

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE  
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1462

By: West (Tammy)

7  
8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to criminal procedure; amending 22  
10 O.S. 2021, Sections 991a, as last amended by Section  
11 1, Chapter 61, O.S.L. 2024, 991b and 991f (22 O.S.  
12 Supp. 2024, Section 991a), which relate to sentencing  
13 powers of the court, revocation of sentences and  
14 restitution; directing courts and court clerks to  
15 prioritize orders of payments of restitution; and  
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 22 O.S. 2021, Section 991a, as  
19 last amended by Section 1, Chapter 61, O.S.L. 2024 (22 O.S. Supp.  
20 2024, Section 991a), is amended to read as follows:

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

1. Suspend the execution of sentence in whole or in part, with  
or without probation. The court, in addition, may order the

1 convicted defendant at the time of sentencing or at any time during  
2 the suspended sentence to do one or more of the following:

3 a. to provide restitution to the victim as provided by  
4 Section 991f et seq. of this title or according to a  
5 schedule of payments established by the sentencing  
6 court, together with interest upon any pecuniary sum  
7 at the rate of twelve percent (12%) per annum, if the  
8 defendant agrees to pay such restitution or, in the  
9 opinion of the court, if the defendant is able to pay  
10 such restitution without imposing manifest hardship on  
11 the defendant or the immediate family and if the  
12 extent of the damage to the victim is determinable  
13 with reasonable certainty,

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

21 c. to engage in a term of community service without  
22 compensation, according to a schedule consistent with  
23 the employment and family responsibilities of the  
24 person convicted,

- 1 d. to pay a reasonable sum into any trust fund  
2 established pursuant to the provisions of Sections 176  
3 through 180.4 of Title 60 of the Oklahoma Statutes and  
4 which provides restitution payments by convicted  
5 defendants to victims of crimes committed within this  
6 state wherein such victim has incurred a financial  
7 loss,
- 8 e. to confinement in the county jail for a period not to  
9 exceed six (6) months,
- 10 f. to confinement as provided by law together with a term  
11 of post-imprisonment community supervision for not  
12 less than three (3) years of the total term allowed by  
13 law for imprisonment, with or without restitution;  
14 provided, however, the authority of this provision is  
15 limited to Section 843.5 of Title 21 of the Oklahoma  
16 Statutes when the offense involved sexual abuse or  
17 sexual exploitation; Sections 681, 741 and 843.1 of  
18 Title 21 of the Oklahoma Statutes when the offense  
19 involved sexual abuse or sexual exploitation; and  
20 Sections 865 et seq., 885, 886, 888, 891, 1021,  
21 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and  
22 1123 of Title 21 of the Oklahoma Statutes,
- 23 g. to repay the reward or part of the reward paid by a  
24 local certified crime stoppers program and the

1 Oklahoma Reward System. In determining whether the  
2 defendant shall repay the reward or part of the  
3 reward, the court shall consider the ability of the  
4 defendant to make the payment, the financial hardship  
5 on the defendant to make the required payment and the  
6 importance of the information to the prosecution of  
7 the defendant as provided by the arresting officer or  
8 the district attorney with due regard for the  
9 confidentiality of the records of the local certified  
10 crime stoppers program and the Oklahoma Reward System.  
11 The court shall assess this repayment against the  
12 defendant as a cost of prosecution. The term  
13 "certified" means crime stoppers organizations that  
14 annually meet the certification standards for crime  
15 stoppers programs established by the Oklahoma Crime  
16 Stoppers Association to the extent those standards do  
17 not conflict with state statutes. The term "court"  
18 refers to all municipal and district courts within  
19 this state. The "Oklahoma Reward System" means the  
20 reward program established by Section 150.18 of Title  
21 74 of the Oklahoma Statutes,

22 h. to reimburse the Oklahoma State Bureau of  
23 Investigation for costs incurred by that agency during  
24 its investigation of the crime for which the defendant

1           pleaded guilty, nolo contendere or was convicted  
2           including compensation for laboratory, technical or  
3           investigation services performed by the Bureau if, in  
4           the opinion of the court, the defendant is able to pay  
5           without imposing manifest hardship on the defendant,  
6           and if the costs incurred by the Bureau during the  
7           investigation of the defendant's case may be  
8           determined with reasonable certainty,

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

23           j.    to pay a reasonable sum to the Crime Victims  
24           Compensation Board, created by Section 142.2 et seq.

