

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4   COMMITTEE SUBSTITUTE  
5   FOR ENGROSSED  
6   SENATE BILL NO. 1223

By: Bullard of the Senate

and

Roberts (Dustin) and **Stark**  
of the House

11                                   COMMITTEE SUBSTITUTE

12           An Act relating to offenses and penalties; amending 4  
13           O.S. 2021, Section 801, which relates to public  
14           accommodations; creating misdemeanor for improper use  
15           of service animal; stating penalty; authorizing  
16           certain signage; amending 21 O.S. 2021, Sections  
17           1692.1, 1692.2, 1692.3, 1692.4, and 1692.8, which  
18           relate to penalties for cockfighting; modifying scope  
19           of certain definition; reducing penalties for certain  
20           lawful acts; updating statutory citations; amending  
21           21 O.S. 2021, Sections 1719.2, 1162, 1229, 1282,  
22           1289.18, 1506, and 1533, which relate to taking or  
23           stealing exotic livestock, purchasing a dead body,  
24           exhibition of livestock, felony use of a slung shot,  
          sawed-off shotguns and rifles, mock auctions, and  
          penalties for falsely asserting authority; modifying  
          certain penalties; amending 37A O.S. 2021, Section 6-  
          115, which relates to the operation of a whiskey  
          still with intent to produce alcoholic beverages;  
          modifying certain penalties; amending 40 O.S. 2021,  
          Section 169, which relates to hiring armed guards  
          without a permit; modifying certain penalties;  
          amending 40 O.S. 2021, Section 182, which relates to  
          punishment for attempting to repair a steam boiler  
          under pressure; modifying certain penalties; amending  
          47 O.S. 2021, Section 4-102, which relates to the

1 unauthorized use of a vehicle; modifying certain  
2 penalties; amending 59 O.S. 2021, Section 328.49,  
3 which relates to unlawful dental practices; modifying  
4 certain penalties; amending 59 O.S. 2021, Section  
5 1335, which relates to the penalty for incurring  
6 forfeiture or failing to comply with personal  
7 recognizance; modifying certain penalties; and  
8 providing an effective date.

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

10 SECTION 1. AMENDATORY 4 O.S. 2021, Section 801, is  
11 amended to read as follows:

12 Section 801. A. For purposes of this section:

13 1. The terms "place of public accommodation", "public  
14 accommodation" and "service animal" shall have the same meaning as  
15 such terms are defined in 28 C.F.R., Section 36.104. "Service  
16 animal" does not include an emotional support animal or a therapy  
17 animal;

18 2. "Emotional support animal" means an animal selected to  
19 reside with an individual with a disability that does not work or  
20 perform tasks for the benefit of an individual with a disability and  
21 does not accompany at all times an individual with a disability; and

22 3. "Therapy animal" means a personal pet who is certified to  
23 make therapeutic visits with a trained volunteer to places  
24 including, but not limited to, nursing facilities, schools and  
hospitals to bring therapeutic benefit, comfort and cheer to others.

1 B. A public accommodation may adopt a policy to prohibit  
2 animals, except service animals, from entering the place of public  
3 accommodation.

4 C. A public accommodation which adopts such a policy shall post  
5 a sign in a conspicuous location outside the entrance of the place  
6 of public accommodation stating which animals or types of animals  
7 are prohibited. Such sign shall ~~also~~ state that service animals are  
8 permitted and may also include a statement pursuant to subparagraph  
9 a of paragraph 2 of subsection E of this section.

10 D. If a public accommodation inquires into the qualification of  
11 a service animal, the public accommodation shall comply with 28  
12 C.F.R., Section 36.302(c)(6).

13 E. 1. Any person who is not an individual with a disability or  
14 is not trained to assist individuals with disabilities who uses a  
15 service animal in an attempt to gain treatment or benefits as an  
16 individual with a disability shall, upon conviction, be guilty of a  
17 misdemeanor punishable by a fine not more than Five Hundred Dollars  
18 (\$500.00).

