

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1245

By: Hines

AS INTRODUCED

An Act relating to felony offenses; amending Section 13, Chapter 366, O.S.L. 2024, as amended by Section 6, Chapter 187, O.S.L. 2025 (21 O.S. Supp. 2025, Section 20M), which relates to Class C2 offenses; modifying provisions of certain felony offense; conforming statutory references; amending 22 O.S. 2021, Section 991c, as amended by Section 3, Chapter 305, O.S.L. 2025 (22 O.S. Supp. 2025, Section 991c), which relates to deferred sentences; modifying application of certain deferred judgment procedure; amending 47 O.S. 2021, Section 11-902, as amended by Section 1, Chapter 347, O.S.L. 2025 (47 O.S. Supp. 2025, Section 11-902), which relates to driving under the influence; modifying provisions of certain felony offense; conforming language; updating statutory language and references; repealing 47 O.S. 2021, Section 11-902, as amended by Section 3, Chapter 172, O.S.L. 2025 (47 O.S. Supp. 2025, Section 11-902), which relates to driving under the influence; repealing 47 O.S. 2021, Section 11-902, as amended by Section 6, Chapter 305, O.S.L. 2025 (47 O.S. Supp. 2025, Section 11-902), which relates to driving under the influence; repealing 47 O.S. 2021, Section 11-902, as amended by Section 33, Chapter 486, O.S.L. 2025 (47 O.S. Supp. 2025, Section 11-902), which relates to driving under the influence; and providing an effective date.

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

1 SECTION 1. AMENDATORY Section 13, Chapter 366, O.S.L.
2 2024, as amended by Section 6, Chapter 187, O.S.L. 2025 (21 O.S.
3 Supp. 2025, Section 20M), is amended to read as follows:

4 Section 20M. A. ~~Upon the effective date of this act~~ On or
5 after January 1, 2026, Class C2 shall include the following criminal
6 offenses:

7 1. Theft of anhydrous equipment, as provided for in subsection
8 B of Section 11-10 of Title 2 of the Oklahoma Statutes;

9 2. Branding, misbranding, marking, or mismarking any domestic
10 animal with intent to defraud, as provided for in Section 268 of
11 Title 4 of the Oklahoma Statutes;

12 3. Injuring, destroying, or attempting to injure or destroy any
13 pipeline transportation system, as provided for in subsection C of
14 Section 6.1 of Title 17 of the Oklahoma Statutes;

15 4. Embezzlement by a county treasurer or other officer, as
16 provided for in Section 641 of Title 19 of the Oklahoma Statutes;

17 5. Giving or offering any bribe to an executive officer, as
18 provided for in Section 265 of ~~Title 21 of the Oklahoma Statutes~~
19 this title;

20 6. Receiving or agreeing to receive a bribe by an executive
21 officer or person elected or appointed to an executive office, as
22 provided for in Section 266 of ~~Title 21 of the Oklahoma Statutes~~
23 this title;

1 7. Entry into a restricted area of a building or grounds using
2 or carrying a deadly or dangerous weapon or firearm or engaging in
3 acts of violence that result in great bodily injury, as provided for
4 in paragraph 1 of subsection B of Section 282 of ~~Title 21 of the~~
5 ~~Oklahoma Statutes~~ this title;

6 8. Forcefully or fraudulently preventing the Legislature from
7 meeting or organizing, as provided for in Section 301 of ~~Title 21 of~~
8 ~~the Oklahoma Statutes~~ this title;

9 9. Forcefully or fraudulently compelling or attempting to
10 compel the Legislature to adjourn or disperse, as provided for in
11 Section 303 of ~~Title 21 of the Oklahoma Statutes~~ this title;

12 10. Compelling or attempting to compel either house of the
13 Legislature to pass, amend, or reject any bill or resolution, grant
14 or refuse any petition, or to perform or omit to perform any other
15 official act, as provided for in Section 305 of ~~Title 21 of the~~
16 ~~Oklahoma Statutes~~ this title;

17 11. Offering to give a bribe to any member of the Legislature
18 in order to influence the member in giving or withholding a vote, as
19 provided for in Section 308 of ~~Title 21 of the Oklahoma Statutes~~
20 this title;

21 12. Asking, receiving, or agreeing to receive any bribe by a
22 member of the Legislature, as provided for in Section 309 of ~~Title~~
23 ~~21 of the Oklahoma Statutes~~ this title;

1 13. Entering a fort, magazine, arsenal, armory, arsenal yard,
2 or encampment and seizing or taking away arms, ammunition, military
3 stores, or supplies belonging to the state, as provided for in
4 Section 350 of ~~Title 21 of the Oklahoma Statutes~~ this title;

5 14. Carrying, causing to be carried, or publicly displaying any
6 red flag or other emblem or banner indicating disloyalty to the
7 ~~Government~~ government of the United States, as provided for in
8 Section 374 of ~~Title 21 of the Oklahoma Statutes~~ this title;

9 15. Bribery by a fiduciary, as provided for in subsection A of
10 Section 380 of ~~Title 21 of the Oklahoma Statutes~~ this title;

11 16. Bribery of a fiduciary, as provided for in subsection B of
12 Section 380 of ~~Title 21 of the Oklahoma Statutes~~ this title;

13 17. Commercial bribery of an insured depository institution or
14 credit union, as provided in Section 380.1 of ~~Title 21 of the~~
15 ~~Oklahoma Statutes~~ this title;

16 18. Accepting or requesting a bribe by public officers or
17 employees of this state, as provided for in Section 382 of ~~Title 21~~
18 ~~of the Oklahoma Statutes~~ this title;

19 19. Offering or giving a bribe to any judicial officer, as
20 provided for in Section 383 of ~~Title 21 of the Oklahoma Statutes~~
21 this title;

22 20. Attempting to influence a juror, as provided for in Section
23 388 of ~~Title 21 of the Oklahoma Statutes~~ this title;

1 21. Conspiracy to commit a felony, as provided for in
2 subsection C of Section 421 of ~~Title 21 of the Oklahoma Statutes~~
3 this title;

4 22. Conspiring to commit any act against the peace of the state
5 by two or more persons outside of the state, as provided for in
6 Section 422 of ~~Title 21 of the Oklahoma Statutes~~ this title;

7 23. Conspiring to commit any act against the state by two or
8 more persons, as provided for in Section 424 of ~~Title 21 of the~~
9 ~~Oklahoma Statutes~~ this title;

10 24. Attempting to avoid a roadblock by failing to stop, passing
11 by or through such roadblock without permission, as provided for in
12 Section 540B of ~~Title 21 of the Oklahoma Statutes~~ this title;

13 25. Fraudulently producing an infant in order to intercept the
14 inheritance or distribution of any personal estate or real estate,
15 as provided for in Section 578 of ~~Title 21 of the Oklahoma Statutes~~
16 this title;

17 26. Maiming by inflicting upon ~~one's self~~ oneself any disabling
18 injury to escape any legal duty, as provided for in Section 752 of
19 ~~Title 21 of the Oklahoma Statutes~~ this title;

20 27. Financial exploitation of an elderly or disabled adult with
21 funds, assets, or property valued at One Hundred Thousand Dollars
22 (\$100,000.00) or less, as provided for in paragraph 2 of subsection
23 B of Section 843.4 of ~~Title 21 of the Oklahoma Statutes~~ this title;

1 28. Conducting gambling games, as provided for in Section 941
2 of ~~Title 21 of the Oklahoma Statutes~~ this title;

3 29. Using a house, room, or place to conduct gambling games, as
4 provided for in Section 946 of ~~Title 21 of the Oklahoma Statutes~~
5 this title;

6 30. Engaging or participating in illegal gambling games by a
7 public officer, as provided for in Section 948 of ~~Title 21 of the~~
8 ~~Oklahoma Statutes~~ this title;

9 31. Commercial gambling, as provided for in Section 982 of
10 ~~Title 21 of the Oklahoma Statutes~~ this title;

11 32. Letting premises for the purpose of betting on races or
12 receiving, registering, recording, or forwarding any money or thing
13 of value to a racetrack for betting purposes, as provided for in
14 paragraphs 2 through 6 of subsection A of Section 991 of ~~Title 21 of~~
15 ~~the Oklahoma Statutes~~ this title;

16 33. Using the ~~terms~~ term "prize" or "gift" in a manner that is
17 untrue or misleading, as provided for in Section 996.3 of ~~Title 21~~
18 ~~of the Oklahoma Statutes~~ this title;

19 34. Advocating criminal syndicalism, sabotage, or the
20 necessity, propriety, or expediency of doing any act of physical
21 violence or unlawful act as a means of accomplishing any industrial
22 or political ends, change, or revolution, as provided for in
23 subsection A of Section 1327 of ~~Title 21 of the Oklahoma Statutes~~
24 this title;

