

1 **CORRECTED**

2 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

3 STATE OF OKLAHOMA

4 1st Session of the 59th Legislature (2023)

5 COMMITTEE SUBSTITUTE

6 FOR ENGROSSED

7 SENATE BILL NO. 499

By: Paxton of the Senate

and

Caldwell (Trey) of the  
House

12 COMMITTEE SUBSTITUTE

13 An Act relating to the Attorney General; amending 74  
14 O.S. 2021, Section 18c, which relates to defense of  
actions by the Attorney General; granting certain  
15 authority to the Attorney General; amending 74 O.S.  
2021, Section 18d, which relates to district  
16 attorneys and their requiring of aid; modifying  
request procedures; amending 74 O.S. 2021, Section  
17 18e, which relates to criminal actions, quo warranto,  
and appearance before grand juries; modifying  
18 procedures; amending 22 O.S. 2021, Section 19a, which  
relates to arrest or charge as result of identity  
19 theft, expungement on motion of court; permitting  
motion by Attorney General; amending 22 O.S. 2021,  
20 Section 258, as amended by Section 2, Chapter 269,  
O.S.L. 2022 (22 O.S. Supp. 2022, Section 258, which  
21 relates to preliminary examinations and proceedings  
thereon; expanding authority of the Attorney General;  
22 amending 22 O.S. 2021, Section 303, which relates to  
subscription, endorsement, and verification of  
23 information; expanding authority of Attorney General  
and requirements; amending 22 O.S. 2021, Section 409,  
24 which relates to the sufficiency of indictment or  
information; expanding certain criteria; amending 22

1 O.S. 2021, Section 751.1, which relates to DNA  
2 profile, use as evidence and notification of  
3 defendant; expanding certain requirements to be  
4 applicable to the Attorney General's office;  
5 modifying certain timing provisions; amending 22 O.S.  
6 2021, Section 982, which relates to presentence  
7 investigations; expanding certain requirements to be  
8 applicable to the Attorney General's office; amending  
9 22 O.S. 2021, Section 982a, which relates to judicial  
10 review; requiring certain approvals by the Attorney  
11 General; modifying applicability; amending 22 O.S.  
12 2021, Section 991a, which relates to sentencing  
13 powers of court, restitution, fines, or  
14 incarceration; allowing waiver of certain  
15 prohibitions upon written application of the Attorney  
16 General; repealing 22 O.S. 2021, Section 524, which  
17 relates to preliminary hearing on felony indictment,  
18 time for request, witnesses, and dismissal; and  
19 declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 18c, is  
amended to read as follows:

Section 18c. A. 1. Except as otherwise provided by this  
subsection, no state officer, board or commission shall have  
authority to employ or appoint attorneys to advise or represent said  
officer, board or commission in any matter.

2. The provisions of this subsection shall not apply to the  
Corporation Commission, the Council on Law Enforcement Education and  
Training, the Consumer Credit Commission, the Board of Managers of  
the State Insurance Fund, the Oklahoma Tax Commission, the

1 Commissioners of the Land Office, the Oklahoma Public Welfare  
2 Commission also known as the Commission for Human Services, the  
3 State Board of Corrections, the Oklahoma Health Care Authority, the  
4 Department of Public Safety, the Oklahoma State Bureau of Narcotics  
5 and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement  
6 Commission, the Transportation Commission, the Oklahoma Energy  
7 Resources Board, the Oklahoma Merit Protection Commission, the  
8 Office of Management and Enterprise Services, the Oklahoma Water  
9 Resources Board, the Department of Labor, the Department of  
10 Agriculture, Food, and Forestry, the Northeast Oklahoma Public  
11 Facilities Authority, the Oklahoma Firefighters Pension and  
12 Retirement System, the Oklahoma Public Employees Retirement System,  
13 the Uniform Retirement System for Justices and Judges, the Oklahoma  
14 Conservation Commission, the Office of Juvenile Affairs, the State  
15 Board of Pharmacy and the Oklahoma Department of Veterans Affairs.

