

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1540

By: Bullard

AS INTRODUCED

An Act relating to crimes and punishments; amending Section 11, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20K), which relates to Class B6 felony offenses; adding certain offense; updating statutory references; amending 21 O.S. 2021, Section 51.1a, which relates to second offense of first degree rape, sodomy, lewd molestation, or sexual abuse of a child; modifying certain sentencing provision; amending 21 O.S. 2021, Section 843.5, as last amended by Section 8, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 843.5), which relates to child abuse; creating felony offense; providing penalties; requiring certain advisement; defining term; amending 22 O.S. 2021, Section 991a, as last amended by Section 1, Chapter 306, O.S.L. 2025 (22 O.S. Supp. 2025, Section 991a), which relates to sentencing powers of the court; modifying certain confinement criteria; and providing an effective date.

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

SECTION 1. AMENDATORY Section 11, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20K), is amended to read as follows:

Section 20K. A. ~~Upon the effective date of this act~~ On or after January 1, 2026, Class B6 shall include the following criminal offenses:

1 1. Striking, tormenting, mistreating, or administering a
2 nonpoisonous desensitizing substance to a police dog or police
3 horse, as provided for in subsection A of Section 649.1 of ~~Title 21~~
4 ~~of the Oklahoma Statutes~~ this title;

5 2. Interfering with the lawful performance of a police dog or
6 police horse, as provided for in subsection B of Section 649.1 of
7 ~~Title 21 of the Oklahoma Statutes~~ this title;

8 3. Harming, torturing, injuring, disabling, or otherwise
9 mistreating or killing a service animal during the commission of a
10 misdemeanor or felony offense, as provided for in subsection D of
11 Section 649.3 of ~~Title 21 of the Oklahoma Statutes~~ this title;

12 4. Assault, battery, or assault and battery upon a Department
13 of Corrections employee by a person in the custody of the Department
14 of Corrections, as provided for in subsection A of Section 650.2 of
15 ~~Title 21 of the Oklahoma Statutes~~ this title;

16 5. Assault, battery, or assault and battery upon an employee of
17 a private prison contractor by a person incarcerated in an
18 institution operated by a private prison contractor, as provided for
19 in subsection B of Section 650.2 of ~~Title 21 of the Oklahoma~~
20 ~~Statutes~~ this title;

21 6. Aggravated assault and battery upon a Department of Human
22 Services employee or contractor, as provided for in subsection C of
23 Section 650.2 of ~~Title 21 of the Oklahoma Statutes~~ this title;

1 7. Assault, battery, or assault and battery upon an employee of
2 the Office of Juvenile Affairs by a person in the custody of the
3 Office of Juvenile Affairs, as provided for in subsection D of
4 Section 650.2 of ~~Title 21 of the Oklahoma Statutes~~ this title;

5 8. Assault, battery, or assault and battery upon a medical care
6 provider, as provided for in Section 650.4 of ~~Title 21 of the~~
7 ~~Oklahoma Statutes~~ this title;

8 9. Assault, battery, or assault and battery upon an officer of
9 the court, witness, or juror, as provided for in subsection B of
10 Section 650.6 of ~~Title 21 of the Oklahoma Statutes~~ this title;

11 10. Aggravated assault and battery upon a school employee, as
12 provided for in subsection C of Section 650.7 of ~~Title 21 of the~~
13 ~~Oklahoma Statutes~~ this title;

14 11. Assault, battery, or assault and battery upon an employee
15 of a facility maintained by the Office of Juvenile Affairs, a
16 facility maintained by a private contractor, juvenile detention
17 center, or juvenile bureau, as provided for in Section 650.8 of
18 ~~Title 21 of the Oklahoma Statutes~~ this title;

19 12. Throwing, transferring, or placing any feces, urine, semen,
20 saliva, or blood upon an employee of the state, a county, or a city,
21 as provided for in Section 650.9 of ~~Title 21 of the Oklahoma~~
22 ~~Statutes~~ this title;

23 13. Medical battery, as provided for in Section 650.11 of ~~Title~~
24 ~~21 of the Oklahoma Statutes~~ this title; and

1 14. Grooming, as provided for in Section 843.5 of this title;

2 and

3 15. Child endangerment, as provided for in Section 852.1 of
4 ~~Title 21 of the Oklahoma Statutes~~ this title.

5 B. Any person convicted of a Class B6 criminal offense set
6 forth in this section shall be punished in accordance with the
7 corresponding penalties provided for in the Oklahoma Statutes.

8 SECTION 2. AMENDATORY 21 O.S. 2021, Section 51.1a, is
9 amended to read as follows:

10 Section 51.1a. Any person convicted of rape in the first
11 degree, forcible sodomy, lewd molestation, grooming, or sexual abuse
12 of a child after having been convicted of either rape in the first
13 degree, forcible sodomy, lewd molestation, grooming, or sexual abuse
14 of a child shall be sentenced to life without parole.

15 SECTION 3. AMENDATORY 21 O.S. 2021, Section 843.5, as
16 last amended by Section 8, Chapter 486, O.S.L. 2025 (21 O.S. Supp.
17 2025, Section 843.5), is amended to read as follows:

18 Section 843.5. A. Any person who shall willfully or
19 maliciously engage in child abuse, as defined in this section,
20 shall, upon conviction, be guilty of a Class A3 felony offense
21 punishable by imprisonment in the custody of the Department of
22 Corrections not exceeding life imprisonment, or by imprisonment in a
23 county jail not exceeding one (1) year, or by a fine of not less
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1 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
2 Dollars (\$5,000.00), or both such fine and imprisonment.