1 35. Arson in the fourth degree by attempting to set fire to or
2 burn any building or property, as provided for in subsection A of
3 Section 1404 of ~~Title 21 of the Oklahoma Statutes~~ this title;

4 36. Delivering to another any merchandise for which any bill of
5 lading, receipt, or voucher has been issued and the value of the
6 property is Fifteen Thousand Dollars (\$15,000.00) or more, as
7 provided for in paragraph 4 of Section 1416 of ~~Title 21 of the~~
8 ~~Oklahoma Statutes~~ this title;

9 37. Burglary in the second degree by breaking and entering into
10 any commercial building or by breaking and entering into a coin-
11 operated or vending machine, as provided for in subsection A of
12 Section 1435 of ~~Title 21 of the Oklahoma Statutes~~ this title;

13 38. Embezzlement of property valued at Fifteen Thousand Dollars
14 (\$15,000.00) or more, as provided for in paragraph 4 of subsection B
15 of Section 1451 of ~~Title 21 of the Oklahoma Statutes~~ this title;

16 39. Embezzlement by a county or state officer, as provided for
17 in subsection C of Section 1451 of ~~Title 21 of the Oklahoma Statutes~~
18 this title;

19 40. False personation of another, as provided for in Section
20 1531 of ~~Title 21 of the Oklahoma Statutes~~ this title;

21 41. Receiving money or property intended for another with a
22 value of Fifteen Thousand Dollars (\$15,000.00) or more, as provided
23 for in paragraph 4 of Section 1532 of ~~Title 21 of the Oklahoma~~
24 ~~Statutes~~ this title;

1 42. Use of a motor vehicle or motor-driven cycle for the
2 purpose of falsely impersonating a law enforcement officer which
3 causes another person to be injured, defrauded, harassed, vexed, or
4 annoyed, as provided for in paragraph 2 of subsection F of Section
5 1533 of ~~Title 21 of the Oklahoma Statutes~~ this title;

6 43. Obtaining, attempting to obtain, or presenting to a
7 financial institution personal, financial, or other information of
8 another person, as provided for in Section 1533.2 of ~~Title 21 of the~~
9 ~~Oklahoma Statutes~~ this title;

10 44. Obtaining property by trick, deception, or by means of a
11 false or bogus check and the property value is Fifteen Thousand
12 Dollars (\$15,000.00) or more, as provided for in paragraph 3 of
13 subsection A of Section 1541.2 of ~~Title 21 of the Oklahoma Statutes~~
14 this title;

15 45. Making, drawing, uttering, or delivering two or more false
16 or bogus checks and the value is Fifteen Thousand Dollars
17 (\$15,000.00) or more, as provided for in paragraph 3 of subsection A
18 of Section 1541.3 of ~~Title 21 of the Oklahoma Statutes~~ this title;

19 46. Selling, exchanging, or delivering any forged or
20 counterfeited promissory note, check, bill, draft, or other evidence
21 of debt knowing the same is forged or counterfeited and the value of
22 the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, as
23 provided for in paragraph 4 of subsection A of Section 1577 of ~~Title~~
24 ~~21 of the Oklahoma Statutes~~ this title;

1 47. Possession of any forged, altered, or counterfeited
2 negotiable note, bill, draft, or other evidence of debt and the
3 value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or
4 more, as provided for in paragraph 4 of subsection A of Section 1578
5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

6 48. Possession of any forged or counterfeited instrument with
7 intent to injure or defraud and the value of the instrument is
8 Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in
9 paragraph 4 of subsection A of Section 1579 of ~~Title 21 of the~~
10 ~~Oklahoma Statutes~~ this title;

11 49. Uttering or publishing as true any forged, altered, or
12 counterfeited instrument or counterfeit coins and the value of the
13 instrument is Fifteen Thousand Dollars (\$15,000.00) or more, as
14 provided for in paragraph 4 of subsection A of Section 1592 of ~~Title~~
15 ~~21 of the Oklahoma Statutes~~ this title;

16 50. Exhibiting false, forged, or altered books, papers,
17 vouchers, security, or other instruments of evidence to any public
18 officer or board with intent to deceive, as provided for in Section
19 1632 of ~~Title 21 of the Oklahoma Statutes~~ this title;

20 51. Destroying, altering, mutilating, or falsifying any books,
21 papers, writing, or securities belonging to a corporation or
22 association with intent to defraud, as provided for in Section 1635
23 of ~~Title 21 of the Oklahoma Statutes~~ this title;

1 52. Larceny of lost property and the value of the property is
2 Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in
3 paragraph 4 of Section 1702 of ~~Title 21 of the Oklahoma Statutes~~
4 this title;

5 53. Grand larceny and the value of the property is Fifteen
6 Thousand Dollars (\$15,000.00) or more, as provided for in paragraph
7 4 of subsection A of Section 1705 of ~~Title 21 of the Oklahoma~~
8 ~~Statutes~~ this title;

9 54. Grand larceny in any dwelling house or vessel, as provided
10 for in Section 1707 of ~~Title 21 of the Oklahoma Statutes~~ this title;

11 55. Larceny of any evidence of debt or other written
12 instrument, as provided for in Section 1709 of ~~Title 21 of the~~
13 ~~Oklahoma Statutes~~ this title;

14 56. Buying or receiving any property that has been stolen,
15 embezzled, or obtained by false pretense or robbery and has a value
16 of Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in
17 paragraph 3 of subsection A of Section 1713 of ~~Title 21 of the~~
18 ~~Oklahoma Statutes~~ this title;

19 57. Buying or receiving any construction equipment or farm
20 equipment that has been stolen, embezzled, or obtained by false
21 pretense or robbery, as provided for in Section 1713.1 of ~~Title 21~~
22 ~~of the Oklahoma Statutes~~ this title;

1 58. Bringing into this state the stolen property of another
2 obtained from another state or country, as provided for in Section
3 1715 of ~~Title 21 of the Oklahoma Statutes~~ this title;

4 59. Larceny of livestock or implement of husbandry, as provided
5 for in subsection A of Section 1716 of ~~Title 21 of the Oklahoma~~
6 ~~Statutes~~ this title;

7 60. Larceny of a dog, as provided for in Section 1718 of ~~Title~~
8 ~~21 of the Oklahoma Statutes~~ this title;

9 61. Grand larceny of exotic livestock, as provided for in
10 Section 1719.2 of ~~Title 21 of the Oklahoma Statutes~~ this title;

11 62. Larceny of an aircraft, automobile, construction equipment,
12 or farm equipment, valued at Fifty Thousand Dollars (\$50,000.00) or
13 more, as provided for in Section 1720 of ~~Title 21 of the Oklahoma~~
14 ~~Statutes~~ this title;

15 63. Tapping or drilling into a pipeline, as provided for in
16 Section 1721 of ~~Title 21 of the Oklahoma Statutes~~ this title;

17 64. Taking any crude oil or gasoline from any pipe, pipeline,
18 tank, tank car, or other receptacle or container and the value of
19 such product is One Thousand Dollars (\$1,000.00) or more, as
20 provided for in paragraph 2 of Section 1722 of ~~Title 21 of the~~
21 ~~Oklahoma Statutes~~ this title;

22 65. Larceny of merchandise from a retailer or wholesaler and
23 the value of the goods is Fifteen Thousand Dollars (\$15,000.00) or
24
25

1 more, as provided for in paragraph 5 of subsection A of Section 1731
2 of ~~Title 21 of the Oklahoma Statutes~~ this title;

3 66. Larceny of trade secrets that is valued at Fifteen Thousand
4 Dollars (\$15,000.00) or more, as provided for in Section 1732 of
5 ~~Title 21 of the Oklahoma Statutes~~ this title;

6 67. Procuring, soliciting, selling, or receiving by fraudulent,
7 deceptive, or false means two to ten telephone records without
8 authorization, as provided for in paragraph 2 of subsection B of
9 Section 1742.2 of ~~Title 21 of the Oklahoma Statutes~~ this title;

10 68. Masking, altering, or removing any locomotive or railway
11 car lights or signals, as provided for in Section 1778 of ~~Title 21~~
12 ~~of the Oklahoma Statutes~~ this title;

13 69. Mutilating, tearing, defacing, obliterating, or destroying
14 any written instrument, value of Fifteen Thousand Dollars
15 (\$15,000.00) or more, as provided for in Section 1779 of ~~Title 21 of~~
16 ~~the Oklahoma Statutes~~ this title;

17 70. Violations of the Oklahoma Computer Crimes Act, as provided
18 for in paragraphs 1, 2, 3, 6, 7, 9, or 10 of subsection A of Section
19 1953 of ~~Title 21 of the Oklahoma Statutes~~ this title;

20 71. Contracting the sale of rights arising from a criminal act
21 without providing for the forfeiture of the proceeds, as provided
22 for in subsection A of Section 17 of Title 22 of the Oklahoma
23 Statutes;

