

1 **SENATE FLOOR VERSION**

2 February 17, 2026

3 SENATE BILL NO. 1264

By: Gillespie of the Senate

4 and

5 Miller of the House

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10 An Act relating to crimes and punishments; amending
11 Section 5, Chapter 366, O.S.L. 2024, as amended by
12 Section 1, Chapter 187, O.S.L. 2025 (21 O.S. Supp.
13 2025, Section 20E), which relates to Class A3
14 offenses; conforming statutory reference; amending
15 Section 8, Chapter 366, O.S.L. 2024 (21 O.S. Supp.
16 2025, Section 20H), which relates to Class B3
17 offenses; conforming statutory reference; updating
18 statutory references; amending 21 O.S. 2021, Section
19 644, as last amended by Section 1, Chapter 322,
20 O.S.L. 2025 (21 O.S. Supp. 2025, Section 644), which
21 relates to assault and battery; modifying definition;
22 conforming language; updating statutory language and
23 references; repealing 21 O.S. 2021, Section 644, as
24 last amended by Section 1, Chapter 147, O.S.L. 2025
(21 O.S. Supp. 2025, Section 644), which relates to
assault and battery; repealing 21 O.S. 2021, Section
644, as last amended by Section 2, Chapter 162,
O.S.L. 2025 (21 O.S. Supp. 2025, Section 644), which
relates to assault and battery; repealing 21 O.S.
2021, Section 644, as last amended by Section 3,
Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section
644), which relates to assault and battery; and
providing an effective date.

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

SECTION 1. AMENDATORY Section 5, Chapter 366, O.S.L. 2024, as amended by Section 1, Chapter 187, O.S.L. 2025 (21 O.S. Supp. 2025, Section 20E), is amended to read as follows:

Section 20E. A. ~~Upon the effective date of this act~~ On or after January 1, 2026, Class A3 shall include the following criminal offenses:

1. Domestic assault and battery with a deadly weapon, as provided for in ~~paragraph 2 of subsection D of Section 644 of Title 21 of the Oklahoma Statutes~~ this title;

2. Second or subsequent conviction of domestic abuse against a pregnant woman with knowledge of the pregnancy, as provided for in ~~paragraph 2 of subsection E of Section 644 of Title 21 of the Oklahoma Statutes~~ this title;

3. Aggravated assault and battery upon a police officer, sheriff, deputy sheriff or highway patrolman, corrections personnel, or any state peace officer, as provided for in subsection A of Section 650 of ~~Title 21 of the Oklahoma Statutes~~ this title;

1 4. Shooting with the intent to kill, as provided for in
2 subsection A of Section 652 of ~~Title 21 of the Oklahoma Statutes~~
3 this title;

4 5. Using a vehicle to facilitate the intentional discharge of a
5 firearm, crossbow, or other weapon, as provided for in subsection B
6 of Section 652 of ~~Title 21 of the Oklahoma Statutes~~ this title;

7 6. Assault and battery with a deadly weapon, as provided for in
8 subsection C of Section 652 of ~~Title 21 of the Oklahoma Statutes~~
9 this title;

10 7. Maiming, as provided for in Section 751 of ~~Title 21 of the~~
11 ~~Oklahoma Statutes~~ this title;

12 8. Sexual abuse by a caretaker, as provided for in paragraph 2
13 of subsection B of Section 843.1 of ~~Title 21 of the Oklahoma~~
14 ~~Statutes~~ this title;

15 9. Child abuse, as provided for in subsection A of Section
16 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

17 10. Enabling child abuse, as provided for in subsection B of
18 Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

19 11. Child sexual abuse, as provided for in subsection E of
20 Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

21 12. Enabling child sexual abuse, as provided for in subsection
22 G of Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

23 13. Child sexual exploitation, as provided for in subsection H
24 of Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

1 14. Enabling child sexual exploitation, as provided for in
2 subsection J of Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~
3 this title;

4 15. Lewd or indecent proposals or acts to a child, as provided
5 for in subsection A of Section 1123 of ~~Title 21 of the Oklahoma~~
6 ~~Statutes~~ this title;

7 16. Terrorism, as provided for in subsection B of Section
8 1268.2 of ~~Title 21 of the Oklahoma Statutes~~ this title;

9 17. Conspiracy to commit terrorism, as provided for in
10 subsection A of Section 1268.3 of ~~Title 21 of the Oklahoma Statutes~~
11 this title;

12 18. Any person above the age of eighteen (18) who, on campuses
13 or public school grounds, advocates revolution, sabotage, force and
14 violation, sedition, treason, or the overthrow of the United States
15 government, as provided for in subsection B of Section 1327 of ~~Title~~
16 ~~21 of the Oklahoma Statutes~~ this title;

17 19. Arson in the first degree, as provided for in subsection A
18 of Section 1401 of ~~Title 21 of the Oklahoma Statutes~~ this title;

19 20. Arson while manufacturing, attempting to manufacture, or
20 endeavoring to manufacture a controlled dangerous substance, as
21 provided for in subsection B of Section 1401 of ~~Title 21 of the~~
22 ~~Oklahoma Statutes~~ this title; and

1 21. Causing personal injury while committing an act of arson,
2 as provided for in Section 1405 of ~~Title 21 of the Oklahoma Statutes~~
3 this title.