16 3. The provisions of paragraph 2 of this subsection shall not  
17 be construed to authorize the Office of Juvenile Affairs to employ  
18 any attorneys that are not specifically authorized by law.

19 4. All the legal duties of such officer, board or commission  
20 shall devolve upon and are hereby vested in the Attorney General;  
21 provided that:

22 a. the Governor shall have authority to employ special  
23 counsel to protect the rights or interest of the state  
24 as provided in Section 6 of this title, and

1           b. liquidation agents of banks shall have the authority  
2           to employ local counsel, with the consent of the Bank  
3           Commissioner and the Attorney General and the approval  
4           of the district court.

5           B. At the request of any state officer, board or commission,  
6           except the Corporation Commission, the Board of Managers of the  
7           CompSource Oklahoma, Oklahoma Tax Commission and the Commissioners  
8           of the Land Office, the Grand River Dam Authority, the Oklahoma  
9           State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic  
10          Beverage Laws Enforcement Commission, the Oklahoma Firefighters  
11          Pension and Retirement System, the Oklahoma Public Employees  
12          Retirement System, the Uniform Retirement System for Justices and  
13          Judges and the Interstate Oil and Gas Compact Commission, the  
14          Attorney General shall defend any action in which they may be sued  
15          in their official capacity. At the request of any such state  
16          officer, board or commission, the Attorney General shall have  
17          authority to institute suits in the name of the State of Oklahoma on  
18          their relation, if after investigation the Attorney General is  
19          convinced there is sufficient legal merit to justify the action.

20          C. The Attorney General shall have the authority to enter into  
21 memoranda of understanding, commensurate with the Attorney General's  
22 duties and responsibilities, with any law enforcement entity or  
23 district attorney.

1        D. Any officer, board or commission which has the authority to  
2 employ or appoint attorneys may request that the Attorney General  
3 defend any action arising pursuant to the provisions of The  
4 Governmental Tort Claims Act.

5        ~~D.~~ E. Nothing in this section shall be construed to repeal or  
6 affect the provisions of the statutes of this state pertaining to  
7 attorneys and legal advisors of the several commissions and  
8 departments of state specified in subsection B of this section, and  
9 all acts and parts of acts pertaining thereto shall be and remain in  
10 full force and effect.

11        SECTION 2.        AMENDATORY        74 O.S. 2021, Section 18d, is  
12 amended to read as follows:

13        Section 18d. The Attorney General shall have authority to  
14 require the aid and assistance of district attorneys in their  
15 respective counties in the matters hereinbefore enumerated and may  
16 in any case brought to the Supreme Court or Criminal Court of  
17 Appeals from their respective counties demand and receive the  
18 assistance of the district attorney from whose county such case is  
19 brought. ~~Any district attorney desiring the assistance of the~~  
20 ~~Attorney General in any matter shall request the Governor for such~~  
21 ~~assistance, and upon receiving the direction of the Governor to~~  
22 ~~render such assistance, the Attorney General shall proceed~~  
23 ~~immediately, compatible with the performance of his own duties to~~  
24 ~~render the assistance.~~ A district attorney may request the Attorney

1 General provide assistance in any matter. Upon receiving such  
2 request, the Attorney General may render such assistance, compatible  
3 with the performance of the Attorney General's other duties.

4 SECTION 3. AMENDATORY 74 O.S. 2021, Section 18e, is  
5 amended to read as follows:

6 Section 18e. ~~In addition to the above powers and duties, the~~  
7 ~~Attorney General shall, when requested by the Governor, have power~~  
8 ~~and authority to institute and prosecute criminal actions and~~  
9 ~~actions in the nature of quo warranto; and shall, when requested by~~  
10 ~~the Governor, compatible with the performance of his other duties,~~  
11 ~~appear before and assist grand juries in their investigations. The~~  
12 Attorney General shall have the power and authority to institute and  
13 prosecute criminal actions by complaints, informations, indictments  
14 returned by a county or multicounty grand jury, and actions in the  
15 nature of quo warranto; and may, compatible with the performance of  
16 the Attorney General's other duties, appear before and assist grand  
17 juries in their investigations.