1 72. Violating any of the provisions of the Oklahoma Clean Air
2 Act knowing that the violation places others in danger of death or
3 serious bodily injury, as provided for in subsection B of Section 2-
4 5-116 of Title 27A of the Oklahoma Statutes;

5 73. Violating any of the provisions of the Oklahoma Pollutant
6 Discharge Elimination System Act knowing that the violation places
7 others in imminent danger of death or serious bodily injury, as
8 provided for in subparagraph a of paragraph 3 of subsection G of
9 Section 2-6-206 of Title 27A of the Oklahoma Statutes;

10 74. Soliciting or accepting any bribe or money by a game warden
11 in connection with the performance of his or her duties as a game
12 warden, as provided for in subsection E of Section 3-201 of Title 29
13 of the Oklahoma Statutes;

14 75. Taking or enticing away an incapacitated or partially
15 incapacitated person or person for whom a guardian has been
16 appointed without consent of the guardian, as provided for in
17 Section 4-904 of Title 30 of the Oklahoma Statutes;

18 76. Violating any of the provisions of the Viatical Settlements
19 Act of 2008 if the value of the viatical settlement contract is more
20 than Two Thousand Five Hundred Dollars (\$2,500.00) but not more than
21 Thirty-five Thousand Dollars (\$35,000.00), as provided for in
22 paragraph 2 of subsection F of Section 4055.14 of Title 36 of the
23 Oklahoma Statutes;

1 77. Embezzlement of certain funds held in trust, value of
2 Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in
3 ~~paragraph (2)~~ subsection B of Section 153 of Title 42 of the
4 Oklahoma Statutes;

5 78. Providing any false statement of a material fact in an
6 application for a certificate of title, as provided for in Section
7 4-108 of Title 47 of the Oklahoma Statutes;

8 79. Altering or forging any certificate of title issued by the
9 Oklahoma Tax Commission, as provided for in Section 4-109 of Title
10 47 of the Oklahoma Statutes;

11 80. ~~Perjury by making any false affidavit, as provided for in~~
12 ~~Section 6-302 of Title 47 of the Oklahoma Statutes;~~

13 ~~81.~~ Creating, manufacturing, issuing, or selling security
14 verification forms, as provided for in subsection B of Section 7-612
15 of Title 47 of the Oklahoma Statutes;

16 ~~82.~~ 81. Committing a subsequent violation of driving under the
17 influence of alcohol or other intoxicating substance ~~within ten (10)~~
18 ~~years of being convicted of driving under the influence of alcohol~~
19 ~~or other intoxicating substance~~, causing a personal injury accident
20 while driving under the influence of alcohol or other intoxicating
21 substance, or driving under the influence of alcohol or other
22 intoxicating substance while transporting a child, as provided for
23 in paragraph 2 of subsection C of Section 11-902 of Title 47 of the
24 Oklahoma Statutes;

1 ~~83.~~ 82. Operating a vehicle without a valid driver license for
2 the class of vehicle being operated and causing an accident
3 resulting in great bodily injury to another person, as provided for
4 in subsection B of Section 11-905 of Title 47 of the Oklahoma
5 Statutes;

6 ~~84.~~ 83. Operating a crusher without a proper license and
7 receiving, obtaining, or possessing any vehicle or property known to
8 be stolen, as provided for in paragraph 2 of subsection B of Section
9 592.9 of Title 47 of the Oklahoma Statutes;

10 ~~85.~~ 84. Selling a vehicle or other property to a crusher using
11 false or altered identification or making a false declaration of
12 ownership or lien status, as provided for in paragraph 3 of
13 subsection B of Section 592.9 of Title 47 of the Oklahoma Statutes;

14 ~~86.~~ 85. Owning, operating, or conducting a chop shop,
15 transporting any motor vehicle or parts to or from a chop shop, or
16 selling, transferring, purchasing, or receiving any motor vehicle or
17 parts to or from a chop shop, as provided for in subsection A of
18 Section 1503 of Title 47 of the Oklahoma Statutes;

19 ~~87.~~ 86. Altering, counterfeiting, defacing, destroying,
20 disguising, falsifying, forging, obliterating, or knowingly removing
21 a vehicle identification number, as provided for in subsection B of
22 Section 1503 of Title 47 of the Oklahoma Statutes;

1 ~~88.~~ 87. Perjury by a public officer or employee who states as
2 true any material matter knowing it to be false, as provided for in
3 Section 36.5 of Title 51 of the Oklahoma Statutes;

4 ~~89.~~ 88. Advocating by teaching, justifying, or becoming a
5 member of or affiliated with the Communist Party or with any other
6 party or organization that advocates for the revolution, sedition,
7 treason, or overthrow of the government of the United States or the
8 State of Oklahoma by a public officer or employee, as provided for
9 in Section 36.6 of Title 51 of the Oklahoma Statutes;

10 ~~90.~~ 89. Perjury by verifying under oath any report, map, or
11 drawing required to be filed with the Corporation Commission knowing
12 that such material is false, as provided for in Section 109 of Title
13 52 of the Oklahoma Statutes;

14 ~~91.~~ 90. Asking, receiving, or agreeing to receive any gift or
15 gratuity by any member of the Corporation Commission, as provided
16 for in Section 118 of Title 52 of the Oklahoma Statutes;

17 ~~92.~~ 91. Burglary in the first degree by a bail enforcer by
18 breaking into and entering the dwelling house of any defendant or
19 third party for purposes of recovery or attempted recovery of a
20 defendant, as provided for in subsection A of Section 1350.6 of
21 Title 59 of the Oklahoma Statutes;

22 ~~93.~~ 92. Distributing, dispensing, transporting, or possessing a
23 controlled dangerous substance or soliciting a person less than
24 eighteen (18) years of age to cultivate, distribute, or dispense a
25

1 controlled dangerous substance, as provided for in paragraph 1 of
2 subsection A of Section 2-401 of Title 63 of the Oklahoma Statutes;

3 ~~94.~~ 93. Creating, distributing, transporting, or possessing a
4 counterfeit controlled dangerous substance, as provided for in
5 paragraph 2 of subsection A of Section 2-401 of Title 63 of the
6 Oklahoma Statutes;

7 ~~95.~~ 94. Manufacturing or distributing a controlled substance or
8 synthetic controlled substance, as provided for in paragraph 1 of
9 subsection C of Section 2-401 of Title 63 of the Oklahoma Statutes;

10 ~~96.~~ 95. Larceny, burglary, or theft of a controlled dangerous
11 substance, as provided for in subsection A of Section 2-403 of Title
12 63 of the Oklahoma Statutes;

13 ~~97.~~ 96. Obtaining or attempting to obtain any controlled
14 dangerous substance by fraud, deceit, misrepresentation, or
15 subterfuge, as provided for in paragraph 1 of subsection A of
16 Section 2-407 of Title 63 of the Oklahoma Statutes;

17 ~~98.~~ 97. Obtaining or attempting to obtain any controlled
18 dangerous substance by forgery of, alteration of, or changing any
19 information on a prescription or any written order, as provided for
20 in paragraph 2 of subsection A of Section 2-407 of Title 63 of the
21 Oklahoma Statutes;

22 ~~99.~~ 98. Obtaining or attempting to obtain any controlled
23 dangerous substance by the concealment of a material fact, as
24
25

1 provided for in paragraph 3 of subsection A of Section 2-407 of
2 Title 63 of the Oklahoma Statutes;

3 ~~100.~~ 99. Obtaining or attempting to obtain any controlled
4 dangerous substance by the use of a false name or false address, as
5 provided for in paragraph 4 of subsection A of Section 2-407 of
6 Title 63 of the Oklahoma Statutes;

7 ~~101.~~ 100. Obtaining or attempting to obtain any controlled
8 dangerous substance by failing to disclose the receipt or
9 prescription of a controlled dangerous substance of the same or
10 similar therapeutic use from another practitioner, as provided for
11 in paragraph 5 of subsection A of Section 2-407 of Title 63 of the
12 Oklahoma Statutes;

13 ~~102.~~ 101. Manufacturing, creating, delivering, or possessing an
14 original prescription form or counterfeit prescription form, as
15 provided for in subsection B of Section 2-407 of Title 63 of the
16 Oklahoma Statutes;

17 ~~103.~~ 102. Receiving or acquiring proceeds known to be derived
18 from any violation of the Uniform Controlled Dangerous Substances
19 Act, as provided for in subsection A of Section 2-503.1 of Title 63
20 of the Oklahoma Statutes;

21 ~~104.~~ 103. Knowingly or intentionally giving, selling,
22 transferring, trading, investing, concealing, transporting, or
23 maintaining an interest in anything of value which is intended to be
24 used for committing a violation of the Uniform Controlled Dangerous
25