4 B. Any person convicted of a Class A3 criminal offense set
5 forth in this section shall be punished in accordance with the
6 corresponding penalties provided for in the Oklahoma Statutes.

7 SECTION 2. AMENDATORY Section 8, Chapter 366, O.S.L.
8 2024 (21 O.S. Supp. 2025, Section 20H), is amended to read as
9 follows:

10 Section 20H. A. ~~Upon the effective date of this act~~ On or
11 after January 1, 2026, Class B3 shall include the following criminal
12 offenses:

13 1. Embezzlement of state property by a public officer of the
14 state or any county, city, town, or member or officer of the
15 Legislature, deputy, or clerk, as provided for in Section 341 of
16 ~~Title 21 of the Oklahoma Statutes~~ this title;

17 2. Burning, destroying, or injuring any public building, as
18 provided for in Section 349 of ~~Title 21 of the Oklahoma Statutes~~
19 this title;

20 3. Resisting or aiding in resisting the execution of process,
21 as provided for in Section 539 of ~~Title 21 of the Oklahoma Statutes~~
22 this title;

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1 4. Domestic abuse with a prior pattern of physical abuse, as
2 provided for in Section 644.1 of ~~Title 21 of the Oklahoma Statutes~~
3 this title;

4 5. ~~Assault, battery, or assault and battery upon an intimate~~
5 ~~partner or a family or household member with any sharp or dangerous~~
6 ~~weapon, as provided for in paragraph 1 of subsection D of Section~~
7 ~~644 of Title 21 of the Oklahoma Statutes;~~

8 ~~6.~~ Assault and battery against a current or former intimate
9 partner or a family or household member that results in great bodily
10 injury to the victim, as provided for in subsection F of Section 644
11 of ~~Title 21 of the Oklahoma Statutes~~ this title;

12 ~~7.~~ 6. Second or subsequent conviction for assault and battery
13 by strangulation or attempted strangulation against an intimate
14 partner or a family or household member, as provided for in
15 subsection J of Section 644 of ~~Title 21 of the Oklahoma Statutes~~
16 this title;

17 ~~8.~~ 7. Second or subsequent conviction for committing or
18 attempting to commit a felony while wearing body armor, as provided
19 for in Section 1289.26 of ~~Title 21 of the Oklahoma Statutes~~ this
20 title;

21 ~~9.~~ 8. Riotous assembly for the purpose of resisting the
22 execution of any statute or obstructing any public officer, as
23 provided for in paragraph 2 of Section 1312 of ~~Title 21 of the~~
24 ~~Oklahoma Statutes~~ this title;

1 ~~10.~~ 9. Carrying at the time of a riot any firearm or other
2 deadly weapon or being disguised while participating in a riot, as
3 provided for in paragraph 3 of Section 1312 of ~~Title 21 of the~~
4 ~~Oklahoma Statutes~~ this title;

5 ~~11.~~ 10. Directing, advising, encouraging, or soliciting other
6 persons to use force or violence while participating in a riot, as
7 provided for in paragraph 4 of Section 1312 of ~~Title 21 of the~~
8 ~~Oklahoma Statutes~~ this title;

9 ~~12.~~ 11. Arson with the intent to injure or defraud the insurer,
10 as provided for in subsection B of Section 1403 of ~~Title 21 of the~~
11 ~~Oklahoma Statutes~~ this title;

12 ~~13.~~ 12. Forgery in the first degree, as provided for in Section
13 1561 of ~~Title 21 of the Oklahoma Statutes~~ this title;

14 ~~14.~~ 13. Forgery of stock certificates or securities, as
15 provided for in Section 1562 of ~~Title 21 of the Oklahoma Statutes~~
16 this title;

17 ~~15.~~ 14. Fraudulently uttering one's signature on any instrument
18 as that of another with the same name, as provided for in Section
19 1622 of ~~Title 21 of the Oklahoma Statutes~~ this title;

