

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1264

By: Gillespie

AS INTRODUCED

An Act relating to crimes and punishments; amending Section 5, Chapter 366, O.S.L. 2024, as amended by Section 1, Chapter 187, O.S.L. 2025 (21 O.S. Supp. 2025, Section 20E), which relates to Class A3 offenses; conforming statutory reference; amending Section 8, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20H), which relates to Class B3 offenses; conforming statutory reference; updating statutory references; amending 21 O.S. 2021, Section 644, as last amended by Section 1, Chapter 322, O.S.L. 2025 (21 O.S. Supp. 2025, Section 644), which relates to assault and battery; modifying definition; conforming language; updating statutory language and references; repealing 21 O.S. 2021, Section 644, as last amended by Section 1, Chapter 147, O.S.L. 2025 (21 O.S. Supp. 2025, Section 644), which relates to assault and battery; repealing 21 O.S. 2021, Section 644, as last amended by Section 2, Chapter 162, O.S.L. 2025 (21 O.S. Supp. 2025, Section 644), which relates to assault and battery; repealing 21 O.S. 2021, Section 644, as last amended by Section 3, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 644), which relates to assault and battery; and providing an effective date.

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

SECTION 1. AMENDATORY Section 5, Chapter 366, O.S.L. 2024, as amended by Section 1, Chapter 187, O.S.L. 2025 (21 O.S. Supp. 2025, Section 20E), is amended to read as follows:

1 Section 20E. A. ~~Upon the effective date of this act~~ On or
2 after January 1, 2026, Class A3 shall include the following criminal
3 offenses:

4 1. Domestic assault and battery with a deadly weapon, as
5 provided for in ~~paragraph 2 of subsection D of Section 644 of Title~~
6 ~~21 of the Oklahoma Statutes~~ this title;

7 2. Second or subsequent conviction of domestic abuse against a
8 pregnant woman with knowledge of the pregnancy, as provided for in
9 paragraph 2 of subsection E of Section 644 of Title 21 of the
10 ~~Oklahoma Statutes~~ this title;

11 3. Aggravated assault and battery upon a police officer,
12 sheriff, deputy sheriff or highway patrolman, corrections personnel,
13 or any state peace officer, as provided for in subsection A of
14 Section 650 of ~~Title 21 of the Oklahoma Statutes~~ this title;

15 4. Shooting with the intent to kill, as provided for in
16 subsection A of Section 652 of ~~Title 21 of the Oklahoma Statutes~~
17 this title;

18 5. Using a vehicle to facilitate the intentional discharge of a
19 firearm, crossbow, or other weapon, as provided for in subsection B
20 of Section 652 of ~~Title 21 of the Oklahoma Statutes~~ this title;

21 6. Assault and battery with a deadly weapon, as provided for in
22 subsection C of Section 652 of ~~Title 21 of the Oklahoma Statutes~~
23 this title;

1 7. Maiming, as provided for in Section 751 of ~~Title 21 of the~~
2 ~~Oklahoma Statutes~~ this title;

3 8. Sexual abuse by a caretaker, as provided for in paragraph 2
4 of subsection B of Section 843.1 of ~~Title 21 of the Oklahoma~~
5 ~~Statutes~~ this title;

6 9. Child abuse, as provided for in subsection A of Section
7 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

8 10. Enabling child abuse, as provided for in subsection B of
9 Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

10 11. Child sexual abuse, as provided for in subsection E of
11 Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

12 12. Enabling child sexual abuse, as provided for in subsection
13 G of Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

14 13. Child sexual exploitation, as provided for in subsection H
15 of Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

16 14. Enabling child sexual exploitation, as provided for in
17 subsection J of Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~
18 this title;

19 15. Lewd or indecent proposals or acts to a child, as provided
20 for in subsection A of Section 1123 of ~~Title 21 of the Oklahoma~~
21 ~~Statutes~~ this title;