19 2. A public accommodation may post a sign inside or outside of  
20 the place of public accommodation stating:

- 21 a. it is a crime under state law to misrepresent an  
22 animal as a service animal, and  
23 b. the penalty provided by paragraph 1 of this  
24 subsection.

1 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1692.1, is  
2 amended to read as follows:

3 Section 1692.1 As used in this act:

4 ~~A. 1.~~ "Cockfight" or "cockfighting" is a fight between birds,  
5 ~~whether or not~~ fitted with artificial spurs, knives, or gaffs, and  
6 whether or not bets or wagers are made on the outcome of the fight,  
7 ~~and includes any training fight in which birds are intended or~~  
8 ~~encouraged to attack or fight with one another.~~

9 ~~B. 2.~~ "Equipment used for training or handling a fighting bird"  
10 includes knives or gaffs, cages, pens, feeding apparatuses, training  
11 pens and other related devices and equipment, and is hereby declared  
12 contraband and subject to seizure.

13 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1692.2, is  
14 amended to read as follows:

15 Section 1692.2 Every person who willfully instigates or  
16 encourages any cockfight, upon conviction, shall be guilty of a  
17 ~~felony~~ misdemeanor. The penalty for a violation of this section  
18 shall be as provided in Section ~~§~~ 1692.8 of this ~~act~~ title.

19 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1692.3, is  
20 amended to read as follows:

21 Section 1692.3 Every person who keeps or provides any pit,  
22 building, or other place, or knowingly provides ~~any equipment or~~  
23 facilities to be used in permitting any cockfight, upon conviction,  
24 shall be guilty of a ~~felony~~ misdemeanor. The penalty for a

1 violation of this section shall be as provided in Section ~~§~~ 1692.8  
2 of this ~~act~~ title.

3 SECTION 5. AMENDATORY 21 O.S. 2021, Section 1692.4, is  
4 amended to read as follows:

5 Section 1692.4 Every person who does any act or performs any  
6 service in the furtherance of or to facilitate any cockfight, upon  
7 conviction, shall be guilty of a ~~felony~~ misdemeanor. Such  
8 activities and services specifically prohibited by this section  
9 include, but are not limited to~~+~~, promoting or refereeing of birds  
10 at a cockfight, ~~advertising a cockfight,~~ or serving as a stakes  
11 holder of any money wagered on any cockfight. The penalty for a  
12 violation of this section shall be as provided in Section ~~§~~ 1692.8  
13 of this ~~act~~ title.

14 SECTION 6. AMENDATORY 21 O.S. 2021, Section 1692.8, is  
15 amended to read as follows:

16 Section 1692.8 A. Every person who is guilty of a felony under  
17 any of the provisions of ~~Sections 2, 3, 4, or 5~~ Section 1692.5 of  
18 this ~~act~~ title shall be punished by imprisonment in the ~~state~~  
19 penitentiary custody of the Department of Corrections for not less  
20 than one (1) year nor more than ten (10) years, or shall be fined  
21 not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-  
22 five Thousand Dollars (\$25,000.00), or by both such fine and  
23 imprisonment.

24

1 B. Every person who, upon conviction, is guilty of any of the  
2 provisions of ~~Section 6~~ Section 1692.2, 1692.3, or 1692.4 of this  
3 ~~act title~~ shall be punished by ~~imprisonment in the county jail for~~  
4 ~~not more than one (1) year, or shall be fined a fine not more than~~  
5 ~~exceeding Five Hundred Dollars (\$500.00), or by both such fine and~~  
6 ~~imprisonment.~~ For a second conviction, the person shall be punished  
7 by a fine not exceeding One Thousand Dollars (\$1,000.00). For a  
8 third or subsequent conviction, the person shall be punished by a  
9 fine not exceeding Two Thousand Dollars (\$2,000.00).