3 B. Any person responsible for the health, safety or welfare of
4 a child who shall willfully or maliciously engage in enabling child
5 abuse, as defined in this section, shall, upon conviction, be guilty
6 of a Class A3 felony offense and shall be punished by imprisonment
7 in the custody of the Department of Corrections not exceeding life
8 imprisonment, or by imprisonment in a county jail not exceeding one
9 (1) year, or by a fine of not less than Five Hundred Dollars
10 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
11 such fine and imprisonment.

12 C. Any person responsible for the health, safety or welfare of
13 a child who shall willfully or maliciously engage in child neglect,
14 as defined in this section, shall, upon conviction, be guilty of a
15 Class B1 felony offense and shall be punished by imprisonment in the
16 custody of the Department of Corrections not exceeding life
17 imprisonment, or by imprisonment in a county jail not exceeding one
18 (1) year, or by a fine of not less than Five Hundred Dollars
19 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
20 such fine and imprisonment.

21 D. Any parent or other person who shall willfully or
22 maliciously engage in enabling child neglect shall, upon conviction,
23 be guilty of a Class B1 felony offense and shall be punished by
24 imprisonment in the custody of the Department of Corrections not
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1 exceeding life imprisonment, or by imprisonment in a county jail not
2 exceeding one (1) year, or by a fine of not less than Five Hundred
3 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
4 or both such fine and imprisonment.

5 E. Any person responsible for the health, safety or welfare of
6 a child who shall willfully or maliciously engage in child sexual
7 abuse, as defined in this section, shall, upon conviction, be guilty
8 of a Class A3 felony offense and shall be punished by imprisonment
9 in the custody of the Department of Corrections not exceeding life
10 imprisonment, or by imprisonment in a county jail not exceeding one
11 (1) year, or by a fine of not less than Five Hundred Dollars
12 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
13 such fine and imprisonment, except as provided in Section 51.1a of
14 this title or as otherwise provided in subsection F of this section
15 for a child victim under twelve (12) years of age. Except for
16 persons sentenced to life or life without parole, any person
17 sentenced to imprisonment for two (2) years or more for a violation
18 of this subsection shall be required to serve a term of post-
19 imprisonment supervision pursuant to subparagraph f of paragraph 1
20 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
21 under conditions determined by the Department of Corrections. The
22 jury shall be advised that the mandatory post-imprisonment
23 supervision shall be in addition to the actual imprisonment.

1 F. Any person responsible for the health, safety or welfare of
2 a child who shall willfully or maliciously engage in child sexual
3 abuse, as defined in this section, to a child under twelve (12)
4 years of age shall, upon conviction, be guilty of a Class A1 felony
5 offense and shall be punished by imprisonment in the custody of the
6 Department of Corrections for not less than twenty-five (25) years
7 nor more than life imprisonment, and by a fine of not less than Five
8 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
9 (\$5,000.00).

10 G. Any parent or other person who shall willfully or
11 maliciously engage in enabling child sexual abuse shall, upon
12 conviction, be guilty of a Class A3 felony offense and shall be
13 punished by imprisonment in the custody of the Department of
14 Corrections not exceeding life imprisonment, or by imprisonment in a
15 county jail not exceeding one (1) year, or by a fine of not less
16 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
17 Dollars (\$5,000.00), or both such fine and imprisonment.

18 H. Any person who shall willfully or maliciously engage in
19 child sexual exploitation, as defined in this section, shall, upon
20 conviction, be guilty of a Class A3 felony offense and shall be
21 punished by imprisonment in the custody of the Department of
22 Corrections not exceeding life imprisonment, or by imprisonment in a
23 county jail not exceeding one (1) year, or by a fine of not less
24 than Five Hundred Dollars (\$500.00) nor more than Five Thousand

1 Dollars (\$5,000.00), or both such fine and imprisonment, except as
2 provided in subsection I of this section for a child victim under
3 twelve (12) years of age. Except for persons sentenced to life or
4 life without parole, any person sentenced to imprisonment for two
5 (2) years or more for a violation of this subsection shall be
6 required to serve a term of post-imprisonment supervision pursuant
7 to subparagraph f of paragraph 1 of subsection A of Section 991a of
8 Title 22 of the Oklahoma Statutes under conditions determined by the
9 Department of Corrections. The jury shall be advised that the
10 mandatory post-imprisonment supervision shall be in addition to the
11 actual imprisonment.

12 I. Any person who shall willfully or maliciously engage in
13 child sexual exploitation, as defined in this section, of a child
14 under twelve (12) years of age shall, upon conviction, be guilty of
15 a Class A1 felony offense and shall be punished by imprisonment in
16 the custody of the Department of Corrections for not less than
17 twenty-five (25) years nor more than life imprisonment, and by a
18 fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than
19 Five Thousand Dollars (\$5,000.00).

20 J. Any person responsible for the health, safety or welfare of
21 a child who shall willfully or maliciously engage in enabling child
22 sexual exploitation, as defined in this section, shall, upon
23 conviction, be guilty of a Class A3 felony offense and shall be
24 punished by imprisonment in the custody of the Department of
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1 Corrections not exceeding life imprisonment, or by imprisonment in a
2 county jail not exceeding one (1) year, or by a fine of not less
3 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
4 Dollars (\$5,000.00), or both such fine and imprisonment.

