

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1213

By: Rader

AS INTRODUCED

An Act relating to prisons and reformatories;  
amending 57 O.S. 2021, Section 138, as last amended  
by Section 1, Chapter 132, O.S.L. 2025 (57 O.S. Supp.  
2025, Section 138), which relates to earned credits;  
removing incarceration length requirements for  
certain class levels; modifying earned credits  
provisions for certain inmates; updating statutory  
language; making language gender neutral; and  
providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2021, Section 138, as last  
amended by Section 1, Chapter 132, O.S.L. 2025 (57 O.S. Supp. 2025,  
Section 138), is amended to read as follows:

Section 138. A. Except as otherwise provided by law, every  
inmate of a state correctional institution shall have his or her  
term of imprisonment reduced monthly, based upon the class level to  
which ~~they are~~ he or she is assigned. Earned credits may be  
subtracted from the total credits accumulated by an inmate, upon  
recommendation of the institution's disciplinary committee,  
following due process, and upon approval of the warden or  
superintendent. Each earned credit is equivalent to one (1) day of

1 incarceration. Lost credits may be restored by the warden or  
2 superintendent upon approval of the classification committee. If a  
3 maximum and minimum term of imprisonment is imposed, the provisions  
4 of this subsection shall apply only to the maximum term. No  
5 deductions shall be credited to any inmate serving a sentence of  
6 life imprisonment; however, a complete record of the inmate's  
7 participation in work, school, vocational training, or other  
8 approved program shall be maintained by the Department of  
9 Corrections for consideration by the paroling authority. No earned  
10 credit deductions shall be credited or recorded for any inmate  
11 serving any sentence for a criminal act which resulted in the death  
12 of a police officer, a law enforcement officer, an employee of the  
13 Department of Corrections, or an employee of a private prison  
14 contractor and the death occurred while the police officer, law  
15 enforcement officer, employee of the Department of Corrections, or  
16 employee of a private prison contractor was acting within the scope  
17 of his or her employment. No earned credit deductions shall be  
18 credited or recorded for any person who is referred to an  
19 intermediate revocation facility for violating any of the terms and  
20 conditions of probation.

21 B. The Department of Corrections is directed to develop a  
22 written policy and procedure whereby inmates shall be assigned to  
23 one of four class levels determined by an adjustment review  
24 committee of the facility to which the inmate is assigned. The

1 policies and procedures developed by the Department shall include,  
2 but not be limited to, written guidelines pertaining to awarding  
3 credits for rehabilitation, obtaining job skills and educational  
4 enhancement, participation in and completion of alcohol/chemical  
5 abuse programs, incentives for inmates to accept work assignments  
6 and jobs, work attendance and productivity, conduct record,  
7 participation in programs, cooperative general behavior, and  
8 appearance. When assigning inmates to a class level, the adjustment  
9 review committee shall consider all aspects of the policy and  
10 procedure developed by the Department including, but not limited to,  
11 the criteria for awarding credits required by this subsection.

12 C. If an inmate is subject to misconduct, nonperformance, or  
13 disciplinary action, earned credits may be removed according to the  
14 policies and procedures developed by the Department. Earned credits  
15 removed for misconduct, nonperformance, or disciplinary action may  
16 be restored as provided by Department policy, if any.

17 D. 1. Class levels shall be as follows:

18 a. Class level 1 shall include inmates not eligible to  
19 participate in class levels 2 through 4, and shall  
20 include, but not be limited to, inmates on escape  
21 status.

22 b. Class level 2 shall include an inmate who has been  
23 given a work, education, or program assignment, has  
24 received a good evaluation for participation in the  
25

1 work, education, or program assignment, and has  
2 received a good evaluation for personal hygiene and  
3 maintenance of living area.

4 c. Class level 3 shall include an inmate who ~~has been~~  
5 ~~incarcerated at least three (3) months,~~ has received  
6 an excellent work, education, or program evaluation,  
7 and has received an excellent evaluation for personal  
8 hygiene and maintenance of living area.

9 d. Class level 4 shall include an inmate who ~~has been~~  
10 ~~incarcerated at least eight (8) months,~~ has received  
11 an outstanding work, education, or program evaluation,  
12 and has received an outstanding evaluation for  
13 personal hygiene and maintenance of living area.