18 SECTION 4. AMENDATORY 22 O.S. 2021, Section 19a, is  
19 amended to read as follows:

20 Section 19a. Notwithstanding any provision of Section 18 or 19  
21 of Title 22 of the Oklahoma Statutes, when a charge is dismissed  
22 because the court finds that the defendant has been arrested or  
23 charged as a result of the defendant's name or other identification  
24 having been appropriated or used without the defendant's consent or

1 authorization by another person, the court dismissing the charge  
2 may, upon motion of the district attorney or the Attorney General or  
3 the defendant or upon the court's own motion, enter an order for  
4 expungement of law enforcement and court records relating to the  
5 charge. The order shall contain a statement that the dismissal and  
6 expungement are ordered pursuant to this section. An order entered  
7 pursuant to this section shall be subject to the provisions of  
8 subsections D through M of Section 19 of Title 22 of the Oklahoma  
9 Statutes.

10 SECTION 5. AMENDATORY 22 O.S. 2021, Section 258, as  
11 amended by Section 2, Chapter 269, O.S.L. 2022 (22 O.S. Supp. 2022,  
12 Section 258), is amended to read as follows:

13 Section 258. First: The witnesses must be examined in the  
14 presence of the defendant, and may be cross-examined by the  
15 defendant. On the request of the district attorney, the Attorney  
16 General, or the defendant, all the testimony must be reduced to  
17 writing in the form of questions and answers and signed by the  
18 witnesses, or the same may be taken in shorthand and transcribed  
19 without signing, and in both cases filed with the clerk of the  
20 district court, by the examining magistrate, and may be used as  
21 provided in Section 333 of this title. In no case shall the county  
22 be liable for the expense in reducing such testimony to writing,  
23 unless ordered by the judge of a court of record.

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1       Second: The district attorney or the Attorney General may, on  
2 approval of the county judge or the district judge, issue subpoenas  
3 in felony cases and call witnesses before the district attorney or  
4 the Attorney General and have them sworn and their testimony reduced  
5 to writing and signed by the witnesses at the cost of the county.  
6 Such examination must be confined to some felony committed against  
7 the statutes of the state and triable in that county, and the  
8 evidence so taken shall not be receivable in any civil proceeding.  
9 A refusal to obey such subpoena or to be sworn or to testify may be  
10 punished as a contempt on complaint and showing to the county court,  
11 or district court, or the judges thereof that proper cause exists  
12 therefor.

13       Third: No preliminary information shall be filed without the  
14 consent or endorsement of the district attorney or the Attorney  
15 General, unless the defendant be taken in the commission of a  
16 felony, or the offense be of such character that the accused is  
17 liable to escape before the district attorney or the Attorney  
18 General can be consulted. If the defendant is discharged and the  
19 information is filed without authority from or endorsement of the  
20 district attorney or the Attorney General, the costs must be taxed  
21 to the prosecuting witness, and the county shall not be liable  
22 therefor.

23       Fourth: The convening and session of a grand jury does not  
24 dispense with the right of the district attorney or the Attorney



1 General to file complaints and informations, conduct preliminary  
2 hearings and other routine matters, unless otherwise specifically  
3 ordered, by a written order of the court convening the grand jury;  
4 made on the court's own motion, or at the request of the grand jury.

