall have the right to be represented by counsel, to  
23 present competent evidence in his or her own behalf and to be  
24 confronted by the witnesses against the defendant. Any order of the

1 court revoking the suspended sentence, in whole or in part, shall be  
2 subject to review on appeal, as in other appeals of criminal cases.  
3 Provided, however, that if the crime for which the suspended  
4 sentence is given was a felony, the defendant may be allowed bail  
5 pending appeal. If the reason for revocation be that the defendant  
6 committed a felony, the defendant shall not be allowed bail pending  
7 appeal.

8 G. Notwithstanding the provisions of subsections A and B of  
9 this section, when the suspended sentence of a person is being  
10 considered for revocation for an offense where the penalty has  
11 subsequently been lowered to a misdemeanor, the sentence shall be  
12 modified to a term that does not exceed the current maximum  
13 sentence.

14 SECTION 3. AMENDATORY 22 O.S. 2021, Section 991f, is  
15 amended to read as follows:

16 Section 991f. A. For the purposes of any provision of Title 22  
17 of the Oklahoma Statutes relating to criminal sentencing and  
18 restitution orders and for the Restitution and Diversion Program:

19 1. "Restitution" means the sum to be paid by the defendant to  
20 the victim of the criminal act to compensate that victim for up to  
21 three times the amount of the economic loss suffered as a direct  
22 result of the criminal act of the defendant;  
23  
24

1        2. "Victim" means any person, partnership, corporation or legal  
2 entity that suffers an economic loss as a direct result of the  
3 criminal act of another person;

4        3. "Economic loss" means actual financial detriment suffered by  
5 the victim consisting of medical expenses actually incurred, damage  
6 to or loss of real and personal property and any other out-of-pocket  
7 expenses, including loss of earnings, reasonably incurred as the  
8 direct result of the criminal act of the defendant. No other  
9 elements of damage shall be included as an economic loss for  
10 purposes of this section.

11        B. In all criminal prosecutions and juvenile proceedings in  
12 this state, ~~when~~ the court shall prioritize an order for payments of  
13 restitution to the victim. When the court enters an order directing  
14 the offender to pay restitution to any victim for economic loss or  
15 to pay to the state any fines, fees or assessments, the order, for  
16 purposes of validity and collection, shall not be limited to the  
17 maximum term of imprisonment for which the offender could have been  
18 sentenced, nor limited to any term of probation, parole, or  
19 extension thereof, nor expire until fully satisfied. The court  
20 order for restitution, fines, fees or assessments shall remain a  
21 continuing obligation of the offender until fully satisfied, and the  
22 obligation shall not be considered a debt, nor shall the obligation  
23 be dischargeable in any bankruptcy proceeding. The court order  
24 shall continue in full force and effect with the supervision of the

1 state until fully satisfied, and the state shall use all methods of  
2 collection authorized by law. The court shall order the court clerk  
3 to prioritize the payment of restitution until the office of the  
4 district attorney certifies such restitution is paid in full.

5 C. 1. Upon conviction for any crime wherein property has been  
6 stolen, converted or otherwise unlawfully obtained, or its value  
7 substantially decreased as a direct result of the crime, or wherein  
8 the crime victim suffered injury, loss of income, or out-of-pocket  
9 loss, the individuals criminally responsible shall be sentenced to  
10 make restitution. Restitution may be ordered in addition to the  
11 punishments prescribed by law.

12 2. The court shall order full restitution based upon the  
13 following considerations:

- 14 a. the nature and amount of restitution shall be  
15 sufficient to restore the crime victim to the  
16 equivalent economic status existing prior to the  
17 losses sustained as a direct result of the crime, and  
18 may allow the crime victim to receive payment in  
19 excess of the losses sustained; provided, the excess  
20 amount of restitution shall not be more than treble  
21 the actual economic loss incurred, and  
22 b. the amount of restitution shall be established  
23 regardless of the financial resources of the offender.

