

SENATE FLOOR VERSION

April 23, 2025

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1460

By: West (Tammy), Deck,
Blancett, Osburn, Kannady,
Stark, Pogemiller, and Hill
of the House

and

Gollihare of the Senate

[fees - fines - assessment - court - sentences -
costs - cases - offenses - supervision - yield -
effective date]

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

SECTION 1. AMENDATORY 20 O.S. 2021, Section 1313.2, is
amended to read as follows:

Section 1313.2. A. As used in this section:

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

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

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

1 4. "DNA" means ~~Deoxyribonucleic~~ deoxyribonucleic acid.

2 B. Any person convicted of an offense including traffic
3 offenses but excluding parking and standing violations, punishable
4 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
5 person forfeiting bond when charged with such an offense, shall be
6 ordered by the court to pay Ten Dollars (\$10.00) as a separate fee,
7 which fee shall be in addition to and not in substitution for any
8 and all fines and penalties otherwise provided for by law for such
9 offense.

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

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

- 23 a. the OSBI who shall deposit the monies into the OSBI
24 Revolving Fund provided for in Section 150.19a of

1 Title 74 of the Oklahoma Statutes for services
2 rendered or administered by the OSBI,

3 b. the Office of the Chief Medical Examiner who shall
4 deposit the monies into the Chief Medical Examiner
5 Revolving Fund provided for in Section 948 of Title 63
6 of the Oklahoma Statutes for services rendered or
7 administered by the Office of the Chief Medical
8 Examiner, or

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

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

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

21 D. Upon conviction or bond forfeiture, the court shall collect
22 the fee provided for in subsection B of this section and deposit it
23 in an account created for that purpose. Except as otherwise
24 provided in subsection E of this section, monies shall be forwarded

1 monthly by the court clerk to the Council on Law Enforcement
2 Education and Training (CLEET). Beginning July 1, 2003, deposits
3 shall be due on the fifteenth day of each month for the preceding
4 calendar month. There shall be a late fee imposed for failure to
5 make timely deposits; provided, CLEET, in its discretion, may waive
6 all or part of the late fee. Such late fee shall be one percent
7 (1%) of the principal amount due per day beginning from the tenth
8 day after payment is due and accumulating until the late fee reaches
9 one hundred percent (100%) of the principal amount due. Beginning
10 on July 1, 1987, ninety percent (90%) of the monies received by
11 CLEET from the court clerks pursuant to this section shall be
12 deposited in the CLEET Fund, and ten percent (10%) shall be
13 deposited in the General Revenue Fund. Beginning January 1, 2001,
14 sixty and fifty-three one-hundredths percent (60.53%) of the monies
15 received by CLEET from the court clerks pursuant to this section
16 shall be deposited in the CLEET Fund created pursuant to subsection
17 G F of this section, five and eighty-three one-hundredths percent
18 (5.83%) shall be deposited in the General Revenue Fund and thirty-
19 three and sixty-four one-hundredths percent (33.64%) shall be
20 deposited in the CLEET Training Center Revolving Fund created
21 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
22 Along with the deposits required by this subsection, each court
23 shall also submit a report stating the total amount of funds
24 collected and the total number of fees imposed during the preceding

1 quarter. The report may be made on computerized or manual
2 disposition reports.

3 E. Any municipality or county having a basic law enforcement
4 academy approved by CLEET pursuant to the criteria developed by
5 CLEET for training law enforcement officers shall retain from monies
6 collected pursuant to subsections A through D of this section, Two
7 Dollars (\$2.00) from each fee. These monies shall be deposited into
8 an account for the sole use of the municipality or county in
9 implementing its law enforcement training functions. Not more than
10 seven percent (7%) of the monies shall be used for court and
11 prosecution training. The court clerk of any such municipality or
12 county shall furnish to CLEET the report required by subsection D of
13 this section.

14 F. ~~1. Any person entering a plea of guilty or nolo contendere~~
15 ~~or is found guilty of the crime of misdemeanor possession of~~
16 ~~marijuana or drug paraphernalia shall be ordered by the court to pay~~
17 ~~a five-dollar fee, which shall be in addition to and not in~~
18 ~~substitution for any and all fines and penalties otherwise provided~~
19 ~~for by law for such offense.~~

20 ~~2. The court clerk shall cause to be deposited the amount of~~
21 ~~Five Dollars (\$5.00) as collected, for every adjudicated or~~
22 ~~otherwise convicted person as described in this subsection. The~~
23 ~~court clerk shall remit the monies in the fund on a monthly basis~~
24 ~~directly to the Bureau of Narcotics Drug Education Revolving Fund.~~

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

10 ~~H.~~ G. 1. Any person arrested or convicted of a felony offense
11 or convicted of a misdemeanor offense of assault and battery,
12 domestic abuse, stalking, possession of a controlled substance
13 prohibited under Schedule IV of the Uniform Controlled Dangerous
14 Substances Act, outraging public decency, resisting arrest, escaping
15 or attempting to escape, eluding a police officer, Peeping Tom,
16 pointing a firearm, threatening an act of violence, breaking and
17 entering a dwelling place, destruction of property, negligent
18 homicide or causing a personal injury accident while driving under
19 the influence of any intoxicating substance shall pay a DNA fee of
20 One Hundred Fifty Dollars (\$150.00). This fee shall not be
21 collected if the person has a valid DNA sample in the OSBI DNA
22 Offender Database at the time of sentencing.

23 2. The court clerk shall cause to be deposited the amount of
24 One Hundred Fifty Dollars (\$150.00) as collected for every felony

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

15 3. The monies from the DNA sample fee deposited into the OSBI
16 Revolving Fund shall be used for creating, staffing and maintaining
17 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
18 Database.

19 ~~F.~~ H. It shall be the responsibility of the court clerk to
20 account for and ensure the correctness and accuracy of payments made
21 to the state agencies identified in Sections 1313.2 through 1313.4
22 of this title. Payments made directly to an agency by the court
23 clerk as a result of different types of assessments and fees
24

1 pursuant to Sections 1313.2 through 1313.4 of this title shall be
2 made monthly to each state agency.

3 SECTION 2. AMENDATORY 22 O.S. 2021, Section 991a, as
4 last amended by Section 1, Chapter 61, O.S.L. 2024 (22 O.S. Supp.
5 2024, Section 991a), is amended to read as follows:

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

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

14 a. to provide restitution to the victim as provided by
15 Section 991f et seq. of this title or according to a
16 schedule of payments established by the sentencing
17 court, together with interest upon any pecuniary sum
18 at the rate of twelve percent (12%) per annum, if the
19 defendant agrees to pay such restitution or, in the
20 opinion of the court, if the defendant is able to pay
21 such restitution without imposing manifest hardship on
22 the defendant or the immediate family and if the
23 extent of the damage to the victim is determinable
24 with reasonable certainty,

- 1 b. to reimburse any state agency for amounts paid by the
2 state agency for hospital and medical expenses
3 incurred by the victim or victims, as a result of the
4 criminal act for which such person was convicted,
5 which reimbursement shall be made directly to the
6 state agency, with interest accruing thereon at the
7 rate of twelve percent (12%) per annum,
- 8 c. to engage in a term of community service without
9 compensation, according to a schedule consistent with
10 the employment and family responsibilities of the
11 person convicted,
- 12 d. to pay a reasonable sum into any trust fund
13 established pursuant to the provisions of Sections 176
14 through 180.4 of Title 60 of the Oklahoma Statutes and
15 which provides restitution payments by convicted
16 defendants to victims of crimes committed within this
17 state wherein such victim has incurred a financial
18 loss,
- 19 e. to confinement in the county jail for a period not to
20 exceed six (6) months,
- 21 f. to confinement as provided by law together with a term
22 of post-imprisonment community supervision for not
23 less than three (3) years of the total term allowed by
24 law for imprisonment, with or without restitution;