10 SECTION 7. AMENDATORY 21 O.S. 2021, Section 1719.2, is  
11 amended to read as follows:

12 Section 1719.2 A. Any person who shall take, steal or carry  
13 away any exotic livestock, any person purchasing or receiving such  
14 exotic livestock, knowing them to have been stolen, shall be deemed  
15 guilty of ~~grand larceny~~ a misdemeanor, regardless of the value  
16 thereof, and upon conviction thereof shall be punished by  
17 imprisonment in ~~the State Penitentiary~~ a county jail for a term not  
18 exceeding ~~ten (10) years~~ one (1) year, or by a fine not exceeding  
19 Twenty Thousand Dollars (\$20,000.00), or by both such fine and  
20 imprisonment.

21 B. For purposes of this section, the term "exotic livestock"  
22 means commercially raised exotic livestock including animals of the  
23 families bovidae, cervidae and antilocapridae or birds of the ratite  
24 group.

1 SECTION 8. AMENDATORY 21 O.S. 2021, Section 1162, is  
2 amended to read as follows:

3 Section 1162. Whoever purchases, or who receives, except for  
4 the purpose of burial, any dead body of a human being, knowing the  
5 same has been removed contrary to Section 1161 of this title, shall  
6 be guilty of a ~~felony~~ misdemeanor punishable by imprisonment ~~in the~~  
7 ~~State Penitentiary not exceeding five (5) years, or~~ in a county jail  
8 for a term not exceeding one (1) year, or by a fine not exceeding  
9 Five Hundred Dollars (\$500.00), or by both such fine and  
10 imprisonment.

11 SECTION 9. AMENDATORY 21 O.S. 2021, Section 1229, is  
12 amended to read as follows:

13 Section 1229. For livestock utilized for exhibition purposes,  
14 it shall be unlawful for any person to inject into the livestock or  
15 cause the livestock to ingest any drug, chemical or substance that  
16 is not labeled for use on animals, or to administer any chemical or  
17 substance used on livestock for the specific purpose of altering the  
18 appearance of livestock or to alter the muscle or fat content of the  
19 animal's carcass or to perform any surgical procedure to alter the  
20 appearance of the livestock. Ordinary and customary veterinarian  
21 procedures, including but not limited to dehorning, branding,  
22 tagging or notching ears, castrating, deworming, vaccinating or  
23 docking the tail of farm animals, shall not be prohibited. Surgery  
24 of any kind performed to change the natural contour or appearance of

1 the animal's body or hide, shall be prohibited by this section. Any  
2 violation of the provisions of this section shall be a misdemeanor,  
3 upon conviction, punishable by a fine of not less than One Thousand  
4 Dollars (\$1,000.00), nor more than Ten Thousand Dollars  
5 (\$10,000.00), or by imprisonment in the county jail for a term not  
6 less than thirty (30) days nor more than one (1) year, or by both  
7 such fine and imprisonment. A second or subsequent violation of the  
8 provisions of this section shall be a ~~felony~~ misdemeanor, upon  
9 conviction, punishable by a fine of not less than One Thousand  
10 Dollars (\$1,000.00), nor more than Ten Thousand Dollars  
11 (\$10,000.00), or by imprisonment in ~~the State Penitentiary~~ a county  
12 jail for a term not less than sixty (60) days nor more than one (1)  
13 year ~~nor more than five (5) years~~, or by both such fine and  
14 imprisonment.

15 SECTION 10. AMENDATORY 21 O.S. 2021, Section 1282, is  
16 amended to read as follows:

17 Section 1282.

18 FELONY USE OF A SLUNG SHOT

19 Any person who carries upon his or her person, whether concealed  
20 or not, or uses or attempts to use against another, any instrument  
21 or weapon of the kind usually known as slung shot, or of any similar  
22 kind, shall be guilty of a ~~felony~~ misdemeanor.