22 16. Terrorism, as provided for in subsection B of Section
23 1268.2 of ~~Title 21 of the Oklahoma Statutes~~ this title;

1 17. Conspiracy to commit terrorism, as provided for in
2 subsection A of Section 1268.3 of ~~Title 21 of the Oklahoma Statutes~~
3 this title;

4 18. Any person above the age of eighteen (18) who, on campuses
5 or public school grounds, advocates revolution, sabotage, force and
6 violation, sedition, treason, or the overthrow of the United States
7 government, as provided for in subsection B of Section 1327 of ~~Title~~
8 ~~21 of the Oklahoma Statutes~~ this title;

9 19. Arson in the first degree, as provided for in subsection A
10 of Section 1401 of ~~Title 21 of the Oklahoma Statutes~~ this title;

11 20. Arson while manufacturing, attempting to manufacture, or
12 endeavoring to manufacture a controlled dangerous substance, as
13 provided for in subsection B of Section 1401 of ~~Title 21 of the~~
14 ~~Oklahoma Statutes~~ this title; and

15 21. Causing personal injury while committing an act of arson,
16 as provided for in Section 1405 of ~~Title 21 of the Oklahoma Statutes~~
17 this title.

18 B. Any person convicted of a Class A3 criminal offense set
19 forth in this section shall be punished in accordance with the
20 corresponding penalties provided for in the Oklahoma Statutes.

21 SECTION 2. AMENDATORY Section 8, Chapter 366, O.S.L.
22 2024 (21 O.S. Supp. 2025, Section 20H), is amended to read as
23 follows:

1 Section 20H. A. ~~Upon the effective date of this act~~ On or
2 after January 1, 2026, Class B3 shall include the following criminal
3 offenses:

4 1. Embezzlement of state property by a public officer of the
5 state or any county, city, town, or member or officer of the
6 Legislature, deputy, or clerk, as provided for in Section 341 of
7 ~~Title 21 of the Oklahoma Statutes~~ this title;

8 2. Burning, destroying, or injuring any public building, as
9 provided for in Section 349 of ~~Title 21 of the Oklahoma Statutes~~
10 this title;

11 3. Resisting or aiding in resisting the execution of process,
12 as provided for in Section 539 of ~~Title 21 of the Oklahoma Statutes~~
13 this title;

14 4. Domestic abuse with a prior pattern of physical abuse, as
15 provided for in Section 644.1 of ~~Title 21 of the Oklahoma Statutes~~
16 this title;

17 5. ~~Assault, battery, or assault and battery upon an intimate~~
18 ~~partner or a family or household member with any sharp or dangerous~~
19 ~~weapon, as provided for in paragraph 1 of subsection D of Section~~
20 ~~644 of Title 21 of the Oklahoma Statutes;~~

21 ~~6.~~ Assault and battery against a current or former intimate
22 partner or a family or household member that results in great bodily
23 injury to the victim, as provided for in subsection F of Section 644
24 of ~~Title 21 of the Oklahoma Statutes~~ this title;

1 ~~7.~~ 6. Second or subsequent conviction for assault and battery
2 by strangulation or attempted strangulation against an intimate
3 partner or a family or household member, as provided for in
4 subsection J of Section 644 of ~~Title 21 of the Oklahoma Statutes~~
5 this title;

6 ~~8.~~ 7. Second or subsequent conviction for committing or
7 attempting to commit a felony while wearing body armor, as provided
8 for in Section 1289.26 of ~~Title 21 of the Oklahoma Statutes~~ this
9 title;

10 ~~9.~~ 8. Riotous assembly for the purpose of resisting the
11 execution of any statute or obstructing any public officer, as
12 provided for in paragraph 2 of Section 1312 of ~~Title 21 of the~~
13 ~~Oklahoma Statutes~~ this title;