5 Fifth: There shall be no preliminary examinations in  
6 misdemeanor cases.

7 Sixth: A preliminary magistrate shall have the authority to  
8 limit the evidence presented at the preliminary hearing to that  
9 which is relevant to the issues of: (1) whether the crime was  
10 committed, and (2) whether there is probable cause to believe the  
11 defendant committed the crime. Once a showing of probable cause is  
12 made the magistrate shall terminate the preliminary hearing and  
13 enter a bindover order; provided, however, that the preliminary  
14 hearing shall be terminated only if the state made available for  
15 inspection law enforcement reports within the prosecuting attorney's  
16 knowledge or possession at the time to the defendant five (5)  
17 working days prior to the date of the preliminary hearing. The  
18 district attorney or the Attorney General shall determine whether or  
19 not to make law enforcement reports available prior to the  
20 preliminary hearing. ~~If reports are made available, the district~~  
21 ~~attorney shall be required to provide those law enforcement reports~~  
22 ~~that the district attorney knows to exist at the time of providing~~  
23 ~~the reports, but this does~~ Law enforcement reports do not include  
24 any physical evidence which may exist in the case. This provision

1 does not require the district attorney or the Attorney General to  
2 provide copies for the defendant, but only to make them available  
3 for inspection by defense counsel. In the alternative, upon  
4 agreement of the state and the defendant, the court may terminate  
5 the preliminary hearing once a showing of probable cause is made.

6 Seventh: A preliminary magistrate shall accept into evidence as  
7 proof of prior convictions a noncertified copy of a Judgment and  
8 Sentence when the copy appears to the preliminary magistrate to be  
9 patently accurate. The district attorney or the Attorney General  
10 shall make a noncertified copy of the Judgment and Sentence  
11 available to the defendant no fewer than five (5) days prior to the  
12 hearing. If such copy is not made available five (5) days prior to  
13 the hearing, the court shall continue the portion of the hearing to  
14 which the copy is relevant for such time as the defendant requests,  
15 not to exceed five (5) days subsequent to the receipt of the copy.

16 Eighth: The purpose of the preliminary hearing is to establish  
17 probable cause that a crime was committed and probable cause that  
18 the defendant committed the crime.

19 Ninth: The preliminary hearing must be set within nine (9)  
20 months from the initial appearance of the defendant. If  
21 commencement of the preliminary hearing is delayed past the nine-  
22 month time limit, a show cause hearing shall be scheduled by the  
23 court to show reason for the delay. If the court fails to find good  
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1 cause for the delay, the court shall schedule a preliminary hearing  
2 as soon as practicable.

3 SECTION 6. AMENDATORY 22 O.S. 2021, Section 303, is  
4 amended to read as follows:

5 Section 303. A. The district attorney or the Attorney General  
6 shall subscribe the district attorney's or the Attorney General's  
7 name to informations filed in the district court and endorse thereon  
8 the names and last-known addresses of all the witnesses known to the  
9 district attorney or the Attorney General at the time of filing the  
10 same, if intended to be called by the district attorney or the  
11 Attorney General at a preliminary examination or at trial.

12 Thereafter, the district attorney or the Attorney General shall also  
13 endorse thereon the names and last-known addresses of such other  
14 witnesses as may afterwards become known to the district attorney or  
15 the Attorney General, if they are intended to be called as witnesses  
16 at a preliminary examination or at trial, at such time as the court  
17 may by rule prescribe.

18 Upon filing of an application by the district attorney or the  
19 Attorney General, notice to defense counsel, and hearing  
20 establishing need for witness protection or preservation of the  
21 integrity of evidence, the district court may excuse witness  
22 endorsement, or some part thereof. Such proceedings shall be  
23 conducted in camera, and the record shall be sealed and filed in the

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1 office of the district court clerk, and shall not be opened except  
2 by order of the district court.

3 B. Notwithstanding other provisions of law, when a law  
4 enforcement officer issues a citation or ticket as the basis for a  
5 complaint or information, for a violation of law declared to be a  
6 misdemeanor, the citation or ticket shall be properly verified if:

7 1. The issuing officer subscribes the officer's signature on  
8 the citation, ticket or complaint to the following statement:

9 "I, the undersigned issuing officer, hereby certify and  
10 swear that I have read the foregoing information and know  
11 the facts and contents thereof and that the facts  
12 supporting the criminal charge stated therein are true."