23 SECTION 11. AMENDATORY 21 O.S. 2021, Section 1289.18, is  
24 amended to read as follows:



1 Section 1289.18

2 DEFINITIONS

3 A. "Sawed-off shotgun" shall mean any firearm capable of  
4 discharging a series of projectiles of any material which may  
5 reasonably be expected to be able to cause lethal injury, with a  
6 barrel or barrels less than eighteen (18) inches in length, and  
7 using a combustible propellant charge, but does not include any  
8 weapon so designed with a barrel less than eighteen (18) inches in  
9 length, provided it has an overall length of twenty-six (26) inches  
10 or more.

11 B. "Sawed-off rifle" shall mean any rifle having a barrel or  
12 barrels of less than sixteen (16) inches in length or any weapon  
13 made from a rifle (whether by alteration, modification, or  
14 otherwise) if such a weapon as modified has an overall length of  
15 less than twenty-six (26) inches in length, including the stock  
16 portion.

17 C. Every person who knowingly has in his or her possession or  
18 under his or her immediate control a sawed-off shotgun or a sawed-  
19 off rifle, whether concealed or not, shall, upon conviction, be  
20 guilty of a ~~felony~~ misdemeanor for the possession of such device,  
21 and shall be punishable by a fine not to exceed One Thousand Dollars  
22 (\$1,000.00), or imprisonment in ~~the State Penitentiary~~ a county jail  
23 for a period not to exceed ~~two (2) years~~ one (1) year, or both such  
24 fine and imprisonment.

1 D. This section shall not apply to any firearm that is lawfully  
2 possessed under federal law or that is otherwise not regulated as a  
3 "firearm" pursuant to the National Firearms Act.

4 E. The term "firearm" as used in this section and in the  
5 Oklahoma Firearms Act of 1971, shall not include an "antique  
6 firearm" as defined in 18 U.S.C., Section 921 (2006).

7 SECTION 12. AMENDATORY 21 O.S. 2021, Section 1506, is  
8 amended to read as follows:

9 Section 1506. Any person who obtains any money or property from  
10 another, or obtains the signature of another to any written  
11 instrument, the false making of which would be forgery, by means of  
12 any false or fraudulent sale of property or pretended property by  
13 auction, or by any of the practices known as mock auctions, shall be  
14 guilty of a ~~felony~~ misdemeanor punishable by imprisonment in ~~the~~  
15 ~~State Penitentiary~~ a county jail for a term not exceeding ~~three (3)~~  
16 ~~years or in a county jail not exceeding~~ one (1) year, or by a fine  
17 not exceeding One Thousand Dollars (\$1,000.00), or by both such fine  
18 and imprisonment; and, in addition, the person forfeits any license  
19 he or she may hold to act as an auctioneer, and is forever  
20 disqualified from receiving a license to act as auctioneer within  
21 this state.

22 SECTION 13. AMENDATORY 21 O.S. 2021, Section 1533, is  
23 amended to read as follows:

24

1 Section 1533. A. Except as provided in subsection B of this  
2 section, every person who falsely personates any public officer,  
3 civil or military, any firefighter, any law enforcement officer, any  
4 emergency medical technician or other emergency medical care  
5 provider, or any private individual having special authority by law  
6 to perform any act affecting the rights or interests of another, or  
7 who assumes, without authority, any uniform or badge by which such  
8 officers or persons are usually distinguished, and in such assumed  
9 character does any act whereby another person is injured, defrauded,  
10 harassed, vexed or annoyed, upon conviction, is guilty of a  
11 misdemeanor punishable by imprisonment in the county jail not  
12 exceeding six (6) months, or by a fine not exceeding Two Thousand  
13 Dollars (\$2,000.00), or by both such fine and imprisonment.

14 B. Every person who falsely personates any public officer or  
15 any law enforcement officer in connection with or relating to any  
16 sham legal process shall, upon conviction, be guilty of a felony,  
17 punishable by imprisonment in the custody of the Department of  
18 Corrections for not more than two (2) years, or a fine not exceeding  
19 Five Thousand Dollars (\$5,000.00), or both such fine and  
20 imprisonment.