1 Substances Act, as provided for in subsection B of Section 2-503.1
2 of Title 63 of the Oklahoma Statutes;

3 ~~105.~~ 104. Directing, planning, organizing, initiating,
4 financing, managing, supervising, or facilitating the transportation
5 or transfer of proceeds known to be derived from a violation of the
6 Uniform Controlled Dangerous Substances Act, as provided for in
7 subsection C of Section 2-503.1 of Title 63 of the Oklahoma
8 Statutes;

9 ~~106.~~ 105. Conducting a financial transaction involving proceeds
10 derived from a violation of the Uniform Controlled Dangerous
11 Substances Act for the purpose of concealing or disguising the
12 nature, location, source, ownership, or control of the proceeds
13 known to be derived from a violation of the Uniform Controlled
14 Dangerous Substances Act, as provided for in subsection D of Section
15 2-503.1 of Title 63 of the Oklahoma Statutes;

16 ~~107.~~ 106. Encouraging, facilitating, or allowing access to any
17 money transmitter equipment for unlawful purposes, as provided for
18 in subsection B of Section 2-503.1d of Title 63 of the Oklahoma
19 Statutes;

20 ~~108.~~ 107. Using a money services business or electronic funds
21 transfer network to facilitate any violation of the Uniform
22 Controlled Dangerous Substances Act, as provided for in Section 2-
23 503.1e of Title 63 of the Oklahoma Statutes;

1 ~~109.~~ 108. Structuring, assisting, or attempting to structure
2 any unlawful transaction with one or more financial or nonfinancial
3 trades or businesses, as provided for in Section 2-503.1g of Title
4 63 of the Oklahoma Statutes;

5 109. Using explosive agent to kill, injure, or intimidate or to
6 damage property, as provided for in subsection B of Section 124.8 of
7 Title 63 of the Oklahoma Statutes;

8 110. Altering, counterfeiting, defacing, destroying,
9 disguising, falsifying, forging, obliterating, or removing a hull
10 identification number of a vessel or motor, as provided for in
11 subsection B of Section 4253 of Title 63 of the Oklahoma Statutes;

12 111. ~~Commit or attempt~~ Committing or attempting to commit
13 certain violations of the Vessel and Motor Chop Shop, Stolen and
14 Altered Property Act, as provided for in subsection D of Section
15 4253 of Title 63 of the Oklahoma Statutes;

16 112. Giving a false or bogus check in payment or remittance of
17 taxes, fees, penalties, or interest levied pursuant to any state tax
18 laws and the value of the false or bogus check is Five Hundred
19 Dollars (\$500.00) or more, as provided for in Section 218.1 of Title
20 68 of the Oklahoma Statutes;

21 113. Perjury by providing false answers to any questions from
22 the Oklahoma Tax Commission or making or presenting any false
23 affidavit to be filed with the Oklahoma Tax Commission, as provided
24 for in Section 244 of Title 68 of the Oklahoma Statutes;

1 114. Perjury by verifying by oath, affirmation, or declaration,
2 any false report or false return that is to be filed with the
3 Oklahoma Tax Commission, as provided for in Section 246 of Title 68
4 of the Oklahoma Statutes;

5 115. Making or manufacturing any tax stamp or falsely or
6 fraudulently forging, counterfeiting, reproducing, or possessing any
7 tax stamp, as provided for in subsection ~~(a)~~ A of Section 317 of
8 Title 68 of the Oklahoma Statutes;

9 116. Offering or selling unregistered securities, as provided
10 for in Section 1-301 of Title 71 of the Oklahoma Statutes;

11 117. Issuing investment certificates when insolvent by an
12 investment certificate issuer, as provided for in paragraph 1 of
13 subsection K of Section 1-308 of Title 71 of the Oklahoma Statutes;

14 118. Transacting business as a broker-dealer without being
15 registered as a broker-dealer, as provided for in subsection A of
16 Section 1-401 of Title 71 of the Oklahoma Statutes;

17 119. Employing or associating with an individual for security
18 transaction purposes when the registration of the individual is
19 suspended or revoked or the individual is barred from employment or
20 association with a broker-dealer, as provided for in subsection C of
21 Section 1-401 of Title 71 of the Oklahoma Statutes;

22 120. Transacting business as an agent without being registered
23 as an agent, as provided for in subsection A of Section 1-402 of
24 Title 71 of the Oklahoma Statutes;

1 121. Employing or associating with an agent who transacts
2 business on behalf of broker-dealers when the agent is not
3 registered, as provided for in subsection D of Section 1-402 of
4 Title 71 of the Oklahoma Statutes;

5 122. Conducting business on behalf of a broker-dealer when the
6 registration of the agent is suspended or revoked or the individual
7 is barred from employment or association with a broker-dealer, as
8 provided for in subsection F of Section 1-402 of Title 71 of the
9 Oklahoma Statutes;

10 123. Transacting business as an investment adviser without
11 being registered as an investment adviser, as provided for in
12 subsection A of Section 1-403 of Title 71 of the Oklahoma Statutes;

13 124. Employing or associating with an individual to engage in
14 providing investment advice when the registration of the individual
15 is suspended or revoked or the individual is barred from employment
16 or association with an investment adviser, as provided for in
17 subsection C of Section 1-403 of Title 71 of the Oklahoma Statutes;

18 125. Employing or associating with an individual required to be
19 registered as an investment adviser representative who is not
20 registered as an investment adviser representative, as provided for
21 in subsection D of Section 1-403 of Title 71 of the Oklahoma
22 Statutes;

23 126. Transacting business as an investment adviser
24 representative without being registered as an investment adviser
25

1 representative, as provided for in subsection A of Section 1-404 of
2 Title 71 of the Oklahoma Statutes;

3 127. Conducting business on behalf of an investment adviser or
4 ~~federal-covered~~ federal covered investment adviser when the
5 registration of the investment adviser representative is suspended
6 or revoked or the individual is barred from employment or
7 association with an investment adviser or ~~federal-covered~~ federal
8 covered investment adviser, as provided for in subsection E of
9 Section 1-404 of Title 71 of the Oklahoma Statutes;

10 128. Employing a device, scheme, or artifice to defraud another
11 when offering, selling, or purchasing a security, as provided for in
12 paragraph 1 of Section 1-501 of Title 71 of the Oklahoma Statutes;

13 129. Making an untrue statement of a material fact or omitting
14 a material fact when offering, selling, or purchasing a security, as
15 provided for in paragraph 2 of Section 1-501 of Title 71 of the
16 Oklahoma Statutes;

17 130. Engaging in an act, practice, or course of business that
18 operates as a fraud or deceit upon another person when offering,
19 selling, or purchasing a security, as provided for in paragraph 3 of
20 Section 1-501 of Title 71 of the Oklahoma Statutes;

21 131. Employing a device, scheme, or artifice to defraud another
22 when advising others for compensation as to the value of securities,
23 as provided for in paragraph 1 of subsection A of Section 1-502 of
24 Title 71 of the Oklahoma Statutes;

1 132. Making an untrue statement of a material fact or omitting
2 a material fact when advising others for compensation as to the
3 value of securities, as provided for in paragraph 2 of subsection A
4 of Section 1-502 of Title 71 of the Oklahoma Statutes;

5 133. Engaging in an act, practice, or course of business that
6 operates as a fraud or deceit upon another person when advising
7 others for compensation as to the value of securities, as provided
8 for in paragraph 3 of subsection A of Section 1-502 of Title 71 of
9 the Oklahoma Statutes;

10 134. Making false or misleading statements in a record, as
11 provided for in Section 1-505 of Title 71 of the Oklahoma Statutes;

12 135. Making or causing to be made to a purchaser, customer,
13 client, or prospective customer or client, an inconsistent
14 representation, as provided for in Section 1-506 of Title 71 of the
15 Oklahoma Statutes;

16 136. Willfully violating certain provisions of the Oklahoma
17 Uniform Securities Act of 2004, as provided for in subsection A of
18 Section 1-508 of Title 71 of the Oklahoma Statutes;

19 137. Offering or selling any business opportunity without being
20 registered under the Oklahoma Business Opportunity Sales Act, as
21 provided for in Section 806 of Title 71 of the Oklahoma Statutes;

22 138. Offering or selling any business opportunity without a
23 written disclosure being filed, as provided for in subsection A of
24 Section 808 of Title 71 of the Oklahoma Statutes;

1 139. Offering or selling any business opportunity without a
2 business opportunity contract or agreement, as provided for in
3 subsection A of Section 809 of Title 71 of the Oklahoma Statutes;

4 140. Making or using any specific representations from the
5 Oklahoma Business Opportunity Sales Act without having a minimum net
6 worth of Fifty Thousand Dollars (\$50,000.00), as provided for in
7 Section 811 of Title 71 of the Oklahoma Statutes;