1 provided, however, the authority of this provision is
2 limited to Section 843.5 of Title 21 of the Oklahoma
3 Statutes when the offense involved sexual abuse or
4 sexual exploitation; Sections 681, 741 and 843.1 of
5 Title 21 of the Oklahoma Statutes when the offense
6 involved sexual abuse or sexual exploitation; and
7 Sections 865 et seq., 885, 886, 888, 891, 1021,
8 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
9 1123 of Title 21 of the Oklahoma Statutes,

10 g. to repay the reward or part of the reward paid by a
11 local certified crime stoppers program and the
12 Oklahoma Reward System. In determining whether the
13 defendant shall repay the reward or part of the
14 reward, the court shall consider the ability of the
15 defendant to make the payment, the financial hardship
16 on the defendant to make the required payment and the
17 importance of the information to the prosecution of
18 the defendant as provided by the arresting officer or
19 the district attorney with due regard for the
20 confidentiality of the records of the local certified
21 crime stoppers program and the Oklahoma Reward System.
22 The court shall assess this repayment against the
23 defendant as a cost of prosecution. The term
24 "certified" means crime stoppers organizations that

1 annually meet the certification standards for crime
2 stoppers programs established by the Oklahoma Crime
3 Stoppers Association to the extent those standards do
4 not conflict with state statutes. The term "court"
5 refers to all municipal and district courts within
6 this state. The "Oklahoma Reward System" means the
7 reward program established by Section 150.18 of Title
8 74 of the Oklahoma Statutes,

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

20 i. ~~to reimburse the Oklahoma State Bureau of~~
21 ~~Investigation and any authorized law enforcement~~
22 ~~agency for all costs incurred by that agency for~~
23 ~~cleaning up an illegal drug laboratory site for which~~
24 ~~the defendant pleaded guilty, nolo contendere or was~~

1 ~~convicted. The court clerk shall collect the amount~~
2 ~~and may retain five percent (5%) of such monies to be~~
3 ~~deposited in the Court Clerk's Revolving Fund to cover~~
4 ~~administrative costs and shall remit the remainder to~~
5 ~~the Oklahoma State Bureau of Investigation to be~~
6 ~~deposited in the OSBI Revolving Fund established by~~
7 ~~Section 150.19a of Title 74 of the Oklahoma Statutes~~
8 ~~or to the general fund wherein the other law~~
9 ~~enforcement agency is located,~~

10 ~~j.~~ to pay a reasonable sum to the Crime Victims
11 Compensation Board, created by Section 142.2 et seq.
12 of Title 21 of the Oklahoma Statutes, for the benefit
13 of crime victims,

14 ~~k.~~

15 j. to reimburse the court fund for amounts paid to court-
16 appointed attorneys for representing the defendant in
17 the case in which the person is being sentenced,

18 ~~l.~~

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

1 substance abuse course or treatment program or both,
2 pursuant to Sections 3-452 and 3-453 of Title 43A of
3 the Oklahoma Statutes, or as ordered by the court,

4 ~~m.~~

5 l. to be placed in a victims impact panel program, as
6 defined in subsection H of this section, or
7 victim/offender reconciliation program and payment of
8 a fee to the program of Seventy-five Dollars (\$75.00)
9 as set by the governing authority of the program to
10 offset the cost of participation by the defendant.
11 Provided, each victim/offender reconciliation program
12 shall be required to obtain a written consent form
13 voluntarily signed by the victim and defendant that
14 specifies the methods to be used to resolve the
15 issues, the obligations and rights of each person and
16 the confidentiality of the proceedings. Volunteer
17 mediators and employees of a victim/offender
18 reconciliation program shall be immune from liability
19 and have rights of confidentiality as provided in
20 Section 1805 of Title 12 of the Oklahoma Statutes,

21 ~~n.~~

22 m. to install, at the expense of the defendant, an
23 ignition interlock device approved by the Board of
24 Tests for Alcohol and Drug Influence. The device

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

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

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

13 ~~q.~~

14 p. to submit to periodic testing for alcohol,
15 intoxicating substance or controlled dangerous
16 substances by a qualified laboratory,

17 ~~r.~~

18 q. to pay a fee or costs for treatment, education,
19 supervision, participation in a program or any
20 combination thereof as determined by the court, based
21 upon the defendant's ability to pay the fees or costs,

22 ~~s.~~

r. to be supervised by a Department of Corrections employee, a private supervision provider or other person designated by the court,

~~t.~~

s. to obtain positive behavior modeling by a trained mentor,

~~u.~~

t. to serve a term of confinement in a restrictive housing facility available in the community,

~~v.~~

u. to serve a term of confinement in the county jail at night or during weekends pursuant to Section 991a-2 of this title or for work release,

~~w.~~

v. to obtain employment or participate in employment-related activities,

~~x.~~

w. to participate in mandatory day reporting to facilities or persons for services, payments, duties or person-to-person contacts as specified by the court,

~~y.~~

x. to pay day fines not to exceed fifty percent (50%) of the net wages earned. For purposes of this paragraph,

1 "day fine" means the offender is ordered to pay an
2 amount calculated as a percentage of net daily wages
3 earned. The day fine shall be paid to the local
4 community sentencing system as reparation to the
5 community. Day fines shall be used to support the
6 local system,

7 ~~z.~~

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

10 ~~aa.~~

11 z. 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.~~

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

21 ~~ee.~~

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

~~dd.~~

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

~~ee.~~

dd. in the case of a sex offender sentenced after November 1, 1989, and required by law to register pursuant to the Sex Offender Registration Act, the court shall require the person to comply with sex offender specific rules and conditions of supervision established by the Department of Corrections and require the person to participate in a treatment program designed for the treatment of sex offenders during the period of time while the offender is subject to supervision by the Department of Corrections. The treatment program shall include polygraph examinations specifically designed for use with sex offenders for purposes of supervision and

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

10 ~~ff.~~

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

20 ~~gg.~~

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

1 check, and impose a bogus check fee to be paid to the
2 district attorney. The bogus check fee paid to the
3 district attorney shall be equal to the amount
4 assessed as court costs plus Twenty-five Dollars
5 (\$25.00) for each check upon filing of the case in
6 district court. This money shall be deposited in the
7 Bogus Check Restitution Program Fund as established in
8 subsection B of Section 114 of this title.