13 Such a subscription by an issuing officer, in all respects, shall  
14 constitute a sworn statement, as if sworn to upon an oath  
15 administered by an official authorized by law to administer oaths;  
16 and

17 2. The citation or ticket states the specific facts supporting  
18 the criminal charge and the ordinance or statute alleged to be  
19 violated; or

20 3. A complainant verifies by oath, subscribed on the citation,  
21 ticket or complaint, that the complainant has read the information,  
22 knows the facts and contents thereof and that the facts supporting  
23 the criminal charge stated therein are true. For purpose of such an  
24 oath and subscription, any law enforcement officer of the state or

1 of a county or municipality of the state issuing the citation,  
2 ticket or complaint shall be authorized to administer the oath to  
3 the complainant.

4 C. As used in this section, the term "signature" shall include  
5 a digital or electronic signature, as defined in Section 15-102 of  
6 Title 12A of the Oklahoma Statutes.

7 SECTION 7. AMENDATORY 22 O.S. 2021, Section 409, is  
8 amended to read as follows:

9 Section 409. The indictment or information is sufficient if it  
10 can be understood therefrom:

11 1. That it is entitled in a court having authority to receive  
12 it, though the name of the court be not stated.

13 2. That it was found by a grand jury or presented by the  
14 district attorney of the county in which the court was held, or  
15 presented by the Attorney General.

16 3. That the defendant is named, or if his name cannot be  
17 discovered, that he is described by a fictitious name, with the  
18 statement that his true name is unknown.

19 4. That the offense was committed at some place within the  
20 jurisdiction of the court, except where the act, though done without  
21 the local jurisdiction of the county, is triable therein.

22 5. That the offense was committed at some time prior to the  
23 time of filing the indictment or information.

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1           6. That the act or omission charged as the offense is clearly  
2 and distinctly set forth in ordinary and concise language, without  
3 repetition, and in such a manner as to enable a person of common  
4 understanding to know what is intended.

5           7. That the act or omission charged as the offense, is stated  
6 with such a degree of certainty, as to enable the court to pronounce  
7 judgment upon a conviction according to the right of the case.

8           SECTION 8.           AMENDATORY           22 O.S. 2021, Section 751.1, is  
9 amended to read as follows:

10           Section 751.1 A. As used in this act:

11           1. "Deoxyribonucleic Acid (DNA)" means the molecules in all  
12 cellular forms that contain genetic information in a patterned  
13 chemical structure of each individual; and

14           2. "DNA Profile" means an analysis of DNA resulting in the  
15 identification of an individual's patterned chemical structure of  
16 genetic information.

17           B. 1. At any hearing prior to trial or at a forfeiture  
18 hearing, a report of the findings of a laboratory report from a  
19 forensic laboratory operated by this state or any political  
20 subdivision thereof, or from a laboratory performing analysis at the  
21 request of a forensic laboratory operated by this state or any  
22 political subdivision thereof, regarding DNA Profile, which has been  
23 made available to the accused by the office of the district  
24 attorney, or the office of the Attorney General, in cases prosecuted

1 by the Attorney General, at least five (5) days prior to the  
2 hearing, when certified as correct by the persons making the report,  
3 shall be received as evidence of the facts and findings stated, if  
4 relevant and otherwise admissible in evidence. If a report is  
5 deemed relevant by the state or the accused, the court shall admit  
6 the report without the testimony of the person making the report,  
7 unless the court, pursuant to this section, orders the person making  
8 the report to appear. If the accused is not served with a report,  
9 by the district attorney, or the office of the Attorney General, in  
10 cases prosecuted by the Attorney General, at least five (5) days  
11 prior to a hearing, the accused may be allowed a continuance of the  
12 portion of the hearing to which the report is relevant, to allow at  
13 least five (5) days' preparation subsequent to the furnishing of the  
14 report by the district attorney, or the office of the Attorney  
15 General, in cases prosecuted by the Attorney General.