20 ~~16.~~ 15. Fraudulently uttering one's endorsement on any
21 negotiable instrument as that of another with the same name, as
22 provided for in Section 1623 of ~~Title 21 of the Oklahoma Statutes~~
23 this title;

1 ~~17.~~ 16. Total or partial erasure or obliteration of any
2 instrument or writing with intent to defraud, as provided for in
3 Section 1624 of ~~Title 21 of the Oklahoma Statutes~~ this title;

4 ~~18.~~ 17. Signing fictitious name as an officer or agent of a
5 corporation, as provided for in Section 1626 of ~~Title 21 of the~~
6 ~~Oklahoma Statutes~~ this title;

7 ~~19.~~ 18. Procuring, soliciting, selling, or receiving more than
8 ten ~~(10)~~ telephone records by fraudulent, deceptive, or false means,
9 as provided for in paragraph 3 of subsection B of Section 1742.2 of
10 ~~Title 21 of the Oklahoma Statutes~~ this title;

11 ~~20.~~ 19. Violating the Viatical Settlements Act of 2008, as
12 provided for in paragraph 1 of subsection F of Section 4055.14 of
13 Title 36 of the Oklahoma Statutes;

14 ~~21.~~ 20. Third or subsequent conviction of driving under the
15 influence of alcohol or other intoxicating substance, as provided
16 for in paragraph 4 of subsection C of Section 11-902 of Title 47 of
17 the Oklahoma Statutes;

18 ~~22.~~ 21. Driving under the influence with a blood or breath
19 alcohol concentration of fifteen-hundredths (0.15) or more, as
20 provided for in subsection D of Section 11-902 of Title 47 of the
21 Oklahoma Statutes;

22 ~~23.~~ 22. Injuring, destroying, or attempting to injure or
23 destroy any hazardous liquid transportation system, as provided for
24 in Section 47.6 of Title 52 of the Oklahoma Statutes;

1 ~~24.~~ 23. Bringing into or having in his or her possession in any
2 jail, state penal institution, or other place where prisoners are
3 located, any gun, knife, bomb, other dangerous instrument,
4 controlled dangerous substance, alcoholic beverage, money, or
5 financial documents, as provided for in subsection A of Section 21
6 of Title 57 of the Oklahoma Statutes;

7 ~~25.~~ 24. Purchasing or attempting to purchase, receive, or
8 otherwise acquire any product, mixture, or preparation containing
9 any detectable quantity of base pseudoephedrine or ephedrine after a
10 conviction of manufacturing or attempting to manufacture
11 methamphetamine, as provided for in paragraph 5 of subsection G of
12 Section 2-401 of Title 63 of the Oklahoma Statutes;

13 ~~26.~~ 25. Distributing, other than by dispensing, a Schedule I or
14 Schedule II controlled dangerous substance, in the course of
15 legitimate business, as provided for in paragraph 1 of subsection A
16 of Section 2-406 of Title 63 of the Oklahoma Statutes;

17 ~~27.~~ 26. Using a fictitious, revoked, suspended, or fraudulent
18 registration number in the course of manufacturing or distributing a
19 controlled dangerous substance, as provided for in paragraph 2 of
20 subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

21 ~~28.~~ 27. Furnishing false or fraudulent material information in,
22 or omitting any material information from, any application, report,
23 or document required by the Uniform Controlled Dangerous Substances
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1 Act, as provided for in paragraph 4 of subsection A of Section 2-406
2 of Title 63 of the Oklahoma Statutes;

3 ~~29.~~ 28. Making, distributing, or possessing any punch, die,
4 plate, stone, or other thing designed to print, imprint, or
5 reproduce the trademark, trade name, or other identifying mark, upon
6 any drug, container, or labeling, as provided for in paragraph 5 of
7 subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

8 ~~30.~~ 29. Trafficking twenty-five (25) pounds or more of
9 marijuana, as provided for in subparagraph a of paragraph 1 of
10 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

11 ~~31.~~ 30. Trafficking twenty-eight (28) grams or more of cocaine,
12 coca leaves, or cocaine base, as provided for in subparagraph a of
13 paragraph 2 of subsection C of Section 2-415 of Title 63 of the
14 Oklahoma Statutes;

15 ~~32.~~ 31. Trafficking three hundred (300) grams or more of
16 cocaine, coca leaves, or cocaine base, as provided for in
17 subparagraph b of paragraph 2 of subsection C of Section 2-415 of
18 Title 63 of the Oklahoma Statutes;

19 ~~33.~~ 32. Trafficking ten (10) grams or more of heroin, as
20 provided for in subparagraph a of paragraph 3 of subsection C of
21 Section 2-415 of Title 63 of the Oklahoma Statutes;