8 141. Using information filed with or obtained by the
9 Administrator of the Oklahoma Department of Securities that is not
10 public for the personal benefit of the Administrator or any officers
11 or employees of the Administrator, as provided for in subsection B
12 of Section 812 of Title 71 of the Oklahoma Statutes;

13 142. Employing any device, scheme, or artifice to defraud in
14 connection with offering or selling any business opportunity, as
15 provided for in paragraph 1 of Section 819 of Title 71 of the
16 Oklahoma Statutes;

17 143. Making any untrue statement of a material fact or omitting
18 a material fact in connection with offering or selling any business
19 opportunity, as provided for in paragraph 2 of Section 819 of Title
20 71 of the Oklahoma Statutes;

21 144. Engaging in any act, practice, or course of business which
22 operates as a fraud or deceit in connection with offering or selling
23 any business opportunity, as provided for in paragraph 3 of Section
24 819 of Title 71 of the Oklahoma Statutes;

1 145. Making or causing to be made any false or misleading
2 statements or omitting to state a material fact necessary in any
3 document filed with the Administrator of the Oklahoma Department of
4 Securities or in any proceeding pursuant to the Oklahoma Business
5 Opportunity Sales Act, as provided for in Section 820 of Title 71 of
6 the Oklahoma Statutes;

7 146. Filing any application for registration that is false,
8 incomplete, or misleading, as provided for in Section 821 of Title
9 71 of the Oklahoma Statutes;

10 147. Publishing, circulating, or using any advertising that
11 contains untrue statements of material facts or omits to state
12 material facts necessary, as provided for in Section 822 of Title 71
13 of the Oklahoma Statutes;

14 148. Taking or receiving any rebate, percentage of contract,
15 money, or any other thing of value by an officer of the Office of
16 Management and Enterprise Services from any person, firm, or
17 corporation, as provided for in Section 71 of Title 74 of the
18 Oklahoma Statutes;

19 149. Monopolizing, attempting to monopolize, or conspiring to
20 monopolize any part of trade or commerce, as provided for in
21 subsection B of Section 203 of Title 79 of the Oklahoma Statutes;

22 150. Discrimination in price between different purchasers of
23 commodities by any person engaged in commerce, as provided for in
24 Section 204 of Title 79 of the Oklahoma Statutes;

1 151. Violation of the Oklahoma Antitrust Reform Act, as
2 provided for in Section 206 of Title 79 of the Oklahoma Statutes;
3 and

4 152. Having any interest, directly or indirectly, in any
5 contract for the purchase of property or construction of work by or
6 for the Grand River Dam Authority by a director, officer, agent, or
7 employee, as provided for in Section 867 of Title 82 of the Oklahoma
8 Statutes; ~~and~~

9 ~~153. Using explosive agent to kill, injure, or intimidate or to~~
10 ~~damage property, as provided for in subsection B of Section 124.8 of~~
11 ~~Title 63 of the Oklahoma Statutes.~~

12 B. Any person convicted of a Class C2 criminal offense set
13 forth in this section shall be punished by imprisonment in the
14 custody of the Department of Corrections for a term ~~of~~ not more than
15 seven (7) years and shall serve at least twenty percent (20%) of the
16 sentence imposed before release from custody including release to
17 electronic monitoring pursuant to Section 510.9 of Title 57 of the
18 Oklahoma Statutes.

19 C. 1. Every person who, having been previously convicted of
20 one or two Class C or Class D criminal offenses, commits a Class C2
21 criminal offense shall, upon conviction, be punished by imprisonment
22 in the custody of the Department of Corrections for a term ~~of~~ not
23 less than two (2) years nor more than ten (10) years and shall serve
24 at least twenty percent (20%) of the sentence imposed before release

1 from custody including release to electronic monitoring pursuant to
2 Section 510.9 of Title 57 of the Oklahoma Statutes.

3 2. Every person who, having been previously convicted of three
4 Class C or Class D criminal offenses, or one or more Class Y, Class
5 A, or Class B criminal offenses, commits a Class C2 criminal offense
6 shall, upon conviction, be punished by imprisonment in the custody
7 of the Department of Corrections for a term ~~of~~ not less than two (2)
8 years nor more than twelve (12) years and shall serve at least forty
9 percent (40%) of the sentence imposed before release from custody
10 including release to electronic monitoring pursuant to Section 510.9
11 of Title 57 of the Oklahoma Statutes.

12 D. Unless specifically exempted pursuant to subsection E of
13 this section, Section 51.1 of ~~Title 21 of the Oklahoma Statutes~~ this
14 title shall not apply to Class C2 criminal offenses.

15 E. 1. The criminal offenses listed in paragraphs 1, 2, 52, 53,
16 54, 55, 63, 65, 67, 68, 76, and 77 of subsection A of this section
17 shall be exempt from the penalty provisions provided for in
18 subsections B and C of this section. Persons convicted of the
19 criminal offenses provided for in paragraphs 1, 2, 52, 53, 54, 55,
20 63, 65, 67, 68, 76, and 77 of subsection A of this section shall be
21 punished in accordance with the corresponding penalties provided for
22 in the Oklahoma Statutes including Section 51.1 of ~~Title 21 of the~~
23 ~~Oklahoma Statutes~~ this title.

1 2. The criminal offense listed in paragraph 64 of subsection A
2 of this section shall be exempt from the penalty provision provided
3 for in subsection B of this section. Persons convicted of the
4 criminal offense provided for in paragraph 64 of subsection A of
5 this section shall be punished in accordance with the corresponding
6 penalties as provided for in the Oklahoma Statutes including Section
7 51.1 of ~~Title 21 of the Oklahoma Statutes~~ this title. The
8 provisions of subsection C of this section still ~~applies~~ apply to
9 the criminal offense listed in paragraph 64 of subsection A of this
10 section.

11 F. All Class C2 criminal offenses shall be punishable by the
12 corresponding fines as provided for in the Oklahoma Statutes.

13 SECTION 2. AMENDATORY 22 O.S. 2021, Section 991c, as
14 amended by Section 3, Chapter 305, O.S.L. 2025 (22 O.S. Supp. 2025,
15 Section 991c), is amended to read as follows:

16 Section 991c. A. Upon a verdict or plea of guilty or upon a
17 plea of nolo contendere, but before a judgment of guilt, the court
18 may, without entering a judgment of guilt and with the consent of
19 the defendant, defer further proceedings upon the specific
20 conditions prescribed by the court not to exceed a seven-year
21 period, except as authorized under subsection B of this section.
22 The court shall first consider restitution among the various
23 conditions it may prescribe. The court may also consider ordering
24 the defendant to:

1 1. Pay court costs;

2 2. Pay an assessment in lieu of any fine authorized by law for
3 the offense;

4 3. Pay any other assessment or cost authorized by law;

5 4. Engage in a term of community service without compensation,
6 according to a schedule consistent with the employment and family
7 responsibilities of the defendant;

8 5. County jail confinement for a period not to exceed ninety
9 (90) days or the maximum amount of jail time provided for the
10 offense, if it is less than ninety (90) days;

11 6. Pay an amount as reimbursement for reasonable attorney fees,
12 to be paid into the court fund, if a court-appointed attorney has
13 been provided to the defendant;

14 7. Be supervised in the community for a period not to exceed
15 eighteen (18) months, unless a petition alleging violation of any
16 condition of deferred judgment is filed during the period of
17 supervision. As a condition of any supervision, the defendant shall
18 be required to pay a supervision fee of Forty Dollars (\$40.00) per
19 month. The supervision fee shall be waived in whole or part by the
20 supervisory agency when the accused is indigent. Any fees collected
21 by the district attorney pursuant to this paragraph shall be
22 deposited in the General Revenue Fund of the State Treasury. No
23 person shall be denied supervision based solely on the inability of
24 the person to pay a fee;

1 8. Pay into the court fund a monthly amount not exceeding Forty
2 Dollars (\$40.00) per month during any period during which the
3 proceedings are deferred when the defendant is not to be supervised
4 in the community. The total amount to be paid into the court fund
5 shall be established by the court and shall not exceed the amount of
6 the maximum fine authorized by law for the offense;

7 9. Make other reparations to the community or victim as
8 required and deemed appropriate by the court;

9 10. ~~Order~~ Adhere to any conditions which can be imposed for a
10 suspended sentence pursuant to paragraph 1 of subsection A of
11 Section 991a of this title; or

12 11. Any combination of the provisions in paragraphs 1 through
13 10 of this subsection.

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 may waive the costs of prosecution in the same manner as the
23 court waives financial obligations pursuant to Section 983 of this
24 title. Any unpaid costs of prosecution shall be waived if the

1 deferred sentence of an offender expires without being accelerated.
2 Any fees collected by the district attorney pursuant to this
3 paragraph shall be deposited in the General Revenue Fund of the
4 State Treasury.