5 K. Notwithstanding any other provision of law, any person
6 convicted of forcible anal or oral sodomy, rape, rape by
7 instrumentation, or lewd molestation of a child under fourteen (14)
8 years of age subsequent to a previous conviction for any offense of
9 forcible anal or oral sodomy, rape, rape by instrumentation, or lewd
10 molestation of a child under fourteen (14) years of age shall be
11 guilty of a Class A1 felony offense and shall be punished by death
12 or by imprisonment for life without parole.

13 L. Provided, however, that nothing contained in this section
14 shall prohibit any parent or guardian from using reasonable and
15 ordinary force pursuant to Section 844 of this title.

16 M. Consent shall not be a defense for any violation provided
17 for in this section.

18 N. Any person who shall willfully or maliciously engage in
19 grooming, as defined in this section, shall, upon conviction, be
20 guilty of a Class B6 felony offense punishable by imprisonment in
21 the custody of the Department of Corrections for not more than ten
22 (10) years, by a fine not less than Ten Thousand Dollars
23 (\$10,000.00), or by both such imprisonment and fine. Except for
24 persons sentenced to life or life without parole, any person

1 sentenced to imprisonment for two (2) years or more for a violation
2 of this subsection shall be required to serve a term of post-
3 imprisonment supervision pursuant to subparagraph f of paragraph 1
4 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
5 under conditions determined by the Department of Corrections. The
6 jury shall be advised that the mandatory post-imprisonment
7 supervision shall be in addition to the actual imprisonment.

8 O. Notwithstanding the age requirements of other statutes
9 referenced within this section, this section shall apply to any
10 child under eighteen (18) years of age.

11 ~~O.~~ P. As used in this section:

12 1. "Child abuse" means:

- 13 a. the willful or malicious harm or threatened harm or
14 failure to protect from harm or threatened harm to the
15 health, safety or welfare of a child under eighteen
16 (18) years of age by a person responsible for a
17 child's health, safety or welfare, or
18 b. the act of willfully or maliciously injuring,
19 torturing or maiming a child under eighteen (18) years
20 of age by any person;

21 2. "Child neglect" means the willful or malicious neglect, as
22 defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of
23 a child under eighteen (18) years of age by a person responsible for
24 a child's health, safety or welfare;

1 3. "Child sexual abuse" means the willful or malicious sexual
2 abuse of a child under eighteen (18) years of age by a person
3 responsible for a child's health, safety or welfare and includes,
4 but is not limited to:

- 5 a. sexual intercourse,
- 6 b. penetration of the vagina or anus, however slight, by
7 an inanimate object or any part of the human body not
8 amounting to sexual intercourse,
- 9 c. sodomy,
- 10 d. incest, or
- 11 e. a lewd act or proposal, as defined in this section;

12 4. "Child sexual exploitation" means the willful or malicious
13 sexual exploitation of a child under eighteen (18) years of age by
14 another and includes, but is not limited to:

- 15 a. human trafficking, as provided for in Section 748 of
16 this title, if the offense involved child trafficking
17 for commercial sex,
- 18 b. trafficking in children, as provided for in Section
19 866 of this title, if the offense was committed for
20 the sexual gratification of any person,
- 21 c. procuring or causing the participation of a minor in
22 child pornography, as provided for in Section 1021.2
23 of this title,

- d. purchase, procurement or possession of child pornography, as provided for in Section 1024.2 of this title,
- e. engaging in or soliciting prostitution, as provided for in Section 1029 of this title, if the offense involved child sex trafficking,
- f. publication, distribution or participation in the preparation of obscene material, as provided for in Section 1040.8 of this title, if the offense involved child pornography,
- g. aggravated possession of child pornography, as provided for in Section 1040.12a of this title,
- h. sale or distribution of obscene material, as provided for in Section 1040.13 of this title,
- i. soliciting sexual conduct or communication with a minor by use of technology, as provided for in Section 1040.13a of this title,
- j. offering or transporting a child for purposes of child sex trafficking, as provided for in Section 1087 of this title, and
- k. child sex trafficking, as provided for in Section 1088 of this title;

1 5. "Enabling child abuse" means the causing, procuring or
2 permitting of child abuse by a person responsible for a child's
3 health, safety or welfare;

4 6. "Enabling child neglect" means the causing, procuring or
5 permitting of child neglect by a person responsible for a child's
6 health, safety or welfare;

7 7. "Enabling child sexual abuse" means the causing, procuring
8 or permitting of child sexual abuse by a person responsible for a
9 child's health, safety or welfare;

10 8. "Enabling child sexual exploitation" means the causing,
11 procuring or permitting of child sexual exploitation by a person
12 responsible for a child's health, safety or welfare;

13 9. "Grooming" means befriending and establishing an emotional
14 connection with a minor or a person responsible for the health,
15 safety, or welfare of a minor in order to lower the minor's
16 inhibitions with the intent to engage the minor in:

17 a. sexual intercourse,

18 b. a lewd act or proposal,

19 c. the viewing of lewd material,

20 d. penetration of the vagina or anus, however slight, by
21 an inanimate object or any part of the human body not
22 amounting to sexual intercourse,

23 e. sodomy, or

24 f. incest;

1 10. "Incest" means marrying, committing adultery or fornicating
2 with a child by a person responsible for the health, safety or
3 welfare of a child;

4 ~~10.~~ 11. "Lewd act or proposal" means:

- 5 a. making any oral, written or electronic or computer-
6 generated lewd or indecent proposal to a child for the
7 child to have unlawful sexual relations or sexual
8 intercourse with any person,
- 9 b. looking upon, touching, mauling or feeling the body or
10 private parts of a child in a lewd or lascivious
11 manner or for the purpose of sexual gratification,
- 12 c. asking, inviting, enticing or persuading any child to
13 go alone with any person to a secluded, remote or
14 secret place for a lewd or lascivious purpose,
- 15 d. urinating or defecating upon a child or causing,
16 forcing or requiring a child to defecate or urinate
17 upon the body or private parts of another person for
18 the purpose of sexual gratification,
- 19 e. ejaculating upon or in the presence of a child,
- 20 f. causing, exposing, forcing or requiring a child to
21 look upon the body or private parts of another person
22 for the purpose of sexual gratification,
- 23 g. causing, forcing or requiring any child to view any
24 obscene materials, child pornography or materials

1 deemed harmful to minors as such terms are defined in
2 Sections 1024.1 and 1040.75 of this title,

3 h. causing, exposing, forcing or requiring a child to
4 look upon sexual acts performed in the presence of the
5 child for the purpose of sexual gratification, or

6 i. causing, forcing or requiring a child to touch or feel
7 the body or private parts of the child or another
8 person for the purpose of sexual gratification;

9 ~~11.~~ 12. "Permit" means to authorize or allow for the care of a
10 child by an individual when the person authorizing or allowing such
11 care knows or reasonably should know that the child will be placed
12 at risk of the conduct or harm proscribed by this section;

13 ~~12.~~ 13. "Person responsible for a child's health, safety or
14 welfare" for purposes of this section shall include, but not be
15 limited to:

- 16 a. the parent of the child,
17 b. the legal guardian of the child,
18 c. the custodian of the child,
19 d. the foster parent of the child,
20 e. a person eighteen (18) years of age or older with whom
21 the parent of the child cohabitates, who is at least
22 three (3) years older than the child,

1 f. any other person eighteen (18) years of age or older
2 residing in the home of the child, who is at least
3 three (3) years older than the child,

4 g. an owner, operator, agent, employee or volunteer of a
5 public or private residential home, institution,
6 facility or day treatment program, as defined in
7 Section 175.20 of Title 10 of the Oklahoma Statutes,
8 that the child attended,

9 h. an owner, operator, agent, employee or volunteer of a
10 child care facility, as defined in Section 402 of
11 Title 10 of the Oklahoma Statutes, that the child
12 attended,

13 i. an intimate partner of the parent of the child, as
14 defined in Section 60.1 of Title 22 of the Oklahoma
15 Statutes, or

16 j. a person who has voluntarily accepted responsibility
17 for the care or supervision of a child;

18 ~~13.~~ 14. "Sexual intercourse" means the actual penetration,
19 however slight, of the vagina or anus by the penis; and

20 ~~14.~~ 15. "Sodomy" means:

21 a. penetration, however slight, of the mouth of the child
22 by a penis,
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- b. penetration, however slight, of the vagina of a person responsible for a child's health, safety or welfare, by the mouth of a child,
- c. penetration, however slight, of the mouth of the person responsible for a child's health, safety or welfare by the penis of the child, or
- d. penetration, however slight, of the vagina of the child by the mouth of the person responsible for a child's health, safety or welfare.

SECTION 4. AMENDATORY 22 O.S. 2021, Section 991a, as last amended by Section 1, Chapter 306, O.S.L. 2025 (22 O.S. Supp. 2025, Section 991a), is amended to read as follows:

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

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

- a. to provide restitution to the victim as provided by Section 991f et seq. of this title or according to a schedule of payments established by the sentencing court, together with interest upon any pecuniary sum

1 at the rate of twelve percent (12%) per annum, if the
2 defendant agrees to pay such restitution or, in the
3 opinion of the court, if the defendant is able to pay
4 such restitution without imposing manifest hardship on
5 the defendant or the immediate family and if the
6 extent of the damage to the victim is determinable
7 with reasonable certainty,

8 b. to reimburse any state agency for amounts paid by the
9 state agency for hospital and medical expenses
10 incurred by the victim or victims, as a result of the
11 criminal act for which such person was convicted,
12 which reimbursement shall be made directly to the
13 state agency, with interest accruing thereon at the
14 rate of twelve percent (12%) per annum,

15 c. to engage in a term of community service without
16 compensation, according to a schedule consistent with
17 the employment and family responsibilities of the
18 person convicted,

19 d. to pay a reasonable sum into any trust fund
20 established pursuant to the provisions of Sections 176
21 through 180.4 of Title 60 of the Oklahoma Statutes and
22 which provides restitution payments by convicted
23 defendants to victims of crimes committed within this
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1 state wherein such victim has incurred a financial
2 loss,

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

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

19 g. to repay the reward or part of the reward paid by a
20 local certified crime stoppers program and the
21 Oklahoma Reward System. In determining whether the
22 defendant shall repay the reward or part of the
23 reward, the court shall consider the ability of the
24 defendant to make the payment, the financial hardship

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

18 h. to reimburse the Oklahoma State Bureau of
19 Investigation for costs incurred by that agency during
20 its investigation of the crime for which the defendant
21 pleaded guilty, nolo contendere or was convicted
22 including compensation for laboratory, technical or
23 investigation services performed by the Bureau if, in
24 the opinion of the court, the defendant is able to pay

1 without imposing manifest hardship on the defendant,
2 and if the costs incurred by the Bureau during the
3 investigation of the defendant's case may be
4 determined with reasonable certainty,