1 of Title 21 of the Oklahoma Statutes, for the benefit  
2 of crime victims,

3 k. to reimburse the court fund for amounts paid to court-  
4 appointed attorneys for representing the defendant in  
5 the case in which the person is being sentenced,

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

15 m. to be placed in a victims impact panel program, as  
16 defined in subsection H of this section, or  
17 victim/offender reconciliation program and payment of  
18 a fee to the program of Seventy-five Dollars (\$75.00)  
19 as set by the governing authority of the program to  
20 offset the cost of participation by the defendant.  
21 Provided, each victim/offender reconciliation program  
22 shall be required to obtain a written consent form  
23 voluntarily signed by the victim and defendant that  
24 specifies the methods to be used to resolve the

1 issues, the obligations and rights of each person and  
2 the confidentiality of the proceedings. Volunteer  
3 mediators and employees of a victim/offender  
4 reconciliation program shall be immune from liability  
5 and have rights of confidentiality as provided in  
6 Section 1805 of Title 12 of the Oklahoma Statutes,  
7 n. to install, at the expense of the defendant, an  
8 ignition interlock device approved by the Board of  
9 Tests for Alcohol and Drug Influence. The device  
10 shall be installed upon every motor vehicle operated  
11 by the defendant, and the court shall require that a  
12 notation of this restriction be affixed to the  
13 defendant's driver license. The restriction shall  
14 remain on the driver license not exceeding two (2)  
15 years to be determined by the court. The restriction  
16 may be modified or removed only by order of the court  
17 and notice of any modification 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 a device  
23 during the period of restriction shall be a violation  
24 of the sentence and may be punished as deemed proper

1 by the sentencing court. As used in this paragraph,  
2 "ignition interlock device" means a device that,  
3 without tampering or intervention by another person,  
4 would prevent the defendant from operating a motor  
5 vehicle if the defendant has a blood or breath alcohol  
6 concentration of two-hundredths (0.02) or greater,  
7 o. to be confined by electronic monitoring administered  
8 and supervised by the Department of Corrections or a  
9 community sentence provider, and payment of a  
10 monitoring fee to the supervising authority, not to  
11 exceed Three Hundred Dollars (\$300.00) per month. Any  
12 fees collected pursuant to this subparagraph shall be  
13 deposited with the appropriate supervising authority.  
14 Any willful violation of an order of the court for the  
15 payment of the monitoring fee shall be a violation of  
16 the sentence and may be punished as deemed proper by  
17 the sentencing court. As used in this paragraph,  
18 "electronic monitoring" means confinement of the  
19 defendant within a specified location or locations  
20 with supervision by means of an electronic device  
21 approved by the Department of Corrections which is  
22 designed to detect if the defendant is in the court-  
23 ordered location at the required times and which  
24

1 records violations for investigation by a qualified  
2 supervisory agency or person,

- 3 p. to perform one or more courses of treatment, education  
4 or rehabilitation for any conditions, behaviors,  
5 deficiencies or disorders which may contribute to  
6 criminal conduct including but not limited to alcohol  
7 and substance abuse, mental health, emotional health,  
8 physical health, propensity for violence, antisocial  
9 behavior, personality or attitudes, deviant sexual  
10 behavior, child development, parenting assistance, job  
11 skills, vocational-technical skills, domestic  
12 relations, literacy, education or any other  
13 identifiable deficiency which may be treated  
14 appropriately in the community and for which a  
15 certified provider or a program recognized by the  
16 court as having significant positive impact exists in  
17 the community. Any treatment, education or  
18 rehabilitation provider required to be certified  
19 pursuant to law or rule shall be certified by the  
20 appropriate state agency or a national organization,
- 21 q. to submit to periodic testing for alcohol,  
22 intoxicating substance or controlled dangerous  
23 substances by a qualified laboratory,  
24

