

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1238

By: Coleman

AS INTRODUCED

An Act relating to crimes and punishments; amending Section 10, Chapter 366, O.S.L. 2024, as amended by Section 4, Chapter 187, O.S.L. 2025 (21 O.S. Supp. 2025, Section 20J), which relates to Class B5 offenses; modifying provisions of certain offense; updating statutory references; amending 21 O.S. 2021, Section 644, as last amended by Section 3, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 644), which relates to assault and battery; modifying provisions of certain offense; conforming statutory references; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 10, Chapter 366, O.S.L. 2024, as amended by Section 4, Chapter 187, O.S.L. 2025 (21 O.S. Supp. 2025, Section 20J), is amended to read as follows:

Section 20J. A. ~~Upon the effective date of this act~~ On or after January 1, 2026, Class B5 shall include the following criminal offenses:

1 1. Second or subsequent conviction for assault and battery
2 against a current or former intimate partner or a family or
3 household member, as provided for in subsection C of Section 644 of
4 ~~Title 21 of the Oklahoma Statutes~~ this title;

5 2. ~~Second or subsequent conviction for domestic~~ Domestic abuse
6 committed in the presence of a child, as provided for in subsection
7 G of Section 644 of ~~Title 21 of the Oklahoma Statutes~~ this title;

8 3. Assault and battery by strangulation or attempted
9 strangulation against an intimate partner or a family or household
10 member, as provided for in subsection J of Section 644 of ~~Title 21~~
11 ~~of the Oklahoma Statutes~~ this title;

12 4. Aggravated assault and battery, as provided for in Section
13 646 of ~~Title 21 of the Oklahoma Statutes~~ this title;

14 5. Battery or assault and battery upon a police officer,
15 sheriff, deputy sheriff, highway patrolman, corrections personnel,
16 or other state peace officer, as provided for in subsection B of
17 Section 649 of ~~Title 21 of the Oklahoma Statutes~~ this title;

18 6. Striking or mistreating a police dog or police horse during
19 the commission of a misdemeanor or felony, as provided for in
20 subsection D of Section 649.1 of ~~Title 21 of the Oklahoma Statutes~~
21 this title;

22 7. Disfiguring, disabling, or killing a police dog or police
23 horse during the commission of a misdemeanor or felony, as provided
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1 for in subsection C of Section 649.2 of ~~Title 21 of the Oklahoma~~
2 ~~Statutes~~ this title;

3 8. Battery or assault and battery resulting in bodily injury to
4 any employee of the Office of Juvenile Affairs or residential
5 facility, as provided for in subsection E of Section 650.2 of ~~Title~~
6 ~~21 of the Oklahoma Statutes~~ this title;

7 9. Assault with intent to kill, as provided for in Section 653
8 of ~~Title 21 of the Oklahoma Statutes~~ this title;

9 10. Assault with intent to commit any felony, as provided for
10 in Section 681 of ~~Title 21 of the Oklahoma Statutes~~ this title;

11 11. Manslaughter in the second degree, as provided for in
12 Section 716 of ~~Title 21 of the Oklahoma Statutes~~ this title;

13 12. Owning a mischievous animal that kills a human being, as
14 provided for in Section 717 of ~~Title 21 of the Oklahoma Statutes~~
15 this title;

16 13. Causing, aiding, abetting, or encouraging a minor to commit
17 or participate in committing a felony offense, as provided for in
18 subsection C of Section 856 of ~~Title 21 of the Oklahoma Statutes~~
19 this title;

20 14. Causing, aiding, abetting, encouraging, soliciting, or
21 recruiting a minor to participate, join, or associate with any
22 criminal street gang, as provided for in subsection D of Section 856
23 of ~~Title 21 of the Oklahoma Statutes~~ this title;

1 15. Committing a gang-related offense as a condition of
2 membership in a criminal street gang, as provided for in Section
3 856.3 of ~~Title 21 of the Oklahoma Statutes~~ this title;

4 16. Stalking, as provided for in subsection B of Section 1173
5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