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

19 j. to pay a reasonable sum to the Crime Victims
20 Compensation Board, created by Section 142.2 et seq.
21 of Title 21 of the Oklahoma Statutes, for the benefit
22 of crime victims,
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- 1 k. to reimburse the court fund for amounts paid to court-
- 2 appointed attorneys for representing the defendant in
- 3 the case in which the person is being sentenced,
- 4 l. to participate in an assessment and evaluation by an
- 5 assessment agency or assessment personnel certified by
- 6 the Department of Mental Health and Substance Abuse
- 7 Services pursuant to Section 3-460 of Title 43A of the
- 8 Oklahoma Statutes and, as determined by the
- 9 assessment, participate in an alcohol and drug
- 10 substance abuse course or treatment program or both,
- 11 pursuant to Sections 3-452 and 3-453 of Title 43A of
- 12 the Oklahoma Statutes, or as ordered by the court,
- 13 m. to be placed in a victims impact panel program, as
- 14 defined in subsection H of this section, or
- 15 victim/offender reconciliation program and payment of
- 16 a fee to the program of Seventy-five Dollars (\$75.00)
- 17 as set by the governing authority of the program to
- 18 offset the cost of participation by the defendant.
- 19 Provided, each victim/offender reconciliation program
- 20 shall be required to obtain a written consent form
- 21 voluntarily signed by the victim and defendant that
- 22 specifies the methods to be used to resolve the
- 23 issues, the obligations and rights of each person and
- 24 the confidentiality of the proceedings. Volunteer

mediators and employees of a victim/offender reconciliation program shall be immune from liability and have rights of confidentiality as provided in Section 1805 of Title 12 of the Oklahoma Statutes,

n. to install, at the expense of the defendant, an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence. The device shall be installed upon every motor vehicle operated by the defendant, and the court shall require that a notation of this restriction be affixed to the defendant's driver license. The restriction shall remain on the driver license not exceeding two (2) years to be determined by the court. The restriction may be modified or removed only by order of the court and notice of any modification order shall be given to Service Oklahoma. Upon the expiration of the period for the restriction, Service Oklahoma shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without a device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph, "ignition interlock device" means a device that,

1 without tampering or intervention by another person,
2 would prevent the defendant from operating a motor
3 vehicle if the defendant has a blood or breath alcohol
4 concentration of two-hundredths (0.02) or greater,
5 o. to be confined by electronic monitoring administered
6 and supervised by the Department of Corrections or a
7 community sentence provider, and payment of a
8 monitoring fee to the supervising authority, not to
9 exceed Three Hundred Dollars (\$300.00) per month. Any
10 fees collected pursuant to this subparagraph shall be
11 deposited with the appropriate supervising authority.
12 Any willful violation of an order of the court for the
13 payment of the monitoring fee shall be a violation of
14 the sentence and may be punished as deemed proper by
15 the sentencing court. As used in this paragraph,
16 "electronic monitoring" means confinement of the
17 defendant within a specified location or locations
18 with supervision by means of an electronic device
19 approved by the Department of Corrections which is
20 designed to detect if the defendant is in the court-
21 ordered location at the required times and which
22 records violations for investigation by a qualified
23 supervisory agency or person,
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- 1 p. to perform one or more courses of treatment, education
2 or rehabilitation for any conditions, behaviors,
3 deficiencies or disorders which may contribute to
4 criminal conduct including but not limited to alcohol
5 and substance abuse, mental health, emotional health,
6 physical health, propensity for violence, antisocial
7 behavior, personality or attitudes, deviant sexual
8 behavior, child development, parenting assistance, job
9 skills, vocational-technical skills, domestic
10 relations, literacy, education or any other
11 identifiable deficiency which may be treated
12 appropriately in the community and for which a
13 certified provider or a program recognized by the
14 court as having significant positive impact exists in
15 the community. Any treatment, education or
16 rehabilitation provider required to be certified
17 pursuant to law or rule shall be certified by the
18 appropriate state agency or a national organization,
19 q. to submit to periodic testing for alcohol,
20 intoxicating substance or controlled dangerous
21 substances by a qualified laboratory,
22 r. to pay a fee or costs for treatment, education,
23 supervision, participation in a program or any
24

1 combination thereof as determined by the court, based
2 upon the defendant's ability to pay the fees or costs,
3 s. to be supervised by a Department of Corrections
4 employee, a private supervision provider or other
5 person designated by the court,
6 t. to obtain positive behavior modeling by a trained
7 mentor,
8 u. to serve a term of confinement in a restrictive
9 housing facility available in the community,
10 v. to serve a term of confinement in the county jail at
11 night or during weekends pursuant to Section 991a-2 of
12 this title or for work release,
13 w. to obtain employment or participate in employment-
14 related activities,
15 x. to participate in mandatory day reporting to
16 facilities or persons for services, payments, duties
17 or person-to-person contacts as specified by the
18 court,
19 y. to pay day fines not to exceed fifty percent (50%) of
20 the net wages earned. For purposes of this paragraph,
21 "day fine" means the offender is ordered to pay an
22 amount calculated as a percentage of net daily wages
23 earned. The day fine shall be paid to the local
24 community sentencing system as reparation to the

1 community. Day fines shall be used to support the
2 local system,

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

5 aa. to repair or restore property damaged by the
6 defendant's conduct, if the court determines the
7 defendant possesses sufficient skill to repair or
8 restore the property and the victim consents to the
9 repairing or restoring of the property,

10 bb. to restore damaged property in kind or payment of out-
11 of-pocket expenses to the victim, if the court is able
12 to determine the actual out-of-pocket expenses
13 suffered by the victim,

14 cc. to attend a victim-offender reconciliation program if
15 the victim agrees to participate and the offender is
16 deemed appropriate for participation,