9 Additionally, the court may require the offender to
10 pay restitution and bogus check fees on any other
11 bogus check or checks that have been submitted to the
12 Bogus Check Restitution Program, ~~and~~

13 ~~hh.~~

14 gg. in the case of a person convicted of an offense under
15 Section 644 of Title 21 of the Oklahoma Statutes,
16 require the person to receive an assessment for
17 batterers, which shall be conducted through a
18 certified treatment program for batterers, and

19 hh. 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~~ may 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~~ the same manner as the court waives financial obligations
15 pursuant to Section 983 of this title. Any unpaid costs of
16 prosecution shall be waived if the suspended sentence of an offender
17 expires without being revoked;

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

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

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

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

20 ~~6.~~ In the case of nonviolent felony offenses, sentence such
21 person to the Community Service Sentencing Program;

22 ~~7.~~ 6. In addition to the other sentencing powers of the court,
23 in the case of a person convicted of operating or being in control
24 of a motor vehicle while the person was under the influence of

1 alcohol, other intoxicating substance or a combination of alcohol or
2 another intoxicating substance, or convicted of operating a motor
3 vehicle while the ability of the person to operate such vehicle was
4 impaired due to the consumption of alcohol, require such person:

5 a. to participate in an alcohol and drug assessment and
6 evaluation by an assessment agency or assessment
7 personnel certified by the Department of Mental Health
8 and Substance Abuse Services pursuant to Section 3-460
9 of Title 43A of the Oklahoma Statutes and, as
10 determined by the assessment, participate in an
11 alcohol and drug substance abuse course or treatment
12 program or both, pursuant to Sections 3-452 and 3-453
13 of Title 43A of the Oklahoma Statutes,

14 b. to attend a victims impact panel program, as defined
15 in subsection H of this section, and to pay a fee of
16 Seventy-five Dollars (\$75.00) as set by the governing
17 authority of the program and approved by the court, to
18 the program to offset the cost of participation by the
19 defendant, if in the opinion of the court the
20 defendant has the ability to pay such fee,

21 c. to both participate in the alcohol and drug substance
22 abuse course or treatment program, pursuant to
23 subparagraph a of this paragraph and attend a victims
24

1 impact panel program, pursuant to subparagraph b of
2 this paragraph,

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

21 e. beginning January 1, 1993, to submit to electronically
22 monitored home detention administered and supervised
23 by the Department of Corrections, and to pay to the
24 Department a monitoring fee, not to exceed Seventy-

1 five Dollars (\$75.00) a month, to the Department of
2 Corrections, if in the opinion of the court the
3 defendant has the ability to pay such fee. Any fees
4 collected pursuant to this subparagraph shall be
5 deposited in the Department of Corrections Revolving
6 Fund. Any order by the court for the payment of the
7 monitoring fee, if willfully disobeyed, may be
8 enforced as an indirect contempt of court;

9 ~~8.~~ 7. In addition to the other sentencing powers of the court,
10 in the case of a person convicted of prostitution pursuant to
11 Section 1029 of Title 21 of the Oklahoma Statutes, require such
12 person to receive counseling for the behavior which may have caused
13 such person to engage in prostitution activities. Such person may
14 be required to receive counseling in areas including but not limited
15 to alcohol and substance abuse, sexual behavior problems or domestic
16 abuse or child abuse problems;

17 ~~9.~~ 8. In addition to the other sentencing powers of the court,
18 in the case of a person convicted of any crime related to domestic
19 abuse, as defined in Section 60.1 of this title, the court may
20 require the defendant to undergo the treatment or participate in the
21 counseling services necessary to bring about the cessation of
22 domestic abuse against the victim. The defendant may be required to
23 pay all or part of the cost of the treatment or counseling services;

1 ~~10.~~ 9. In addition to the other sentencing powers of the court,
2 the court, in the case of a sex offender sentenced after November 1,
3 1989, and required by law to register pursuant to the Sex Offenders
4 Registration Act, shall require the defendant to participate in a
5 treatment program designed specifically for the treatment of sex
6 offenders, if available. The treatment program will include
7 polygraph examinations specifically designed for use with sex
8 offenders for the purpose of supervision and treatment compliance,
9 provided the examination is administered by a certified licensed
10 polygraph examiner. The treatment program must be approved by the
11 Department of Corrections or the Department of Mental Health and
12 Substance Abuse Services. Such treatment shall be at the expense of
13 the defendant based on the ability of the defendant to pay;

14 ~~11.~~ 10. In addition to the other sentencing powers of the
15 court, the court, in the case of a person convicted of abuse or
16 neglect of a child, as defined in Section 1-1-105 of Title 10A of
17 the Oklahoma Statutes, may require the person to undergo treatment
18 or to participate in counseling services. The defendant may be
19 required to pay all or part of the cost of the treatment or
20 counseling services;

21 ~~12.~~ 11. In addition to the other sentencing powers of the
22 court, the court, in the case of a person convicted of cruelty to
23 animals pursuant to Section 1685 of Title 21 of the Oklahoma
24 Statutes, may require the person to pay restitution to animal

1 facilities for medical care and any boarding costs of victimized
2 animals;

3 ~~13.~~ 12. In addition to the other sentencing powers of the
4 court, a sex offender who is habitual or aggravated as defined by
5 Section 584 of Title 57 of the Oklahoma Statutes and who is required
6 to register as a sex offender pursuant to the Sex Offenders
7 Registration Act shall be supervised by the Department of
8 Corrections for the duration of the registration period and shall be
9 assigned to a global position monitoring device by the Department of
10 Corrections for the duration of the registration period. The cost
11 of such monitoring device shall be reimbursed by the offender;

12 ~~14.~~ 13. In addition to the other sentencing powers of the
13 court, in the case of a sex offender who is required by law to
14 register pursuant to the Sex Offenders Registration Act, the court
15 may prohibit the person from accessing or using any Internet social
16 networking website that has the potential or likelihood of allowing
17 the sex offender to have contact with any child who is under the age
18 of eighteen (18) years;

19 ~~15.~~ 14. In addition to the other sentencing powers of the
20 court, in the case of a sex offender who is required by law to
21 register pursuant to the Sex Offenders Registration Act, the court
22 shall require the person to register any electronic mail address
23 information, instant message, chat or other Internet communication
24 name or identity information that the person uses or intends to use

1 while accessing the Internet or used for other purposes of social
2 networking or other similar Internet communication; or

3 ~~16.~~ 15. In addition to the other sentencing powers of the
4 court, and pursuant to the terms and conditions of a written plea
5 agreement, the court may prohibit the defendant from entering,
6 visiting or residing within the judicial district in which the
7 defendant was convicted until after completion of his or her
8 sentence; provided, however, the court shall ensure that the
9 defendant has access to those services or programs for which the
10 defendant is required to participate as a condition of probation.
11 When seeking to enter the prohibited judicial district for personal
12 business not related to his or her criminal case, the defendant
13 shall be required to obtain approval by the court.