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

1 earned. The day fine shall be paid to the local  
2 community sentencing system as reparation to the  
3 community. Day fines shall be used to support the  
4 local system,

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

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

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

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

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

20 ee. in the case of a person convicted of prostitution  
21 pursuant to Section 1029 of Title 21 of the Oklahoma  
22 Statutes, require such person to receive counseling  
23 for the behavior which may have caused such person to  
24 engage in prostitution activities. Such person may be

1 required to receive counseling in areas including but  
2 not limited to alcohol and substance abuse, sexual  
3 behavior problems or domestic abuse or child abuse  
4 problems,

5 ~~ee.~~

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

1 Substance Abuse Services. Such treatment shall be at  
2 the expense of the defendant based on the defendant's  
3 ability to pay,

4 ~~ff.~~

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

14 ~~gg.~~

15 hh. in the case of a person convicted of any false or  
16 bogus check violation, as defined in Section 1541.4 of  
17 Title 21 of the Oklahoma Statutes, impose a fee of  
18 Twenty-five Dollars (\$25.00) to the victim for each  
19 check, and impose a bogus check fee to be paid to the  
20 district attorney. The bogus check fee paid to the  
21 district attorney shall be equal to the amount  
22 assessed as court costs plus Twenty-five Dollars  
23 (\$25.00) for each check upon filing of the case in  
24 district court. This money shall be deposited in the

1 Bogus Check Restitution Program Fund as established in  
2 subsection B of Section 114 of this title.

3 Additionally, the court may require the offender to  
4 pay restitution and bogus check fees on any other  
5 bogus check or checks that have been submitted to the  
6 Bogus Check Restitution Program, and

7 ~~hh.~~

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

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

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

1 warranted, the court shall equally apply the same percentage  
2 reduction to the fine, costs and costs of prosecution owed by the  
3 offender;

4 2. Impose a fine prescribed by law for the offense, with or  
5 without probation or commitment and with or without restitution or  
6 service as provided for in this section, Section 991a-4.1 of this  
7 title or Section 227 of Title 57 of the Oklahoma Statutes;

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

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

19 5. Order the defendant to reimburse the Oklahoma State Bureau  
20 of Investigation for all costs incurred by that agency for cleaning  
21 up an illegal drug laboratory site for which the defendant pleaded  
22 guilty, nolo contendere or was convicted. The court clerk shall  
23 collect the amount and may retain five percent (5%) of such monies  
24 to be deposited in the Court Clerk's Revolving Fund to cover

1 administrative costs and shall remit the remainder to the Oklahoma  
2 State Bureau of Investigation to be deposited in the OSBI Revolving  
3 Fund established by Section 150.19a of Title 74 of the Oklahoma  
4 Statutes;

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

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

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

23 b. to attend a victims impact panel program, as defined  
24 in subsection H of this section, and to pay a fee of

1 Seventy-five Dollars (\$75.00) as set by the governing  
2 authority of the program and approved by the court, to  
3 the program to offset the cost of participation by the  
4 defendant, if in the opinion of the court the  
5 defendant has the ability to pay such fee,

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

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

1 device or operating any vehicle without such device  
2 during the period of restriction shall be a violation  
3 of the sentence and may be punished as deemed proper  
4 by the sentencing court, or

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

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

1           9. In addition to the other sentencing powers of the court, in  
2 the case of a person convicted of any crime related to domestic  
3 abuse, as defined in Section 60.1 of this title, the court may  
4 require the defendant to undergo the treatment or participate in the  
5 counseling services necessary to bring about the cessation of  
6 domestic abuse against the victim. The defendant may be required to  
7 pay all or part of the cost of the treatment or counseling services;