6 17. Second or subsequent conviction of stalking or committing
7 the act of stalking within ten (10) years of the completion of
8 sentence for a prior conviction of stalking, as provided for in
9 subsection C of Section 1173 of ~~Title 21 of the Oklahoma Statutes~~
10 this title;

11 18. Intentionally or recklessly spreading an infectious
12 disease, as provided for in Section 1192.1 of ~~Title 21 of the~~
13 ~~Oklahoma Statutes~~ this title;

14 19. Entering the premises of another while masked or disguised
15 with the intent to inflict bodily injury or injury to property, as
16 provided for in Section 1302 of ~~Title 21 of the Oklahoma Statutes~~
17 this title;

18 20. Assault with a dangerous weapon while masked or in
19 disguise, as provided for in Section 1303 of ~~Title 21 of the~~
20 ~~Oklahoma Statutes~~ this title;

21 21. Unlawful assembly for the purpose of engaging in a riot, as
22 provided for in Section 1320.3 of ~~Title 21 of the Oklahoma Statutes~~
23 this title;

1 22. Acts of cruelty to animals, as provided for in Section 1685
2 of ~~Title 21 of the Oklahoma Statutes~~ this title;

3 23. Instigating or encouraging any cockfight, as provided for
4 in Section 1692.2 of ~~Title 21 of the Oklahoma Statutes~~ this title;

5 24. Keeping a pit or other place or knowingly providing
6 equipment or facilities for cockfighting, as provided for in Section
7 1692.3 of ~~Title 21 of the Oklahoma Statutes~~ this title;

8 25. Servicing or facilitating a cockfight, as provided for in
9 Section 1692.4 of ~~Title 21 of the Oklahoma Statutes~~ this title;

10 26. Owning, possessing, keeping, or training any bird for
11 cockfighting, as provided for in Section 1692.5 of ~~Title 21 of the~~
12 ~~Oklahoma Statutes~~ this title;

13 27. Instigating or encouraging any fight between dogs, as
14 provided for in Section 1694 of ~~Title 21 of the Oklahoma Statutes~~
15 this title;

16 28. Keeping a house, pit, or other place, or providing any
17 equipment or facilities to be used for any fight between dogs, as
18 provided for in Section 1695 of ~~Title 21 of the Oklahoma Statutes~~
19 this title;

20 29. Acting or performing any service in the furtherance of or
21 facilitating any dogfight, as provided for in Section 1696 of ~~Title~~
22 ~~21 of the Oklahoma Statutes~~ this title;

1 30. Owning, possessing, keeping, or training any dog with
2 intent to have such dog fight another dog, as provided for in
3 Section 1697 of ~~Title 21 of the Oklahoma Statutes~~ this title;

4 31. Failing to stop for an accident resulting in a nonfatal
5 injury to another person, as provided for in Section 10-102 of Title
6 47 of the Oklahoma Statutes;

7 32. Personal injury accident while driving or operating a motor
8 vehicle under the influence of alcohol or other intoxicating
9 substance while having a previous conviction for driving or
10 operating a motor vehicle while under the influence of alcohol or
11 other intoxicating substance, as provided for in paragraph 2 of
12 subsection A of Section 11-904 of Title 47 of the Oklahoma Statutes;

13 33. Failure to register as a sex offender, as provided for in
14 Section 583 of Title 57 of the Oklahoma Statutes;

15 34. Furnishing false or misleading information in the
16 registration required by the Sex Offenders Registration Act, as
17 provided for in Section 586 of Title 57 of the Oklahoma Statutes;

18 35. Failure to comply with the Sex Offenders Registration Act,
19 as provided for in subsection A of Section 587 of Title 57 of the
20 Oklahoma Statutes;

21 36. Failure to comply with established guidelines of ~~global-~~
22 ~~positioning-system~~ Global Positioning System (GPS) monitoring
23 pursuant to the provisions of the Sex Offenders Registration Act, as
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1 provided for in subsection B of Section 587 of Title 57 of the
2 Oklahoma Statutes;