14 B. Notwithstanding any other provision of law, any person who
15 is found guilty of a violation of any provision of Section 761 or
16 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
17 guilty or nolo contendere for a violation of any provision of such
18 sections shall be ordered to participate in, prior to sentencing, an
19 alcohol and drug assessment and evaluation by an assessment agency
20 or assessment personnel certified by the Department of Mental Health
21 and Substance Abuse Services for the purpose of evaluating the
22 receptivity to treatment and prognosis of the person. The court
23 shall order the person to reimburse the agency or assessor for the
24 evaluation. The fee shall be the amount provided in subsection C of

1 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
2 shall be conducted at a certified assessment agency, the office of a
3 certified assessor or at another location as ordered by the court.
4 The agency or assessor shall, within seventy-two (72) hours from the
5 time the person is assessed, submit a written report to the court
6 for the purpose of assisting the court in its final sentencing
7 determination. No person, agency or facility operating an alcohol
8 and drug substance abuse evaluation program certified by the
9 Department of Mental Health and Substance Abuse Services shall
10 solicit or refer any person evaluated pursuant to this subsection
11 for any treatment program or alcohol and drug substance abuse
12 service in which such person, agency or facility has a vested
13 interest; however, this provision shall not be construed to prohibit
14 the court from ordering participation in or any person from
15 voluntarily utilizing a treatment program or alcohol and drug
16 substance abuse service offered by such person, agency or facility.
17 If a person is sentenced to the custody of the Department of
18 Corrections and the court has received a written evaluation report
19 pursuant to this subsection, the report shall be furnished to the
20 Department of Corrections with the judgment and sentence. Any
21 evaluation report submitted to the court pursuant to this subsection
22 shall be handled in a manner which will keep such report
23 confidential from the general public's review. Nothing contained in
24 this subsection shall be construed to prohibit the court from

1 ordering judgment and sentence in the event the defendant fails or
2 refuses to comply with an order of the court to obtain the
3 evaluation required by this subsection.

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

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

16 E. Probation, for purposes of subsection A of this section, is
17 a procedure by which a defendant found guilty of a crime, whether
18 upon a verdict or plea of guilty or upon a plea of nolo contendere,
19 is released by the court subject to conditions imposed by the court
20 and subject to supervision by the Department of Corrections, a
21 private supervision provider or other person designated by the
22 court. Such supervision shall be initiated upon an order of
23 probation from the court, and shall not exceed two (2) years, unless
24 a petition alleging a violation of any condition of deferred

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

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

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

22 2. Any offender eligible to participate in the Program pursuant
23 to this section shall be eligible to participate in a county
24 Program; provided, participation in county-funded Programs shall not

1 be limited to offenders who would otherwise be sentenced to
2 confinement with the Department of Corrections.

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

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

17 5. The Department shall annually make a report to the Governor,
18 the President Pro Tempore of the Senate and the Speaker of the House
19 on the number of such Programs, the number of participating
20 offenders, the success rates of each Program according to criteria
21 established by the Department and the costs of each Program.

22 H. As used in this section:

23 1. "Ignition interlock device" means a device that, without
24 tampering or intervention by another person, would prevent the

1 defendant from operating a motor vehicle if the defendant has a
2 blood or breath alcohol concentration of two-hundredths (0.02) or
3 greater;

4 2. "Electronically monitored home detention" means
5 incarceration of the defendant within a specified location or
6 locations with monitoring by means of a device approved by the
7 Department of Corrections that detects if the person leaves the
8 confines of any specified location; and

9 3. "Victims impact panel program" means a program conducted by
10 a corporation registered with the Secretary of State in Oklahoma for
11 the sole purpose of operating a victims impact panel program. The
12 program shall include live presentations from presenters who will
13 share personal stories with participants about how alcohol, drug
14 abuse, the operation of a motor vehicle while using an electronic
15 communication device or the illegal conduct of others has personally
16 impacted the lives of the presenters. A victims impact panel
17 program shall be attended by persons who have committed the offense
18 of driving, operating or being in actual physical control of a motor
19 vehicle while under the influence of alcohol or other intoxicating
20 substance, operating a motor vehicle while the ability of the person
21 to operate such vehicle was impaired due to the consumption of
22 alcohol or any other substance or operating a motor vehicle while
23 using an electronic device or by persons who have been convicted of
24 furnishing alcoholic beverage to persons under twenty-one (21) years

1 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the
2 Oklahoma Statutes. Persons attending a victims impact panel program
3 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to
4 the provider of the program. A certificate of completion shall be
5 issued to the person upon satisfying the attendance and fee
6 requirements of the victims impact panel program. The certificate
7 of completion shall contain the business identification number of
8 the program provider. A certified assessment agency, certified
9 assessor or provider of an alcohol and drug substance abuse course
10 shall be prohibited from providing a victims impact panel program
11 and shall further be prohibited from having any proprietary or
12 pecuniary interest in a victims impact panel program. The provider
13 of the victims impact panel program shall carry general liability
14 insurance and maintain an accurate accounting of all business
15 transactions and funds received in relation to the victims impact
16 panel program. Beginning October 1, 2020, and each October 1
17 thereafter, the provider of the victims impact panel program shall
18 provide to the District Attorneys Council the following:

- 19 a. proof of registration with the Oklahoma Secretary of
20 State,
- 21 b. proof of general liability insurance,
- 22 c. end-of-year financial statements prepared by a
23 certified public accountant,
- 24

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 battery, domestic abuse, stalking, possession of a controlled substance prohibited under the Uniform Controlled Dangerous Substances Act, outraging public decency, resisting arrest, escape or attempting to escape, eluding a police officer, Peeping Tom, pointing a firearm, threatening an act of violence, breaking and

1 entering a dwelling place, destruction of property, negligent
2 homicide or causing a personal injury accident while driving under
3 the influence of any intoxicating substance, or any alien unlawfully
4 present under federal immigration law, upon arrest, shall submit to
5 DNA testing for law enforcement identification purposes in
6 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes
7 and the rules promulgated by the Oklahoma State Bureau of
8 Investigation for the OSBI Combined DNA Index System (CODIS)
9 Database. Any defendant sentenced to probation shall be required to
10 submit to testing within thirty (30) days of sentencing either to
11 the Department of Corrections or to the county sheriff or other
12 peace officer as directed by the court. Defendants who are
13 sentenced to a term of incarceration shall submit to testing in
14 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,
15 for those defendants who enter the custody of the Department of
16 Corrections or to the county sheriff, for those defendants sentenced
17 to incarceration in a county jail. Convicted individuals who have
18 previously submitted to DNA testing under this section and for whom
19 a valid sample is on file in the OSBI Combined DNA Index System
20 (CODIS) Database at the time of sentencing shall not be required to
21 submit to additional testing. Except as required by the Sex
22 Offenders Registration Act, a deferred judgment does not require
23 submission to DNA testing.

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

11 J. Samples of blood or saliva for DNA testing required by
12 subsection I of this section shall be taken by employees or
13 contractors of the Department of Corrections, peace officers, or the
14 county sheriff or employees or contractors of the sheriff's office.
15 The individuals shall be properly trained to collect blood or saliva
16 samples. Persons collecting blood or saliva for DNA testing
17 pursuant to this section shall be immune from civil liabilities
18 arising from this activity. All collectors of DNA samples shall
19 ensure the collection of samples are mailed to the Oklahoma State
20 Bureau of Investigation within ten (10) days of the time the subject
21 appears for testing or within ten (10) days of the date the subject
22 comes into physical custody to serve a term of incarceration. All
23 collectors of DNA samples shall use sample kits provided by the OSBI
24 and procedures promulgated by the OSBI. Persons subject to DNA

1 testing who are not received at the Lexington Assessment and
2 Reception Center shall be required to pay a fee of Fifteen Dollars
3 (\$15.00) to the agency collecting the sample for submission to the
4 OSBI Combined DNA Index System (CODIS) Database. Any fees collected
5 pursuant to this subsection shall be deposited in the revolving
6 account or the service fee account of the collection agency or
7 department.