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

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

1 participate in counseling services. The defendant may be required  
2 to pay all or part of the cost of the treatment or counseling  
3 services;

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

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

18 14. In addition to the other sentencing powers of the court, in  
19 the case of a sex offender who is required by law to register  
20 pursuant to the Sex Offenders Registration Act, the court may  
21 prohibit the person from accessing or using any Internet social  
22 networking website that has the potential or likelihood of allowing  
23 the sex offender to have contact with any child who is under the age  
24 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.

24

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.

24

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 2. AMENDATORY 22 O.S. 2021, Section 991b, is  
20 amended to read as follows:

21 Section 991b. A. Whenever a sentence has been suspended by the  
22 court after conviction of a person for any crime, the suspended  
23 sentence of the person may not be revoked, in whole or part, for any  
24 cause unless a petition setting forth the grounds for such

1 revocation is filed by the district attorney with the clerk of the  
2 sentencing court and competent evidence justifying the revocation of  
3 the suspended sentence is presented to the court at a hearing to be  
4 held for that purpose within twenty (20) days after the entry of the  
5 plea of not guilty to the petition, unless waived by both the state  
6 and the defendant. The State of Oklahoma may dismiss the petition  
7 without prejudice one time upon good cause shown to the court,  
8 provided that any successor petition must be filed within forty-five  
9 (45) days of the date of the dismissal of the petition.

10 B. Whenever a sentence has been suspended by the court after  
11 conviction of a person for any crime, the suspended sentence of the  
12 person may not be revoked in whole for a technical violation unless  
13 a petition setting forth the grounds for such revocation is filed by  
14 the district attorney with the clerk of the sentencing court and  
15 competent evidence justifying the revocation of the suspended  
16 sentence is presented to the court at a hearing to be held for that  
17 purpose within twenty (20) days after the entry of the plea of not  
18 guilty to the petition, unless waived by both the state and the  
19 defendant. The State of Oklahoma may dismiss the petition without  
20 prejudice one time upon good cause shown to the court; provided,  
21 that any successor petition must be filed within forty-five (45)  
22 days of the date of the dismissal of the petition. Any revocation  
23 of a suspended sentence based on a technical violation shall not  
24

1 exceed six (6) months for a first revocation and five (5) years for  
2 a second or subsequent revocation.

3 C. "Technical violation" as used in this section means a  
4 violation of the court-imposed rules and conditions of probation,  
5 other than:

6 1. Committing or being arrested for a new crime;

7 2. Attempting to falsify a drug screen, or three or more failed  
8 drug or alcohol screens within a three-month period;

9 3. Failing to pay restitution;

10 4. Tampering with an electronic monitoring device;

11 5. Failing to initially report or missing assigned reporting  
12 requirements for an excess of sixty (60) days;

13 6. Unlawfully contacting a victim, codefendant or criminal  
14 associates;

15 7. Five or more separate and distinct technical violations  
16 within a ninety-day period; or

17 8. Any violation of the Specialized Sex Offender Rules.

18 D. 1. The Department of Corrections shall develop a matrix of  
19 technical violations and sanctions to address violations committed  
20 by persons who are being supervised by the Department. The  
21 Department shall be authorized to use a violation response and  
22 intermediate sanction process based on the sanction matrix to apply  
23 to any technical violations of probationers. Within four (4)  
24 working days of the discovery of the violation, the probation