21 C. Every person who falsely asserts authority of law not  
22 provided for by federal or state law in connection with any sham  
23 legal process shall, upon conviction, be guilty of a ~~felony~~  
24 misdemeanor, punishable by imprisonment in ~~the custody of the~~

1 ~~Department of Corrections~~ a county jail for not more than ~~two (2)~~  
2 years one (1) year, or a fine not exceeding Five Thousand Dollars  
3 (\$5,000.00), or both such fine and imprisonment.

4 D. Every person who, while acting falsely in asserting  
5 authority of law, attempts to intimidate or hinder a public official  
6 or law enforcement officer in the discharge of official duties by  
7 means of threats, harassment, physical abuse, or use of sham legal  
8 process shall, upon conviction, be guilty of a felony punishable by  
9 imprisonment in the custody of the Department of Corrections for not  
10 more than two (2) years, or a fine not exceeding Five Thousand  
11 Dollars (\$5,000.00), or both such fine and imprisonment.

12 E. Any person who, without authority under federal or state  
13 law, acts as a supreme court justice, a district court judge, an  
14 associate district judge, a special judge, a magistrate, a clerk of  
15 the court or deputy, a notary public, a juror or other official  
16 holding authority to determine a controversy or adjudicate the  
17 rights or interests of others, or signs a document in such capacity,  
18 shall, upon conviction, be guilty of a felony punishable by  
19 imprisonment in the custody of the Department of Corrections for not  
20 more than two (2) years, or a fine not exceeding Five Thousand  
21 Dollars (\$5,000.00), or both such fine and imprisonment.

22 F. Every person who uses any motor vehicle or motor-driven  
23 cycle usually distinguished as a law enforcement vehicle or equips  
24 any motor vehicle or motor-driven cycle with any spot lamps, audible

1 sirens, or flashing lights, in violation of Section 12-217, 12-218  
2 or 12-227 of Title 47 of the Oklahoma Statutes, or in any other  
3 manner uses any motor vehicle or motor-driven cycle:

4 1. Which, by markings that conform to or imitate the markings  
5 required or authorized in subsection B of Section 151 of Title 47 of  
6 the Oklahoma Statutes and used by the Oklahoma Highway Patrol  
7 Division of the Department of Public Safety, conveys to any person  
8 the impression or appearance that it is a vehicle of the Oklahoma  
9 Highway Patrol shall, upon conviction, be guilty of a misdemeanor  
10 punishable by imprisonment in the county jail for not more than one  
11 (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00),  
12 or both such fine and imprisonment; provided, nothing in this  
13 paragraph shall be construed to prohibit the use of such a vehicle  
14 for exhibitions, club activities, parades, and other functions of  
15 public interest and which is not used on the public roads, streets,  
16 and highways for regular transportation; or

17 2. For the purpose of falsely personating a law enforcement  
18 officer and who in such assumed character commits any act whereby  
19 another person is injured, defrauded, harassed, vexed or annoyed  
20 shall, upon conviction, be guilty of a felony punishable by  
21 imprisonment in the custody of the Department of Corrections not  
22 exceeding ten (10) years, or by a fine not exceeding Ten Thousand  
23 Dollars (\$10,000.00), or by both such fine and imprisonment.

1 G. 1. Any person who displays or causes to be displayed the  
2 words "State Police" alone or in conjunction with any other word or  
3 words on any motor vehicle, badge, clothing, identification card, or  
4 any other object or document with the intent to communicate peace  
5 officer or investigating authority shall, upon conviction, be guilty  
6 of a misdemeanor punishable by a fine not exceeding One Thousand  
7 Dollars (\$1,000.00). This paragraph shall not apply to any officer  
8 with statewide investigatory or law enforcement authority.