5 B. When the court has ordered restitution as a condition of
6 supervision as provided for in subsection A of this section and that
7 condition has not been satisfied, the court may, at any time prior
8 to the termination or expiration of the supervision period, order an
9 extension of supervision for a period not to exceed three (3) years.

10 C. In addition to any conditions of supervision provided for in
11 subsection A of this section, the court shall, in the case of a
12 person before the court for the offense of operating or being in
13 control of a motor vehicle while the person was under the influence
14 of alcohol, other intoxicating substance, or a combination of
15 alcohol and another intoxicating substance, or who is before the
16 court for the offense of operating a motor vehicle while the ability
17 of the person to operate such vehicle was impaired due to the
18 consumption of alcohol, require the person to participate in an
19 alcohol and drug substance abuse evaluation program offered by a
20 facility or qualified practitioner certified by the Department of
21 Mental Health and Substance Abuse Services for the purpose of
22 evaluating the receptivity to treatment and prognosis of the person.
23 The court shall order the person to reimburse the facility or
24 qualified practitioner for the evaluation. The Department of Mental

1 Health and Substance Abuse Services shall establish a fee schedule,
2 based upon the ability of a person to pay, provided the fee for an
3 evaluation shall not exceed Seventy-five Dollars (\$75.00). The
4 evaluation shall be conducted at a certified facility, the office of
5 a qualified practitioner, or at another location as ordered by the
6 court. The facility or qualified practitioner shall, within
7 seventy-two (72) hours from the time the person is assessed, submit
8 a written report to the court for the purpose of assisting the court
9 in its determination of conditions for deferred sentence. No
10 person, agency, or facility operating an alcohol and drug substance
11 abuse evaluation program certified by the Department of Mental
12 Health and Substance Abuse Services shall solicit or refer any
13 person evaluated pursuant to this subsection for any treatment
14 program or alcohol and drug substance abuse service in which the
15 person, agency, or facility has a vested interest; however, this
16 provision shall not be construed to prohibit the court from ordering
17 participation in or any person from voluntarily utilizing a
18 treatment program or alcohol and drug substance abuse service
19 offered by such person, agency, or facility. Any evaluation report
20 submitted to the court pursuant to this subsection shall be handled
21 in a manner ~~which~~ that will keep the report confidential from review
22 by the general public. Nothing contained in this subsection shall
23 be construed to prohibit the court from ordering judgment and
24 sentence in the event the defendant fails or refuses to comply with

1 an order of the court to obtain the evaluation required by this
2 subsection. As used in this subsection, "qualified practitioner"
3 means a person with at least a bachelor's degree in substance abuse
4 treatment, mental health, or a related health care field and at
5 least two (2) years of experience in providing alcohol abuse
6 treatment, other drug abuse treatment, or both alcohol and other
7 drug abuse treatment who is certified each year by the Department of
8 Mental Health and Substance Abuse Services to provide these
9 assessments. However, any person who does not meet the requirements
10 for a qualified practitioner as defined herein, but who has been
11 previously certified by the Department of Mental Health and
12 Substance Abuse Services to provide alcohol or drug treatment or
13 assessments, shall be considered a qualified practitioner provided
14 all education, experience, and certification requirements stated
15 herein are met by September 1, 1995. The court may also require the
16 person to participate in one or both of the following:

17 1. An alcohol and drug substance abuse course, pursuant to
18 Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and

19 2. A victims impact panel program, as defined in subsection H
20 of Section 991a of this title, if such a program is offered in the
21 county where the judgment is rendered. The defendant shall be
22 required to pay a fee of Seventy-five Dollars (\$75.00) as set by the
23 governing authority of the program and approved by the court to the
24 victims impact panel program to offset the cost of participation by

1 the defendant, if in the opinion of the court the defendant has the
2 ability to pay such fee.

3 D. Upon completion of the conditions of the deferred judgment,
4 and upon a finding by the court that the conditions have been met
5 and all fines, fees, and monetary assessments have been paid as
6 ordered, the defendant shall be discharged without a court judgment
7 of guilt, and the court shall order the verdict or plea of guilty or
8 plea of nolo contendere to be expunged from the record and the
9 charge shall be dismissed with prejudice to any further action. The
10 procedure to expunge the record of the defendant shall be as
11 follows:

12 1. All references to the name of the defendant shall be deleted
13 from the docket sheet;

14 2. The public index of the filing of the charge shall be
15 expunged by deletion, mark-out, or obliteration;

16 3. Upon expungement, the court clerk shall keep a separate
17 confidential index of case numbers and names of defendants which
18 have been obliterated pursuant to the provisions of this section;

19 4. No information concerning the confidential file shall be
20 revealed or released, except upon written order of a judge of the
21 district court or upon written request by the named defendant to the
22 court clerk for the purpose of updating the criminal history record
23 of the defendant with the Oklahoma State Bureau of Investigation;
24 and

1 5. Defendants qualifying under Section 18 of this title may
2 petition the court to have the filing of the indictment and the
3 dismissal expunged from the public index and docket sheet. This
4 section shall not be mutually exclusive of Section 18 of this title.

5 Records expunged pursuant to this subsection shall be sealed to
6 the public but not to law enforcement agencies for law enforcement
7 purposes. Records expunged pursuant to this subsection shall be
8 admissible in any subsequent criminal prosecution to prove the
9 existence of a prior conviction or prior deferred judgment without
10 the necessity of a court order requesting the unsealing of such
11 records.

12 E. The provisions of subsection D of this section shall be
13 retroactive.

14 F. Whenever a judgment has been deferred by the court according
15 to the provisions of this section, deferred judgment may not be
16 accelerated for any technical violation unless a petition setting
17 forth the grounds for such acceleration is filed by the district
18 attorney with the clerk of the sentencing court and competent
19 evidence justifying the acceleration of the judgment is presented to
20 the court at a hearing to be held for that purpose. The hearing
21 shall be held not more than twenty (20) days after the entry of the
22 plea of not guilty to the petition, unless waived by both the state
23 and the defendant. Any acceleration of a deferred sentence based on
24 a technical violation shall not exceed ninety (90) days for a first

1 acceleration or five (5) years for a second or subsequent
2 acceleration.

3 G. Upon any violation of the deferred judgment, other than a
4 technical violation, the court may enter a judgment of guilt and
5 proceed as provided in Section 991a of this title or may modify any
6 condition imposed. Provided, however, if the deferred judgment is
7 for a felony offense, and the defendant commits another felony
8 offense, the defendant shall not be allowed bail pending appeal.

9 H. The deferred judgment procedure described in this section
10 shall apply only to defendants who have not been previously
11 convicted of a felony offense and have not received ~~more than one~~ a
12 deferred judgment for a felony offense ~~within the ten (10) years~~
13 ~~previous to the commission of the pending offense.~~

14 Provided, the court may waive this prohibition upon written
15 application of the district attorney. Both the application and the
16 waiver shall be made a part of the record of the case.

17 I. The deferred judgment procedure described in this section
18 shall not apply to defendants found guilty or who plead guilty or
19 nolo contendere to a sex offense required by law to register
20 pursuant to the Sex Offenders Registration Act.

21 J. All defendants who are supervised pursuant to this section
22 shall be subject to the sanction process as established in
23 subsection D of Section 991b of this title.
24
25

1 K. Notwithstanding the provisions of subsections F and G of
2 this section, a person who is being considered for an acceleration
3 of a deferred judgment for an offense where the penalty has
4 subsequently been lowered to a misdemeanor shall only be subject to
5 a judgment and sentence that would have been applicable had he or
6 she committed the offense after July 1, 2017.

7 SECTION 3. AMENDATORY 47 O.S. 2021, Section 11-902, as
8 amended by Section 1, Chapter 347, O.S.L. 2025 (47 O.S. Supp. 2025,
9 Section 11-902), is amended to read as follows:

10 Section 11-902. A. It is unlawful and punishable as provided
11 for in this section for any person to drive, operate, or be in
12 actual physical control of a motor vehicle within this state,
13 whether upon public roads, highways, streets, turnpikes, other
14 public places or upon any private road, street, alley, or lane which
15 provides access to one or more ~~single~~ single-family or ~~multi-family~~
16 multifamily dwellings, who:

17 1. Has a blood or breath alcohol concentration, as defined in
18 Section 756 of this title, of eight-hundredths (0.08) or more at the
19 time of a test of such person's blood or breath;

20 2. Is under the influence of alcohol;

21 3. Has any amount of a Schedule I chemical or controlled
22 substance, as defined in Section 2-204 of Title 63 of the Oklahoma
23 Statutes, or one of its metabolites or analogs in the person's
24 blood, saliva, urine, or any other bodily fluid at the time of a
25

1 test of such person's blood, saliva, urine, or any other bodily
2 fluid;

3 4. Is under the influence of any intoxicating substance other
4 than alcohol which may render such person incapable of safely
5 driving or operating a motor vehicle. The timing requirement for
6 the administration of tests pursuant to Section 756 of this title
7 shall not apply to this paragraph; or

8 5. Is under the combined influence of alcohol and any other
9 intoxicating substance which may render such person incapable of
10 safely driving or operating a motor vehicle. The timing requirement
11 for the administration of tests pursuant to Section 756 of this
12 title shall not apply to this paragraph.