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

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

15 Section 991c. A. Upon a verdict or plea of guilty or upon a
16 plea of nolo contendere, but before a judgment of guilt, the court
17 may, without entering a judgment of guilt and with the consent of
18 the defendant, defer further proceedings upon the specific
19 conditions prescribed by the court not to exceed a seven-year
20 period, except as authorized under subsection B of this section.
21 The court shall first consider restitution among the various
22 conditions it may prescribe. The court may also consider ordering
23 the defendant to:

24 1. Pay court costs;

1 2. Pay an assessment in lieu of any fine authorized by law for
2 the offense;

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

4 4. Engage in a term of community service without compensation,
5 according to a schedule consistent with the employment and family
6 responsibilities of the defendant;

7 5. County jail confinement for a period not to exceed ninety
8 (90) days or the maximum amount of jail time provided for the
9 offense, if it is less than ninety (90) days;

10 6. Pay an amount as reimbursement for reasonable attorney fees,
11 to be paid into the court fund, if a court-appointed attorney has
12 been provided to the defendant;

13 7. Be supervised in the community for a period not to exceed
14 eighteen (18) months, unless a petition alleging violation of any
15 condition of deferred judgment is filed during the period of
16 supervision. As a condition of any supervision, the defendant shall
17 be required to pay a supervision fee of Forty Dollars (\$40.00) per
18 month. The supervision fee shall be waived in whole or part by the
19 supervisory agency when the accused is indigent. Any fees collected
20 by the district attorney pursuant to this paragraph shall be
21 deposited in the General Revenue Fund of the State Treasury. No
22 person shall be denied supervision based solely on the inability of
23 the person to pay a fee;

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

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

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

12 11. Any combination of the ~~above~~ provisions in paragraphs 1
13 through 10 of this subsection.

14 However, unless under the supervision of the district attorney,
15 the offender shall be required to pay Forty Dollars (\$40.00) per
16 month to the district attorney during the first two (2) years of
17 probation to compensate the district attorney for the costs incurred
18 during the prosecution of the offender and for the additional work
19 of verifying the compliance of the offender with the rules and
20 conditions of his or her probation. The district attorney may waive
21 any part of this requirement in the best interests of justice. The
22 court ~~shall not~~ may ~~waive, suspend, defer or dismiss~~ the costs of
23 prosecution in ~~its entirety. However, if the court determines that~~
24 ~~a reduction in the fine, costs and costs of prosecution is~~

1 ~~warranted, the court shall equally apply the same percentage~~
2 ~~reduction to the fine, costs and costs of prosecution owed by the~~
3 ~~offender~~ the same manner as the court waives financial obligations
4 pursuant to Section 983 of this title. Any unpaid costs of
5 prosecution shall be waived if the deferred sentence of an offender
6 expires without being accelerated. Any fees collected by the
7 district attorney pursuant to this paragraph shall be deposited in
8 the General Revenue Fund of the 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 SECTION 4. AMENDATORY 22 O.S. 2021, Section 1355A, is
11 amended to read as follows:

12 Section 1355A. A. When an indigent requests representation by
13 the Oklahoma Indigent Defense System, such person shall submit an
14 appropriate application to the court clerk, which shall state that
15 the application is signed under oath and under the penalty of
16 perjury and that a false statement may be prosecuted as such. The
17 application shall state whether or not the indigent has been
18 released on bond. In addition, if the indigent has been released on
19 bond, the application shall include a written statement from the
20 applicant that the applicant has contacted three named attorneys,
21 licensed to practice law in this state, and the applicant has been
22 unable to obtain legal counsel. ~~A nonrefundable application fee of~~
23 ~~Forty Dollars (\$40.00) shall be paid to the court clerk at the time~~
24 ~~the application is submitted, and no application shall be accepted~~

1 ~~without payment of the fee; except that the court may, based upon~~
2 ~~the financial information submitted, defer all or part of the fee if~~
3 ~~the court determines that the person does not have the financial~~
4 ~~resources to pay the fee at time of application, to attach as a~~
5 ~~court fee upon conviction. Any fees collected pursuant to this~~
6 ~~subsection shall be retained by the court clerk, deposited in the~~
7 ~~Court Clerk's Revolving Fund, and reported quarterly to the~~
8 ~~Administrative Office of the Courts.~~

9 B. 1. The Court of Criminal Appeals shall promulgate rules
10 governing the determination of indigency pursuant to the provisions
11 of Section 55 of Title 20 of the Oklahoma Statutes. The initial
12 determination of indigency shall be made by the Chief Judge of the
13 Judicial District or a designee thereof, based on the defendant's
14 application and the rules provided herein.

15 2. Upon promulgation of the rules required by law, the
16 determination of indigency shall be subject to review by the
17 Presiding Judge of the Judicial Administrative District. Until such
18 rules become effective, the determination of indigency shall be
19 subject to review by the Court of Criminal Appeals.

20 C. Before the court appoints the System based on the
21 application, the court shall advise the indigent or, if applicable,
22 a parent or legal guardian, that the application is signed under
23 oath and under the penalty of perjury and that a false statement may
24 be prosecuted as such. A copy of the application shall be sent to

1 the prosecuting attorney or the Office of the Attorney General,
2 whichever is appropriate, for review. Upon request by any party
3 including, but not limited to, the attorney appointed to represent
4 the indigent, the court shall hold a hearing on the issue of
5 eligibility for appointment of the System.

6 D. If the defendant is admitted to bail and the defendant or
7 another person on behalf of the defendant posts a bond, other than
8 by personal recognizance, the court may consider such fact in
9 determining the eligibility of the defendant for appointment of the
10 System; provided, however, such consideration shall not be the sole
11 factor in the determination of eligibility.

12 E. The System shall be prohibited from accepting an appointment
13 unless a completed application for court-appointed counsel as
14 provided by Form 13.3 of Section XIII of the Rules of the Court of
15 Criminal Appeals, 22 O.S. 2001, Ch. 18, App., has been filed of
16 record in the case.

17 SECTION 5. AMENDATORY 28 O.S. 2021, Section 153, as
18 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2024,
19 Section 153), is amended to read as follows:

20 Section 153. A. The clerks of the courts shall collect as
21 costs in every criminal case for each offense of which the defendant
22 is convicted, irrespective of whether or not the sentence is
23 deferred, the following flat charges and no more, except for
24 standing and parking violations and for charges otherwise provided

1 for by law, which fee shall cover docketing of the case, filing of
2 all papers, issuance of process, warrants, orders, and other
3 services to the date of judgment:

- 4 1. For each defendant convicted of
5 exceeding the speed limit by at least
6 one (1) mile per hour but not more than
7 ten (10) miles per hour, whether charged
8 individually or conjointly with others.....\$77.00
- 9 2. For each defendant convicted of a
10 misdemeanor traffic violation other than
11 an offense provided for in paragraph 1
12 or 5 of this subsection, whether charged
13 individually or conjointly with others.....\$98.00
- 14 3. For each defendant convicted of a
15 misdemeanor, other than for driving
16 under the influence of alcohol or other
17 intoxicating substance or an offense
18 provided for in paragraph 1 or 2 of this
19 subsection, whether charged individually
20 or conjointly with others.....\$93.00
- 21 4. For each defendant convicted of a
22 felony, other than for driving under the
23 influence of alcohol or other
24

