

1 **SENATE FLOOR VERSION**

2 February 24, 2026

3 SENATE BILL NO. 1213

By: Rader of the Senate

4 and

5 Harris of the House

6
7
8 An Act relating to prisons and reformatories;
9 amending 57 O.S. 2021, Section 138, as last amended
10 by Section 1, Chapter 132, O.S.L. 2025 (57 O.S. Supp.
11 2025, Section 138), which relates to earned credits;
12 removing incarceration length requirements for
certain class levels; modifying earned credits
13 provisions for certain inmates; updating statutory
14 language; making language gender neutral; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 57 O.S. 2021, Section 138, as last
18 amended by Section 1, Chapter 132, O.S.L. 2025 (57 O.S. Supp. 2025,
19 Section 138), is amended to read as follows:

20 Section 138. A. Except as otherwise provided by law, every
21 inmate of a state correctional institution shall have his or her
22 term of imprisonment reduced monthly, based upon the class level to
23 which ~~they are~~ he or she is assigned. Earned credits may be
24 subtracted from the total credits accumulated by an inmate, upon
recommendation of the institution's disciplinary committee,

1 following due process, and upon approval of the warden or
2 superintendent. Each earned credit is equivalent to one (1) day of
3 incarceration. Lost credits may be restored by the warden or
4 superintendent upon approval of the classification committee. If a
5 maximum and minimum term of imprisonment is imposed, the provisions
6 of this subsection shall apply only to the maximum term. No
7 deductions shall be credited to any inmate serving a sentence of
8 life imprisonment; however, a complete record of the inmate's
9 participation in work, school, vocational training, or other
10 approved program shall be maintained by the Department of
11 Corrections for consideration by the paroling authority. No earned
12 credit deductions shall be credited or recorded for any inmate
13 serving any sentence for a criminal act which resulted in the death
14 of a police officer, a law enforcement officer, an employee of the
15 Department of Corrections, or an employee of a private prison
16 contractor and the death occurred while the police officer, law
17 enforcement officer, employee of the Department of Corrections, or
18 employee of a private prison contractor was acting within the scope
19 of his or her employment. No earned credit deductions shall be
20 credited or recorded for any person who is referred to an
21 intermediate revocation facility for violating any of the terms and
22 conditions of probation.

23 B. The Department of Corrections is directed to develop a
24 written policy and procedure whereby inmates shall be assigned to

1 one of four class levels determined by an adjustment review
2 committee of the facility to which the inmate is assigned. The
3 policies and procedures developed by the Department shall include,
4 but not be limited to, written guidelines pertaining to awarding
5 credits for rehabilitation, obtaining job skills and educational
6 enhancement, participation in and completion of alcohol/chemical
7 abuse programs, incentives for inmates to accept work assignments
8 and jobs, work attendance and productivity, conduct record,
9 participation in programs, cooperative general behavior, and
10 appearance. When assigning inmates to a class level, the adjustment
11 review committee shall consider all aspects of the policy and
12 procedure developed by the Department including, but not limited to,
13 the criteria for awarding credits required by this subsection.

14 C. If an inmate is subject to misconduct, nonperformance, or
15 disciplinary action, earned credits may be removed according to the
16 policies and procedures developed by the Department. Earned credits
17 removed for misconduct, nonperformance, or disciplinary action may
18 be restored as provided by Department policy, if any.

19 D. 1. Class levels shall be as follows:

20 a. Class level 1 shall include inmates not eligible to
21 participate in class levels 2 through 4, and shall
22 include, but not be limited to, inmates on escape
23 status.

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1 b. Class level 2 shall include an inmate who has been
2 given a work, education, or program assignment, has
3 received a good evaluation for participation in the
4 work, education, or program assignment, and has
5 received a good evaluation for personal hygiene and
6 maintenance of living area.

7 c. Class level 3 shall include an inmate who ~~has been~~
8 ~~incarcerated at least three (3) months,~~ has received
9 an excellent work, education, or program evaluation,
10 and has received an excellent evaluation for personal
11 hygiene and maintenance of living area.

12 d. Class level 4 shall include an inmate who ~~has been~~
13 ~~incarcerated at least eight (8) months,~~ has received
14 an outstanding work, education, or program evaluation,
15 and has received an outstanding evaluation for
16 personal hygiene and maintenance of living area.