14 2. a. Until November 1, 2001, class level corresponding  
15 credits are as follows:

16 Class 1 - 0 Credits per month;

17 Class 2 - 22 Credits per month;

18 Class 3 - 33 Credits per month; and

19 Class 4 - 44 Credits per month.

20 b. Class level corresponding credits beginning November  
21 1, 2001, for inmates who have ever been convicted as  
22 an adult or a youthful offender or adjudicated  
23 delinquent as a juvenile for a felony offense  
24

1 enumerated in subsection E of this section are as  
2 follows:

3 Class 1 - 0 Credits per month;

4 Class 2 - 22 Credits per month;

5 Class 3 - 33 Credits per month; and

6 Class 4 - 44 Credits per month.

7 c. Class level corresponding credits beginning November  
8 1, 2001, for inmates who have never been convicted as  
9 an adult or a youthful offender or adjudicated  
10 delinquent as a juvenile for a felony offense  
11 enumerated in subsection E of this section are as  
12 follows:

13 Class 1 - 0 Credits per month;

14 Class 2 - 22 Credits per month;

15 Class 3 - 45 Credits per month; and

16 Class 4 - 60 Credits per month.

17 Each inmate shall receive the above specified monthly credits  
18 for the class to which he or she is assigned. In determining the  
19 prior criminal history of the inmate, the Department of Corrections  
20 shall review criminal history records available through the Oklahoma  
21 State Bureau of Investigation, Federal Bureau of Investigation, and  
22 National Crime Information Center to determine the reported felony  
23 convictions of all inmates. The Department of Corrections shall  
24 also review the Office of Juvenile Affairs Juvenile Online Tracking

1 System for inmates who were adjudicated delinquent or convicted as a  
2 youthful offender for a crime that would be an offense enumerated in  
3 subsection E of this section.

4 3. In addition to the criteria established for each class in  
5 paragraph 1 of this subsection, the following requirements shall  
6 apply to each of levels 2 through 4:

- 7 a. satisfactory participation in the work, education, or  
8 program assignment at the standard required for the  
9 particular class level,
- 10 b. maintenance of a clean and orderly living area and  
11 personal hygiene at the standard required for the  
12 particular class level,
- 13 c. cooperative behavior toward facility staff and other  
14 inmates, and
- 15 d. satisfactory participation in the requirements of the  
16 previous class level.

17 4. The evaluation scale for assessing performance shall be as  
18 follows:

- 19 a. Outstanding - For inmates who display consistently  
20 exceptional initiative, motivation, and work habits.
- 21 b. Excellent - For inmates who display above-average work  
22 habits with only minor errors and rarely perform below  
23 expectations.

1 c. Good - For inmates who perform in a satisfactory  
2 manner and complete tasks as required, doing what is  
3 expected, with only occasional performance above or  
4 below expectations.

5 d. Fair - For inmates who may perform satisfactorily for  
6 some periods of time, but whose performance is marked  
7 by obviously deficient and weak areas and could be  
8 improved.

9 e. Poor - For inmates whose performance is unsatisfactory  
10 and falls below expected and acceptable standards.

11 E. No person ever convicted as an adult or a youthful offender  
12 or adjudicated delinquent as a juvenile in this state for any felony  
13 offense enumerated in this subsection or a similar felony offense  
14 pursuant to the provisions of another state, the United States, or a  
15 military court shall be eligible for the credits provided by the  
16 provisions of subparagraph c of paragraph 2 of subsection D of this  
17 section. Such enumerated offenses include:

18 1. Assault, battery, or assault and battery with a dangerous  
19 weapon as ~~defined by~~ provided for in Section 645 of Title 21,  
20 subsection C of Section 652 of Title 21, or Section 2-219 of Title  
21 43A of the Oklahoma Statutes;

22 2. Aggravated assault and battery on a police officer, sheriff,  
23 highway patrolman, or any other officer of the law as ~~defined by~~  
24 provided for in Section 650, subsection C of Section 650.2, Section

1 650.5, subsection B of Section 650.6, or subsection C of Section  
2 650.7 of Title 21 of the Oklahoma Statutes;

3 3. Poisoning with intent to kill as ~~defined by~~ provided for in  
4 Section 651 of Title 21 of the Oklahoma Statutes;

5 4. Shooting with intent to kill as ~~defined by~~ provided for in  
6 Section 652 of Title 21 of the Oklahoma Statutes;

7 5. Assault with intent to kill as ~~defined by~~ provided for in  
8 Section 653 of Title 21 of the Oklahoma Statutes;

9 6. Assault with intent to commit a felony as ~~defined by~~  
10 provided for in Section 681 of Title 21 of the Oklahoma Statutes;