14 ~~10.~~ 9. Carrying at the time of a riot any firearm or other
15 deadly weapon or being disguised while participating in a riot, as
16 provided for in paragraph 3 of Section 1312 of ~~Title 21 of the~~
17 ~~Oklahoma Statutes~~ this title;

18 ~~11.~~ 10. Directing, advising, encouraging, or soliciting other
19 persons to use force or violence while participating in a riot, as
20 provided for in paragraph 4 of Section 1312 of ~~Title 21 of the~~
21 ~~Oklahoma Statutes~~ this title;

22 ~~12.~~ 11. Arson with the intent to injure or defraud the insurer,
23 as provided for in subsection B of Section 1403 of ~~Title 21 of the~~
24 ~~Oklahoma Statutes~~ this title;

1 ~~13.~~ 12. Forgery in the first degree, as provided for in Section
2 1561 of ~~Title 21 of the Oklahoma Statutes~~ this title;

3 ~~14.~~ 13. Forgery of stock certificates or securities, as
4 provided for in Section 1562 of ~~Title 21 of the Oklahoma Statutes~~
5 this title;

6 ~~15.~~ 14. Fraudulently uttering one's signature on any instrument
7 as that of another with the same name, as provided for in Section
8 1622 of ~~Title 21 of the Oklahoma Statutes~~ this title;

9 ~~16.~~ 15. Fraudulently uttering one's endorsement on any
10 negotiable instrument as that of another with the same name, as
11 provided for in Section 1623 of ~~Title 21 of the Oklahoma Statutes~~
12 this title;

13 ~~17.~~ 16. Total or partial erasure or obliteration of any
14 instrument or writing with intent to defraud, as provided for in
15 Section 1624 of ~~Title 21 of the Oklahoma Statutes~~ this title;

16 ~~18.~~ 17. Signing fictitious name as an officer or agent of a
17 corporation, as provided for in Section 1626 of ~~Title 21 of the~~
18 ~~Oklahoma Statutes~~ this title;

19 ~~19.~~ 18. Procuring, soliciting, selling, or receiving more than
20 ten ~~(10)~~ telephone records by fraudulent, deceptive, or false means,
21 as provided for in paragraph 3 of subsection B of Section 1742.2 of
22 ~~Title 21 of the Oklahoma Statutes~~ this title;

1 ~~20.~~ 19. Violating the Viatical Settlements Act of 2008, as
2 provided for in paragraph 1 of subsection F of Section 4055.14 of
3 Title 36 of the Oklahoma Statutes;

4 ~~21.~~ 20. Third or subsequent conviction of driving under the
5 influence of alcohol or other intoxicating substance, as provided
6 for in paragraph 4 of subsection C of Section 11-902 of Title 47 of
7 the Oklahoma Statutes;

8 ~~22.~~ 21. Driving under the influence with a blood or breath
9 alcohol concentration of fifteen-hundredths (0.15) or more, as
10 provided for in subsection D of Section 11-902 of Title 47 of the
11 Oklahoma Statutes;

12 ~~23.~~ 22. Injuring, destroying, or attempting to injure or
13 destroy any hazardous liquid transportation system, as provided for
14 in Section 47.6 of Title 52 of the Oklahoma Statutes;

15 ~~24.~~ 23. Bringing into or having in his or her possession in any
16 jail, state penal institution, or other place where prisoners are
17 located, any gun, knife, bomb, other dangerous instrument,
18 controlled dangerous substance, alcoholic beverage, money, or
19 financial documents, as provided for in subsection A of Section 21
20 of Title 57 of the Oklahoma Statutes;

21 ~~25.~~ 24. Purchasing or attempting to purchase, receive, or
22 otherwise acquire any product, mixture, or preparation containing
23 any detectable quantity of base pseudoephedrine or ephedrine after a
24 conviction of manufacturing or attempting to manufacture
25

1 methamphetamine, as provided for in paragraph 5 of subsection G of
2 Section 2-401 of Title 63 of the Oklahoma Statutes;