1 officer shall initiate the violation response and intermediate  
2 sanction process. The sentencing judge may authorize any  
3 recommended sanctions, which may include, but are not limited to:  
4 short-term jail or lockup, day treatment, program attendance,  
5 community service, outpatient or inpatient treatment, monetary  
6 fines, curfews, ignition interlock devices on vehicles, or a one-  
7 time referral to a term of confinement of six (6) months in an  
8 intermediate revocation facility operated by the Department of  
9 Corrections; provided, upon approval of the district attorney, a  
10 person may be sanctioned to serve additional terms of confinement in  
11 an intermediate revocation facility. The probation officer shall  
12 complete a sanction form, which shall specify the technical  
13 violation, sanction, and the action plan to correct the noncompliant  
14 behavior resulting in the technical violation. The probation  
15 officer shall refer to the sanctioning matrix to determine the  
16 supervision, treatment, and sanctions appropriate to address the  
17 noncompliant behavior. The probation officer shall refer the  
18 violation information and recommended response with a sanction plan  
19 to the Department of Corrections to be heard by a hearing officer.  
20 The Department of Corrections shall develop a sanction matrix,  
21 forms, policies and procedures necessary to implement this  
22 provision. The Department of Corrections shall establish procedures  
23 to hear responses to technical violations and review sanction plans  
24 including the following:

- a. hearing officers shall report through a chain of command separate from that of the supervising probation officers,
- b. the Department shall provide the offender written notice of the violation, the evidence relied upon, and the reason the sanction was imposed,
- c. the hearing shall be held unless the offender waives the right to the hearing,
- d. hearings shall be electronically recorded, and
- e. the Department shall provide to judges and district attorneys a record of all violations and actions taken pursuant to this subsection.

2. The hearing officer shall determine based on a preponderance of the evidence whether a technical violation occurred. Upon a finding that a technical violation occurred, the hearing officer may order the offender to participate in the recommended sanction plan or may modify the plan. Offenders who accept the sanction plan shall sign a violation response sanction form, and the hearing officer shall then impose the sanction. Failure of the offender to comply with the imposed sanction plan shall constitute a violation of the rules and conditions of supervision that may result in a revocation proceeding. If an offender does not voluntarily accept the recommended sanction plan, the Department shall either impose the sanction and allow the offender to appeal to the district court,

1 or request a revocation proceeding as provided by law. Every  
2 administrative hearing and sanction imposed by the Department shall  
3 be appealable to the district court.

4 3. Absent a finding of willful nonpayment by the offender, the  
5 failure of an offender to pay fines and costs may not serve as a  
6 basis for revocation, excluding restitution.

7 E. 1. Where one of the grounds for revocation is the failure  
8 of the defendant to make restitution as ordered, the Department of  
9 Corrections shall forward to the district attorney all information  
10 pertaining to the failure of the defendant to make timely  
11 restitution as ordered by the court, and the district attorney shall  
12 file a petition setting forth the grounds for revocation.

13 2. The defendant ordered to make restitution can petition the  
14 court at any time for remission or a change in the terms of the  
15 order of restitution if the defendant undergoes a change of  
16 condition which materially affects the ability of the defendant to  
17 comply with the order of the court.

18 3. At the hearing, if one of the grounds for the petition for  
19 revocation is the failure of the defendant to make timely  
20 restitution as ordered by the court, the court will hear evidence  
21 and if it appears to the satisfaction of the court from such  
22 evidence that the terms of the order of restitution create a  
23 manifest hardship on the defendant or the immediate family of the  
24 defendant, the court may cancel all or any part of the amount still

1 due, or modify the terms or method of payment; provided, however,  
2 the court shall continue to prioritize an order for payments of  
3 restitution to the victim. Provided, if the court determines that a  
4 reduction in the restitution still due is warranted, the court shall  
5 equally apply the same percentage reduction to any court-ordered  
6 monetary obligation owed by the defendant including, but not limited  
7 to, fines, court costs and costs of incarceration.