17 dd. to prioritize payments for restitution to the victim,

18 ee. in the case of a person convicted of prostitution
19 pursuant to Section 1029 of Title 21 of the Oklahoma
20 Statutes, require such person to receive counseling
21 for the behavior which may have caused such person to
22 engage in prostitution activities. Such person may be
23 required to receive counseling in areas including but
24 not limited to alcohol and substance abuse, sexual
25

1 behavior problems or domestic abuse or child abuse
2 problems,

3 ff. in the case of a sex offender sentenced after November
4 1, 1989, and required by law to register pursuant to
5 the Sex Offender Registration Act, the court shall
6 require the person to comply with sex offender
7 specific rules and conditions of supervision
8 established by the Department of Corrections and
9 require the person to participate in a treatment
10 program designed for the treatment of sex offenders
11 during the period of time while the offender is
12 subject to supervision by the Department of
13 Corrections. The treatment program shall include
14 polygraph examinations specifically designed for use
15 with sex offenders for purposes of supervision and
16 treatment compliance, and shall be administered not
17 less than each six (6) months during the period of
18 supervision. The examination shall be administered by
19 a certified licensed polygraph examiner. The
20 treatment program must be approved by the Department
21 of Corrections or the Department of Mental Health and
22 Substance Abuse Services. Such treatment shall be at
23 the expense of the defendant based on the defendant's
24 ability to pay,

1 gg. in addition to other sentencing powers of the court,
2 the court in the case of a defendant being sentenced
3 for a felony conviction for a violation of Section 2-
4 402 of Title 63 of the Oklahoma Statutes which
5 involves marijuana may require the person to
6 participate in a drug court program, if available. If
7 a drug court program is not available, the defendant
8 may be required to participate in a community
9 sanctions program, if available,

10 hh. in the case of a person convicted of any false or
11 bogus check violation, as defined in Section 1541.4 of
12 Title 21 of the Oklahoma Statutes, impose a fee of
13 Twenty-five Dollars (\$25.00) to the victim for each
14 check, and impose a bogus check fee to be paid to the
15 district attorney. The bogus check fee paid to the
16 district attorney shall be equal to the amount
17 assessed as court costs plus Twenty-five Dollars
18 (\$25.00) for each check upon filing of the case in
19 district court. This money shall be deposited in the
20 Bogus Check Restitution Program Fund as established in
21 subsection B of Section 114 of this title.
22 Additionally, the court may require the offender to
23 pay restitution and bogus check fees on any other
24

1 bogus check or checks that have been submitted to the
2 Bogus Check Restitution Program, and

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

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

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

23 2. Impose a fine prescribed by law for the offense, with or
24 without probation or commitment and with or without restitution or

1 service as provided for in this section, Section 991a-4.1 of this
2 title or Section 227 of Title 57 of the Oklahoma Statutes;

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

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

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

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

3 7. In addition to the other sentencing powers of the court, in
4 the case of a person convicted of operating or being in control of a
5 motor vehicle while the person was under the influence of alcohol,
6 other intoxicating substance or a combination of alcohol or another
7 intoxicating substance, or convicted of operating a motor vehicle
8 while the ability of the person to operate such vehicle was impaired
9 due to the consumption of alcohol, require such person:

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

19 b. to attend a victims impact panel program, as defined
20 in subsection H of this section, and to pay a fee of
21 Seventy-five Dollars (\$75.00) as set by the governing
22 authority of the program and approved by the court, to
23 the program to offset the cost of participation by the
24

1 defendant, if in the opinion of the court the
2 defendant has the ability to pay such fee,

3 c. to both participate in the alcohol and drug substance
4 abuse course or treatment program, pursuant to
5 subparagraph a of this paragraph and attend a victims
6 impact panel program, pursuant to subparagraph b of
7 this paragraph,

8 d. to install, at the expense of the person, an ignition
9 interlock device approved by the Board of Tests for
10 Alcohol and Drug Influence, upon every motor vehicle
11 operated by such person and to require that a notation
12 of this restriction be affixed to the person's driver
13 license at the time of reinstatement of the license.
14 The restriction shall remain on the driver license for
15 such period as the court shall determine. The
16 restriction may be modified or removed by order of the
17 court and notice of the order shall be given to
18 Service Oklahoma. Upon the expiration of the period
19 for the restriction, Service Oklahoma shall remove the
20 restriction without further court order. Failure to
21 comply with the order to install an ignition interlock
22 device or operating any vehicle without such device
23 during the period of restriction shall be a violation
24

1 of the sentence and may be punished as deemed proper
2 by the sentencing court, or

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

15 8. In addition to the other sentencing powers of the court, in
16 the case of a person convicted of prostitution pursuant to Section
17 1029 of Title 21 of the Oklahoma Statutes, require such person to
18 receive counseling for the behavior which may have caused such
19 person to engage in prostitution activities. Such person may be
20 required to receive counseling in areas including but not limited to
21 alcohol and substance abuse, sexual behavior problems or domestic
22 abuse or child abuse problems;

23 9. In addition to the other sentencing powers of the court, in
24 the case of a person convicted of any crime related to domestic
25

1 abuse, as defined in Section 60.1 of this title, the court may
2 require the defendant to undergo the treatment or participate in the
3 counseling services necessary to bring about the cessation of
4 domestic abuse against the victim. The defendant may be required to
5 pay all or part of the cost of the treatment or counseling services;