- intoxicating substance, whether charged
individually or conjointly with others.....\$103.00
5. For each defendant convicted of the
misdemeanor of driving under the
influence of alcohol or other
intoxicating substance, whether charged
individually or conjointly with others.....\$433.00
6. For each defendant convicted of the
felony of driving under the influence of
alcohol or other intoxicating substance,
whether charged individually or
conjointly with others.....\$433.00
7. For the services of a court reporter at
each preliminary hearing and trial held
in the case.....\$20.00
8. For each time a jury is requested.....\$30.00
9. A sheriff's fee for serving or
endeavoring to serve each writ, warrant,
order, process, command, or notice or
pursuing any fugitive from justice
- a. within the county..... \$50.00, or
mileage as
established by the
Oklahoma Statutes,

whichever is

greater, or

b. outside of the county..... \$50.00, or

actual, necessary

expenses, whichever

is greater

B. In addition to the amount collected pursuant to paragraphs 2 through 6 of subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited to the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In addition to the amount collected pursuant to subsection A of this section, the sum of Twenty Dollars (\$20.00) shall be assessed and collected in every traffic case for each offense other than for driving under the influence of alcohol or other intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense; the sum of Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the influence of alcohol or other intoxicating substance; the sum of Fifty Dollars (\$50.00) shall be assessed and collected in every felony case for each offense; and the sum of Fifty Dollars (\$50.00) shall be assessed and collected in every felony case for each

1 offense for driving under the influence of alcohol or other
2 intoxicating substance.

3 D. In addition to the amounts collected pursuant to subsections
4 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
5 shall be assessed and credited to the Oklahoma Court Information
6 System Revolving Fund created pursuant to Section 1315 of Title 20
7 of the Oklahoma Statutes.

8 E. In addition to the amount collected pursuant to paragraphs 1
9 through 6 of subsection A of this section, the sum of Ten Dollars
10 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
11 Account in the county in which the conviction occurred for the
12 purpose of enhancing existing or providing additional courthouse
13 security.

14 F. In addition to the amounts collected pursuant to paragraphs
15 1 through 6 of subsection A of this section, the sum of Three
16 Dollars (\$3.00) shall be assessed and credited to the Office of the
17 Attorney General Victim Services Unit.

18 G. In addition to the amounts collected pursuant to paragraphs
19 1 through 6 of subsection A of this section, the sum of Three
20 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
21 Multidisciplinary Account. This fee shall not be used for purposes
22 of hiring or employing any law enforcement officers.

23 ~~H. In addition to the amount collected pursuant to paragraphs 5~~
24 ~~and 6 of subsection A of this section, the sum of Fifteen Dollars~~

1 ~~(\$15.00) shall be assessed in every misdemeanor or felony case for~~
2 ~~each offense of driving under the influence of alcohol or other~~
3 ~~intoxicating substance and credited to the Oklahoma Impaired Driver~~
4 ~~Database Revolving Fund created pursuant to Section 11-902d of Title~~
5 ~~47 of the Oklahoma Statutes.~~

6 ~~I.~~ Prior to conviction, parties in criminal cases shall not be
7 required to pay, advance, or post security for the issuance or
8 service of process to obtain compulsory attendance of witnesses.

9 ~~J.~~ I. The amounts to be assessed as court costs upon filing of
10 a case shall be those amounts above-stated in paragraph 3 or 4 of
11 subsection A and subsections B, C, D and E of this section.

12 ~~K.~~ J. The fees collected pursuant to this section shall be
13 deposited into the court fund, except the following:

14 1. A court clerk issuing a misdemeanor warrant is entitled to
15 ten percent (10%) of the sheriff's service fee, provided for in
16 paragraph 9 of subsection A of this section, collected on a warrant
17 referred to the contractor for the misdemeanor warrant notification
18 program governed by Sections 514.4 and 514.5 of Title 19 of the
19 Oklahoma Statutes. This ten-percent sum shall be deposited into the
20 issuing Court Clerk's Revolving Fund, created pursuant to Section
21 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
22 the warrant with the balance of the sheriff's service fee to be
23 deposited into the Sheriff's Service Fee Account, created pursuant
24 to the provisions of Section 514.1 of Title 19 of the Oklahoma

1 Statutes, of the sheriff in the county in which service is made or
2 attempted. Otherwise, the sheriff's service fee, when collected,
3 shall be deposited in its entirety into the Sheriff's Service Fee
4 Account of the sheriff in the county in which service is made or
5 attempted;

6 2. The sheriff's fee provided for in Section 153.2 of this
7 title;

8 3. The witness fees paid by the district attorney pursuant to
9 the provisions of Section 82 of this title which, if collected by
10 the court clerk, shall be transferred to the district attorney's
11 office in the county where witness attendance was required. Fees
12 transferred pursuant to this paragraph shall be deposited in the
13 district attorney's maintenance and operating expense account;

14 4. The fees provided for in subsection C of this section shall
15 be forwarded to the District Attorneys Council Revolving Fund to
16 defray the costs of prosecution; and

17 5. The following amounts of the fees provided for in paragraphs
18 2, 3, 5 and 6 of subsection A of this section, when collected, shall
19 be deposited in the Trauma Care Assistance Revolving Fund, created
20 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
21 Oklahoma Statutes:

22 a. Ten Dollars (\$10.00) of the ~~Ninety-eight-Dollar~~
23 ninety-eight-dollar fee provided for in paragraph 2 of
24 subsection A of this section,

b. Ten Dollars (\$10.00) of the ~~Ninety-three-Dollar~~
ninety-three-dollar fee provided for in paragraph 3 of
subsection A of this section,

c. One Hundred Dollars (\$100.00) of the ~~Four-Hundred~~
~~Thirty-three-Dollar~~ four-hundred-thirty-three-dollar
fee provided for in paragraph 5 of subsection A of
this section, and

d. One Hundred Dollars (\$100.00) of the ~~Four-Hundred~~
~~Thirty-three-Dollar~~ four-hundred-thirty-three-dollar
fee provided for in paragraph 6 of subsection A of
this section.

~~L.~~ K. As used in this section, "convicted" means any final
adjudication of guilt, whether pursuant to a plea of guilty or nolo
contendere or otherwise, and any deferred judgment or suspended
sentence.

~~M.~~ L. A court clerk may accept in payment for any fee, fine,
forfeiture payment, cost, penalty assessment or other charge or
collection to be assessed or collected by a court clerk pursuant to
this section a nationally recognized credit card or debit card or
other electronic payment method as provided in paragraph 1 of
subsection B of Section 151 of this title.

~~N.~~ M. Upon receipt of payment of fines and costs for offenses
charged prior to July 1, 1992, the court clerk shall apportion and
pay Thirteen Dollars (\$13.00) per conviction to the court fund.

1 SECTION 6. AMENDATORY 47 O.S. 2021, Section 11-902, is
2 amended to read as follows:

3 Section 11-902. A. It is unlawful and punishable as provided
4 in this section for any person to drive, operate, or be in actual
5 physical control of a motor vehicle within this state, whether upon
6 public roads, highways, streets, turnpikes, other public places or
7 upon any private road, street, alley or lane which provides access
8 to one or more single or multi-family dwellings, who:

9 1. Has a blood or breath alcohol concentration, as defined in
10 Section 756 of this title, of eight-hundredths (0.08) or more at the
11 time of a test of such person's blood or breath administered within
12 two (2) hours after the arrest of such person;

13 2. Is under the influence of alcohol;

14 3. Has any amount of a Schedule I chemical or controlled
15 substance, as defined in Section 2-204 of Title 63 of the Oklahoma
16 Statutes, or one of its metabolites or analogs in the person's
17 blood, saliva, urine or any other bodily fluid at the time of a test
18 of such person's blood, saliva, urine or any other bodily fluid
19 administered within two (2) hours after the arrest of such person;

20 4. Is under the influence of any intoxicating substance other
21 than alcohol which may render such person incapable of safely
22 driving or operating a motor vehicle; or
23
24

1 5. Is under the combined influence of alcohol and any other
2 intoxicating substance which may render such person incapable of
3 safely driving or operating a motor vehicle.