3 ~~26.~~ 25. Distributing, other than by dispensing, a Schedule I or
4 Schedule II controlled dangerous substance, in the course of
5 legitimate business, as provided for in paragraph 1 of subsection A
6 of Section 2-406 of Title 63 of the Oklahoma Statutes;

7 ~~27.~~ 26. Using a fictitious, revoked, suspended, or fraudulent
8 registration number in the course of manufacturing or distributing a
9 controlled dangerous substance, as provided for in paragraph 2 of
10 subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

11 ~~28.~~ 27. Furnishing false or fraudulent material information in,
12 or omitting any material information from, any application, report,
13 or document required by the Uniform Controlled Dangerous Substances
14 Act, as provided for in paragraph 4 of subsection A of Section 2-406
15 of Title 63 of the Oklahoma Statutes;

16 ~~29.~~ 28. Making, distributing, or possessing any punch, die,
17 plate, stone, or other thing designed to print, imprint, or
18 reproduce the trademark, trade name, or other identifying mark, upon
19 any drug, container, or labeling, as provided for in paragraph 5 of
20 subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

21 ~~30.~~ 29. Trafficking twenty-five (25) pounds or more of
22 marijuana, as provided for in subparagraph a of paragraph 1 of
23 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

1 ~~31.~~ 30. Trafficking twenty-eight (28) grams or more of cocaine,
2 coca leaves, or cocaine base, as provided for in subparagraph a of
3 paragraph 2 of subsection C of Section 2-415 of Title 63 of the
4 Oklahoma Statutes;

5 ~~32.~~ 31. Trafficking three hundred (300) grams or more of
6 cocaine, coca leaves, or cocaine base, as provided for in
7 subparagraph b of paragraph 2 of subsection C of Section 2-415 of
8 Title 63 of the Oklahoma Statutes;

9 ~~33.~~ 32. Trafficking ten (10) grams or more of heroin, as
10 provided for in subparagraph a of paragraph 3 of subsection C of
11 Section 2-415 of Title 63 of the Oklahoma Statutes;

12 ~~34.~~ 33. Trafficking twenty (20) grams or more of amphetamine or
13 methamphetamine, as provided for in subparagraph a of paragraph 4 of
14 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

15 ~~35.~~ 34. Trafficking two hundred (200) grams or more of
16 amphetamine or methamphetamine, as provided for in subparagraph b of
17 paragraph 4 of subsection C of Section 2-415 of Title 63 of the
18 Oklahoma Statutes;

19 ~~36.~~ 35. Trafficking one (1) gram or more of lysergic acid
20 diethylamide (LSD), as provided for in subparagraph a of paragraph 5
21 of subsection C of Section 2-415 of Title 63 of the Oklahoma
22 Statutes;

1 ~~37.~~ 36. Trafficking twenty (20) grams or more of phencyclidine
2 (PCP), as provided for in subparagraph a of paragraph 6 of
3 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

4 ~~38.~~ 37. Trafficking thirty (30) tablets or ten (10) grams of
5 3,4-Methylenedioxy methamphetamine, as provided for in subparagraph
6 a of paragraph 7 of subsection C of Section 2-415 of Title 63 of the
7 Oklahoma Statutes;

8 ~~39.~~ 38. Aggravated trafficking one hundred (100) tablets or
9 thirty (30) grams of 3,4-Methylenedioxy methamphetamine, as provided
10 for in subparagraph b of paragraph 7 of subsection C of Section 2-
11 415 of Title 63 of the Oklahoma Statutes;

12 ~~40.~~ 39. Trafficking one thousand (1,000) grams or more of
13 morphine, as provided for in paragraph 8 of subsection C of Section
14 2-415 of Title 63 of the Oklahoma Statutes;

15 ~~41.~~ 40. Trafficking four hundred (400) grams or more of
16 oxycodone, as provided for in paragraph 9 of subsection C of Section
17 2-415 of Title 63 of the Oklahoma Statutes;