3 37. Temporarily or permanently residing within a two-thousand-
4 foot radius of a public or private school site or other listed
5 places by a person required to register pursuant to the Sex
6 Offenders Registration Act, as provided for in subsection A of
7 Section 590 of Title 57 of the Oklahoma Statutes;

8 38. Residing with a minor child after being convicted of an
9 offense that involved a minor child by a person required to register
10 pursuant to the Sex Offenders Registration Act, as provided for in
11 subsection B of Section 590 of Title 57 of the Oklahoma Statutes;

12 39. Two or more sex offenders residing together in a dwelling
13 during the term of registration as a sex offender, as provided for
14 in subsection A of Section 590.1 of Title 57 of the Oklahoma
15 Statutes; and

16 40. Establishing, leasing, operating, or owning any structure
17 where persons required to register pursuant to the Sex Offenders
18 Registration Act are allowed to reside, as provided for in
19 subsection E of Section 590.1 of Title 57 of the Oklahoma Statutes.

20 B. Any person convicted of a Class B5 criminal offense set
21 forth in this section shall be punished in accordance with the
22 corresponding penalties provided for in the Oklahoma Statutes.
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1 SECTION 2. AMENDATORY 21 O.S. 2021, Section 644, as last
2 amended by Section 3, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025,
3 Section 644), is amended to read as follows:

4 Section 644. A. Assault shall be punishable by imprisonment in
5 a county jail ~~not exceeding~~ for not more than ninety (90) days, or
6 by a fine not more than Five Hundred Dollars (\$500.00), or by both
7 such ~~fine imprisonment and imprisonment fine~~.

8 B. Assault and battery shall be punishable by imprisonment in a
9 county jail ~~not exceeding~~ for not more than six (6) months, or by a
10 fine not more than One Thousand Dollars (\$1,000.00), or by both such
11 ~~fine imprisonment and imprisonment fine~~.

12 C. Any person who commits any assault and battery against a
13 current or former intimate partner or a family or household member
14 as defined by Section 60.1 of Title 22 of the Oklahoma Statutes
15 shall, upon conviction, be guilty of domestic abuse. ~~Upon~~
16 ~~conviction, the defendant shall be punished~~ punishable by
17 imprisonment in the county jail for not more than one (1) year, or
18 by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by
19 both such ~~fine imprisonment and imprisonment fine~~. Upon conviction
20 for a second or subsequent offense, the person shall be guilty of a
21 Class B5 felony offense ~~and shall be punished~~ punishable by
22 imprisonment in the custody of the Department of Corrections for not
23 more than four (4) years, or by a fine not exceeding Five Thousand
24 Dollars (\$5,000.00), or by both such ~~fine imprisonment and~~

1 ~~imprisonment~~ fine. The provisions of Section 51.1 of this title
2 shall apply to any second or subsequent offense.

3 D. 1. Any person who, with intent to do bodily harm and
4 without justifiable or excusable cause, commits any assault,
5 battery, or assault and battery upon an intimate partner or a family
6 or household member as defined by Section 60.1 of Title 22 of the
7 Oklahoma Statutes with any sharp or dangerous weapon, upon
8 conviction, is guilty of domestic assault or domestic assault and
9 battery with a dangerous weapon which shall be a Class B3 felony
10 offense punishable by imprisonment in the custody of the Department
11 of Corrections ~~not exceeding~~ for not more than ten (10) years, or by
12 imprisonment in a county jail ~~not exceeding~~ for not more than one
13 (1) year. The provisions of Section 51.1 of this title shall apply
14 to any second or subsequent conviction for a violation of this
15 paragraph.

16 2. Any person who, without such cause, shoots an intimate
17 partner or a family or household member as defined by Section 60.1
18 of Title 22 of the Oklahoma Statutes by means of any deadly weapon
19 that is likely to produce death shall, upon conviction, be guilty of
20 domestic assault and battery with a deadly weapon which shall be a
21 Class A3 felony offense punishable by imprisonment in the custody of
22 the Department of Corrections not exceeding life. The provisions of
23 Section 51.1 of this title shall apply to any second or subsequent
24 conviction for a violation of this paragraph.

