

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3199

By: Humphrey

AS INTRODUCED

An Act relating to prisons and reformatories;
amending 57 O.S. 2021, Sections 21 and 22, as amended
by Sections 95 and 527, Chapter 486, O.S.L. 2025 (57
O.S. Supp. 2025, Sections 21 and 22), which relate to
contraband in jails and penal institutions; deleting
prohibition against possessing cigarettes and tobacco
products in jails and penal institutions; and
providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2021, Section 21, as
amended by Section 95, Chapter 486, O.S.L. 2025 (57 O.S. Supp. 2025,
Section 21), is amended to read as follows:

Section 21. A. Any person who, without authority, brings into
or has in his or her possession in any jail or state penal
institution or other place where prisoners are located, any gun,
knife, bomb or other dangerous instrument, any controlled dangerous
substance as defined by the Uniform Controlled Dangerous Substances
Act, any alcoholic beverage as defined by Section 1-103 of Title 37A
of the Oklahoma Statutes, money or financial documents for a person

1 other than the inmate or a spouse of the inmate, including but not
2 limited to tax returns, shall be guilty of a Class B3 felony offense
3 and, upon conviction, shall be punished by imprisonment in the
4 custody of the Department of Corrections for a term of not less than
5 one (1) year nor more than five (5) years, or by a fine of not less
6 than One Hundred Dollars (\$100.00) nor more than One Thousand
7 Dollars (\$1,000.00), or by both such fine and imprisonment.

8 Provided, the provisions of this subsection shall not prohibit any
9 Department of Corrections employee who has a valid handgun license
10 pursuant to the Oklahoma Self-Defense Act to keep a firearm in a
11 vehicle on any property set aside for the parking of any vehicle,
12 whether occupied or unoccupied, at any state-owned prison facility,
13 provided the employee has provided annual notification to the
14 Department of Corrections of the brand name, model, serial number,
15 and owner identification information of the firearm, and the firearm
16 is secured and stored in a locked metal storage container located in
17 a locked vehicle. The storage container ~~will~~ shall be secured in
18 the vehicle by a lockable chain or cable or by utilizing hardware
19 provided by the manufacturer.

20 B. If an inmate is found to be in possession of any item
21 prohibited by this section, upon conviction, such inmate shall be
22 guilty of a Class D1 felony offense and shall be punished by
23 imprisonment as provided for in subsections B through F of Section
24 20N of Title 21 of the Oklahoma Statutes.

1 C. If the person found to be in possession of any item
2 prohibited by this section has committed, prior to the commission of
3 an offense in violation of this section, two or more felony
4 offenses, and the possession of contraband in violation of this
5 section is within ten (10) years of the completion of the execution
6 of the sentence for any prior offense, such person, upon conviction,
7 shall be guilty of a felony and shall be punished by imprisonment in
8 the custody of the Department of Corrections for a term of not less
9 than twenty (20) years. Felony offenses relied upon shall not have
10 arisen out of the same transaction or occurrence or series of events
11 closely related in time and location.

12 ~~D. Any person who, without authority, brings into or has in his~~
13 ~~or her possession in any jail or state penal institution or other~~
14 ~~place where prisoners are located, cigarettes, cigars, snuff,~~
15 ~~chewing tobacco or any other form of tobacco product shall, upon~~
16 ~~conviction, be guilty of a misdemeanor punishable by imprisonment in~~
17 ~~the county jail not to exceed one (1) year, or by a fine not~~
18 ~~exceeding Five Hundred Dollars (\$500.00), or by both such fine and~~
19 ~~imprisonment.~~

20 ~~E.~~ Any person who knowingly, willfully and without authority
21 brings into or has in his or her possession in any secure area of a
22 jail or state penal institution or other secure place where
23 prisoners are located any cellular phone or electronic device
24 capable of sending or receiving any electronic communication shall,

1 upon conviction, be guilty of a Class D1 felony offense punishable
2 by imprisonment as provided for in subsections B through F of
3 Section 20N of Title 21 of the Oklahoma Statutes, or by a fine not
4 exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by both
5 such fine and imprisonment.

6 ~~F.~~ E. Any contraband item prohibited by the provisions of this
7 section that is seized as a result of a violation of this section
8 may be forfeited by the agency that seized the contraband item
9 following the procedures outlined in Section 2-506 of Title 63 of
10 the Oklahoma Statutes.

11 ~~G.~~ F. "Electronic communication" means any transfer of signs,
12 signals, writings, images, sounds, data or intelligence of any
13 nature transmitted in whole or part by a wire, radio,
14 electromagnetic, photo-electronic or photo-optical system, and
15 includes, but is not limited to, the transfer of that communication
16 through the Internet.

17 SECTION 2. AMENDATORY 57 O.S. 2021, Section 22, as
18 amended by Section 527, Chapter 486, O.S.L. 2025 (57 O.S. Supp.
19 2025, Section 22), is amended to read as follows:

20 Section 22. A. Except as otherwise provided in this section,
21 any detention officer, deputy sheriff, or other person employed as
22 jail operations staff by a county, city, or other entity that
23 operates a jail who receives compensation from any person other than
24 the sheriff or jail administrator for providing goods, ~~tobacco~~

1 ~~products,~~ or services for the benefit of an inmate, upon conviction,
2 shall be guilty of a misdemeanor if the compensation is an amount of
3 less than Five Hundred Dollars (\$500.00), punishable by up to six
4 (6) months in the county jail, or a fine of not more than One
5 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment
6 and shall be guilty of a Class D1 felony offense if the compensation
7 is an amount of Five Hundred Dollars (\$500.00) or more, punishable
8 by imprisonment as provided for in subsections B through F of
9 Section 20N of Title 21 of the Oklahoma Statutes, or a fine of not
10 more than Five Thousand Dollars (\$5,000.00), or by both such fine
11 and imprisonment.

12 B. The provisions of this section shall not apply to any person
13 operating, or employed by, a vendor facility licensed by the State
14 Department of Rehabilitation Services pursuant to Sections 71
15 through 78 of Title 7 of the Oklahoma Statutes for purposes of
16 carrying out the provisions of the Randolph-Sheppard Act, 20
17 U.S.C.A., Section 107 et seq., or any other duly authorized vendor.

18 SECTION 3. This act shall become effective November 1, 2026.
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