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

19 11. In addition to the other sentencing powers of the court,
20 the court, in the case of a person convicted of abuse or neglect of
21 a child, as defined in Section 1-1-105 of Title 10A of the Oklahoma
22 Statutes, may require the person to undergo treatment or to
23 participate in counseling services. The defendant may be required
24

1 to pay all or part of the cost of the treatment or counseling
2 services;

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

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

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

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

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

20 B. Notwithstanding any other provision of law, any person who
21 is found guilty of a violation of any provision of Section 761 or
22 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
23 guilty or nolo contendere for a violation of any provision of such
24 sections shall be ordered to participate in, prior to sentencing, an

1 alcohol and drug assessment and evaluation by an assessment agency
2 or assessment personnel certified by the Department of Mental Health
3 and Substance Abuse Services for the purpose of evaluating the
4 receptivity to treatment and prognosis of the person. The court
5 shall order the person to reimburse the agency or assessor for the
6 evaluation. The fee shall be the amount provided in subsection C of
7 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
8 shall be conducted at a certified assessment agency, the office of a
9 certified assessor or at another location as ordered by the court.
10 The agency or assessor shall, within seventy-two (72) hours from the
11 time the person is assessed, submit a written report to the court
12 for the purpose of assisting the court in its final sentencing
13 determination. No person, agency or facility operating an alcohol
14 and drug substance abuse evaluation program certified by the
15 Department of Mental Health and Substance Abuse Services shall
16 solicit or refer any person evaluated pursuant to this subsection
17 for any treatment program or alcohol and drug substance abuse
18 service in which such person, agency or facility has a vested
19 interest; however, this provision shall not be construed to prohibit
20 the court from ordering participation in or any person from
21 voluntarily utilizing a treatment program or alcohol and drug
22 substance abuse service offered by such person, agency or facility.
23 If a person is sentenced to the custody of the Department of
24 Corrections and the court has received a written evaluation report

1 pursuant to this subsection, the report shall be furnished to the
2 Department of Corrections with the judgment and sentence. Any
3 evaluation report submitted to the court pursuant to this subsection
4 shall be handled in a manner which will keep such report
5 confidential from the general public's review. Nothing contained in
6 this subsection shall be construed to prohibit the court from
7 ordering judgment and sentence in the event the defendant fails or
8 refuses to comply with an order of the court to obtain the
9 evaluation required by this subsection.

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

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

22 E. Probation, for purposes of subsection A of this section, is
23 a procedure by which a defendant found guilty of a crime, whether
24 upon a verdict or plea of guilty or upon a plea of nolo contendere,

1 is released by the court subject to conditions imposed by the court
2 and subject to supervision by the Department of Corrections, a
3 private supervision provider or other person designated by the
4 court. Such supervision shall be initiated upon an order of
5 probation from the court, and shall not exceed two (2) years, unless
6 a petition alleging a violation of any condition of deferred
7 judgment or seeking revocation of the suspended sentence is filed
8 during the supervision, or as otherwise provided by law. In the
9 case of a person convicted of a sex offense, supervision shall begin
10 immediately upon release from incarceration or if parole is granted
11 and shall not be limited to two (2) years. Provided further, any
12 supervision provided for in this section may be extended for a
13 period not to exceed the expiration of the maximum term or terms of
14 the sentence upon a determination by the court or the Division of
15 Probation and Parole of the Department of Corrections that the best
16 interests of the public and the release will be served by an
17 extended period of supervision.

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

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

5 2. Any offender eligible to participate in the Program pursuant
6 to this section shall be eligible to participate in a county
7 Program; provided, participation in county-funded Programs shall not
8 be limited to offenders who would otherwise be sentenced to
9 confinement with the Department of Corrections.

10 3. The Department shall establish criteria and specifications
11 for contracts with counties for such Programs. A county may apply
12 to the Department for a contract for a county-funded Program for a
13 specific period of time. The Department shall be responsible for
14 ensuring that any contracting county complies in full with
15 specifications and requirements of the contract. The contract shall
16 set appropriate compensation to the county for services to the
17 Department.

18 4. The Department is hereby authorized to provide technical
19 assistance to any county in establishing a Program, regardless of
20 whether the county enters into a contract pursuant to this
21 subsection. Technical assistance shall include appropriate
22 staffing, development of community resources, sponsorship,
23 supervision and any other requirements.

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

6 H. As used in this section:

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

12 2. "Electronically monitored home detention" means
13 incarceration of the defendant within a specified location or
14 locations with monitoring by means of a device approved by the
15 Department of Corrections that detects if the person leaves the
16 confines of any specified location; and

17 3. "Victims impact panel program" means a program conducted by
18 a corporation registered with the Secretary of State in Oklahoma for
19 the sole purpose of operating a victims impact panel program. The
20 program shall include live presentations from presenters who will
21 share personal stories with participants about how alcohol, drug
22 abuse, the operation of a motor vehicle while using an electronic
23 communication device or the illegal conduct of others has personally
24 impacted the lives of the presenters. A victims impact panel