17 2. a. Until November 1, 2001, class level corresponding
18 credits are as follows:

19 Class 1 - 0 Credits per month;

20 Class 2 - 22 Credits per month;

21 Class 3 - 33 Credits per month; and

22 Class 4 - 44 Credits per month.

23 b. Class level corresponding credits beginning November
24 1, 2001, for inmates who have ever been convicted as

1 an adult or a youthful offender or adjudicated
2 delinquent as a juvenile for a felony offense
3 enumerated in subsection E of this section are as
4 follows:

5 Class 1 - 0 Credits per month;

6 Class 2 - 22 Credits per month;

7 Class 3 - 33 Credits per month; and

8 Class 4 - 44 Credits per month.

9 c. Class level corresponding credits beginning November
10 1, 2001, for inmates who have never been convicted as
11 an adult or a youthful offender or adjudicated
12 delinquent as a juvenile for a felony offense
13 enumerated in subsection E of this section are as
14 follows:

15 Class 1 - 0 Credits per month;

16 Class 2 - 22 Credits per month;

17 Class 3 - 45 Credits per month; and

18 Class 4 - 60 Credits per month.

19 Each inmate shall receive the above specified monthly credits
20 for the class to which he or she is assigned. In determining the
21 prior criminal history of the inmate, the Department of Corrections
22 shall review criminal history records available through the Oklahoma
23 State Bureau of Investigation, Federal Bureau of Investigation, and
24 National Crime Information Center to determine the reported felony

1 convictions of all inmates. The Department of Corrections shall
2 also review the Office of Juvenile Affairs Juvenile Online Tracking
3 System for inmates who were adjudicated delinquent or convicted as a
4 youthful offender for a crime that would be an offense enumerated in
5 subsection E of this section.

6 3. In addition to the criteria established for each class in
7 paragraph 1 of this subsection, the following requirements shall
8 apply to each of levels 2 through 4:

- 9 a. satisfactory participation in the work, education, or
10 program assignment at the standard required for the
11 particular class level,
- 12 b. maintenance of a clean and orderly living area and
13 personal hygiene at the standard required for the
14 particular class level,
- 15 c. cooperative behavior toward facility staff and other
16 inmates, and
- 17 d. satisfactory participation in the requirements of the
18 previous class level.

19 4. The evaluation scale for assessing performance shall be as
20 follows:

- 21 a. Outstanding - For inmates who display consistently
22 exceptional initiative, motivation, and work habits.

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1 b. Excellent - For inmates who display above-average work
2 habits with only minor errors and rarely perform below
3 expectations.

4 c. Good - For inmates who perform in a satisfactory
5 manner and complete tasks as required, doing what is
6 expected, with only occasional performance above or
7 below expectations.

8 d. Fair - For inmates who may perform satisfactorily for
9 some periods of time, but whose performance is marked
10 by obviously deficient and weak areas and could be
11 improved.

12 e. Poor - For inmates whose performance is unsatisfactory
13 and falls below expected and acceptable standards.

14 E. No person ever convicted as an adult or a youthful offender
15 or adjudicated delinquent as a juvenile in this state for any felony
16 offense enumerated in this subsection or a similar felony offense
17 pursuant to the provisions of another state, the United States, or a
18 military court shall be eligible for the credits provided by the
19 provisions of subparagraph c of paragraph 2 of subsection D of this
20 section. Such enumerated offenses include:

21 1. Assault, battery, or assault and battery with a dangerous
22 weapon as ~~defined by~~ provided for in Section 645 of Title 21,
23 subsection C of Section 652 of Title 21, or Section 2-219 of Title
24 43A of the Oklahoma Statutes;