9 2. Any person who displays or causes to display such words as  
10 provided in this subsection for the purpose of falsely personating a  
11 law enforcement officer and as such commits any act whereby another  
12 person is injured, defrauded, harassed, vexed or annoyed shall, upon  
13 conviction, be guilty of a felony punishable by imprisonment in the  
14 custody of the Department of Corrections not exceeding ten (10)  
15 years, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00),  
16 or by both such fine and imprisonment.

17 H. As used in this section:

18 1. "Sham legal process" means the issuance, display, delivery,  
19 distribution, reliance on as lawful authority, or other use of an  
20 instrument that is not lawfully issued, whether or not the  
21 instrument is produced for inspection or actually exists, and  
22 purports to do any of the following:

23 a. to be a summons, subpoena, judgment, arrest warrant,  
24 search warrant, or other order of a court recognized

1 by the laws of this state, a law enforcement officer  
2 commissioned pursuant to state or federal law or the  
3 law of a federally recognized Indian tribe, or a  
4 legislative, executive, or administrative agency  
5 established by state or federal law or the law of a  
6 federally recognized Indian tribe,

7 b. to assert jurisdiction or authority over or determine  
8 or adjudicate the legal or equitable status, rights,  
9 duties, powers, or privileges of any person or  
10 property, or

11 c. to require or authorize the search, seizure,  
12 indictment, arrest, trial, or sentencing of any person  
13 or property; and

14 2. "Lawfully issued" means adopted, issued, or rendered in  
15 accordance with the applicable statutes, rules, regulations, and  
16 ordinances of the United States, a state, or a political subdivision  
17 of a state.

18 I. It shall not be a defense to a prosecution under subsection  
19 B, C, D or E of this section that:

20 1. The recipient of the sham legal process did not accept or  
21 believe in the authority falsely asserted in the sham legal process;

22 2. The person violating subsection B, C, D or E of this section  
23 does not believe in the jurisdiction or authority of this state or  
24 of the United States government; or

1           3. The office the person violating subsection B, C, D or E of  
2 this section purports to hold does not exist or is not an official  
3 office recognized by state or federal law.

4           SECTION 14.           AMENDATORY           37A O.S. 2021, Section 6-115, is  
5 amended to read as follows:

6           Section 6-115. Any person who shall operate a whiskey still  
7 with intent to produce alcoholic beverages or any person who shall  
8 carry on the business of a distiller without possessing a valid and  
9 existing distiller's license issued pursuant to the provisions of  
10 the Oklahoma Alcoholic Beverage Control Act shall be guilty of a  
11 ~~felony~~ misdemeanor and, upon conviction, be fined not less than Two  
12 Thousand Five Hundred Dollars (\$2,500.00) nor more than Five  
13 Thousand Dollars (\$5,000.00), or imprisoned in ~~the State~~  
14 ~~Penitentiary~~ a county jail for not more than ~~three (3) years~~ one (1)  
15 year, or by both such fine and imprisonment.

16           SECTION 15.           AMENDATORY           40 O.S. 2021, Section 169, is  
17 amended to read as follows:

18           Section 169. Any person who shall hire, aid, abet or assist in  
19 hiring through private detective agencies or otherwise, persons to  
20 guard with arms or deadly weapons of any kind, other persons or  
21 property, or any person who shall come into this state armed with  
22 deadly weapons of any kind for any such purpose, without a permit,  
23 in writing, from the Governor, shall be guilty of a ~~felony~~  
24 misdemeanor, and on conviction thereof shall be imprisoned in ~~the~~



1 ~~State Penitentiary~~ a county jail for not ~~less~~ more than one (1) year  
2 ~~nor more than five (5) years~~. Provided, that nothing herein  
3 contained shall be construed to interfere with the right of any  
4 person, corporations, society, association or organization in  
5 guarding and protecting their property as provided by law; but this  
6 section shall be construed only to apply in cases where workmen are  
7 brought into the state or induced to go from one place to another in  
8 the state by any false pretenses, false advertising, or deceptive  
9 representation, or brought into the state under arms or removed from  
10 one place to another in the state under arms.