1 program shall be attended by persons who have committed the offense
2 of driving, operating or being in actual physical control of a motor
3 vehicle while under the influence of alcohol or other intoxicating
4 substance, operating a motor vehicle while the ability of the person
5 to operate such vehicle was impaired due to the consumption of
6 alcohol or any other substance or operating a motor vehicle while
7 using an electronic device or by persons who have been convicted of
8 furnishing alcoholic beverage to persons under twenty-one (21) years
9 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the
10 Oklahoma Statutes. Persons attending a victims impact panel program
11 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to
12 the provider of the program. A certificate of completion shall be
13 issued to the person upon satisfying the attendance and fee
14 requirements of the victims impact panel program. The certificate
15 of completion shall contain the business identification number of
16 the program provider. A certified assessment agency, certified
17 assessor or provider of an alcohol and drug substance abuse course
18 shall be prohibited from providing a victims impact panel program
19 and shall further be prohibited from having any proprietary or
20 pecuniary interest in a victims impact panel program. The provider
21 of the victims impact panel program shall carry general liability
22 insurance and maintain an accurate accounting of all business
23 transactions and funds received in relation to the victims impact
24 panel program. Beginning October 1, 2020, and each October 1

1 thereafter, the provider of the victims impact panel program shall
2 provide to the District Attorneys Council the following:

- 3 a. proof of registration with the Oklahoma Secretary of
4 State,
- 5 b. proof of general liability insurance,
- 6 c. end-of-year financial statements prepared by a
7 certified public accountant,
- 8 d. a copy of federal income tax returns filed with the
9 Internal Revenue Service,
- 10 e. a registration fee of One Thousand Dollars
11 (\$1,000.00). The registration fee shall be deposited
12 in the District Attorneys Council Revolving Fund
13 created in Section 215.28 of Title 19 of the Oklahoma
14 Statutes, and
- 15 f. a statement certifying that the provider of the
16 victims impact panel program has complied with all of
17 the requirements set forth in this paragraph.

18 I. A person convicted of a felony offense or receiving any form
19 of probation for an offense in which registration is required
20 pursuant to the Sex Offenders Registration Act, shall submit to
21 deoxyribonucleic acid (DNA) testing for law enforcement
22 identification purposes in accordance with Section 150.27 of Title
23 74 of the Oklahoma Statutes and the rules promulgated by the
24 Oklahoma State Bureau of Investigation for the OSBI Combined DNA

1 Index System (CODIS) Database. Subject to the availability of
2 funds, any person convicted of a misdemeanor offense of assault and
3 battery, domestic abuse, stalking, possession of a controlled
4 substance prohibited under the Uniform Controlled Dangerous
5 Substances Act, outraging public decency, resisting arrest, escape
6 or attempting to escape, eluding a police officer, Peeping Tom,
7 pointing a firearm, threatening an act of violence, breaking and
8 entering a dwelling place, destruction of property, negligent
9 homicide or causing a personal injury accident while driving under
10 the influence of any intoxicating substance, or any alien unlawfully
11 present under federal immigration law, upon arrest, shall submit to
12 DNA testing for law enforcement identification purposes in
13 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes
14 and the rules promulgated by the Oklahoma State Bureau of
15 Investigation for the OSBI Combined DNA Index System (CODIS)
16 Database. Any defendant sentenced to probation shall be required to
17 submit to testing within thirty (30) days of sentencing either to
18 the Department of Corrections or to the county sheriff or other
19 peace officer as directed by the court. Defendants who are
20 sentenced to a term of incarceration shall submit to testing in
21 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,
22 for those defendants who enter the custody of the Department of
23 Corrections or to the county sheriff, for those defendants sentenced
24 to incarceration in a county jail. Convicted individuals who have

1 previously submitted to DNA testing under this section and for whom
2 a valid sample is on file in the OSBI Combined DNA Index System
3 (CODIS) Database at the time of sentencing shall not be required to
4 submit to additional testing. Except as required by the Sex
5 Offenders Registration Act, a deferred judgment does not require
6 submission to DNA testing.

7 Any person who is incarcerated in the custody of the Department
8 of Corrections after July 1, 1996, and who has not been released
9 before January 1, 2006, shall provide a blood or saliva sample prior
10 to release. Every person subject to DNA testing after January 1,
11 2006, whose sentence does not include a term of confinement with the
12 Department of Corrections shall submit a blood or saliva sample.
13 Every person subject to DNA testing who is sentenced to unsupervised
14 probation or otherwise not supervised by the Department of
15 Corrections shall submit for blood or saliva testing to the sheriff
16 of the sentencing county.

17 J. Samples of blood or saliva for DNA testing required by
18 subsection I of this section shall be taken by employees or
19 contractors of the Department of Corrections, peace officers, or the
20 county sheriff or employees or contractors of the sheriff's office.
21 The individuals shall be properly trained to collect blood or saliva
22 samples. Persons collecting blood or saliva for DNA testing
23 pursuant to this section shall be immune from civil liabilities
24 arising from this activity. All collectors of DNA samples shall

1 ensure the collection of samples are mailed to the Oklahoma State
2 Bureau of Investigation within ten (10) days of the time the subject
3 appears for testing or within ten (10) days of the date the subject
4 comes into physical custody to serve a term of incarceration. All
5 collectors of DNA samples shall use sample kits provided by the OSBI
6 and procedures promulgated by the OSBI. Persons subject to DNA
7 testing who are not received at the Lexington Assessment and
8 Reception Center shall be required to pay a fee of Fifteen Dollars
9 (\$15.00) to the agency collecting the sample for submission to the
10 OSBI Combined DNA Index System (CODIS) Database. Any fees collected
11 pursuant to this subsection shall be deposited in the revolving
12 account or the service fee account of the collection agency or
13 department.

14 K. When sentencing a person who has been convicted of a crime
15 that would subject that person to the provisions of the Sex
16 Offenders Registration Act, neither the court nor the district
17 attorney shall be allowed to waive or exempt such person from the
18 registration requirements of the Sex Offenders Registration Act.

19 SECTION 5. This act shall become effective November 1, 2026.
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