11 7. Assaults while masked or disguised as ~~defined by~~ provided  
12 for in Section 1303 of Title 21 of the Oklahoma Statutes;

13 8. Entering premises of another while masked as ~~defined by~~  
14 provided for in Section 1302 of Title 21 of the Oklahoma Statutes;

15 9. Murder in the first degree as ~~defined by~~ provided for in  
16 Section 701.7 of Title 21 of the Oklahoma Statutes;

17 10. Solicitation for murder in the first degree as ~~defined by~~  
18 provided for in Section 701.16 of Title 21 of the Oklahoma Statutes;

19 11. Murder in the second degree as ~~defined by~~ provided for in  
20 Section 701.8 of Title 21 of the Oklahoma Statutes;

21 12. Manslaughter in the first degree as ~~defined by~~ provided for  
22 in Section 711 or 712 of Title 21 of the Oklahoma Statutes;

23 13. Manslaughter in the second degree as ~~defined by~~ provided  
24 for in Section 716 or 717 of Title 21 of the Oklahoma Statutes;



1        14. Kidnapping as ~~defined by~~ provided for in Section 741 of  
2 Title 21 of the Oklahoma Statutes;

3        15. Burglary in the first degree as ~~defined by~~ provided for in  
4 Section 1431 of Title 21 of the Oklahoma Statutes;

5        16. Burglary with explosives as ~~defined by~~ provided for in  
6 Section 1441 of Title 21 of the Oklahoma Statutes;

7        17. Kidnapping for extortion as ~~defined by~~ provided for in  
8 Section 745 of Title 21 of the Oklahoma Statutes;

9        18. Maiming as ~~defined by~~ provided for in Section 751 of Title  
10 21 of the Oklahoma Statutes;

11       19. Robbery as ~~defined by~~ provided for in Section 791 of Title  
12 21 of the Oklahoma Statutes;

13       20. Robbery in the first degree as ~~defined by~~ provided for in  
14 Section 797 of Title 21 of the Oklahoma Statutes;

15       21. Robbery in the second degree as ~~defined by~~ provided for in  
16 Section 797 of Title 21 of the Oklahoma Statutes;

17       22. Armed robbery as ~~defined by~~ provided for in Section 801 of  
18 Title 21 of the Oklahoma Statutes;

19       23. Robbery by two or more persons as ~~defined by~~ provided for  
20 in Section 800 of Title 21 of the Oklahoma Statutes;

21       24. Robbery with dangerous weapon or imitation firearm as  
22 ~~defined by~~ provided for in Section 801 of Title 21 of the Oklahoma  
23 Statutes;

1        25. Any crime against a child provided for in Section 843.5 of  
2 Title 21 of the Oklahoma Statutes;

3        26. Wiring or equipping any vehicle or structure with  
4 explosives as ~~defined by~~ provided for in Section 849 of Title 21 of  
5 the Oklahoma Statutes;

6        27. Forcible sodomy as ~~defined by~~ provided for in Section 888  
7 of Title 21 of the Oklahoma Statutes;

8        28. Rape in the first degree as ~~defined by~~ provided for in  
9 Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

10       29. Rape in the second degree as ~~defined by~~ provided for in  
11 Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

12       30. Rape by instrumentation as ~~defined by~~ provided for in  
13 Section 1111.1 of Title 21 of the Oklahoma Statutes;

14       31. Lewd or indecent proposition or lewd or indecent act with a  
15 child as ~~defined by~~ provided for in Section 1123 of Title 21 of the  
16 Oklahoma Statutes;

17       32. Sexual battery of a person over ~~16~~ sixteen (16) years of  
18 age as ~~defined by~~ provided for in Section 1123 of Title 21 of the  
19 Oklahoma Statutes;

20       33. Use of a firearm or offensive weapon to commit or attempt  
21 to commit a felony as ~~defined by~~ provided for in Section 1287 of  
22 Title 21 of the Oklahoma Statutes;

23       34. Pointing firearms as ~~defined by~~ provided for in Section  
24 1289.16 of Title 21 of the Oklahoma Statutes;

1        35. Rioting as ~~defined by~~ provided for in Section 1311 or  
2 1321.8 of Title 21 of the Oklahoma Statutes;

3        36. Inciting to riot as ~~defined by~~ provided for in Section  
4 1320.2 of Title 21 of the Oklahoma Statutes;

5        37. Arson in the first degree as ~~defined by~~ provided for in  
6 Section 1401 of Title 21 of the Oklahoma Statutes;