- 1 2. Aggravated assault and battery on a police officer, sheriff,
2 highway patrolman, or any other officer of the law as ~~defined by~~
3 provided for in Section 650, subsection C of Section 650.2, Section
4 650.5, subsection B of Section 650.6, or subsection C of Section
5 650.7 of Title 21 of the Oklahoma Statutes;
- 6 3. Poisoning with intent to kill as ~~defined by~~ provided for in
7 Section 651 of Title 21 of the Oklahoma Statutes;
- 8 4. Shooting with intent to kill as ~~defined by~~ provided for in
9 Section 652 of Title 21 of the Oklahoma Statutes;
- 10 5. Assault with intent to kill as ~~defined by~~ provided for in
11 Section 653 of Title 21 of the Oklahoma Statutes;
- 12 6. Assault with intent to commit a felony as ~~defined by~~
13 provided for in Section 681 of Title 21 of the Oklahoma Statutes;
- 14 7. Assaults while masked or disguised as ~~defined by~~ provided
15 for in Section 1303 of Title 21 of the Oklahoma Statutes;
- 16 8. Entering premises of another while masked as ~~defined by~~
17 provided for in Section 1302 of Title 21 of the Oklahoma Statutes;
- 18 9. Murder in the first degree as ~~defined by~~ provided for in
19 Section 701.7 of Title 21 of the Oklahoma Statutes;
- 20 10. Solicitation for murder in the first degree as ~~defined by~~
21 provided for in Section 701.16 of Title 21 of the Oklahoma Statutes;
- 22 11. Murder in the second degree as ~~defined by~~ provided for in
23 Section 701.8 of Title 21 of the Oklahoma Statutes;
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- 1 12. Manslaughter in the first degree as ~~defined by~~ provided for
2 in Section 711 or 712 of Title 21 of the Oklahoma Statutes;
- 3 13. Manslaughter in the second degree as ~~defined by~~ provided
4 for in Section 716 or 717 of Title 21 of the Oklahoma Statutes;
- 5 14. Kidnapping as ~~defined by~~ provided for in Section 741 of
6 Title 21 of the Oklahoma Statutes;
- 7 15. Burglary in the first degree as ~~defined by~~ provided for in
8 Section 1431 of Title 21 of the Oklahoma Statutes;
- 9 16. Burglary with explosives as ~~defined by~~ provided for in
10 Section 1441 of Title 21 of the Oklahoma Statutes;
- 11 17. Kidnapping for extortion as ~~defined by~~ provided for in
12 Section 745 of Title 21 of the Oklahoma Statutes;
- 13 18. Maiming as ~~defined by~~ provided for in Section 751 of Title
14 21 of the Oklahoma Statutes;
- 15 19. Robbery as ~~defined by~~ provided for in Section 791 of Title
16 21 of the Oklahoma Statutes;
- 17 20. Robbery in the first degree as ~~defined by~~ provided for in
18 Section 797 of Title 21 of the Oklahoma Statutes;
- 19 21. Robbery in the second degree as ~~defined by~~ provided for in
20 Section 797 of Title 21 of the Oklahoma Statutes;
- 21 22. Armed robbery as ~~defined by~~ provided for in Section 801 of
22 Title 21 of the Oklahoma Statutes;
- 23 23. Robbery by two or more persons as ~~defined by~~ provided for
24 in Section 800 of Title 21 of the Oklahoma Statutes;

1 24. Robbery with dangerous weapon or imitation firearm as
2 ~~defined by~~ provided for in Section 801 of Title 21 of the Oklahoma
3 Statutes;

4 25. Any crime against a child provided for in Section 843.5 of
5 Title 21 of the Oklahoma Statutes;

6 26. Wiring or equipping any vehicle or structure with
7 explosives as ~~defined by~~ provided for in Section 849 of Title 21 of
8 the Oklahoma Statutes;

9 27. Forcible sodomy as ~~defined by~~ provided for in Section 888
10 of Title 21 of the Oklahoma Statutes;

11 28. Rape in the first degree as ~~defined by~~ provided for in
12 Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

13 29. Rape in the second degree as ~~defined by~~ provided for in
14 Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

15 30. Rape by instrumentation as ~~defined by~~ provided for in
16 Section 1111.1 of Title 21 of the Oklahoma Statutes;

17 31. Lewd or indecent proposition or lewd or indecent act with a
18 child as ~~defined by~~ provided for in Section 1123 of Title 21 of the
19 Oklahoma Statutes;

20 32. Sexual battery of a person over ~~16~~ sixteen (16) years of
21 age as ~~defined by~~ provided for in Section 1123 of Title 21 of the
22 Oklahoma Statutes;

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1 33. Use of a firearm or offensive weapon to commit or attempt
2 to commit a felony as ~~defined by~~ provided for in Section 1287 of
3 Title 21 of the Oklahoma Statutes;

4 34. Pointing firearms as ~~defined by~~ provided for in Section
5 1289.16 of Title 21 of the Oklahoma Statutes;

6 35. Rioting as ~~defined by~~ provided for in Section 1311 or
7 1321.8 of Title 21 of the Oklahoma Statutes;

8 36. Inciting to riot as ~~defined by~~ provided for in Section
9 1320.2 of Title 21 of the Oklahoma Statutes;

10 37. Arson in the first degree as ~~defined by~~ provided for in
11 Section 1401 of Title 21 of the Oklahoma Statutes;

