

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 2041

By: Standridge

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending Section 7, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20G), which relates to Class B2 offenses; adding certain offenses; amending 63 O.S. 2021, Section 2-402, as amended by Section 1, Chapter 266, O.S.L. 2023 (63 O.S. Supp. 2025, Section 2-402), which relates to the Uniform Controlled Dangerous Substances Act; creating certain felony offense; assigning certain classifications; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 7, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20G), is amended to read as follows:

Section 20G. A. ~~Upon the effective date of this act~~ On or after January 1, 2026, Class B2 shall include the following criminal offenses:

1. ~~Transport, move, Transporting, moving, or attempt attempting~~ to transport in this state any alien knowing that the alien has entered the United States in violation of law, as provided for in

1 subsection A of Section 446 of ~~Title 21 of the Oklahoma Statutes~~  
2 this title;

3 2. ~~Conceal, harbor,~~ Concealing, harboring, or ~~shelter~~  
4 sheltering from detection any alien in any place within this state  
5 knowing that the alien has entered the United States in violation of  
6 law, as provided for in subsection B of Section 446 of ~~Title 21 of~~  
7 ~~the Oklahoma Statutes~~ this title;

8 3. Intentionally ~~destroy, hide, alter, abscond~~ destroying,  
9 hiding, altering, absconding with, or ~~keep~~ keeping certain  
10 identification documentation of an individual for the purpose of  
11 trafficking the individual, as provided for in subsection C of  
12 Section 446 of ~~Title 21 of the Oklahoma Statutes~~ this title;

13 4. Allowing any person lawfully held in custody to escape or go  
14 at large by a sheriff, deputy, coroner, clerk of a court, constable,  
15 or other ministerial officer, as provided for in Section 532 of  
16 ~~Title 21 of the Oklahoma Statutes~~ this title;

17 5. Kidnapping, as provided for in Section 741 of ~~Title 21 of~~  
18 ~~the Oklahoma Statutes~~ this title;

19 6. Causing, aiding, abetting, or encouraging a minor child to  
20 distribute, dispense, possess, or manufacture a controlled dangerous  
21 substance or a counterfeit or imitation controlled dangerous  
22 substance, as provided for in Section 856.1 of ~~Title 21 of the~~  
23 ~~Oklahoma Statutes~~ this title;

1        7. Trafficking in children, as provided for in Section 866 of  
2 ~~Title 21 of the Oklahoma Statutes~~ this title;

3        8. Photographing, publishing, distributing, or participating in  
4 the preparation of child ~~pornography~~ sexual abuse material, as  
5 provided for in subsection C of Section 1040.8 of ~~Title 21 of the~~  
6 ~~Oklahoma Statutes~~ this title;

7        9. Procuring another for the purpose of prostitution, as  
8 provided for in Section 1081 of ~~Title 21 of the Oklahoma Statutes~~  
9 this title;

10       10. Keeping, holding, detaining, or restraining against her  
11 will a female in a house of prostitution, as provided for in Section  
12 1085 of ~~Title 21 of the Oklahoma Statutes~~ this title;

13       11. Rape in the second degree, as provided for in subsection B  
14 of Section 1114 of ~~Title 21 of the Oklahoma Statutes~~ this title;

15       12. Arson in the second degree, as provided for in Section 1402  
16 of ~~Title 21 of the Oklahoma Statutes~~ this title;

17       13. Second or subsequent conviction of residing, either  
18 temporarily or permanently, within a two-thousand-foot radius of a  
19 public or private school, playground, park, licensed child care  
20 center, family child care home, or residence of a victim by a person  
21 who is required to register as a sex offender pursuant to the Sex  
22 Offenders Registration Act, as provided for in subsection A of  
23 Section 590 of Title 57 of the Oklahoma Statutes;

1        14. Second or subsequent conviction for residing with a minor  
2 child by a person who is required to register as a sex offender  
3 pursuant to the Sex Offenders Registration Act for an offense in  
4 which a minor child was the victim, as provided for in subsection B  
5 of Section 590 of Title 57 of the Oklahoma Statutes;