18 ~~42.~~ 41. Trafficking three thousand seven hundred fifty (3,750)
19 grams or more of hydrocodone, as provided for in paragraph 10 of
20 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

21 ~~43.~~ 42. Trafficking five hundred (500) grams or more of
22 benzodiazepine, as provided for in paragraph 11 of subsection C of
23 Section 2-415 of Title 63 of the Oklahoma Statutes;

1 ~~44.~~ 43. Trafficking one (1) gram or more of fentanyl or
2 ~~carfentanyl~~ carfentanil, as provided for in subparagraph a of
3 paragraph 12 of subsection C of Section 2-415 of Title 63 of the
4 Oklahoma Statutes;

5 ~~45.~~ 44. Employing, hiring, or using an individual under fifteen
6 (15) years of age to unlawfully transport, carry, sell, give away,
7 prepare for sale, or peddle any controlled dangerous substance, as
8 provided for in subsection D of Section 2-419.1 of Title 63 of the
9 Oklahoma Statutes;

10 ~~46.~~ 45. Second or subsequent conviction for violating the
11 Vessel and Motor Chop Shop, Stolen and Altered Property Act, as
12 provided for in subsection J of Section 4253 of Title 63 of the
13 Oklahoma Statutes; and

14 ~~47.~~ 46. Third or subsequent conviction for violating the Vessel
15 and Motor Chop Shop, Stolen and Altered Property Act, as provided
16 for in subsection J of Section 4253 of Title 63 of the Oklahoma
17 Statutes.

18 B. Any person convicted of a Class B3 criminal offense set
19 forth in this section shall be punished in accordance with the
20 corresponding penalties provided for in the Oklahoma Statutes.

21 SECTION 3. AMENDATORY 21 O.S. 2021, Section 644, as last
22 amended by Section 1, Chapter 322, O.S.L. 2025 (21 O.S. Supp. 2025,
23 Section 644), is amended to read as follows:
24
25

1 Section 644. A. Assault shall, upon conviction, be punishable
2 by imprisonment in a county jail not exceeding ~~thirty (30)~~ ninety
3 (90) days, or by a fine ~~of~~ not more than Five Hundred Dollars
4 (\$500.00), or by both such ~~fine~~ imprisonment and ~~imprisonment~~ fine.

5 B. Assault and battery shall, upon conviction, be punishable by
6 imprisonment in a county jail not exceeding ~~ninety (90) days~~ six (6)
7 months, or by a fine ~~of~~ not more than One Thousand Dollars
8 (\$1,000.00), or by both such ~~fine~~ imprisonment and ~~imprisonment~~
9 fine.

10 C. Any person who commits any assault and battery against a
11 current or former intimate partner or a family or household member
12 as defined by Section 60.1 of Title 22 of the Oklahoma Statutes
13 shall be guilty of domestic abuse. Upon conviction, the defendant
14 shall be punished by imprisonment in the county jail for not more
15 than one (1) year, or by a fine not exceeding Five Thousand Dollars
16 (\$5,000.00), or by both such ~~fine~~ imprisonment and ~~imprisonment~~
17 fine. Upon conviction for a second or subsequent offense, the
18 person shall be ~~punished~~ guilty of a Class B5 felony offense
19 punishable by imprisonment in the custody of the Department of
20 Corrections for not more than four (4) years, or by a fine not
21 exceeding Five Thousand Dollars (\$5,000.00), or by both such ~~fine~~
22 imprisonment and ~~imprisonment~~ fine. The provisions of Section 51.1
23 of this title shall apply to any second or subsequent offense.
24
25

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

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

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

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

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

16 F. Any person convicted of domestic abuse as defined in
17 subsection C of this section that results in great bodily injury to
18 the victim shall, upon conviction, be guilty of a Class B3 felony
19 ~~and punished~~ offense punishable by imprisonment in the custody of
20 the Department of Corrections for not more than ten (10) years, or
21 by imprisonment in the county jail for not more than one (1) year.
22 The provisions of Section 51.1 of this title shall apply to any
23 second or subsequent conviction of a violation of this subsection.
24

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

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

23 2. a. The court shall require the defendant to complete an
24 assessment and follow the recommendations of a
25

1 batterers' intervention program to attend a fifty-two-
2 week batterers' intervention program or a pilot
3 batterers' intervention program, if available,
4 certified by the Attorney General.