24 3. The court:



- 1           a.    may direct the return of property to be made as soon  
2                as practicable and make an award of restitution in the  
3                amount of the loss of value to the property itself as  
4                a direct result of the crime, including out-of-pocket  
5                expenses and loss of earnings incurred as a result of  
6                damage to or loss of use of the property, the cost to  
7                return the property to the victim or to restore the  
8                property to its pre-crime condition whichever may be  
9                appropriate under the circumstances,
- 10          b.   may order restitution in a lump sum or by such  
11                schedules as may be established and thereafter  
12                adjusted by agreement consistent with the order of the  
13                court,
- 14          c.   shall have the authority to amend or alter any order  
15                of restitution made pursuant to this section providing  
16                that the court shall state its reasons and conclusions  
17                as a matter of record for any change or amendment to  
18                any previous order,
- 19          d.   may order interest upon any ordered restitution sum to  
20                accrue at the rate of twelve percent (12%) per annum  
21                until the restitution is paid in full. The court may  
22                further order such interest to be paid to the victims  
23                of the crime or proportion the interest payment  
24                between the victims and the court fund, and/or the

Restitution and Diversion Program, in the discretion of the court, and

e. shall consider any pre-existing orders imposed on the defendant, including, but not limited to, orders imposed under civil and criminal proceedings.

D. If restitution to more than one person, agency or entity is set at the same time, the court shall establish the following priorities of payment:

1. The crime victim or victims; and

2. Any other government agency which has provided reimbursement to the victim as a result of the offender's criminal conduct.

E. 1. The district attorney's office shall present the crime victim's restitution claim to the court at the time of the conviction of the offender or the restitution provisions shall be included in the written plea agreement presented to the court, in which case, the restitution claim shall be reviewed by the judge prior to acceptance of the plea agreement.

2. At the initiation of the prosecution of the defendant, the district attorney's office shall provide all identifiable crime victims with written and oral information explaining their rights and responsibilities to receive restitution established under this section.

3. The district attorney's office shall provide all crime victims, regardless of whether the crime victim makes a specific

1 request, with an official request for restitution form to be  
2 completed and signed by the crime victim, and to include all  
3 invoices, bills, receipts, and other evidence of injury, loss of  
4 earnings and out-of-pocket loss. This form shall be filed with any  
5 victim impact statement to be included in the judgment and sentence.  
6 Every crime victim receiving the restitution claim form shall be  
7 provided assistance and direction to properly complete the form.

8 4. The official restitution request form shall be presented in  
9 all cases regardless of whether the case is brought to trial. In a  
10 plea bargain, the district attorney in every case where the victim  
11 has suffered economic loss, shall, as a part of the plea bargain,  
12 require that the offender pay restitution to the crime victim. The  
13 district attorney shall be authorized to act as a clearing house for  
14 collection and disbursement of restitution payments made pursuant to  
15 this section, and shall assess a fee of One Dollar (\$1.00) per  
16 payment received from the defendant, except when the defendant is  
17 sentenced to incarceration in the Department of Corrections.

18 F. The crime victim shall provide all documentation and  
19 evidence of compensation or reimbursement from insurance companies  
20 or agencies of this state, any other state, or the federal  
21 government received as a direct result of the crime for injury, loss  
22 of earnings or out-of-pocket loss.

23 G. The court shall, upon motion by the crime victim, redact  
24 from the submitted documentation all personal information relating

1 to the crime victim that does not directly and necessarily establish  
2 the authenticity of any document or substantiate the asserted amount  
3 of the restitution claim.

4 H. The unexcused failure or refusal of the crime victim to  
5 provide all or part of the requisite information prior to the  
6 sentencing, unless disclosure is deferred by the court, shall  
7 constitute a waiver of any grounds to appeal or seek future  
8 amendment or alteration of the restitution order predicated on the  
9 undisclosed available information. The court shall order the  
10 offender to submit either as part of the pre-sentence investigation  
11 or assessment and evaluation required for a community sentence or,  
12 if no pre-sentence investigation is conducted, in advance of the  
13 sentencing proceeding such information as the court may direct and  
14 finds necessary to be disclosed for the purpose of ascertaining the  
15 type and manner of restitution to be ordered.