6        15. Breaking into and entering the dwelling house of a  
7 defendant by a bail enforcer, as provided for in Section 1350.6 of  
8 Title 59 of the Oklahoma Statutes;

9        16. Possessing a drug product containing ephedrine,  
10 pseudoephedrine, or phenylpropanolamine with intent to use the  
11 product as a precursor to manufacture methamphetamine or other  
12 controlled substance, as provided for in subsection A of Section 2-  
13 332 of Title 63 of the Oklahoma Statutes;

14        17. Third offense of possessing methamphetamine, cocaine, or  
15 fentanyl within ten (10) years as provided for in subparagraph b of  
16 paragraph 3 of subsection B of Section 2-402 of Title 63 of the  
17 Oklahoma Statutes;

18        18. Fourth or subsequent offense within ten (10) years of  
19 knowingly or intentionally possessing, buying, or selling a  
20 controlled dangerous substance as provided for in paragraph 4 of  
21 subsection B of Section 2-402 of Title 63 of the Oklahoma Statutes;

22        19. Aggravated trafficking of marijuana, as provided for in  
23 subparagraph b of paragraph 1 of subsection C of Section 2-415 of  
24 Title 63 of the Oklahoma Statutes;

1       ~~18.~~ 20. Aggravated trafficking of cocaine, coca leaves, or  
2 cocaine base, as provided for in subparagraph c of paragraph 2 of  
3 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

4       ~~19.~~ 21. Aggravated trafficking of heroin, as provided for in  
5 subparagraph b of paragraph 3 of subsection C of Section 2-415 of  
6 Title 63 of the Oklahoma Statutes;

7       ~~20.~~ 22. Aggravated trafficking of amphetamine or  
8 methamphetamine, as provided for in subparagraph c of paragraph 4 of  
9 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

10       ~~21.~~ 23. Aggravated trafficking of lysergic acid diethylamide  
11 (LSD), as provided for in subparagraph b of paragraph 5 of  
12 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;  
13 and

14       ~~22.~~ 24. Aggravated trafficking of phencyclidine (PCP), as  
15 provided for in subparagraph b of paragraph 6 of subsection C of  
16 Section 2-415 of Title 63 of the Oklahoma Statutes.

17       B. Any person convicted of a Class B2 criminal offense set  
18 forth in this section shall be punished in accordance with the  
19 corresponding penalties provided for in the Oklahoma Statutes.

20       SECTION 2.       AMENDATORY       63 O.S. 2021, Section 2-402, as  
21 amended by Section 1, Chapter 266, O.S.L. 2023 (63 O.S. Supp. 2025,  
22 Section 2-402), is amended to read as follows:

23       Section 2-402. A. 1. It shall be unlawful for any person  
24 knowingly or intentionally to possess a controlled dangerous

1 substance unless such substance was obtained directly, or pursuant  
2 to a valid prescription or order from a practitioner, while acting  
3 in the course of his or her professional practice, or except as  
4 otherwise authorized by Section 2-101 et seq. of this title.

5 2. It shall be unlawful for any person to purchase any  
6 preparation excepted from the provisions of the Uniform Controlled  
7 Dangerous Substances Act pursuant to Section 2-313 of this title in  
8 an amount or within a time interval other than that permitted by  
9 Section 2-313 of this title.

10 3. It shall be unlawful for any person or business to sell,  
11 market, advertise, or label any product containing ephedrine, its  
12 salts, optical isomers, or salts of optical isomers, for the  
13 indication of stimulation, mental alertness, weight loss, appetite  
14 control, muscle development, energy, or other indication which is  
15 not approved by the pertinent federal OTC Final Monograph, Tentative  
16 Final Monograph, or FDA-approved new drug application or its legal  
17 equivalent. In determining compliance with this requirement, the  
18 following factors shall be considered:

- 19 a. the packaging of the product,
- 20 b. the name of the product, and
- 21 c. the distribution and promotion of the product,  
22 including verbal representations made at the point of  
23 sale.