4 B. The fact that any person charged with a violation of this
5 section is or has been lawfully entitled to use alcohol or a
6 controlled dangerous substance or any other intoxicating substance
7 shall not constitute a defense against any charge of violating this
8 section.

9 C. 1. Any person who is convicted of a violation of the
10 provisions of this section shall be guilty of a misdemeanor for the
11 first offense and shall:

- 12 a. participate in an assessment and evaluation pursuant
13 to subsection G of this section and shall follow all
14 recommendations made in the assessment and evaluation,
- 15 b. be punished by imprisonment in jail for not less than
16 ten (10) days nor more than one (1) year, and
- 17 c. be fined not more than One Thousand Dollars
18 (\$1,000.00).

19 2. Any person who, having been convicted of or having received
20 deferred judgment for a violation of this section or a violation
21 pursuant to the provisions of any law of this state or another state
22 prohibiting the offenses provided in this section, Section 11-904 of
23 this title or paragraph 4 of subsection A of Section 852.1 of Title
24 21 of the Oklahoma Statutes, or having a prior conviction in a

1 municipal criminal court of record for the violation of a municipal
2 ordinance prohibiting the offense provided for in this section
3 commits a subsequent violation of this section within ten (10) years
4 of the date following the completion of the execution of said
5 sentence or deferred judgment shall, upon conviction, be guilty of a
6 felony and shall participate in an assessment and evaluation
7 pursuant to subsection G of this section and shall be sentenced to:

8 a. follow all recommendations made in the assessment and
9 evaluation for treatment at the defendant's expense,

10 ~~or~~

11 b. placement in the custody of the Department of
12 Corrections for not less than one (1) year and not to
13 exceed five (5) years and a fine of not more than Two
14 Thousand Five Hundred Dollars (\$2,500.00), or

15 c. treatment, imprisonment and a fine within the
16 limitations prescribed in subparagraphs a and b of
17 this paragraph.

18 However, if the treatment in subsection G of this section does
19 not include residential or inpatient treatment for a period of not
20 less than five (5) days, the person shall serve a term of
21 imprisonment of at least five (5) days.

22 3. Any person who commits a violation of this section after
23 having been convicted of a felony offense pursuant to the provisions
24 of this section or a violation pursuant to the provisions of any law

1 of this state or another state prohibiting the offenses provided for
2 in this section, Section 11-904 of this title or paragraph 4 of
3 subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes
4 shall be guilty of a felony and participate in an assessment and
5 evaluation pursuant to subsection G of this section and shall be
6 sentenced to:

- 7 a. follow all recommendations made in the assessment and
8 evaluation for treatment at the defendant's expense,
9 two hundred forty (240) hours of community service and
10 use of an ignition interlock device, as provided by
11 subparagraph n of paragraph 1 of subsection A of
12 Section 991a of Title 22 of the Oklahoma Statutes, ~~or~~
- 13 b. placement in the custody of the Department of
14 Corrections for not less than one (1) year and not to
15 exceed ten (10) years and a fine of not more than Five
16 Thousand Dollars (\$5,000.00), or
- 17 c. treatment, imprisonment and a fine within the
18 limitations prescribed in subparagraphs a and b of
19 this paragraph.

20 However, if the treatment in subsection G of this section does
21 not include residential or inpatient treatment for a period of not
22 less than ten (10) days, the person shall serve a term of
23 imprisonment of at least ten (10) days.

1 4. Any person who commits a violation of this section after
2 having been twice convicted of a felony offense pursuant to the
3 provisions of this section or a violation pursuant to the provisions
4 of any law of this state or another state prohibiting the offenses
5 provided for in this section, Section 11-904 of this title or
6 paragraph 4 of subsection A of Section 852.1 of Title 21 of the
7 Oklahoma Statutes shall be guilty of a felony and participate in an
8 assessment and evaluation pursuant to subsection G of this section
9 and shall be sentenced to:

10 a. follow all recommendations made in the assessment and
11 evaluation for treatment at the defendant's expense,
12 followed by not less than one (1) year of supervision
13 and periodic testing at the defendant's expense, four
14 hundred eighty (480) hours of community service, and
15 use of an ignition interlock device, as provided by
16 subparagraph n of paragraph 1 of subsection A of
17 Section 991a of Title 22 of the Oklahoma Statutes, for
18 a minimum of thirty (30) days, ~~or~~

19 b. placement in the custody of the Department of
20 Corrections for not less than one (1) year and not to
21 exceed twenty (20) years and a fine of not more than
22 Five Thousand Dollars (\$5,000.00), or
23
24

1 c. treatment, imprisonment and a fine within the
2 limitations prescribed in subparagraphs a and b of
3 this paragraph.

4 However, if the person does not undergo residential or inpatient
5 treatment pursuant to subsection G of this section the person shall
6 serve a term of imprisonment of at least ten (10) days.

7 5. Any person who, after a previous conviction of a violation
8 of murder in the second degree or manslaughter in the first degree
9 in which the death was caused as a result of driving under the
10 influence of alcohol or other intoxicating substance, is convicted
11 of a violation of this section shall be guilty of a felony and shall
12 be punished by imprisonment in the custody of the Department of
13 Corrections for not less than five (5) years and not to exceed
14 twenty (20) years, and a fine of not more than Ten Thousand Dollars
15 (\$10,000.00).

16 6. Provided, however, a conviction from another state shall not
17 be used to enhance punishment pursuant to the provisions of this
18 subsection if that conviction is based on a blood or breath alcohol
19 concentration of less than eight-hundredths (0.08).

20 7. In any case in which a defendant is charged with driving
21 under the influence of alcohol or other intoxicating substance
22 offense within any municipality with a municipal court other than a
23 court of record, the charge shall be presented to the county's
24

1 district attorney and filed with the district court of the county
2 within which the municipality is located.

3 D. Any person who is convicted of a violation of driving under
4 the influence with a blood or breath alcohol concentration of
5 fifteen-hundredths (0.15) or more pursuant to this section shall be
6 deemed guilty of aggravated driving under the influence. A person
7 convicted of aggravated driving under the influence shall
8 participate in an assessment and evaluation pursuant to subsection G
9 of this section and shall comply with all recommendations for
10 treatment. Such person shall be sentenced as provided in paragraph
11 1, 2, 3, 4 or 5 of subsection C of this section and to:

12 1. Not less than one (1) year of supervision and periodic
13 testing at the defendant's expense; and

14 2. An ignition interlock device or devices, as provided by
15 subparagraph n of paragraph 1 of subsection A of Section 991a of
16 Title 22 of the Oklahoma Statutes, for a minimum of ninety (90)
17 days.