7        38. Endangering human life during arson as ~~defined by~~ provided  
8 for in Section 1405 of Title 21 of the Oklahoma Statutes;

9        39. Injuring or burning public buildings as ~~defined by~~ provided  
10 for in Section 349 of Title 21 of the Oklahoma Statutes;

11       40. Sabotage as ~~defined by~~ provided for in Section 1262,  
12 1265.4, or 1265.5 of Title 21 of the Oklahoma Statutes;

13       41. Extortion as ~~defined by~~ provided for in Section 1481 or  
14 1486 of Title 21 of the Oklahoma Statutes;

15       42. Obtaining signature by extortion as ~~defined by~~ provided for  
16 in Section 1485 of Title 21 of the Oklahoma Statutes;

17       43. Seizure of a bus, or discharging a firearm ~~or hurling~~  
18 ~~missile at bus~~ as ~~defined by~~ provided for in Section 1903 of Title  
19 21 of the Oklahoma Statutes;

20       44. Mistreatment of a vulnerable adult as ~~defined by~~ provided  
21 for in Section 843.1 of Title 21 of the Oklahoma Statutes;

22       45. ~~Sex~~ A sex offender providing services to a child as ~~defined~~  
23 ~~by~~ provided for in Section 404.1 of Title 10 of the Oklahoma  
24 Statutes;

1        46. A felony offense of domestic abuse as ~~defined by~~ provided  
2 for in subsection C of Section 644 of Title 21 of the Oklahoma  
3 Statutes;

4        47. ~~Prisoner~~ A prisoner placing body fluid or waste on a  
5 government employee as ~~defined by~~ provided for in Section 650.9 of  
6 Title 21 of the Oklahoma Statutes;

7        48. Poisoning food or water supply as ~~defined by~~ provided for  
8 in Section 832 of Title 21 of the Oklahoma Statutes;

9        49. Trafficking in children as ~~defined by~~ provided for in  
10 Section 866 of Title 21 of the Oklahoma Statutes;

11        50. Incest as ~~defined by~~ provided for in Section 885 of Title  
12 21 of the Oklahoma Statutes;

13        51. ~~Procure, produce, distribute, or possess~~ Procuring,  
14 producing, distributing, or possessing child sexual abuse material  
15 as ~~defined by~~ provided for in Section 1021.2 of Title 21 of the  
16 Oklahoma Statutes;

17        52. Parental consent to child sexual abuse material as ~~defined~~  
18 ~~by~~ provided for in Section 1021.3 of Title 21 of the Oklahoma  
19 Statutes;

20        53. Soliciting a minor for indecent exposure as ~~defined by~~  
21 provided for in Section 1021 of Title 21 of the Oklahoma Statutes;

22        54. Distributing obscene material or child sexual abuse  
23 material as ~~defined by~~ provided for in Section 1040.13 of Title 21  
24 of the Oklahoma Statutes;

1        55. Child sex trafficking as ~~defined by~~ provided for in Section  
2 1030 of Title 21 of the Oklahoma Statutes;

3        56. Procuring a minor for child sex trafficking or other lewd  
4 acts as ~~defined by~~ provided for in Section 1087 of Title 21 of the  
5 Oklahoma Statutes;

6        57. Transporting a child under eighteen (18) years of age for  
7 purposes of child sex trafficking as ~~defined by~~ provided for in  
8 Section 1087 of Title 21 of the Oklahoma Statutes;

9        58. Inducing a minor to engage in child sex trafficking as  
10 ~~defined by~~ provided for in Section 1088 of Title 21 of the Oklahoma  
11 Statutes;

12        59. A felony offense of stalking as ~~defined by~~ provided for in  
13 subsection D of Section 1173 of Title 21 of the Oklahoma Statutes;

14        60. ~~Spread~~ Spreading of infectious diseases as ~~defined by~~  
15 provided for in Section 1192 of Title 21 of the Oklahoma Statutes;

16        61. ~~Advocate~~ Advocating to overthrow ~~of~~ the government by  
17 force, ~~commit~~ committing or ~~attempt~~ attempting to commit acts to  
18 overthrow the government, ~~organize~~ organizing or ~~provide~~ providing  
19 assistance to groups to overthrow the government as ~~defined by~~  
20 provided for in Section 1266, 1266.4 or 1267.1 of Title 21 of the  
21 Oklahoma Statutes;

22        62. Feloniously discharging a firearm as ~~defined by~~ provided  
23 for in Section 1289.17A of Title 21 of the Oklahoma Statutes;

1        63. Possession, use, manufacture, or threat of use of an  
2 incendiary device as ~~defined by~~ provided for in Section 1767.1 of  
3 Title 21 of the Oklahoma Statutes;

4        64. Causing a personal injury accident while driving under the  
5 influence as ~~defined by~~ provided for in Section 11-904 of Title 47  
6 of the Oklahoma Statutes; or

7        65. Using a motor vehicle to facilitate the discharge of a  
8 firearm as ~~defined by~~ provided for in Section 652 of Title 21 of the  
9 Oklahoma Statutes.