1       B. 1. Any person who violates this section is guilty of a  
2 misdemeanor punishable by ~~confinement~~ imprisonment in a county jail  
3 for not more than one (1) year and by a fine not exceeding One  
4 Thousand Dollars (\$1,000.00).

5       2. Any person who violates this section a second time within  
6 ten (10) years, upon conviction, shall be guilty of a misdemeanor.  
7 The court may, with the consent of the defendant, order the  
8 defendant to complete a substance abuse assessment and evaluation  
9 and to complete a diversion program for up to one (1) year following  
10 the date of conviction in lieu of other punishments. At the  
11 discretion of the court, the diversion program may include drug  
12 testing as a requirement. If the defendant refuses or fails to  
13 complete the assessment and evaluation or diversion program, the  
14 court may impose punishment as provided for in paragraph 1 of this  
15 subsection. The provisions of this paragraph shall not apply to  
16 violations related to the possession of marijuana.

17       3. a. Any person who violates this section a third time  
18               within ten (10) years shall, upon conviction, be  
19               guilty of a misdemeanor punishable by a fine not  
20               exceeding One Thousand Dollars (\$1,000.00),  
21               imprisonment in the county jail for a minimum of  
22               thirty (30) days, or by both such fine and  
23               imprisonment.  
24

1        b. Any person who possesses methamphetamine, cocaine, or  
2        fentanyl in violation of this section for a third time  
3        within ten (10) years, shall, upon conviction, be  
4        guilty of a Class B2 felony offense punishable by a  
5        fine not exceeding Four Thousand Dollars (\$4,000.00),  
6        imprisonment in the custody of the Department of  
7        Corrections for not more than four (4) years, or by  
8        both such fine and imprisonment.

9        The court may, with the consent of the defendant, order the  
10       defendant to complete a substance abuse assessment and evaluation  
11       and to complete a diversion program for up to three (3) years  
12       following the date of conviction. At the discretion of the court,  
13       the diversion program may include drug testing as a requirement. If  
14       the defendant refuses or fails to complete the assessment and  
15       evaluation or diversion program, the court may impose punishment as  
16       provided for in paragraph 1 of this subsection. The provisions of  
17       this paragraph shall not apply to violations related to the  
18       possession of marijuana.

19       4.    a.    Any person who violates this section a fourth time  
20              within ten (10) years shall, upon conviction, be  
21              guilty of a Class B2 felony punishable by a fine not  
22              exceeding Five Thousand Dollars (\$5,000.00),  
23              imprisonment in the custody of the Department of  
24              Corrections for not ~~less than one (1) year nor~~ more



1           than five (5) years, or by both such fine and  
2           imprisonment.

3           b.   Upon a verdict or plea of guilty or upon a plea of  
4           nolo contendere, but before a judgment of guilt of a  
5           violation of this paragraph, the court may, without  
6           entering a judgment of guilt and with the consent of  
7           the defendant, defer further proceedings upon the  
8           specific conditions prescribed by the court not to  
9           exceed a three-year period. The court may, with the  
10          consent of the defendant, order the defendant to  
11          complete a substance abuse assessment and evaluation  
12          and to complete a diversion program for up to three  
13          (3) years.

14          c.   Upon successful completion of the court-ordered  
15          substance abuse assessment and evaluation and  
16          diversion program within the time prescribed, the  
17          felony charge shall be changed to a misdemeanor. If  
18          the defendant refuses or fails to complete the  
19          assessment and evaluation or diversion program, the  
20          court may impose punishment as provided for in  
21          subparagraph a of this paragraph.

22          d.   The provisions of this paragraph shall not apply to  
23          violations related to the possession of marijuana.

1 C. Any person convicted of any offense described in this  
2 section shall, in addition to any fine imposed, pay a special  
3 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
4 deposited into the Trauma Care Assistance Revolving Fund created in  
5 Section 1-2530.9 of this title.

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