16 2. The court, upon motion of the state or accused, shall order  
17 the attendance of any person preparing such a report submitted as  
18 evidence in any hearing prior to trial or forfeiture hearing, when  
19 it appears there is a substantial likelihood that material evidence  
20 not contained in the report may be produced by the testimony of the  
21 person having prepared the report. The motion shall be filed and  
22 notice given of the hearing on the motion to order the attendance of  
23 the person having prepared the report. A hearing shall be held and,  
24 if the motion is sustained, an order issued giving not less than

1 five (5) days' prior notice to the time when the testimony shall be  
2 required. If, within five (5) days prior to the hearing or during a  
3 hearing, a motion is made pursuant to this subsection requiring a  
4 person having prepared a report to testify, the court may hear the  
5 report or other evidence but shall continue the hearing until such  
6 time notice of the motion and hearing is given to the person having  
7 prepared the report, the motion is heard, and, if sustained,  
8 testimony ordered can be given.

9 C. If the state decides to offer evidence of a DNA profile in  
10 any trial on the merits, the state shall, at least ~~fifteen (15)~~ ten  
11 (10) days before the criminal proceeding, notify in writing the  
12 defendant or the defendant's attorney and mail, deliver, or make  
13 available to the defendant or the defendant's attorney a copy of any  
14 report or statement to be introduced that has not previously been  
15 made available to the defendant or the defendant's attorney pursuant  
16 to subsection B of this section.

17 SECTION 9. AMENDATORY 22 O.S. 2021, Section 982, is  
18 amended to read as follows:

19 Section 982. A. Whenever a person is convicted of a violent  
20 felony offense whether the conviction is for a single offense or  
21 part of any combination of offenses, except when the death sentence  
22 is available as punishment for the offense, the court may, before  
23 imposing the sentence, require a presentence investigation be made  
24 of the offender by the Department of Corrections. The court shall



1 order the defendant to pay a fee to the Department of Corrections of  
2 not less than Fifty Dollars (\$50.00) nor more than Five Hundred  
3 Dollars (\$500.00) for the presentence investigation. In hardship  
4 cases, the court may reduce the amount of the fee and establish a  
5 payment schedule.

6 B. Whenever a person has a prior felony conviction and enters a  
7 plea of guilty or nolo contendere to a felony offense other than a  
8 violent felony offense, without an agreement by the district  
9 attorney or the Attorney General regarding the sentence to be  
10 imposed, the court may order a presentence investigation be made by  
11 the Department of Corrections. The fee provided in subsection A of  
12 this section shall apply to persons subject to this subsection.

13 C. Whenever a person has entered a plea of not guilty to a  
14 nonviolent felony offense and is found guilty by a court following a  
15 non-jury trial, the court may require a presentence investigation be  
16 made by the Department of Corrections. The fee provided in  
17 subsection A of this section shall apply to persons subject to this  
18 subsection.

19 D. When conducting a presentence investigation, the Department  
20 shall inquire into the circumstances of the offense and the  
21 characteristics of the offender. The information obtained from the  
22 investigation shall include, but not be limited to, a voluntary  
23 statement from each victim of the offense concerning the nature of  
24 the offense and the impact of the offense on the victim and the

1 immediate family of the victim, the amount of the loss suffered or  
2 incurred by the victim as a result of the criminal conduct of the  
3 offender, and the age, marital status, living arrangements,  
4 financial obligations, income, family history and education, prior  
5 juvenile and criminal records, associations with other persons  
6 convicted of a felony offense, social history, indications of a  
7 predisposition to violence or substance abuse, remorse or guilt  
8 about the offense or the harm to the victim, job skills and  
9 employment history of the offender. The Department shall make a  
10 report of information from such investigation to the court,  
11 including a recommendation detailing the punishment which is deemed  
12 appropriate for both the offense and the offender, and specifically  
13 a recommendation for or against probation or suspended sentence.  
14 The report of the investigation shall be presented to the judge  
15 within a reasonable time, and upon failure to present the report,  
16 the judge may proceed with sentencing. Whenever, in the opinion of  
17 the court or the Department, it is desirable, the investigation  
18 shall include a physical and mental examination or either a physical  
19 or mental examination of the offender.