22 ~~34.~~ 33. Trafficking twenty (20) grams or more of amphetamine or
23 methamphetamine, as provided for in subparagraph a of paragraph 4 of
24 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

1 ~~35.~~ 34. Trafficking two hundred (200) grams or more of
2 amphetamine or methamphetamine, as provided for in subparagraph b of
3 paragraph 4 of subsection C of Section 2-415 of Title 63 of the
4 Oklahoma Statutes;

5 ~~36.~~ 35. Trafficking one (1) gram or more of lysergic acid
6 diethylamide (LSD), as provided for in subparagraph a of paragraph 5
7 of subsection C of Section 2-415 of Title 63 of the Oklahoma
8 Statutes;

9 ~~37.~~ 36. Trafficking twenty (20) grams or more of phencyclidine
10 (PCP), as provided for in subparagraph a of paragraph 6 of
11 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

12 ~~38.~~ 37. Trafficking thirty (30) tablets or ten (10) grams of
13 3,4-Methylenedioxy methamphetamine, as provided for in subparagraph
14 a of paragraph 7 of subsection C of Section 2-415 of Title 63 of the
15 Oklahoma Statutes;

16 ~~39.~~ 38. Aggravated trafficking one hundred (100) tablets or
17 thirty (30) grams of 3,4-Methylenedioxy methamphetamine, as provided
18 for in subparagraph b of paragraph 7 of subsection C of Section 2-
19 415 of Title 63 of the Oklahoma Statutes;

20 ~~40.~~ 39. Trafficking one thousand (1,000) grams or more of
21 morphine, as provided for in paragraph 8 of subsection C of Section
22 2-415 of Title 63 of the Oklahoma Statutes;

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1 ~~41.~~ 40. Trafficking four hundred (400) grams or more of
2 oxycodone, as provided for in paragraph 9 of subsection C of Section
3 2-415 of Title 63 of the Oklahoma Statutes;

4 ~~42.~~ 41. Trafficking three thousand seven hundred fifty (3,750)
5 grams or more of hydrocodone, as provided for in paragraph 10 of
6 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

7 ~~43.~~ 42. Trafficking five hundred (500) grams or more of
8 benzodiazepine, as provided for in paragraph 11 of subsection C of
9 Section 2-415 of Title 63 of the Oklahoma Statutes;

10 ~~44.~~ 43. Trafficking one (1) gram or more of fentanyl or
11 ~~carfentanyl~~ carfentanil, as provided for in subparagraph a of
12 paragraph 12 of subsection C of Section 2-415 of Title 63 of the
13 Oklahoma Statutes;

14 ~~45.~~ 44. Employing, hiring, or using an individual under fifteen
15 (15) years of age to unlawfully transport, carry, sell, give away,
16 prepare for sale, or peddle any controlled dangerous substance, as
17 provided for in subsection D of Section 2-419.1 of Title 63 of the
18 Oklahoma Statutes;

19 ~~46.~~ 45. Second or subsequent conviction for violating the
20 Vessel and Motor Chop Shop, Stolen and Altered Property Act, as
21 provided for in subsection J of Section 4253 of Title 63 of the
22 Oklahoma Statutes; and

23 ~~47.~~ 46. Third or subsequent conviction for violating the Vessel
24 and Motor Chop Shop, Stolen and Altered Property Act, as provided

1 for in subsection J of Section 4253 of Title 63 of the Oklahoma
2 Statutes.

3 B. Any person convicted of a Class B3 criminal offense set
4 forth in this section shall be punished in accordance with the
5 corresponding penalties provided for in the Oklahoma Statutes.

6 SECTION 3. AMENDATORY 21 O.S. 2021, Section 644, as last
7 amended by Section 1, Chapter 322, O.S.L. 2025 (21 O.S. Supp. 2025,
8 Section 644), is amended to read as follows:

9 Section 644. A. Assault shall, upon conviction, be punishable
10 by imprisonment in a county jail not exceeding ~~thirty (30)~~ ninety
11 (90) days, or by a fine ~~of~~ not more than Five Hundred Dollars
12 (\$500.00), or by both such ~~fine imprisonment and imprisonment~~ fine.

13 B. Assault and battery shall, upon conviction, be punishable by
14 imprisonment in a county jail not exceeding ~~ninety (90) days~~ six (6)
15 months, or by a fine ~~of~~ not more than One Thousand Dollars
16 (\$1,000.00), or by both such ~~fine imprisonment and imprisonment~~
17 fine.

