

BILL SUMMARY
2nd Session of the 60th Legislature

Bill No.:	HB3905
Version:	POLREC-AMD2
Request Number:	16941
Author:	Rep. Hefner
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Impact:	\$0

Research Analysis

Amendment 2 to the policy committee recommendation for HB 3905 allows the court to order that defendants charged with stalking, violating a victim protective order, domestic abuse by strangulation, domestic abuse with a dangerous or deadly weapon, or domestic abuse after a previous adjudication to be required to wear a GPS monitoring device. The pretrial release or supervision programs in counties with a population over 250,000 are responsible for monitoring the GPS device until the conclusion of the criminal case. In other locations, the counties are authorized to use an entity that is deemed capable to monitor the defendant's GPS device. The measure allows a victim to be authorized to monitor the location of the defendant.

Prepared By: Brad Wolgamott

Fiscal Analysis

The POLREC to HB3905 requires GPS monitoring devices for defendants charged with certain domestic violence offenses and expands GPS monitoring authority in domestic violence cases. The measure mandates that defendants charged with stalking, violating a victim protective order, domestic abuse by strangulation, domestic abuse with a dangerous or deadly weapon, or domestic abuse after a previous adjudication for domestic abuse shall not be released on bail without a GPS monitoring device. The Department of Corrections (DOC) is required to monitor such GPS devices and defendants until the conclusion of the criminal case, and defendants must pay supervision fees as provided for other persons subject to DOC supervision. Officials with DOC have provided the following cost analysis:

This measure would require GPS monitoring for certain defendants charged with specified domestic violence offenses as a condition of pretrial release. The bill assigns monitoring responsibility to DOC and requires defendants to pay the cost of the monitoring device and a supervision fee.

Under current 57 O.S. 510, DOC is authorized to supervise individuals on felony probation or parole. This authority does not clearly extend to supervising defendants on bond prior to sentencing. Therefore, implementation would depend upon statutory interpretation or amendment. DOC does not maintain data identifying how many individuals are currently on bond for the qualifying offenses. As a proxy, intake data reflects that 1,694 offenders were received into DOC custody or supervision in one year for qualifying domestic violence offenses. While this number does not include dismissed cases or those sentenced without DOC custody or supervision, it provides the closest available baseline for estimating potential workload. Assuming these cases remain pending for approximately twelve months, DOC would be required to supervise approximately 1,694 individuals. Based on an average caseload of 70 offenders per supervision officer, approximately 24 additional officers, at a minimum, would be required. At

an annual salary and benefit rate of \$84,020.37 per officer, the estimated annual personnel cost would be approximately \$2,016,488.88, at a minimum.

The \$2,016,488.88 estimate does not include potential equipment replacement costs of \$800 per GPS unit if the device is lost, daily monitoring vendor fees of \$3.89 per active monitor, administrative overhead, or potential revenue loss from unpaid supervision fees. Collection rates cannot be reliably projected at this time.

Accordingly, the bill presents the potential for a significant recurring fiscal impact to DOC.

~~Therefore, based on the POLREC-AMD1, HB3905 has the potential to create a fiscal impact to DOC if the agency is required and authorized to supervise defendants on bond prior to sentencing. Based on available intake data, the estimated cost would be a minimum of \$2,016,488.88 annually to administer the personnel that would be required.~~

As amended by the POLREC-AMD2, DOC has stated that the fiscal impact has been reduced to \$0. Therefore, in its current form, this measure is not anticipated to have a material impact on state budget or appropriations.

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Other Considerations

None.