1 E. 1. Any person convicted of domestic abuse committed against
2 a pregnant woman with knowledge of the pregnancy shall be guilty of
3 a Class B5 felony offense punishable by imprisonment in the custody
4 of the Department of Corrections for not more than five (5) years.

5 2. Any person convicted of a second or subsequent offense of
6 domestic abuse against a pregnant woman with knowledge of the
7 pregnancy shall be guilty of a Class A3 felony offense punishable by
8 imprisonment in the custody of the Department of Corrections for not
9 less than ten (10) years.

10 3. Any person convicted of domestic abuse committed against a
11 pregnant woman with knowledge of the pregnancy and a miscarriage
12 occurs or injury to the unborn child occurs shall be guilty of a
13 Class A1 felony offense punishable by imprisonment in the custody of
14 the Department of Corrections for not less than twenty (20) years.

15 F. Any person convicted of domestic abuse as ~~defined~~ provided
16 for in subsection C of this section that results in great bodily
17 injury to the victim shall be guilty of a Class B3 felony offense
18 ~~and punished~~ punishable by imprisonment in the custody of the
19 Department of Corrections for not more than ten (10) years, or by
20 imprisonment in the county jail for not more than one (1) year. The
21 provisions of Section 51.1 of this title shall apply to any second
22 or subsequent conviction of a violation of this subsection.

23 G. Any person convicted of domestic abuse as ~~defined~~ provided
24 for in subsection C of this section that was committed in the

1 presence of a child shall ~~be punished by imprisonment in the county~~
2 ~~jail for not less than six (6) months nor more than one (1) year, or~~
3 ~~by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by~~
4 ~~both such fine and imprisonment. Any person convicted of a second~~
5 ~~or subsequent domestic abuse as defined in subsection C of this~~
6 ~~section that was committed in the presence of a child shall, upon~~
7 conviction, be guilty of a Class B5 felony offense ~~and shall be~~
8 ~~punished~~ punishable by imprisonment in the custody of the Department
9 of Corrections for not less than one (1) year nor more than five (5)
10 years, or by a fine not exceeding Seven Thousand Dollars
11 (\$7,000.00), or by both such ~~fine~~ imprisonment and ~~imprisonment~~
12 fine. The provisions of Section 51.1 of this title shall apply to
13 any second or subsequent offense. For every conviction of a
14 domestic abuse crime in violation of any provision of this section
15 committed against an intimate partner or a family or household
16 member as defined by Section 60.1 of Title 22 of the Oklahoma
17 Statutes, the court shall:

18 1. Specifically order as a condition of a suspended or deferred
19 sentence that a defendant participate in counseling or undergo
20 treatment to bring about the cessation of domestic abuse as
21 specified in paragraph 2 of this subsection;

22 2. a. The court shall require the defendant to complete an
23 assessment and follow the recommendations of a
24 ~~batterers'~~ batterers intervention program certified by

1 the Attorney General. If the defendant is ordered to
2 participate in a ~~batterers'~~ batterers intervention
3 program, the order shall require the defendant to
4 attend the program for a minimum of fifty-two (52)
5 weeks, complete the program, and be evaluated before
6 and after attendance of the program by program staff.
7 Three unexcused absences in succession or seven
8 unexcused absences in a period of fifty-two (52) weeks
9 from any court-ordered ~~batterers'~~ batterers
10 intervention program shall be prima facie evidence of
11 the violation of the conditions of probation for the
12 district attorney to seek acceleration or revocation
13 of any probation entered by the court.