18 C. Any person who commits any assault and battery against a
19 current or former intimate partner or a family or household member
20 as defined by Section 60.1 of Title 22 of the Oklahoma Statutes
21 shall be guilty of domestic abuse. Upon conviction, the defendant
22 shall be punished by imprisonment in the county jail for not more
23 than one (1) year, or by a fine not exceeding Five Thousand Dollars
24 (\$5,000.00), or by both such ~~fine imprisonment and imprisonment~~

1 fine. Upon conviction for a second or subsequent offense, the
2 person shall be ~~punished~~ guilty of a Class B5 felony offense
3 punishable by imprisonment in the custody of the Department of
4 Corrections for not more than four (4) years, or by a fine not
5 exceeding Five Thousand Dollars (\$5,000.00), or by both such ~~fine~~
6 imprisonment and ~~imprisonment~~ fine. The provisions of Section 51.1
7 of this title shall apply to any second or subsequent offense.

8 D. 1. ~~Any person who, with intent to do bodily harm and~~
9 ~~without justifiable or excusable cause, commits any assault,~~
10 ~~battery, or assault and battery upon an intimate partner or a family~~
11 ~~or household member as defined by Section 60.1 of Title 22 of the~~
12 ~~Oklahoma Statutes with any sharp or dangerous weapon, upon~~
13 ~~conviction, is guilty of domestic assault or domestic assault and~~
14 ~~battery with a dangerous weapon which shall be a felony and~~
15 ~~punishable by imprisonment in the custody of the Department of~~
16 ~~Corrections not exceeding ten (10) years, or by imprisonment in a~~
17 ~~county jail not exceeding one (1) year. The provisions of Section~~
18 ~~51.1 of this title shall apply to any second or subsequent~~
19 ~~conviction for a violation of this paragraph.~~

20 2. Any person who, with intent to do bodily harm and without
21 ~~such~~ justifiable or excusable cause, ~~shoots~~ commits any assault and
22 battery upon an intimate partner or a family or household member as
23 defined by Section 60.1 of Title 22 of the Oklahoma Statutes by
24 means of any deadly weapon or by such other means or force that is

1 likely to produce death shall, upon conviction, be guilty of
2 domestic assault and battery with a deadly weapon which shall be a
3 Class A3 felony offense punishable by imprisonment in the custody of
4 the Department of Corrections not exceeding life. The provisions of
5 Section 51.1 of this title shall apply to any second or subsequent
6 conviction for a violation of this ~~paragraph~~ subsection.

7 E. 1. Any person convicted of domestic abuse committed against
8 a pregnant woman with knowledge of the pregnancy shall be guilty of
9 a Class B5 felony offense, punishable by imprisonment in the custody
10 of the Department of Corrections for not more than five (5) years.

11 2. Any person convicted of a second or subsequent offense of
12 domestic abuse against a pregnant woman with knowledge of the
13 pregnancy shall be guilty of a Class A3 felony, ~~offense~~ punishable
14 by imprisonment in the custody of the Department of Corrections for
15 not less than ten (10) years.

16 3. Any person convicted of domestic abuse committed against a
17 pregnant woman with knowledge of the pregnancy and a miscarriage
18 occurs or injury to the unborn child occurs shall, upon conviction,
19 be guilty of a Class A1 felony, ~~offense~~ punishable by imprisonment
20 in the custody of the Department of Corrections for not less than
21 twenty (20) years.

22 F. Any person convicted of domestic abuse as defined in
23 subsection C of this section that results in great bodily injury to
24 the victim shall, upon conviction, be guilty of a Class B3 felony

1 ~~and punished~~ offense punishable by imprisonment in the custody of
2 the Department of Corrections for not more than ten (10) years, or
3 by imprisonment in the county jail for not more than one (1) year.
4 The provisions of Section 51.1 of this title shall apply to any
5 second or subsequent conviction of a violation of this subsection.

6 G. Any person convicted of domestic abuse as defined in
7 subsection C of this section that was committed in the presence of a
8 child shall be punished by imprisonment in the county jail for not
9 less than six (6) months nor more than one (1) year, or by a fine
10 not exceeding Five Thousand Dollars (\$5,000.00), or by both such
11 ~~fine imprisonment and imprisonment fine~~. Any person convicted of a
12 second or subsequent domestic abuse as defined in subsection C of
13 this section that was committed in the presence of a child shall be
14 ~~punished~~ guilty of a Class B5 felony offense punishable by
15 imprisonment in the custody of the Department of Corrections for not
16 less than one (1) year nor more than five (5) years, or by a fine
17 not exceeding Seven Thousand Dollars (\$7,000.00), or by both such
18 ~~fine imprisonment and imprisonment fine~~. The provisions of Section
19 51.1 of this title shall apply to any second or subsequent offense.
20 For every conviction of a domestic abuse crime in violation of any
21 provision of this section committed against an intimate partner or a
22 family or household member as defined by Section 60.1 of Title 22 of
23 the Oklahoma Statutes, the court shall:

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1 1. Specifically order as a condition of a suspended or deferred
2 sentence that a defendant undergo treatment to bring about the
3 cessation of domestic abuse as specified in paragraph 2 of this
4 subsection;

5 2. a. The court shall require the defendant to complete an
6 assessment and follow the recommendations of a
7 batterers' intervention program to attend a fifty-two-
8 week batterers' intervention program or a pilot
9 batterers' intervention program, if available,
10 certified by the Attorney General.