20 E. The district attorney may have a presentence investigation  
21 made by the Department on each person charged with a violent felony  
22 offense and entering a plea of guilty or a plea of nolo contendere  
23 as part of or in exchange for a plea agreement for a violent felony  
24 offense. The presentence investigation shall be completed before

1 the terms of the plea agreement are finalized. The court shall not  
2 approve the terms of any plea agreement without reviewing the  
3 presentence investigation report to determine whether or not the  
4 terms of the sentence are appropriate for both the offender and the  
5 offense. The fee provided in subsection A of this section shall  
6 apply to persons subject to this subsection and shall be a condition  
7 of the plea agreement and sentence.

8 F. The presentence investigation reports specified in this  
9 section shall not be referred to, or be considered, in any appeal  
10 proceedings. Before imposing a sentence, the court shall advise the  
11 defendant, counsel for the defendant, and the district attorney of  
12 the factual contents and conclusions of the presentence  
13 investigation report. The court shall afford the offender a fair  
14 opportunity to controvert the findings and conclusions of the  
15 reports at the time of sentencing. If either the defendant or the  
16 district attorney desires, a hearing shall be set by the court to  
17 allow both parties an opportunity to offer evidence proving or  
18 disproving any finding contained in a report, which shall be a  
19 hearing in mitigation or aggravation of punishment.

20 G. The required presentence investigation and report may be  
21 waived upon written waiver by the district attorney and the  
22 defendant and upon approval by the Court.

23 H. As used in this section, "violent felony offense" means:

24 1. Arson in the first degree;

- 1        2. Assault with a dangerous weapon, battery with a dangerous  
2 weapon or assault and battery with a dangerous weapon;
- 3        3. Aggravated assault and battery on a police officer, sheriff,  
4 highway patrol officer, or any other officer of the law;
- 5        4. Assault with intent to kill, or shooting with intent to  
6 kill;
- 7        5. Assault with intent to commit a felony, or use of a firearm  
8 to commit a felony;
- 9        6. Assault while masked or disguised;
- 10       7. Burglary in the first degree or burglary with explosives;
- 11       8. Child beating or maiming;
- 12       9. Forcible sodomy;
- 13       10. Kidnapping, or kidnapping for extortion;
- 14       11. Lewd or indecent proposition or lewd or indecent acts with  
15 a child;
- 16       12. Manslaughter in the first or second degrees;
- 17       13. Murder in the first or second degrees;
- 18       14. Rape in the first or second degrees, or rape by  
19 instrumentation;
- 20       15. Robbery in the first or second degrees, or robbery by two  
21 or more persons, or robbery with a dangerous weapon; or
- 22       16. Any attempt, solicitation or conspiracy to commit any of  
23 the above enumerated offenses.
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1 SECTION 10. AMENDATORY 22 O.S. 2021, Section 982a, is  
2 amended to read as follows:

3 Section 982a. A. 1. Any time within sixty (60) months after  
4 the initial sentence is imposed or within sixty (60) months after  
5 probation has been revoked, the court imposing sentence or  
6 revocation of probation may modify such sentence or revocation by  
7 directing that another sentence be imposed, if the court is  
8 satisfied that the best interests of the public will not be  
9 jeopardized; provided, however, the court shall not impose a  
10 deferred sentence. Any application for sentence modification that  
11 is filed and ruled upon beyond twelve (12) months of the initial  
12 sentence being imposed must be approved by the district attorney or  
13 the Attorney General, in cases prosecuted by the Attorney General,  
14 who shall provide written notice to any victims in the case which is  
15 being considered for modification.

16 2. The court imposing sentence may modify the sentence of any  
17 offender who was originally sentenced for a drug charge and ordered  
18 to complete the Drug Offender Work Camp at the Bill Johnson  
19 Correctional Facility and direct that another sentence be imposed,  
20 if the court is satisfied that the best interests of the public will  
21 not be jeopardized; provided, however, the court shall not impose a  
22 deferred sentence. An application for sentence modification  
23 pursuant to this paragraph may be filed and ruled upon beyond the  
24

1 initial sixty-month time period provided for in paragraph 1 of this  
2 subsection.