- 14 b. A program for anger management, couples counseling, or
15 family and marital counseling shall not solely qualify
16 for the counseling or treatment requirement for
17 domestic abuse pursuant to this subsection. The
18 counseling may be ordered in addition to counseling
19 specifically for the treatment of domestic abuse or
20 per evaluation as set forth below. If, after
21 sufficient evaluation and attendance at required
22 counseling sessions, the domestic violence treatment
23 program or licensed professional determines that the
24 defendant does not evaluate as a perpetrator of

1 domestic violence or does evaluate as a perpetrator of
2 domestic violence and should complete other programs
3 of treatment simultaneously or prior to domestic
4 violence treatment, including but not limited to
5 programs related to the mental health, apparent
6 substance or alcohol abuse or inability or refusal to
7 manage anger, the defendant shall be ordered to
8 complete the counseling as per the recommendations of
9 the domestic violence treatment program or licensed
10 professional;

- 11 3. a. The court shall set a review hearing no more than one
12 hundred twenty (120) days after the defendant is
13 ordered to participate in a domestic abuse counseling
14 program or undergo treatment for domestic abuse to
15 assure the attendance and compliance of the defendant
16 with the provisions of this subsection and the
17 domestic abuse counseling or treatment requirements.
18 The court may suspend sentencing of the defendant
19 until the defendant has presented proof to the court
20 of enrollment in a program of treatment for domestic
21 abuse by an individual licensed practitioner or a
22 domestic abuse treatment program certified by the
23 Attorney General and attendance at weekly sessions of
24 such program. Such proof shall be presented to the

1 court by the defendant no later than one hundred
2 twenty (120) days after the defendant is ordered to
3 such counseling or treatment. At such time, the court
4 may complete sentencing, beginning the period of the
5 sentence from the date that proof of enrollment is
6 presented to the court, and schedule reviews as
7 required by ~~subparagraphs a~~ this subparagraph and
8 subparagraph b of this paragraph and paragraphs 4 and
9 5 of this subsection. Three unexcused absences in
10 succession or seven unexcused absences in a period of
11 fifty-two (52) weeks from any court-ordered domestic
12 abuse counseling or treatment program shall be prima
13 facie evidence of the violation of the conditions of
14 probation for the district attorney to seek
15 acceleration or revocation of any probation entered by
16 the court.

- 17 b. The court shall set a second review hearing after the
18 completion of the counseling or treatment to assure
19 the attendance and compliance of the defendant with
20 the provisions of this subsection and the domestic
21 abuse counseling or treatment requirements. The court
22 shall retain continuing jurisdiction over the
23 defendant during the course of ordered counseling
24 through the final review hearing;

1 4. The court may set subsequent or other review hearings as the
2 court determines necessary to assure the defendant attends and fully
3 complies with the provisions of this subsection and the domestic
4 abuse counseling or treatment requirements;

5 5. At any review hearing, if the defendant is not
6 satisfactorily attending individual counseling or a domestic abuse
7 counseling or treatment program or is not in compliance with any
8 domestic abuse counseling or treatment requirements, the court may
9 order the defendant to further ~~or~~ continue counseling, treatment, or
10 other necessary services. The court may revoke all or any part of a
11 suspended sentence, deferred sentence, or probation pursuant to
12 Section 991b of Title 22 of the Oklahoma Statutes and subject the
13 defendant to any or all remaining portions of the original sentence;

14 6. At the first review hearing, the court shall require the
15 defendant to appear in court. Thereafter, for any subsequent review
16 hearings, the court may accept a report on the progress of the
17 defendant from individual counseling, domestic abuse counseling, or
18 the treatment program. There shall be no requirement for the victim
19 to attend review hearings; and

20 7. If funding is available, a referee may be appointed and
21 assigned by the presiding judge of the district court to hear
22 designated cases set for review under this subsection. Reasonable
23 compensation for the referees shall be fixed by the presiding judge.
24 The referee shall meet the requirements and perform all duties in

1 the same manner and procedure as set forth in Sections 1-8-103 and
2 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees
3 appointed in juvenile proceedings.

4 The defendant may be required to pay all or part of the cost of
5 the counseling or treatment, in the discretion of the court.