11 b. If the defendant participates in a batterers'
12 intervention program, the program shall require the
13 defendant to attend for a minimum of fifty-two (52)
14 weeks, complete the program, and be evaluated before
15 and after attendance of the program by program staff.
16 Three unexcused absences in succession or seven
17 unexcused absences in a period of fifty-two (52) weeks
18 from any court-ordered batterers' intervention program
19 shall be prima facie evidence of the violation of the
20 conditions of probation for the district attorney to
21 seek acceleration or revocation of any probation
22 entered by the court.

23 c. To investigate the effectiveness of additional
24 batterers' intervention models, the Attorney General,

1 beginning February 1, 2026, may certify two pilot
2 batterers' intervention programs for a period of
3 thirty-six (36) months located in Oklahoma and Tulsa
4 Counties. Proposals for certification as a pilot
5 batterers' intervention program may be approved only
6 if made by an organization that was dually certified
7 as a batterers' intervention program and a domestic
8 violence and sexual assault program on or before
9 January 1, 2025, or by an organization certified as a
10 batterers' intervention program on or before January
11 1, 2025, pursuant to a written agreement with an
12 organization certified as a domestic violence and
13 sexual assault program on or before January 1, 2025.
14 Treatment provided through a pilot batterers'
15 intervention program shall be evidence-based and shall
16 be a minimum of twenty-six (26) weeks' duration.
17 Participation in a pilot batterers' intervention
18 program shall be limited to fifty participants at any
19 given time. Pilot batterers' intervention programs
20 shall be self-funded, including any fees which may be
21 charged to the participants; provided, however, state
22 or federal funding may continue for domestic violence
23 and sexual abuse programs.

1 d. The Office of the Attorney General shall promulgate
2 rules for pilot batterers' intervention programs in
3 consultation with domestic violence and batterers'
4 intervention programs or advocacy organizations.

5 The Attorney General shall establish within his or her
6 administrative rules a screening and referral process
7 to review referrals to the pilot batterers'
8 intervention programs; provided, however, individuals
9 convicted of domestic abuse with a dangerous weapon or
10 domestic abuse by strangulation shall not be eligible
11 to participate in the pilot program. The Attorney
12 General shall require reporting of data necessary for
13 evaluation of the pilot programs. The pilot programs
14 shall provide the Attorney General with annual updates
15 and at the end of a pilot program term, a formal
16 evaluation shall be done by a third party agreed upon
17 by the Attorney General and the pilot program
18 operator.

19 e. All participants in the pilot program shall be subject
20 to a validated risk assessment conducted by a
21 qualified professional. The results of the assessment
22 shall be used to determine program placement based on
23 the level of risk and individual circumstances.

24 Participation in any shared or joint setting by both

1 the survivor and the individual who has caused harm
2 shall be prohibited under a pilot program. The
3 Attorney General shall adopt rules to implement this
4 subparagraph, including standards for risk assessment
5 tools and differentiated response models.

6 f. The Attorney General may provide by rule for extension
7 of no more than twenty-four (24) months beyond thirty-
8 six (36) months of a pilot batterers' intervention
9 program if recommended by the third-party evaluator.

10 g. Pilot batterers' intervention programs shall:

11 (1) prioritize survivors' well-being in every part of
12 the pilot program including screening,
13 participation, reporting, and evaluation,

14 (2) ensure that batterers' intervention programs use
15 appropriate intervention strategies to assist the
16 batterer in fostering the appropriate skills to:

17 (a) stop the violence committed by the batterer,

18 (b) accept personal accountability for battering
19 and personal responsibility for the decision
20 to stop or not to stop battering, and

21 (c) change the existing attitudes and beliefs of
22 the batterer that support the coercive
23 behavior of the batterer,