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

17 c. To investigate the effectiveness of additional
18 batterers' intervention models, the Attorney General,
19 beginning February 1, 2026, may certify two pilot
20 batterers' intervention programs for a period of
21 thirty-six (36) months located in Oklahoma and Tulsa
22 Counties. Proposals for certification as a pilot
23 batterers' intervention program may be approved only
24 if made by an organization that was dually certified

1 as a batterers' intervention program and a domestic
2 violence and sexual assault program on or before
3 January 1, 2025, or by an organization certified as a
4 batterers' intervention program on or before January
5 1, 2025, pursuant to a written agreement with an
6 organization certified as a domestic violence and
7 sexual assault program on or before January 1, 2025.
8 Treatment provided through a pilot batterers'
9 intervention program shall be evidence-based and shall
10 be a minimum of twenty-six (26) weeks' duration.
11 Participation in a pilot batterers' intervention
12 program shall be limited to fifty participants at any
13 given time. Pilot batterers' intervention programs
14 shall be self-funded, including any fees which may be
15 charged to the participants; provided, however, state
16 or federal funding may continue for domestic violence
17 and sexual abuse programs.

- 18 d. The Office of the Attorney General shall promulgate
19 rules for pilot batterers' intervention programs in
20 consultation with domestic violence and batterers'
21 intervention programs or advocacy organizations.
22 The Attorney General shall establish within his or her
23 administrative rules a screening and referral process
24 to review referrals to the pilot batterers'

1 intervention programs; provided, however, individuals
2 convicted of domestic abuse with a dangerous weapon or
3 domestic abuse by strangulation shall not be eligible
4 to participate in the pilot program. The Attorney
5 General shall require reporting of data necessary for
6 evaluation of the pilot programs. The pilot programs
7 shall provide the Attorney General with annual updates
8 and at the end of a pilot program term, a formal
9 evaluation shall be done by a third party agreed upon
10 by the Attorney General and the pilot program
11 operator.

12 e. All participants in the pilot program shall be subject
13 to a validated risk assessment conducted by a
14 qualified professional. The results of the assessment
15 shall be used to determine program placement based on
16 the level of risk and individual circumstances.
17 Participation in any shared or joint setting by both
18 the survivor and the individual who has caused harm
19 shall be prohibited under a pilot program. The
20 Attorney General shall adopt rules to implement this
21 subparagraph, including standards for risk assessment
22 tools and differentiated response models.

23 f. The Attorney General may provide by rule for extension
24 of no more than twenty-four (24) months beyond thirty-

1 six (36) months of a pilot batterers' intervention
2 program if recommended by the third-party evaluator.

3 g. Pilot batterers' intervention programs shall:

- 4 (1) prioritize survivors' well-being in every part of
5 the pilot program including screening,
6 participation, reporting, and evaluation,
- 7 (2) ensure that batterers' intervention programs use
8 appropriate intervention strategies to assist the
9 batterer in fostering the appropriate skills to:
 - 10 (a) stop the violence committed by the batterer,
 - 11 (b) accept personal accountability for battering
12 and personal responsibility for the decision
13 to stop or not to stop battering, and
 - 14 (c) change the existing attitudes and beliefs of
15 the batterer that support the coercive
16 behavior of the batterer,
- 17 (3) address all forms of battering,
- 18 (4) be culturally informed and provide culturally
19 appropriate services to all participants,
- 20 (5) provide services that are affordable and
21 accessible for participants, including
22 participants with disabilities and limited
23 English proficiency,