12 38. Endangering human life during arson as ~~defined by~~ provided
13 for in Section 1405 of Title 21 of the Oklahoma Statutes;

14 39. Injuring or burning public buildings as ~~defined by~~ provided
15 for in Section 349 of Title 21 of the Oklahoma Statutes;

16 40. Sabotage as ~~defined by~~ provided for in Section 1262,
17 1265.4, or 1265.5 of Title 21 of the Oklahoma Statutes;

18 41. Extortion as ~~defined by~~ provided for in Section 1481 or
19 1486 of Title 21 of the Oklahoma Statutes;

20 42. Obtaining signature by extortion as ~~defined by~~ provided for
21 in Section 1485 of Title 21 of the Oklahoma Statutes;

22 43. Seizure of a bus, or discharging a firearm ~~or hurling~~
23 ~~missile at bus~~ as ~~defined by~~ provided for in Section 1903 of Title
24 21 of the Oklahoma Statutes;

1 44. Mistreatment of a vulnerable adult as ~~defined by~~ provided
2 for in Section 843.1 of Title 21 of the Oklahoma Statutes;

3 45. ~~Sex~~ A sex offender providing services to a child as ~~defined~~
4 ~~by~~ provided for in Section 404.1 of Title 10 of the Oklahoma
5 Statutes;

6 46. A felony offense of domestic abuse as ~~defined by~~ provided
7 for in subsection C of Section 644 of Title 21 of the Oklahoma
8 Statutes;

9 47. ~~Prisoner~~ A prisoner placing body fluid or waste on a
10 government employee as ~~defined by~~ provided for in Section 650.9 of
11 Title 21 of the Oklahoma Statutes;

12 48. Poisoning food or water supply as ~~defined by~~ provided for
13 in Section 832 of Title 21 of the Oklahoma Statutes;

14 49. Trafficking in children as ~~defined by~~ provided for in
15 Section 866 of Title 21 of the Oklahoma Statutes;

16 50. Incest as ~~defined by~~ provided for in Section 885 of Title
17 21 of the Oklahoma Statutes;

18 51. ~~Procure, produce, distribute, or possess~~ Procuring,
19 producing, distributing, or possessing child sexual abuse material
20 as ~~defined by~~ provided for in Section 1021.2 of Title 21 of the
21 Oklahoma Statutes;

22 52. Parental consent to child sexual abuse material as ~~defined~~
23 ~~by~~ provided for in Section 1021.3 of Title 21 of the Oklahoma
24 Statutes;

1 53. Soliciting a minor for indecent exposure as ~~defined by~~
2 provided for in Section 1021 of Title 21 of the Oklahoma Statutes;

3 54. Distributing obscene material or child sexual abuse
4 material as ~~defined by~~ provided for in Section 1040.13 of Title 21
5 of the Oklahoma Statutes;

6 55. Child sex trafficking as ~~defined by~~ provided for in Section
7 1030 of Title 21 of the Oklahoma Statutes;

8 56. Procuring a minor for child sex trafficking or other lewd
9 acts as ~~defined by~~ provided for in Section 1087 of Title 21 of the
10 Oklahoma Statutes;

11 57. Transporting a child under eighteen (18) years of age for
12 purposes of child sex trafficking as ~~defined by~~ provided for in
13 Section 1087 of Title 21 of the Oklahoma Statutes;

14 58. Inducing a minor to engage in child sex trafficking as
15 ~~defined by~~ provided for in Section 1088 of Title 21 of the Oklahoma
16 Statutes;

17 59. A felony offense of stalking as ~~defined by~~ provided for in
18 subsection D of Section 1173 of Title 21 of the Oklahoma Statutes;

19 60. ~~Spread~~ Spreading of infectious diseases as ~~defined by~~
20 provided for in Section 1192 of Title 21 of the Oklahoma Statutes;

21 61. ~~Advocate~~ Advocating to overthrow ~~of~~ the government by
22 force, ~~commit~~ committing or ~~attempt~~ attempting to commit acts to
23 overthrow the government, ~~organize~~ organizing or ~~provide~~ providing
24 assistance to groups to overthrow the government as ~~defined by~~

1 provided for in Section 1266, 1266.4 or 1267.1 of Title 21 of the
2 Oklahoma Statutes;

3 62. Feloniously discharging a firearm as ~~defined by~~ provided
4 for in Section 1289.17A of Title 21 of the Oklahoma Statutes;

5 63. Possession, use, manufacture, or threat of use of an
6 incendiary device as ~~defined by~~ provided for in Section 1767.1 of
7 Title 21 of the Oklahoma Statutes;

8 64. Causing a personal injury accident while driving under the
9 influence as ~~defined by~~ provided for in Section 11-904 of Title 47
10 of the Oklahoma Statutes; or

11 65. Using a motor vehicle to facilitate the discharge of a
12 firearm as ~~defined by~~ provided for in Section 652 of Title 21 of the
13 Oklahoma Statutes.