24 (3) address all forms of battering,

- (4) be culturally informed and provide culturally appropriate services to all participants,
- (5) provide services that are affordable and accessible for participants, including participants with disabilities and limited English proficiency,
- (6) provide a uniform standard for evaluating the performance of a batterers' intervention program,
- (7) be informed by evidence-based practice, research, and proven field experience, including risk assessment, that enhances victim safety,
- (8) foster local and statewide communication and interaction between and among batterers' intervention programs and victim advocacy programs, and
- (9) ensure that batterers' intervention programs operate as an integrated part of the wider community response to battering.

h. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to the treatment of domestic abuse or per evaluation as set forth below. If, after

1 sufficient evaluation and attendance at required
2 treatment sessions, the domestic violence treatment
3 program determines that the defendant does not
4 evaluate as a perpetrator of domestic violence or does
5 evaluate as a perpetrator of domestic violence and
6 should complete other programs of treatment
7 simultaneously or prior to or subsequent to domestic
8 violence treatment, including, but not limited to,
9 programs related to ~~the~~ mental health, apparent
10 substance or alcohol abuse or inability or refusal to
11 manage anger, the defendant shall be ordered to
12 complete the counseling as per the recommendations of
13 the domestic violence treatment program;

- 14 3. a. The court shall set a review hearing no more than one
15 hundred twenty (120) days after the defendant is
16 ordered to undergo treatment for domestic abuse to
17 assure the attendance and compliance of the defendant
18 with the provisions of this subsection. The court may
19 delay sentencing of the defendant until the defendant
20 has presented proof to the court of enrollment in a
21 domestic abuse treatment program certified by the
22 Attorney General and attendance at weekly sessions of
23 such program. Such proof shall be presented to the
24 court by the defendant no later than one hundred

1 twenty (120) days after the defendant is ordered to
2 such treatment. At such time, the court may complete
3 sentencing, beginning the period of the sentence from
4 the date that proof of enrollment is presented to the
5 court, and schedule reviews as required by
6 ~~subparagraphs a~~ this subparagraph and subparagraph b
7 of this paragraph and paragraphs 4 and 5 of this
8 subsection. Three unexcused absences in succession or
9 seven unexcused absences in a period of fifty-two (52)
10 weeks from any court-ordered treatment program shall
11 be prima facie evidence of the violation of the
12 conditions of probation for the district attorney to
13 seek acceleration or revocation of any probation
14 entered by the court.

15 b. The court shall set a second review hearing after the
16 completion of the treatment to assure the attendance
17 and compliance of the defendant with the provisions of
18 this subsection and the treatment requirements. The
19 court shall retain continuing jurisdiction over the
20 defendant during the course of ordered counseling
21 through the final review hearing;

22 4. The court may set subsequent or other review hearings as the
23 court determines necessary to assure the defendant attends and fully
24

1 complies with the provisions of this subsection and the treatment
2 requirements;

3 5. At any review hearing, if the defendant is not
4 satisfactorily attending a treatment program or is not in compliance
5 with treatment requirements, the court may order the defendant to
6 further or continue treatment or other necessary services. The
7 court may revoke all or any part of a suspended sentence, deferred
8 sentence, or probation pursuant to Section 991b of Title 22 of the
9 Oklahoma Statutes and subject the defendant to any or all remaining
10 portions of the original sentence;

11 6. At the first review hearing, the court shall require the
12 defendant to appear in court. Thereafter, for any subsequent review
13 hearings, the court may accept a report on the progress of the
14 defendant from the treatment program. There shall be no requirement
15 for the victim to attend review hearings; and

16 7. If funding is available, a referee may be appointed and
17 assigned by the presiding judge of the district court to hear
18 designated cases set for review under this subsection. Reasonable
19 compensation for the referees shall be fixed by the presiding judge.
20 The referee shall meet the requirements and perform all duties in
21 the same manner and procedure as set forth in Sections 1-8-103 and
22 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees
23 appointed in juvenile proceedings.

24

1 The defendant may be required to pay all or part of the cost of
2 the treatment, in the discretion of the court.

3 H. As used in subsection G of this section, "in the presence of
4 a child" means in the physical presence of a child; or having
5 knowledge that a child is present and may see or hear an act of
6 domestic violence. For the purposes of ~~subsections C and~~ subsection
7 G of this section, "child" may be any child whether or not related
8 to the victim or the defendant.

9 I. For the purposes of subsections C and G of this section, any
10 conviction for assault and battery against an intimate partner or a
11 family or household member as defined by Section 60.1 of Title 22 of
12 the Oklahoma Statutes shall constitute a sufficient basis for a
13 felony charge:

14 1. If that conviction is rendered in any state, county, or
15 parish court of record of this or any other state; or

16 2. If that conviction is rendered in any municipal court of
17 record of this or any other state for which any jail time was
18 served; provided, no conviction in a municipal court of record
19 entered prior to November 1, 1997, shall constitute a prior
20 conviction for purposes of a felony charge.