8 F. The court may revoke a portion of the sentence and leave the  
9 remaining part not revoked, but suspended for the remainder of the  
10 term of the sentence, and under the provisions applying to it. The  
11 person whose suspended sentence is being considered for revocation  
12 at the hearing shall have the right to be represented by counsel, to  
13 present competent evidence in his or her own behalf and to be  
14 confronted by the witnesses against the defendant. Any order of the  
15 court revoking the suspended sentence, in whole or in part, shall be  
16 subject to review on appeal, as in other appeals of criminal cases.  
17 Provided, however, that if the crime for which the suspended  
18 sentence is given was a felony, the defendant may be allowed bail  
19 pending appeal. If the reason for revocation be that the defendant  
20 committed a felony, the defendant shall not be allowed bail pending  
21 appeal.

22 G. Notwithstanding the provisions of subsections A and B of  
23 this section, when the suspended sentence of a person is being  
24 considered for revocation for an offense where the penalty has

1 subsequently been lowered to a misdemeanor, the sentence shall be  
2 modified to a term that does not exceed the current maximum  
3 sentence.

4 SECTION 3. AMENDATORY 22 O.S. 2021, Section 991f, is  
5 amended to read as follows:

6 Section 991f. A. For the purposes of any provision of Title 22  
7 of the Oklahoma Statutes relating to criminal sentencing and  
8 restitution orders and for the Restitution and Diversion Program:

9 1. "Restitution" means the sum to be paid by the defendant to  
10 the victim of the criminal act to compensate that victim for up to  
11 three times the amount of the economic loss suffered as a direct  
12 result of the criminal act of the defendant;

13 2. "Victim" means any person, partnership, corporation or legal  
14 entity that suffers an economic loss as a direct result of the  
15 criminal act of another person;

16 3. "Economic loss" means actual financial detriment suffered by  
17 the victim consisting of medical expenses actually incurred, damage  
18 to or loss of real and personal property and any other out-of-pocket  
19 expenses, including loss of earnings, reasonably incurred as the  
20 direct result of the criminal act of the defendant. No other  
21 elements of damage shall be included as an economic loss for  
22 purposes of this section.

23 B. In all criminal prosecutions and juvenile proceedings in  
24 this state, ~~when~~ the court shall prioritize an order for payments of

1 restitution to the victim. When the court enters an order directing  
2 the offender to pay restitution to any victim for economic loss or  
3 to pay to the state any fines, fees or assessments, the order, for  
4 purposes of validity and collection, shall not be limited to the  
5 maximum term of imprisonment for which the offender could have been  
6 sentenced, nor limited to any term of probation, parole, or  
7 extension thereof, nor expire until fully satisfied. The court  
8 order for restitution, fines, fees or assessments shall remain a  
9 continuing obligation of the offender until fully satisfied, and the  
10 obligation shall not be considered a debt, nor shall the obligation  
11 be dischargeable in any bankruptcy proceeding. The court order  
12 shall continue in full force and effect with the supervision of the  
13 state until fully satisfied, and the state shall use all methods of  
14 collection authorized by law. The court shall order the court clerk  
15 to prioritize the payment of restitution until the office of the  
16 district attorney certifies such restitution is paid in full.

17 C. 1. Upon conviction for any crime wherein property has been  
18 stolen, converted or otherwise unlawfully obtained, or its value  
19 substantially decreased as a direct result of the crime, or wherein  
20 the crime victim suffered injury, loss of income, or out-of-pocket  
21 loss, the individuals criminally responsible shall be sentenced to  
22 make restitution. Restitution may be ordered in addition to the  
23 punishments prescribed by law.

24

1           2. The court shall order full restitution based upon the  
2 following considerations:

- 3           a. the nature and amount of restitution shall be  
4           sufficient to restore the crime victim to the  
5           equivalent economic status existing prior to the  
6           losses sustained as a direct result of the crime, and  
7           may allow the crime victim to receive payment in  
8           excess of the losses sustained; provided, the excess  
9           amount of restitution shall not be more than treble  
10          the actual economic loss incurred, and  
11          b. the amount of restitution shall be established  
12          regardless of the financial resources of the offender.