14 F. The policy and procedure developed by the Department of
15 Corrections shall include provisions for adjustment review
16 committees of not less than three members for each such committee.
17 Each committee shall consist of a classification team supervisor who
18 shall act as ~~chairman~~ chair, the case manager for the inmate being
19 reviewed or classified, a correctional officer or inmate counselor,
20 and not more than two other members, if deemed necessary, determined
21 pursuant to policy and procedure to be appropriate for the specific
22 adjustment review committee or committees to which they are
23 assigned. At least once every four (4) months the adjustment review
24 committee for each inmate shall evaluate the class level status and

1 performance of the inmate and determine whether the class level for
2 the inmate should be changed.

3 Any inmate who feels aggrieved by a decision made by an
4 adjustment review committee may utilize normal grievance procedures
5 in effect with the Department of Corrections and in effect at the
6 correctional facility in which the inmate is ~~incarcerated~~ in the
7 custody of the Department of Corrections.

8 G. Inmates granted medical leaves for treatment that cannot be
9 furnished at the ~~penal institution where incarcerated~~ correctional
10 facility shall be allowed the time spent on medical leave as time
11 served. Any inmate placed into administrative segregation for
12 nondisciplinary reasons by the institution's administration may be
13 placed in Class 2. The length of any jail term served by an inmate
14 before being transported to a ~~state correctional institution~~
15 facility pursuant to a judgment and sentence of incarceration shall
16 be deducted from the term of imprisonment at the ~~state correctional~~
17 ~~institution~~ facility. Inmates sentenced to the Department of
18 Corrections and detained in a county jail as a result of the
19 Department's reception scheduling procedure shall be awarded earned
20 credits as provided for in subparagraph ~~b~~ d of paragraph 1 of
21 subsection D of this section, at a rate of 1.47 credits per day,
22 beginning on the date of the judgment and sentence, unless the
23 inmate is convicted of a misdemeanor or felony committed in the jail
24 while the inmate is awaiting transport to the Lexington Assessment

1 and Reception Center or other assessment and reception location
2 determined by the Director of the Department of Corrections.

3 H. Additional achievement earned credits for successful
4 completion of departmentally approved programs or for attaining
5 goals or standards set by the Department shall be awarded as
6 follows:

7 Bachelor's degree.....200 credits;

8 Associate's degree.....100 credits;

9 High School Diploma or High School

10 Equivalency Diploma.....90 credits;

11 Certification of Completion of

12 Vocational Training.....80 credits;

13 Successful completion of

14 Alcohol/Chemical Abuse Treatment

15 Program of not less than four (4)

16 months continuous participation.....70 credits;

17 Successful completion of other

18 Educational Accomplishments or

19 other programs not specified in

20 this subsection.....10-30 credits;

21 Achievement earned credits are subject to loss and restoration in
22 the same manner as earned credits. Achievement earned credits for a
23 high school diploma or high school equivalency diploma may be
24 attained by an inmate who completes such a program during continuous

1 custody in a county jail while awaiting trial, sentencing, or
2 transfer to the custody of the Department of Corrections. To
3 qualify, an inmate must have been detained in connection with the
4 case that resulted in his or her prison sentence and there must have
5 been continuous custody in a county jail for program completion and
6 transfer to the Department. Upon sentencing and transfer to the
7 Department, the inmate shall receive achievement earned credits in
8 the amount specified in this subsection, provided the county jail
9 documents completion of the program, including the date of
10 certification earned, on the official jail sentence form. The
11 official jail sentence form shall accompany the inmate upon transfer
12 to the Department.

13 I. The accumulated time of every inmate shall be tallied
14 monthly and maintained by the institution where the term of
15 imprisonment is being served. A record of such accumulated time
16 shall be:

- 17 1. Sent to the administrative office of the Department of
18 Corrections on a quarterly basis; and
- 19 2. Provided to the inmate.

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

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
22 February 24, 2026 - DO PASS
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