- (6) provide a uniform standard for evaluating the performance of a batterers' intervention program,
- (7) be informed by evidence-based practice, research, and proven field experience, including risk assessment, that enhances victim safety,
- (8) foster local and statewide communication and interaction between and among batterers' intervention programs and victim advocacy programs, and
- (9) ensure that batterers' intervention programs operate as an integrated part of the wider community response to battering.

h. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required treatment sessions, the domestic violence treatment program determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment

1 simultaneously or prior to or subsequent to domestic
2 violence treatment, including, but not limited to,
3 programs related to the mental health, apparent
4 substance or alcohol abuse or inability or refusal to
5 manage anger, the defendant shall be ordered to
6 complete the counseling as per the recommendations of
7 the domestic violence treatment program;

- 8 3. a. The court shall set a review hearing no more than one
9 hundred twenty (120) days after the defendant is
10 ordered to undergo treatment for domestic abuse to
11 assure the attendance and compliance of the defendant
12 with the provisions of this subsection. The court may
13 delay sentencing of the defendant until the defendant
14 has presented proof to the court of enrollment in a
15 domestic abuse treatment program certified by the
16 Attorney General and attendance at weekly sessions of
17 such program. Such proof shall be presented to the
18 court by the defendant no later than one hundred
19 twenty (120) days after the defendant is ordered to
20 such treatment. At such time, the court may complete
21 sentencing, beginning the period of the sentence from
22 the date that proof of enrollment is presented to the
23 court, and schedule reviews as required by
24 ~~subparagraphs a~~ this subparagraph and subparagraph b

1 of this paragraph and paragraphs 4 and 5 of this
2 subsection. Three unexcused absences in succession or
3 seven unexcused absences in a period of fifty-two (52)
4 weeks from any court-ordered treatment program shall
5 be prima facie evidence of the violation of the
6 conditions of probation for the district attorney to
7 seek acceleration or revocation of any probation
8 entered by the court.

9 b. The court shall set a second review hearing after the
10 completion of the treatment to assure the attendance
11 and compliance of the defendant with the provisions of
12 this subsection and the treatment requirements. The
13 court shall retain continuing jurisdiction over the
14 defendant during the course of ordered counseling
15 through the final review hearing;

16 4. The court may set subsequent or other review hearings as the
17 court determines necessary to assure the defendant attends and fully
18 complies with the provisions of this subsection and the treatment
19 requirements;

20 5. At any review hearing, if the defendant is not
21 satisfactorily attending a treatment program or is not in compliance
22 with treatment requirements, the court may order the defendant to
23 further or continue treatment or other necessary services. The
24 court may revoke all or any part of a suspended sentence, deferred

1 sentence, or probation pursuant to Section 991b of Title 22 of the
2 Oklahoma Statutes and subject the defendant to any or all remaining
3 portions of the original sentence;

4 6. At the first review hearing, the court shall require the
5 defendant to appear in court. Thereafter, for any subsequent review
6 hearings, the court may accept a report on the progress of the
7 defendant from the treatment program. There shall be no requirement
8 for the victim to attend review hearings; and

9 7. If funding is available, a referee may be appointed and
10 assigned by the presiding judge of the district court to hear
11 designated cases set for review under this subsection. Reasonable
12 compensation for the referees shall be fixed by the presiding judge.
13 The referee shall meet the requirements and perform all duties in
14 the same manner and procedure as set forth in Sections 1-8-103 and
15 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees
16 appointed in juvenile proceedings.

17 The defendant may be required to pay all or part of the cost of
18 the treatment, in the discretion of the court.

19 H. As used in subsection G of this section, "in the presence of
20 a child" means in the physical presence of a child; or having
21 knowledge that a child is present and may see or hear an act of
22 domestic violence. For the purposes of ~~subsections C and~~ subsection
23 G of this section, "child" may be any child whether or not related
24 to the victim or the defendant.