13          3. The court:

- 14          a. may direct the return of property to be made as soon  
15          as practicable and make an award of restitution in the  
16          amount of the loss of value to the property itself as  
17          a direct result of the crime, including out-of-pocket  
18          expenses and loss of earnings incurred as a result of  
19          damage to or loss of use of the property, the cost to  
20          return the property to the victim or to restore the  
21          property to its pre-crime condition whichever may be  
22          appropriate under the circumstances,  
23          b. may order restitution in a lump sum or by such  
24          schedules as may be established and thereafter

1 adjusted by agreement consistent with the order of the  
2 court,

3 c. shall have the authority to amend or alter any order  
4 of restitution made pursuant to this section providing  
5 that the court shall state its reasons and conclusions  
6 as a matter of record for any change or amendment to  
7 any previous order,

8 d. may order interest upon any ordered restitution sum to  
9 accrue at the rate of twelve percent (12%) per annum  
10 until the restitution is paid in full. The court may  
11 further order such interest to be paid to the victims  
12 of the crime or proportion the interest payment  
13 between the victims and the court fund, and/or the  
14 Restitution and Diversion Program, in the discretion  
15 of the court, and

16 e. shall consider any pre-existing orders imposed on the  
17 defendant, including, but not limited to, orders  
18 imposed under civil and criminal proceedings.

19 D. If restitution to more than one person, agency or entity is  
20 set at the same time, the court shall establish the following  
21 priorities of payment:

22 1. The crime victim or victims; and

23 2. Any other government agency which has provided reimbursement  
24 to the victim as a result of the offender's criminal conduct.

1 E. 1. The district attorney's office shall present the crime  
2 victim's restitution claim to the court at the time of the  
3 conviction of the offender or the restitution provisions shall be  
4 included in the written plea agreement presented to the court, in  
5 which case, the restitution claim shall be reviewed by the judge  
6 prior to acceptance of the plea agreement.

7 2. At the initiation of the prosecution of the defendant, the  
8 district attorney's office shall provide all identifiable crime  
9 victims with written and oral information explaining their rights  
10 and responsibilities to receive restitution established under this  
11 section.

12 3. The district attorney's office shall provide all crime  
13 victims, regardless of whether the crime victim makes a specific  
14 request, with an official request for restitution form to be  
15 completed and signed by the crime victim, and to include all  
16 invoices, bills, receipts, and other evidence of injury, loss of  
17 earnings and out-of-pocket loss. This form shall be filed with any  
18 victim impact statement to be included in the judgment and sentence.  
19 Every crime victim receiving the restitution claim form shall be  
20 provided assistance and direction to properly complete the form.

21 4. The official restitution request form shall be presented in  
22 all cases regardless of whether the case is brought to trial. In a  
23 plea bargain, the district attorney in every case where the victim  
24 has suffered economic loss, shall, as a part of the plea bargain,

1 require that the offender pay restitution to the crime victim. The  
2 district attorney shall be authorized to act as a clearing house for  
3 collection and disbursement of restitution payments made pursuant to  
4 this section, and shall assess a fee of One Dollar (\$1.00) per  
5 payment received from the defendant, except when the defendant is  
6 sentenced to incarceration in the Department of Corrections.

7 F. The crime victim shall provide all documentation and  
8 evidence of compensation or reimbursement from insurance companies  
9 or agencies of this state, any other state, or the federal  
10 government received as a direct result of the crime for injury, loss  
11 of earnings or out-of-pocket loss.

12 G. The court shall, upon motion by the crime victim, redact  
13 from the submitted documentation all personal information relating  
14 to the crime victim that does not directly and necessarily establish  
15 the authenticity of any document or substantiate the asserted amount  
16 of the restitution claim.