13 B. The fact that any person charged with a violation of this
14 section is or has been lawfully entitled to use alcohol or a
15 controlled dangerous substance or any other intoxicating substance
16 shall not constitute a defense against any charge of violating this
17 section.

18 C. 1. Any person who is convicted of a violation of the
19 provisions of this section shall be guilty of a misdemeanor for the
20 first offense and shall:

- 21 a. participate in an assessment and evaluation pursuant
22 to subsection H of this section and shall follow all
23 recommendations made in the assessment and evaluation,
24

- 1 b. be punished by imprisonment in jail for not less than
2 ten (10) days nor more than one (1) year, and
3 c. be fined not more than One Thousand Dollars
4 (\$1,000.00).

5 2. Any person who, having been convicted of or having received
6 deferred judgment for a violation of this section or a violation
7 pursuant to the provisions of any law of this state or another state
8 prohibiting the offenses provided in this section, Section 11-904 of
9 this title, or paragraph 4 of subsection A of Section 852.1 of Title
10 21 of the Oklahoma Statutes, or having a prior conviction in a
11 municipal criminal court of record for the violation of a municipal
12 ordinance prohibiting the offense provided for in this section,
13 commits a subsequent violation of this section ~~within ten (10) years~~
14 ~~of the date following the completion of the execution of such~~
15 ~~sentence or deferred judgment~~ shall, upon conviction, be guilty of a
16 Class C2 felony offense and shall participate in an assessment and
17 evaluation pursuant to subsection H of this section and shall be
18 sentenced to:

- 19 a. follow all recommendations made in the assessment and
20 evaluation for treatment at the defendant's expense,
21 b. use of an ignition interlock device, as provided by
22 subparagraph n of paragraph 1 of subsection A of
23 Section 991a of Title 22 of the Oklahoma Statutes,
24
25

1 c. ~~imprisonment in the custody of the Department of~~
2 ~~Corrections for not less than one (1) year and not~~
3 ~~more than five (5) years~~ as provided for in
4 subsections B through E of Section 20M of Title 21 of
5 the Oklahoma Statutes, and

6 d. a fine not more than Two Thousand Five Hundred Dollars
7 (\$2,500.00).

8 However, if the treatment in subsection H of this section does
9 not include residential or inpatient treatment for a period ~~of~~ not
10 less than five (5) days, the person shall serve a term of
11 imprisonment of at least five (5) days.

12 3. Any person who commits a violation of this section after
13 having been convicted of a felony offense pursuant to the provisions
14 of this section or a violation pursuant to the provisions of any law
15 of this state or another state prohibiting the offenses provided for
16 in this section, Section 11-904 of this title, or paragraph 4 of
17 subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes
18 shall be guilty of a Class B4 felony offense and participate in an
19 assessment and evaluation pursuant to subsection H of this section
20 and shall be sentenced to:

- 21 a. follow all recommendations made in the assessment and
22 evaluation for treatment at the defendant's expense,
23 b. two hundred forty (240) hours of community service,
24
25

- 1 c. use of an ignition interlock device, as provided by
2 subparagraph n of paragraph 1 of subsection A of
3 Section 991a of Title 22 of the Oklahoma Statutes,
4 d. imprisonment in the custody of the Department of
5 Corrections for not less than one (1) year and not
6 more than ten (10) years, and
7 e. a fine not more than Five Thousand Dollars
8 (\$5,000.00).

9 However, if the treatment in subsection H of this section does
10 not include residential or inpatient treatment for a period ~~of~~ not
11 less than ten (10) days, the person shall serve a term of
12 imprisonment of at least ten (10) days.

13 4. Any person who commits a violation of this section after
14 having been twice convicted of a felony offense pursuant to the
15 provisions of this section or a violation pursuant to the provisions
16 of any law of this state or another state prohibiting the offenses
17 provided for in this section, Section 11-904 of this title, or
18 paragraph 4 of subsection A of Section 852.1 of Title 21 of the
19 Oklahoma Statutes shall be guilty of a Class B3 felony offense and
20 participate in an assessment and evaluation pursuant to subsection H
21 of this section and shall be sentenced to:

- 22 a. follow all recommendations made in the assessment and
23 evaluation for treatment at the defendant's expense,
24 followed by not less than one (1) year of supervision
25

1 and periodic testing, as provided in subparagraph q of
2 paragraph 1 of subsection A of Section 991a of Title
3 22 of the Oklahoma Statutes, at the defendant's
4 expense,

5 b. four hundred eighty (480) hours of community service,

6 c. use of an ignition interlock device, as provided by
7 subparagraph n of paragraph 1 of subsection A of
8 Section 991a of Title 22 of the Oklahoma Statutes, for
9 a minimum of ninety (90) days,

10 d. imprisonment in the custody of the Department of
11 Corrections for not less than one (1) year and not
12 more than twenty (20) years, and

13 e. a fine not more than Five Thousand Dollars
14 (\$5,000.00).

15 However, if the person does not undergo residential or inpatient
16 treatment pursuant to subsection H of this section, the person shall
17 serve a term of imprisonment of at least ten (10) days.

18 5. Any person who, after a previous conviction of a violation
19 of murder in the second degree or manslaughter in the first degree
20 in which the death was caused as a result of driving under the
21 influence of alcohol or other intoxicating substance, is convicted
22 of a violation of this section shall be guilty of a Class A2 felony
23 offense and shall be punished by imprisonment in the custody of the
24 Department of Corrections for not less than five (5) years and not

1 ~~to exceed~~ more than twenty (20) years, and a fine not more than Ten
2 Thousand Dollars (\$10,000.00).

3 6. Provided, however, a conviction from another state shall not
4 be used to enhance punishment pursuant to the provisions of this
5 subsection if that conviction is based on a blood or breath alcohol
6 concentration of less than eight-hundredths (0.08).

7 7. In any case in which a defendant is charged with driving
8 under the influence of alcohol or other intoxicating substance
9 offense within any municipality with a municipal court other than a
10 court of record, the charge shall be presented to the county's
11 district attorney and filed with the district court of the county
12 within which the municipality is located.

13 D. Any person who is convicted of a violation of driving under
14 the influence while also committing one of more of the following
15 acts:

16 1. Driving, operating, or being in actual physical control of a
17 motor vehicle while having a blood or breath alcohol concentration
18 of fifteen-hundredths (0.15) or more at the time of a test of such
19 person's blood or breath;

20 2. Causing a motor vehicle incident involving one or more
21 vehicles that results in a report pursuant to Section 40-102 of this
22 title;

23 3. Driving in a manner that violates the provisions of Section
24 11-301, 11-302, 11-306, 11-309, or 11-311 of this title;

1 4. Driving while eluding peace officers pursuant to Section
2 540a of Title 21 of the Oklahoma Statutes;

3 5. Driving with a speed in excess of twenty (20) miles per hour
4 over the speed limit or ten (10) miles per hour over the speed limit
5 within an active school zone;

6 6. Operating a motor vehicle with a passenger younger than
7 eighteen (18) years of age; or

8 7. Reckless driving as defined in Section 11-901 of this title,
9 shall, upon conviction, be guilty of aggravated driving under the
10 influence, which shall be a Class B3 felony offense.

11 E. A person convicted of aggravated driving under the influence
12 shall participate in an assessment and evaluation pursuant to
13 subsection H of this section and shall comply with all
14 recommendations for treatment. Such person shall be sentenced as
15 provided in paragraph 1, 2, 3, 4, or 5 of subsection C of this
16 section and to:

17 1. Imprisonment as provided in paragraph 1, 2, 3, 4, or 5 of
18 subsection C of this section, provided that:

19 a. for a first offense of a violation pursuant to this
20 section, the first ten (10) days of the sentence shall
21 not be subject to probation, suspension, or deferral
22 and may be served by night or weekend incarceration
23 pursuant to Section 991a of Title 22 of the Oklahoma
24 Statutes,

1 b. for a second offense of a violation pursuant to this
2 section, the first thirty (30) days of the sentence
3 shall not be subject to probation, suspension, or
4 deferral; provided further, this mandatory minimum
5 period of confinement shall be served in the county
6 jail as a condition of a suspended or deferred
7 sentence, pursuant to Section 991a of Title 22 of the
8 Oklahoma Statutes, and

9 c. the portion of the sentence not subject to probation,
10 suspension, or deferral shall increase by thirty (30)
11 days for each subsequent conviction after the second
12 offense;

13 2. A fine pursuant to paragraph 1, 2, 3, 4, or 5 of subsection
14 C of this section;

15 3. Not less than one (1) year of supervision and periodic
16 testing, as provided in subparagraph q of paragraph 1 of subsection
17 A of Section 991a of Title 22 of the Oklahoma Statutes, at the
18 defendant's expense; and

19 4. An ignition interlock device or devices, as provided by
20 subparagraph n of paragraph 1 of subsection A of Section 991a of
21 Title 22 of the Oklahoma Statutes, for a minimum of one hundred
22 eighty (180) days.