11 SECTION 16. AMENDATORY 40 O.S. 2021, Section 182, is  
12 amended to read as follows:

13 Section 182. Any officer, superintendent, foreman, boss, or  
14 other person in authority, who, on behalf of any railroad,  
15 corporation, or any other person, firm or corporation, using steam  
16 boilers, violating any of the provisions of Section 181 of this  
17 title, shall be deemed guilty of a ~~felony~~, misdemeanor and shall,  
18 upon conviction, be punished by imprisonment in a county jail for a  
19 period of not ~~less~~ more than one (1) year ~~nor more than two (2)~~  
20 ~~years~~.

21 SECTION 17. AMENDATORY 47 O.S. 2021, Section 4-102, is  
22 amended to read as follows:

23 Section 4-102. A. A person not entitled to possession of a  
24 vehicle who, without the consent of the owner and with intent to

1 deprive the owner, temporarily or otherwise, of the vehicle or its  
2 possession, takes, uses or drives the vehicle shall, upon  
3 conviction, be guilty of a ~~felony~~ misdemeanor punishable by  
4 imprisonment in ~~the custody of the Department of Corrections~~ a  
5 county jail for a term not to exceed ~~two (2) years~~ one (1) year.

6 B. A person not entitled to possession of an implement of  
7 husbandry who, without the consent of the owner and with intent to  
8 deprive the owner, temporarily or otherwise, of the implement of  
9 husbandry or its possession, takes, uses or drives the implement of  
10 husbandry shall, upon conviction, be guilty of a felony punishable  
11 in accordance with the provisions of Section 17-102 of this title.

12 SECTION 18. AMENDATORY 59 O.S. 2021, Section 328.49, is  
13 amended to read as follows:

14 Section 328.49 A. The Board of Dentistry shall be responsible  
15 for the enforcement of the provisions of the State Dental Act  
16 against all persons who are in violation thereof, including, but not  
17 limited to, individuals who practice or attempt to practice  
18 dentistry or dental hygiene without proper authorization from the  
19 Board.

20 B. 1. It shall be unlawful for any person, except a licensed  
21 dentist, to:

- 22 a. practice or attempt to practice dentistry,
- 23 b. hold oneself out to the public as a dentist or as a  
24 person who practices dentistry, or

1 c. employ or use the words "Doctor" or "Dentist", or the  
2 letters "D.D.S." or "D.M.D.", or any modification or  
3 derivative thereof, when such use is intended to give  
4 the impression that the person is a dentist.

5 2. It shall be unlawful for any person, except a registered  
6 dental hygienist, to:

7 a. practice or attempt to practice dental hygiene,

8 b. hold oneself out to the public as a dental hygienist  
9 or as a person who practices dental hygiene, or

10 c. employ or use the words "Registered Dental Hygienist",  
11 or the letters "R.D.H.", or any modification or  
12 derivative thereof, when such use is intended to give  
13 the impression that the person is a dental hygienist.

14 3. It shall be unlawful for any person to:

15 a. give false or fraudulent evidence or information to  
16 the Board in an attempt to obtain any license or  
17 permit from the Board, or

18 b. aid or abet another person in violation of the State  
19 Dental Act.

20 4. Each day a person is in violation of any provision of this  
21 subsection shall constitute a separate criminal offense and, in  
22 addition, the district attorney may file a separate charge of  
23 medical battery for each person who is injured as a result of  
24 treatment performed in violation of this subsection.

1 C. 1. If a person violates any of the provisions of subsection  
2 B of this section, the Board shall refer the alleged violation to  
3 the district attorney of the county in which the violation is  
4 alleged to have occurred to bring a criminal action in that county  
5 against the person. At the request of the Board, district attorney  
6 or Attorney General, attorneys employed or contracted by the Board  
7 may assist the district attorney or Attorney General in prosecuting  
8 charges under the State Dental Act or any violation of law relating  
9 to or arising from an investigation conducted by the Board of  
10 Dentistry upon approval of the Board or the Executive Director.