10        F. The policy and procedure developed by the Department of  
11 Corrections shall include provisions for adjustment review  
12 committees of not less than three members for each such committee.  
13 Each committee shall consist of a classification team supervisor who  
14 shall act as ~~chairman~~ chair, the case manager for the inmate being  
15 reviewed or classified, a correctional officer or inmate counselor,  
16 and not more than two other members, if deemed necessary, determined  
17 pursuant to policy and procedure to be appropriate for the specific  
18 adjustment review committee or committees to which they are  
19 assigned. At least once every four (4) months the adjustment review  
20 committee for each inmate shall evaluate the class level status and  
21 performance of the inmate and determine whether the class level for  
22 the inmate should be changed.

23        Any inmate who feels aggrieved by a decision made by an  
24 adjustment review committee may utilize normal grievance procedures

1 in effect with the Department of Corrections and in effect at the  
2 correctional facility in which the inmate is ~~incarcerated~~ in the  
3 custody of the Department of Corrections.

4 G. Inmates granted medical leaves for treatment that cannot be  
5 furnished at the ~~penal institution where incarcerated~~ correctional  
6 facility shall be allowed the time spent on medical leave as time  
7 served. Any inmate placed into administrative segregation for  
8 nondisciplinary reasons by the institution's administration may be  
9 placed in Class 2. The length of any jail term served by an inmate  
10 before being transported to a ~~state~~ correctional ~~institution~~  
11 facility pursuant to a judgment and sentence of incarceration shall  
12 be deducted from the term of imprisonment at the ~~state~~ correctional  
13 ~~institution~~ facility. Inmates sentenced to the Department of  
14 Corrections and detained in a county jail as a result of the  
15 Department's reception scheduling procedure shall be awarded earned  
16 credits as provided for in subparagraph ~~b~~ d of paragraph 1 of  
17 subsection D of this section, at a rate of 1.47 credits per day,  
18 beginning on the date of the judgment and sentence, unless the  
19 inmate is convicted of a misdemeanor or felony committed in the jail  
20 while the inmate is awaiting transport to the Lexington Assessment  
21 and Reception Center or other assessment and reception location  
22 determined by the Director of the Department of Corrections.

23 H. Additional achievement earned credits for successful  
24 completion of departmentally approved programs or for attaining

goals or standards set by the Department shall be awarded as follows:

Bachelor's degree.....200 credits;

Associate's degree.....100 credits;

High School Diploma or High School

Equivalency Diploma.....90 credits;

Certification of Completion of

Vocational Training.....80 credits;

Successful completion of

Alcohol/Chemical Abuse Treatment

Program of not less than four (4)

months continuous participation.....70 credits;

Successful completion of other

Educational Accomplishments or

other programs not specified in

this subsection.....10-30 credits;

Achievement earned credits are subject to loss and restoration in the same manner as earned credits. Achievement earned credits for a high school diploma or high school equivalency diploma may be attained by an inmate who completes such a program during continuous custody in a county jail while awaiting trial, sentencing, or transfer to the custody of the Department of Corrections. To qualify, an inmate must have been detained in connection with the case that resulted in his or her prison sentence and there must have



1 been continuous custody in a county jail for program completion and  
2 transfer to the Department. Upon sentencing and transfer to the  
3 Department, the inmate shall receive achievement earned credits in  
4 the amount specified in this subsection, provided the county jail  
5 documents completion of the program, including the date of  
6 certification earned, on the official jail sentence form. The  
7 official jail sentence form shall accompany the inmate upon transfer  
8 to the Department.

9 I. The accumulated time of every inmate shall be tallied  
10 monthly and maintained by the institution where the term of  
11 imprisonment is being served. A record of such accumulated time  
12 shall be:

13 1. Sent to the administrative office of the Department of  
14 Corrections on a quarterly basis; and

15 2. Provided to the inmate.

16 SECTION 2. This act shall become effective November 1, 2026.

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