16 I. The willful failure or refusal of the offender to provide  
17 all or part of the requisite information prior to the sentencing,  
18 unless disclosure is deferred by the court shall not deprive the  
19 court of the authority to set restitution or set the schedule of  
20 payment. The willful failure or refusal of the offender to provide  
21 all or part of the requisite information prior to the sentencing,  
22 unless disclosure is deferred by the court, shall constitute a  
23 waiver of any grounds to appeal or seek future amendment or  
24 alteration of the restitution order predicated on the undisclosed

1 information. The willful failure or refusal of the offender to  
2 provide all or part of the requisite information prior to  
3 sentencing, unless disclosure is deferred by the court, shall  
4 constitute an act of contempt.

5 J. The court shall conduct such hearings or proceedings as it  
6 deems necessary to set restitution and payment schedules at the time  
7 of sentencing or may bifurcate the sentencing and defer the hearing  
8 or proceedings relating to the imposition of restitution as justice  
9 may require. Amendments or alterations to the restitution order may  
10 be made upon the court's own motion, petition by the crime victim or  
11 petition by the offender.

12 K. An offender who files a meritless or frivolous petition for  
13 amendment or alteration to the restitution order shall pay the costs  
14 of the proceeding on the petition and shall have added to the  
15 existing restitution order the additional loss of earnings and out-  
16 of-pocket loss incurred by the crime victim in responding to the  
17 petition.

18 L. The restitution request form shall be promulgated by the  
19 District Attorneys Council and provided to all district attorney  
20 offices.

21 M. If a defendant who is financially able refuses or neglects  
22 to pay restitution as ordered by this section, payment may be  
23 enforced:  
24

1        1. By contempt of court as provided in subsection A of Section  
2 566 of Title 21 of the Oklahoma Statutes with imprisonment or fine  
3 or both;

4        2. In the same manner as prescribed in subsection N of this  
5 section for a defendant who is without means to make such  
6 restitution payment; or

7        3. Revocation of the criminal sentence if the sentence imposed  
8 was a suspended or deferred sentence or a community sentence.

9        N. If the defendant is without means to pay the restitution,  
10 the judge may direct the total amount due, or any portion thereof,  
11 to be entered upon the court minutes and to be certified in the  
12 district court of the county where it shall then be entered upon the  
13 district court judgment docket and shall have the full force and  
14 effect of a district court judgment in a civil case. Thereupon the  
15 same remedies shall be available for the enforcement of the judgment  
16 as are available to enforce other judgments; provided, however, the  
17 judgment herein prescribed shall not be considered a debt nor  
18 dischargeable in any bankruptcy proceeding.

19        O. Whenever a person has been ordered to pay restitution as  
20 provided in this section or any section of the Oklahoma Statutes for  
21 a criminal penalty, the judge may order the defendant to a term of  
22 community service, with or without compensation, to be credited at a  
23 rate of Five Dollars (\$5.00) per day against the total amount due  
24 for restitution. If the defendant fails to perform the required

1 community service authorized by this subsection or if the conditions  
2 of community service are violated, the judge may impose a term of  
3 imprisonment not to exceed five (5) days in the county jail for each  
4 failure to comply.

5 P. Nothing in subsections M through O of this section shall be  
6 construed to be additions to the original criminal penalty, but  
7 shall be used by the court as sanctions and means of collection for  
8 criminal restitution orders and restitution orders that have been  
9 reduced to judgment.

10 SECTION 4. This act shall become effective November 1, 2025.

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12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY  
13 OVERSIGHT, dated 03/03/2025 - DO PASS, As Amended and Coauthored.  
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