

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3497

By: Duel

6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2021, Section 1053, as amended by Section 2,  
9 Chapter 209, O.S.L. 2022 (22 O.S. Supp. 2025, Section  
10 1053), which relates to appeals taken by the state or  
municipality; authorizing appeals to the Court of  
Criminal Appeals after certain ruling; adding  
statutory reference; and providing an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1053, as  
15 amended by Section 2, Chapter 209, O.S.L. 2022 (22 O.S. Supp. 2025,  
16 Section 1053), is amended to read as follows:

17 Section 1053. Appeals to the Court of Criminal Appeals may be  
18 taken by the state or a municipality in the following cases only:

19 1. Upon judgment for the defendant on quashing or setting aside  
20 an indictment or information;

21 2. Upon an order of the court arresting the judgment;

22 3. Upon a question reserved by the state or a municipality;

23 4. Upon judgment for the defendant on a motion to quash for  
24 insufficient evidence in a felony matter;

1       5. Upon a pretrial order, decision, or judgment suppressing or  
2 excluding evidence where appellate review of the issue would be in  
3 the best interests of justice;

4       6. Upon a pretrial order, decision or, judgment, or ruling in  
5 limine suppressing or excluding evidence in cases alleging violation  
6 of any provisions of Section 13.1 of Title 21 of the Oklahoma  
7 Statutes or Section 571 of Title 57 of the Oklahoma Statutes; and

8       7. Upon an order, decision or judgment finding that a defendant  
9 is immune from or not subject to criminal prosecution.

10       Priority shall be given to appeals taken pursuant to paragraph  
11 5, 6, or 7 of this section, and an order staying proceedings shall  
12 be entered pending the outcome of the appeal.

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

15       60-2-13986       GRS       12/17/25