21 J. Any person who commits any assault and battery by
22 strangulation or attempted strangulation against an intimate partner
23 or a family or household member as defined by Section 60.1 of Title
24 22 of the Oklahoma Statutes shall, upon conviction, be guilty of a

1 Class B5 felony offense of domestic abuse by strangulation ~~and shall~~
2 ~~be punished~~ punishable by imprisonment in the custody of the
3 Department of Corrections for a period ~~of~~ not less than one (1) year
4 nor more than three (3) years, or by a fine ~~of~~ not more than Three
5 Thousand Dollars (\$3,000.00), or by both such ~~fine~~ imprisonment and
6 ~~imprisonment~~ fine. Upon a second or subsequent conviction for a
7 violation of this section, the defendant shall be ~~punished~~ guilty of
8 a Class B3 felony punishable by imprisonment in the custody of the
9 Department of Corrections for a period ~~of~~ not less than three (3)
10 years nor more than ten (10) years, or by a fine ~~of~~ not more than
11 Twenty Thousand Dollars (\$20,000.00), or by both such ~~fine~~
12 imprisonment and ~~imprisonment~~ fine. The provisions of Section 51.1
13 of this title shall apply to any second or subsequent conviction of
14 a violation of this subsection. As used in this subsection,
15 "strangulation" means any form of asphyxia; including, but not
16 limited to, asphyxia characterized by closure of the blood vessels
17 or air passages of the neck as a result of external pressure on the
18 neck or the closure of the nostrils or mouth as a result of external
19 pressure on the head.

20 K. Any district court of this state and any judge thereof shall
21 be immune from any liability or prosecution for issuing an order
22 that requires a defendant to:

23 1. Attend a treatment program for domestic abusers certified by
24 the Attorney General;

1 2. Attend counseling or treatment services ordered as part of
2 any suspended or deferred sentence or probation; and

3 3. Attend, complete, and be evaluated before and after
4 attendance by a treatment program for domestic abusers, certified by
5 the Attorney General.

6 L. There shall be no charge of fees or costs to any victim of
7 domestic violence, stalking, or sexual assault in connection with
8 the prosecution of a domestic violence, stalking, or sexual assault
9 offense in this state.

10 M. In the course of prosecuting any charge of domestic abuse,
11 stalking, harassment, rape, or violation of a protective order, the
12 prosecutor shall provide the court, prior to sentencing or any plea
13 agreement, a local history and any other available history of past
14 convictions of the defendant within the last ten (10) years relating
15 to domestic abuse, stalking, harassment, rape, violation of a
16 protective order, or any other violent misdemeanor or felony
17 convictions.

18 N. Any plea of guilty or finding of guilt for a violation of
19 subsection C, F, G, I, J or J of this section shall constitute a
20 conviction of the offense for the purpose of this ~~act~~ section or any
21 other criminal statute under which the existence of a prior
22 conviction is relevant for a period of ten (10) years following the
23 completion of any court imposed probationary term; provided, the
24

1 person has not, in the meantime, been convicted of a misdemeanor
2 involving moral turpitude or a felony.

3 O. For purposes of subsection F of this section, "great bodily
4 injury" means bone fracture; protracted and obvious disfigurement;
5 protracted loss or impairment of the function of a body part, organ,
6 or mental faculty; prolonged pain or significant discomfort;
7 concussion; injuries to more than ten percent (10%) of the body
8 including, but not limited to, bruises, swelling, scratches, and
9 scrapes, in the presence of a minor; or substantial risk of death.

10 P. Any pleas of guilty or nolo contendere or finding of guilt
11 to a violation of any provision of this section shall constitute a
12 conviction of the offense for the purpose of any subsection of this
13 section under which the existence of a prior conviction is relevant
14 for a period of ten (10) years following the completion of any
15 sentence or court imposed probationary term.

16 SECTION 4. REPEALER 21 O.S. 2021, Section 644, as last
17 amended by Section 1, Chapter 147, O.S.L. 2025 (21 O.S. Supp. 2025,
18 Section 644), is hereby repealed.

19 SECTION 5. REPEALER 21 O.S. 2021, Section 644, as last
20 amended by Section 2, Chapter 162, O.S.L. 2025 (21 O.S. Supp. 2025,
21 Section 644), is hereby repealed.

22 SECTION 6. REPEALER 21 O.S. 2021, Section 644, as last
23 amended by Section 3, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025,
24 Section 644), is hereby repealed.

1 SECTION 7. This act shall become effective November 1, 2026.

2 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
3 February 17, 2026 - DO PASS
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