6 H. As used in subsection G of this section, "in the presence of
7 a child" means in the physical presence of a child; or having
8 knowledge that a child is present and may see or hear an act of
9 domestic violence. For the purposes of ~~subsections C and~~ subsection
10 G of this section, "child" may be any child whether or not related
11 to the victim or the defendant.

12 I. For the purposes of ~~subsections~~ subsection C ~~and G~~ of this
13 section, any conviction for assault and battery against an intimate
14 partner or a family or household member as defined by Section 60.1
15 of Title 22 of the Oklahoma Statutes shall constitute a sufficient
16 basis for a felony charge:

17 1. If that conviction is rendered in any state, county, or
18 parish court of record of this or any other state; or

19 2. If that conviction is rendered in any municipal court of
20 record of this or any other state for which any jail time was
21 served; provided, no conviction in a municipal court of record
22 entered prior to November 1, 1997, shall constitute a prior
23 conviction for purposes of a felony charge.

1 J. Any person who commits any assault and battery by
2 strangulation or attempted strangulation against an intimate partner
3 or a family or household member as defined by Section 60.1 of Title
4 22 of the Oklahoma Statutes shall, upon conviction, be guilty of a
5 Class B5 felony offense of domestic abuse by strangulation ~~and shall~~
6 ~~be punished~~ punishable by imprisonment in the custody of the
7 Department of Corrections for a period not less than one (1) year
8 nor more than ten (10) years, or by a fine not more than Twenty
9 Thousand Dollars (\$20,000.00), or by both such ~~fine~~ imprisonment and
10 ~~imprisonment~~ fine. The provisions of Section 51.1 of this title
11 shall apply to any second or subsequent conviction of a violation of
12 this subsection. As used in this subsection, "strangulation" means
13 any form of asphyxia⁷, including, but not limited to, asphyxia
14 characterized by closure of the blood vessels or air passages of the
15 neck as a result of external pressure on the neck or the closure of
16 the nostrils or mouth as a result of external pressure on the head.

17 K. Any district court of this state and any judge thereof shall
18 be immune from any liability or prosecution for issuing an order
19 that requires a defendant to:

- 20 1. Attend a treatment program for domestic abusers certified by
21 the Attorney General;
- 22 2. Attend counseling or treatment services ordered as part of
23 any suspended or deferred sentence or probation; and
24

1 3. Attend, complete, and be evaluated before and after
2 attendance by a treatment program for domestic abusers, certified by
3 the Attorney General.

4 L. There shall be no charge of fees or costs to any victim of
5 domestic violence, stalking, or sexual assault in connection with
6 the prosecution of a domestic violence, stalking, or sexual assault
7 offense in this state.

8 M. In the course of prosecuting any charge of domestic abuse,
9 stalking, harassment, rape, or violation of a protective order, the
10 prosecutor shall provide the court, prior to sentencing or any plea
11 agreement, a local history and any other available history of past
12 convictions of the defendant within the last ten (10) years relating
13 to domestic abuse, stalking, harassment, rape, violation of a
14 protective order, or any other violent misdemeanor or felony
15 convictions.

16 N. Any plea of guilty or finding of guilt for a violation of
17 subsection C, F, G, I, or J of this section shall constitute a
18 conviction of the offense for the purpose of this ~~act~~ section or any
19 other criminal statute under which the existence of a prior
20 conviction is relevant for a period of ten (10) years following the
21 completion of any ~~court-imposed~~ court-imposed probationary term;
22 provided, the person has not, in the meantime, been convicted of a
23 misdemeanor involving moral turpitude or a felony.

1 O. For purposes of subsection F of this section, "great bodily
2 injury" means bone fracture, protracted and obvious disfigurement,
3 protracted loss or impairment of the function of a body part, organ,
4 or mental faculty, or substantial risk of death.

5 P. Any pleas of guilty or nolo contendere or finding of guilt
6 to a violation of any provision of this section shall constitute a
7 conviction of the offense for the purpose of any subsection of this
8 section under which the existence of a prior conviction is relevant
9 for a period of ten (10) years following the completion of any
10 sentence or ~~court-imposed~~ court-imposed probationary term.

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