18 E. When a person is sentenced to imprisonment in the custody of
19 the Department of Corrections, the person shall be processed through
20 the Lexington Assessment and Reception Center or at a place
21 determined by the Director of the Department of Corrections. The
22 Department of Corrections shall classify and assign the person to
23 one or more of the following:
24

1 1. The Department of Mental Health and Substance Abuse Services
2 pursuant to paragraph 1 of subsection A of Section 612 of Title 57
3 of the Oklahoma Statutes; or

4 2. A correctional facility operated by the Department of
5 Corrections with assignment to substance abuse treatment.
6 Successful completion of a Department-of-Corrections-approved
7 substance abuse treatment program shall satisfy the recommendation
8 for a ten-hour or twenty-four-hour alcohol and drug substance abuse
9 course or treatment program or both. Successful completion of an
10 approved Department of Corrections substance abuse treatment program
11 may precede or follow the required assessment.

12 F. The Department of Public Safety is hereby authorized to
13 reinstate any suspended or revoked driving privilege when the person
14 meets the statutory requirements which affect the existing driving
15 privilege.

16 G. Any person who is found guilty of a violation of the
17 provisions of this section shall be ordered to participate in an
18 alcohol and drug substance abuse evaluation and assessment program
19 offered by a certified assessment agency or certified assessor for
20 the purpose of evaluating and assessing the receptivity to treatment
21 and prognosis of the person and shall follow all recommendations
22 made in the assessment and evaluation for treatment. The court
23 shall order the person to reimburse the agency or assessor for the
24 evaluation and assessment. Payment shall be remitted by the

1 defendant or on behalf of the defendant by any third party;
2 provided, no state-appropriated funds are utilized. The fee for an
3 evaluation and assessment shall be the amount provided in subsection
4 C of Section 3-460 of Title 43A of the Oklahoma Statutes. The
5 evaluation and assessment shall be conducted at a certified
6 assessment agency, the office of a certified assessor or at another
7 location as ordered by the court. The agency or assessor shall,
8 within seventy-two (72) hours from the time the person is evaluated
9 and assessed, submit a written report to the court for the purpose
10 of assisting the court in its sentencing determination. The court
11 shall, as a condition of any sentence imposed, including deferred
12 and suspended sentences, require the person to participate in and
13 successfully complete all recommendations from the evaluation, such
14 as an alcohol and substance abuse treatment program pursuant to
15 Section 3-452 of Title 43A of the Oklahoma Statutes. If such report
16 indicates that the evaluation and assessment shows that the
17 defendant would benefit from a ten-hour or twenty-four-hour alcohol
18 and drug substance abuse course or a treatment program or both, the
19 court shall, as a condition of any sentence imposed, including
20 deferred and suspended sentences, require the person to follow all
21 recommendations identified by the evaluation and assessment and
22 ordered by the court. No person, agency or facility operating an
23 evaluation and assessment program certified by the Department of
24 Mental Health and Substance Abuse Services shall solicit or refer

1 any person evaluated and assessed pursuant to this section for any
2 treatment program or substance abuse service in which such person,
3 agency or facility has a vested interest; however, this provision
4 shall not be construed to prohibit the court from ordering
5 participation in or any person from voluntarily utilizing a
6 treatment program or substance abuse service offered by such person,
7 agency or facility. If a person is sentenced to imprisonment in the
8 custody of the Department of Corrections and the court has received
9 a written evaluation report pursuant to the provisions of this
10 subsection, the report shall be furnished to the Department of
11 Corrections with the judgment and sentence. Any evaluation and
12 assessment report submitted to the court pursuant to the provisions
13 of this subsection shall be handled in a manner which will keep such
14 report confidential from the general public's review. Nothing
15 contained in this subsection shall be construed to prohibit the
16 court from ordering judgment and sentence in the event the defendant
17 fails or refuses to comply with an order of the court to obtain the
18 evaluation and assessment required by this subsection. If the
19 defendant fails or refuses to comply with an order of the court to
20 obtain the evaluation and assessment, the Department of Public
21 Safety shall not reinstate driving privileges until the defendant
22 has complied in full with such order. Nothing contained in this
23 subsection shall be construed to prohibit the court from ordering

24

1 judgment and sentence and any other sanction authorized by law for
2 failure or refusal to comply with an order of the court.

3 H. Any person who is found guilty of a violation of the
4 provisions of this section shall be required by the court to attend
5 a victims impact panel program, as defined in subsection H of
6 Section 991a of Title 22 of the Oklahoma Statutes, if such a program
7 is offered in the county where the judgment is rendered, and to pay
8 a fee of Seventy-five Dollars (\$75.00), as set by the governing
9 authority of the program and approved by the court, to the program
10 to offset the cost of participation by the defendant, if in the
11 opinion of the court the defendant has the ability to pay such fee.

12 I. Any person who is found guilty of a felony violation of the
13 provisions of this section shall be required to submit to electronic
14 monitoring as authorized and defined by Section 991a of Title 22 of
15 the Oklahoma Statutes.

16 J. Any person who is found guilty of a violation of the
17 provisions of this section who has been sentenced by the court to
18 perform any type of community service shall not be permitted to pay
19 a fine in lieu of performing the community service.

20 ~~K. When a person is found guilty of a violation of the~~
21 ~~provisions of this section, the court shall order, in addition to~~
22 ~~any other penalty, the defendant to pay a one hundred dollar~~
23 ~~assessment to be deposited in the Drug Abuse Education and Treatment~~

~~Revolving Fund created in Section 2-503.2 of Title 63 of the
Oklahoma Statutes, upon collection.~~

~~L.~~ 1. When a person is eighteen (18) years of age or older,
and is the driver, operator, or person in physical control of a
vehicle, and is convicted of violating any provision of this section
while transporting or having in the motor vehicle any child less
than eighteen (18) years of age, the fine shall be enhanced to
double the amount of the fine imposed for the underlying driving
under the influence (DUI) violation which shall be in addition to
any other penalties allowed by this section.

2. Nothing in this subsection shall prohibit the prosecution of
a person pursuant to Section 852.1 of Title 21 of the Oklahoma
Statutes who is in violation of any provision of this section or
Section 11-904 of this title.

~~M.~~ L. Any plea of guilty, nolo contendere or finding of guilt
for a violation of this section or a violation pursuant to the
provisions of any law of this state or another state prohibiting the
offenses provided for in this section, Section 11-904 of this title,
or paragraph 4 of subsection A of Section 852.1 of Title 21 of the
Oklahoma Statutes, shall constitute a conviction of the offense for
the purpose of this section; provided, any deferred judgment shall
only be considered to constitute a conviction for a period of ten
(10) years following the completion of any court-imposed
probationary term.

1 ~~N.~~ M. If qualified by knowledge, skill, experience, training or
2 education, a witness shall be allowed to testify in the form of an
3 opinion or otherwise solely on the issue of impairment, but not on
4 the issue of specific alcohol concentration level, relating to the
5 following:

6 1. The results of any standardized field sobriety test
7 including, but not limited to, the horizontal gaze nystagmus (HGN)
8 test administered by a person who has completed training in
9 standardized field sobriety testing; or

10 2. Whether a person was under the influence of one or more
11 impairing substances and the category of such impairing substance or
12 substances. A witness who has received training and holds a current
13 certification as a drug recognition expert shall be qualified to
14 give the testimony in any case in which such testimony may be
15 relevant.

16 SECTION 7. This act shall become effective November 1, 2025.

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
18 April 23, 2025 - DO PASS
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