1 I. For the purposes of subsections C and G of this section, any
2 conviction for assault and battery against an intimate partner or a
3 family or household member as defined by Section 60.1 of Title 22 of
4 the Oklahoma Statutes shall constitute a sufficient basis for a
5 felony charge:

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

8 2. If that conviction is rendered in any municipal court of
9 record of this or any other state for which any jail time was
10 served; provided, no conviction in a municipal court of record
11 entered prior to November 1, 1997, shall constitute a prior
12 conviction for purposes of a felony charge.

13 J. Any person who commits any assault and battery by
14 strangulation or attempted strangulation against an intimate partner
15 or a family or household member as defined by Section 60.1 of Title
16 22 of the Oklahoma Statutes shall, upon conviction, be guilty of a
17 Class B5 felony offense of domestic abuse by strangulation ~~and shall~~
18 ~~be punished~~ punishable by imprisonment in the custody of the
19 Department of Corrections for a period ~~of~~ not less than one (1) year
20 nor more than three (3) years, or by a fine ~~of~~ not more than Three
21 Thousand Dollars (\$3,000.00), or by both such ~~fine~~ imprisonment and
22 ~~imprisonment~~ fine. Upon a second or subsequent conviction for a
23 violation of this section, the defendant shall be ~~punished~~ guilty of
24 a Class B3 felony punishable by imprisonment in the custody of the

1 Department of Corrections for a period ~~of~~ not less than three (3)
2 years nor more than ten (10) years, or by a fine ~~of~~ not more than
3 Twenty Thousand Dollars (\$20,000.00), or by both such ~~fine~~
4 imprisonment and ~~imprisonment~~ fine. The provisions of Section 51.1
5 of this title shall apply to any second or subsequent conviction of
6 a violation of this subsection. As used in this subsection,
7 "strangulation" means any form of asphyxia; including, but not
8 limited to, asphyxia characterized by closure of the blood vessels
9 or air passages of the neck as a result of external pressure on the
10 neck or the closure of the nostrils or mouth as a result of external
11 pressure on the head.

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

15 1. Attend a treatment program for domestic abusers certified by
16 the Attorney General;

17 2. Attend counseling or treatment services ordered as part of
18 any suspended or deferred sentence or probation; and

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

22 L. There shall be no charge of fees or costs to any victim of
23 domestic violence, stalking, or sexual assault in connection with
24
25

1 the prosecution of a domestic violence, stalking, or sexual assault
2 offense in this state.

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

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

19 O. For purposes of subsection F of this section, "great bodily
20 injury" means bone fracture~~;~~; protracted and obvious disfigurement~~;~~;
21 protracted loss or impairment of the function of a body part, organ,
22 or mental faculty~~;~~; prolonged pain or significant discomfort;
23 concussion; injuries to more than ten percent (10%) of the body
24
25

1 including, but not limited to, bruises, swelling, scratches, and
2 scrapes, in the presence of a minor; or substantial risk of death.

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

9 SECTION 4. REPEALER 21 O.S. 2021, Section 644, as last
10 amended by Section 1, Chapter 147, O.S.L. 2025 (21 O.S. Supp. 2025,
11 Section 644), is hereby repealed.

12 SECTION 5. REPEALER 21 O.S. 2021, Section 644, as last
13 amended by Section 2, Chapter 162, O.S.L. 2025 (21 O.S. Supp. 2025,
14 Section 644), is hereby repealed.

15 SECTION 6. REPEALER 21 O.S. 2021, Section 644, as last
16 amended by Section 3, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025,
17 Section 644), is hereby repealed.

18 SECTION 7. This act shall become effective November 1, 2026.
19

20 60-2-2792 CN 12/17/2025 11:29:09 AM
21
22
23
24
25