23 F. When a person is sentenced to imprisonment in the custody of
24 the Department of Corrections, the person shall be processed through

1 the Lexington Assessment and Reception Center or at a place
2 determined by the Director of the Department of Corrections. The
3 Department of Corrections shall classify and assign the person to
4 one or more of the following:

5 1. The Department of Mental Health and Substance Abuse Services
6 pursuant to paragraph 1 of subsection A of Section 612 of Title 57
7 of the Oklahoma Statutes; or

8 2. A correctional facility operated by the Department of
9 Corrections with assignment to substance abuse treatment.

10 Successful completion of a Department-of-Corrections-approved
11 substance abuse treatment program shall satisfy the recommendation
12 for a ten-hour or twenty-four-hour alcohol and drug substance abuse
13 course or treatment program or both. Successful completion of an
14 approved Department of Corrections substance abuse treatment program
15 may precede or follow the required assessment.

16 G. Service Oklahoma is hereby authorized to reinstate any
17 suspended or revoked driving privilege when the person meets the
18 statutory requirements ~~which~~ that affect the existing driving
19 privilege.

20 H. Any person who is found guilty of a violation of the
21 provisions of this section shall be ordered to participate in an
22 alcohol and drug substance abuse evaluation and assessment program
23 offered by a certified assessment agency or certified assessor for
24 the purpose of evaluating and assessing the receptivity to treatment

1 and prognosis of the person and shall follow all recommendations
2 made in the assessment and evaluation for treatment. The court
3 shall order the person to reimburse the agency or assessor for the
4 evaluation and assessment. Payment shall be remitted by the
5 defendant or on behalf of the defendant by any third party, provided
6 no state-appropriated funds are utilized. The fee for an evaluation
7 and assessment shall be the amount provided in subsection C of
8 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
9 and assessment shall be conducted at a certified assessment agency,
10 the office of a certified assessor, or at another location as
11 ordered by the court. The agency or assessor shall, within seventy-
12 two (72) hours from the time the person is evaluated and assessed,
13 submit a written report to the court for the purpose of assisting
14 the court in its sentencing determination. The court shall, as a
15 condition of any sentence imposed, including deferred and suspended
16 sentences, require the person to participate in and successfully
17 complete all recommendations from the evaluation, such as an alcohol
18 and substance abuse treatment program pursuant to Section 3-452 of
19 Title 43A of the Oklahoma Statutes. If such report indicates that
20 the evaluation and assessment shows that the defendant would benefit
21 from a ten-hour or twenty-four-hour alcohol and drug substance abuse
22 course or a treatment program or both, the court shall, as a
23 condition of any sentence imposed, including deferred and suspended
24 sentences, require the person to follow all recommendations

1 identified by the evaluation and assessment and ordered by the
2 court. No person, agency, or facility operating an evaluation and
3 assessment program certified by the Department of Mental Health and
4 Substance Abuse Services shall solicit or refer any person evaluated
5 and assessed pursuant to this section for any treatment program or
6 substance abuse service in which such person, agency, or facility
7 has a vested interest; however, this provision shall not be
8 construed to prohibit the court from ordering participation in or
9 any person from voluntarily utilizing a treatment program or
10 substance abuse service offered by such person, agency, or facility.
11 If a person is sentenced to imprisonment in the custody of the
12 Department of Corrections and the court has received a written
13 evaluation report pursuant to the provisions of this subsection, the
14 report shall be furnished to the Department of Corrections with the
15 judgment and sentence. Any evaluation and assessment report
16 submitted to the court pursuant to the provisions of this subsection
17 shall be handled in a manner which will keep such report
18 confidential from the general public's review. Nothing contained in
19 this subsection shall be construed to prohibit the court from
20 ordering judgment and sentence in the event the defendant fails or
21 refuses to comply with an order of the court to obtain the
22 evaluation and assessment required by this subsection. If the
23 defendant fails or refuses to comply with an order of the court to
24 obtain the evaluation and assessment, Service Oklahoma shall not

1 reinstate driving privileges until the defendant has complied in
2 full with such order. Nothing contained in this subsection shall be
3 construed to prohibit the court from ordering judgment and sentence
4 and any other sanction authorized by law for failure or refusal to
5 comply with an order of the court.

6 I. Any person who is found guilty of a violation of the
7 provisions of this section shall be required by the court to attend
8 a victims impact panel program, as defined in subsection H of
9 Section 991a of Title 22 of the Oklahoma Statutes, if such a program
10 is offered in the county where the judgment is rendered, and to pay
11 a fee of Seventy-five Dollars (\$75.00), as set by the governing
12 authority of the program and approved by the court, to the program
13 to offset the cost of participation by the defendant, if in the
14 opinion of the court the defendant has the ability to pay such fee.

15 J. Any person who is found guilty of a felony violation of the
16 provisions of this section shall be required to submit to electronic
17 monitoring as authorized and defined by Section 991a of Title 22 of
18 the Oklahoma Statutes.

19 K. Any person who is found guilty of a violation of the
20 provisions of this section who has been sentenced by the court to
21 perform any type of community service shall not be permitted to pay
22 a fine in lieu of performing the community service.

23 ~~L. When a person is found guilty of a violation of the~~
24 ~~provisions of this section, the court shall order, in addition to~~
25

1 ~~any other penalty, the defendant to pay an assessment of One Hundred~~
2 ~~Dollars (\$100.00) to be deposited in the Drug Abuse Education and~~
3 ~~Treatment Revolving Fund created in Section 2-503.2 of Title 63 of~~
4 ~~the Oklahoma Statutes, upon collection.~~

5 M. 1. When a person is eighteen (18) years of age or older,
6 and is the driver, operator, or person in physical control of a
7 vehicle, and is convicted of violating any provision of this section
8 while transporting or having in the motor vehicle any child less
9 than eighteen (18) years of age, the fine shall be enhanced to
10 double the amount of the fine imposed for the underlying driving
11 under the influence (DUI) violation which shall be in addition to
12 any other penalties allowed by this section.

13 2. Nothing in this subsection shall prohibit the prosecution of
14 a person pursuant to Section 852.1 of Title 21 of the Oklahoma
15 Statutes who is in violation of any provision of this section or
16 Section 11-904 of this title.

17 ~~N.~~ M. Any plea of guilty, nolo contendere, or finding of guilt
18 for a violation of this section or a violation pursuant to the
19 provisions of any law of this state or another state prohibiting the
20 offenses provided for in this section, Section 11-904 of this title,
21 or paragraph 4 of subsection A of Section 852.1 of Title 21 of the
22 Oklahoma Statutes shall constitute a conviction of the offense for
23 the purpose of this section; provided, any deferred judgment shall
24 only be considered to constitute a conviction for a period of ten

1 (10) years following the completion of any court-imposed
2 probationary term.

3 ~~Θ.~~ N. If qualified by knowledge, skill, experience, training,
4 or education, a witness shall be allowed to testify in the form of
5 an opinion or otherwise solely on the issue of impairment, but not
6 on the issue of specific alcohol concentration level, relating to
7 the following:

8 1. The results of any standardized field sobriety test
9 including, but not limited to, the horizontal gaze nystagmus (HGN)
10 test administered by a person who has completed training in
11 standardized field sobriety testing; or

12 2. Whether a person was under the influence of one or more
13 impairing substances and the category of such impairing substance or
14 substances. A witness who has received training and holds a current
15 certification as a drug recognition expert shall be qualified to
16 give the testimony in any case in which such testimony may be
17 relevant.

18 SECTION 4. REPEALER 47 O.S. 2021, Section 11-902, as
19 amended by Section 3, Chapter 172, O.S.L. 2025 (47 O.S. Supp. 2025,
20 Section 11-902), is hereby repealed.

21 SECTION 5. REPEALER 47 O.S. 2021, Section 11-902, as
22 amended by Section 6, Chapter 305, O.S.L. 2025 (47 O.S. Supp. 2025,
23 Section 11-902), is hereby repealed.
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SECTION 6. REPEALER 47 O.S. 2021, Section 11-902, as amended by Section 33, Chapter 486, O.S.L. 2025 (47 O.S. Supp. 2025, Section 11-902), is hereby repealed.

SECTION 7. This act shall become effective November 1, 2026.

60-2-2595 CN 12/15/2025 2:21:26 PM