11 2. Any person who violates any of the provisions of paragraph 1  
12 or 3 of subsection B of this section, upon conviction, shall be  
13 guilty of a felony punishable by a fine in an amount not less than  
14 One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars  
15 (\$10,000.00), or by imprisonment in the county jail for a term of  
16 not more than one (1) year or imprisonment in the custody of the  
17 Department of Corrections for a term of not more than four (4)  
18 years, or by both such fine and imprisonment.

19 Any person who violates any of the provisions of paragraph 2 of  
20 subsection B of this section, upon conviction, shall be guilty of a  
21 misdemeanor punishable by a fine in an amount not less than Five  
22 Hundred Dollars (\$500.00) nor more than Two Thousand Five Hundred  
23 Dollars (\$2,500.00), or by imprisonment in the county jail for a  
24 term of not more than ninety (90) days, or by both such fine and

1 imprisonment. Any second or subsequent violation of paragraph 2 of  
2 subsection B of this section, upon conviction, shall be a ~~felony~~  
3 misdemeanor punishable by a fine in an amount not less than One  
4 Thousand Five Hundred Dollars (\$1,500.00) nor more than Five  
5 Thousand Dollars (\$5,000.00), or by imprisonment in the county jail  
6 for a term of not more than one (1) year ~~or imprisonment in the~~  
7 ~~custody of the Department of Corrections for a term of not more than~~  
8 ~~two (2) years~~, or by both such fine and imprisonment.

9 D. The Board may initiate a civil action, pursuant to Chapter  
10 24 of Title 12 of the Oklahoma Statutes, seeking a temporary  
11 restraining order or injunction, without bond, commanding a person  
12 to refrain from engaging in conduct which constitutes a violation of  
13 any of the provisions of subsection B of this section. In a civil  
14 action filed pursuant to this subsection, the prevailing party shall  
15 be entitled to recover costs and reasonable attorney fees.

16 E. In addition to any other penalties provided herein, any  
17 person found guilty of contempt of court by reason of the violation  
18 of any injunction prohibiting the unlicensed practice of dentistry  
19 now in effect or hereafter entered pursuant to any provision of the  
20 State Dental Act or any preceding state dental act, shall be  
21 punished by imprisonment in the county jail for a term of not less  
22 than thirty (30) days nor more than one (1) year, and by a fine of  
23 not less than Five Hundred Dollars (\$500.00) nor more than One  
24 Thousand Dollars (\$1,000.00). The court may also require the

1 defendant to furnish a good and sufficient bond in a penal sum to be  
2 set by the court, not less than One Thousand Dollars (\$1,000.00),  
3 which shall be conditioned upon future compliance in all particulars  
4 with the injunction entered, and in the event of failure of the  
5 defendant to furnish such bond when so ordered, the defendant shall  
6 be confined in the county jail pending compliance therewith. Such  
7 bond shall be mandatory as to any person hereafter found guilty of a  
8 second contempt of court for violation of any injunction entered  
9 pursuant to the State Dental Act, or any preceding state dental act.

10 SECTION 19. AMENDATORY 59 O.S. 2021, Section 1335, is  
11 amended to read as follows:

12 Section 1335. Whoever, having been admitted to bail for  
13 appearance before any district court in the State of Oklahoma, (1)  
14 incurs a forfeiture of the bail and willfully fails to surrender  
15 himself or herself within thirty (30) days following the date of  
16 such forfeiture, or (2) willfully fails to comply with the terms of  
17 his or her personal recognizance, shall be guilty of a ~~felony~~  
18 misdemeanor and shall be fined not more than Five Thousand Dollars  
19 (\$5,000.00), or imprisoned in a county jail for a term of not more  
20 than ~~two (2) years~~ one (1) year, or both.

21 SECTION 20. This act shall become effective November 1, 2022.

22  
23 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
24 dated 04/14/2022 - DO PASS, As Amended and Coauthored.