17 H. The unexcused failure or refusal of the crime victim to  
18 provide all or part of the requisite information prior to the  
19 sentencing, unless disclosure is deferred by the court, shall  
20 constitute a waiver of any grounds to appeal or seek future  
21 amendment or alteration of the restitution order predicated on the  
22 undisclosed available information. The court shall order the  
23 offender to submit either as part of the pre-sentence investigation  
24 or assessment and evaluation required for a community sentence or,

1 if no pre-sentence investigation is conducted, in advance of the  
2 sentencing proceeding such information as the court may direct and  
3 finds necessary to be disclosed for the purpose of ascertaining the  
4 type and manner of restitution to be ordered.

5 I. The willful failure or refusal of the offender to provide  
6 all or part of the requisite information prior to the sentencing,  
7 unless disclosure is deferred by the court shall not deprive the  
8 court of the authority to set restitution or set the schedule of  
9 payment. The willful failure or refusal of the offender to provide  
10 all or part of the requisite information prior to the sentencing,  
11 unless disclosure is deferred by the court, shall constitute a  
12 waiver of any grounds to appeal or seek future amendment or  
13 alteration of the restitution order predicated on the undisclosed  
14 information. The willful failure or refusal of the offender to  
15 provide all or part of the requisite information prior to  
16 sentencing, unless disclosure is deferred by the court, shall  
17 constitute an act of contempt.

18 J. The court shall conduct such hearings or proceedings as it  
19 deems necessary to set restitution and payment schedules at the time  
20 of sentencing or may bifurcate the sentencing and defer the hearing  
21 or proceedings relating to the imposition of restitution as justice  
22 may require. Amendments or alterations to the restitution order may  
23 be made upon the court's own motion, petition by the crime victim or  
24 petition by the offender.

1 K. An offender who files a meritless or frivolous petition for  
2 amendment or alteration to the restitution order shall pay the costs  
3 of the proceeding on the petition and shall have added to the  
4 existing restitution order the additional loss of earnings and out-  
5 of-pocket loss incurred by the crime victim in responding to the  
6 petition.

7 L. The restitution request form shall be promulgated by the  
8 District Attorneys Council and provided to all district attorney  
9 offices.

10 M. If a defendant who is financially able refuses or neglects  
11 to pay restitution as ordered by this section, payment may be  
12 enforced:

13 1. By contempt of court as provided in subsection A of Section  
14 566 of Title 21 of the Oklahoma Statutes with imprisonment or fine  
15 or both;

16 2. In the same manner as prescribed in subsection N of this  
17 section for a defendant who is without means to make such  
18 restitution payment; or

19 3. Revocation of the criminal sentence if the sentence imposed  
20 was a suspended or deferred sentence or a community sentence.

21 N. If the defendant is without means to pay the restitution,  
22 the judge may direct the total amount due, or any portion thereof,  
23 to be entered upon the court minutes and to be certified in the  
24 district court of the county where it shall then be entered upon the

1 district court judgment docket and shall have the full force and  
2 effect of a district court judgment in a civil case. Thereupon the  
3 same remedies shall be available for the enforcement of the judgment  
4 as are available to enforce other judgments; provided, however, the  
5 judgment herein prescribed shall not be considered a debt nor  
6 dischargeable in any bankruptcy proceeding.

7 O. Whenever a person has been ordered to pay restitution as  
8 provided in this section or any section of the Oklahoma Statutes for  
9 a criminal penalty, the judge may order the defendant to a term of  
10 community service, with or without compensation, to be credited at a  
11 rate of Five Dollars (\$5.00) per day against the total amount due  
12 for restitution. If the defendant fails to perform the required  
13 community service authorized by this subsection or if the conditions  
14 of community service are violated, the judge may impose a term of  
15 imprisonment not to exceed five (5) days in the county jail for each  
16 failure to comply.

17 P. Nothing in subsections M through O of this section shall be  
18 construed to be additions to the original criminal penalty, but  
19 shall be used by the court as sanctions and means of collection for  
20 criminal restitution orders and restitution orders that have been  
21 reduced to judgment.

22 SECTION 4. This act shall become effective November 1, 2025.

23

24 60-1-12788 GRS 02/20/25

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