3 3. This section shall not apply to convicted felons who have  
4 been in confinement in any state or federal prison system for any  
5 previous felony conviction during the ten-year period preceding the  
6 date that the sentence this section applies to was imposed.

7 Further, without the consent of the district attorney or the  
8 Attorney General, in cases prosecuted by the Attorney General, this  
9 section shall not apply to sentences imposed pursuant to a plea  
10 agreement or jury verdict.

11 B. The court imposing the sentence may modify the sentence of  
12 any offender sentenced to life without parole for an offense other  
13 than a violent crime, as enumerated in Section 571 of Title 57 of  
14 the Oklahoma Statutes, who has served at least ten (10) years of the  
15 sentence in the custody of the Department of Corrections upon a  
16 finding that the best interests of the public will not be  
17 jeopardized. Provided; however, prior to granting a sentence  
18 modification under the provisions of this subsection, the court  
19 shall provide notice of the hearing to determine sentence  
20 modification to the victim or representative of the victim and shall  
21 allow the victim or representative of the victim the opportunity to  
22 provide testimony at the hearing. The court shall consider the  
23 testimony of the victim or representative of the victim when  
24 rendering a decision to modify the sentence of an offender.

1 C. For purposes of judicial review, upon court order or written  
2 request from the sentencing judge, the Department of Corrections  
3 shall provide the court imposing sentence or revocation of probation  
4 with a report to include a summary of the assessed needs of the  
5 offender, any progress made by the offender in addressing his or her  
6 assessed needs, and any other information the Department can supply  
7 on the offender. The court shall consider such reports when  
8 modifying the sentence or revocation of probation. The court shall  
9 allow the Department of Corrections at least twenty (20) days after  
10 receipt of a request or order from the court to prepare the required  
11 reports.

12 D. If the court considers modification of the sentence or  
13 revocation of probation, a hearing shall be made in open court after  
14 receipt of the reports required in subsection C of this section.  
15 The clerk of the court imposing sentence or revocation of probation  
16 shall give notice of the judicial review hearing to the Department  
17 of Corrections, the offender, the legal counsel of the offender, and  
18 the district attorney of the county in which the offender was  
19 convicted or the Attorney General, in cases prosecuted by the  
20 Attorney General, upon receipt of the reports. Such notice shall be  
21 mailed at least twenty-one (21) days prior to the hearing date and  
22 shall include a copy of the report and any other written information  
23 to be considered at the judicial review hearing.

24

1 E. If an appeal is taken from the original sentence or from a  
2 revocation of probation which results in a modification of the  
3 sentence or modification to the revocation of probation of the  
4 offender, such sentence may be further modified in the manner  
5 described in paragraph 1 of subsection A of this section within  
6 sixty (60) months after the receipt by the clerk of the district  
7 court of the mandate from the Supreme Court or the Court of Criminal  
8 Appeals.

9 SECTION 11. AMENDATORY 22 O.S. 2021, Section 991a, is  
10 amended to read as follows:

11 Section 991a. A. Except as otherwise provided in the Elderly  
12 and Incapacitated Victim's Protection Program, when a defendant is  
13 convicted of a crime and no death sentence is imposed, the court  
14 shall either:

15 1. Suspend the execution of sentence in whole or in part, with  
16 or without probation. The court, in addition, may order the  
17 convicted defendant at the time of sentencing or at any time during  
18 the suspended sentence to do one or more of the following:

19 a. to provide restitution to the victim as provided by  
20 Section 991f et seq. of this title or according to a  
21 schedule of payments established by the sentencing  
22 court, together with interest upon any pecuniary sum  
23 at the rate of twelve percent (12%) per annum, if the  
24 defendant agrees to pay such restitution or, in the



1 opinion of the court, if the defendant is able to pay  
2 such restitution without imposing manifest hardship on  
3 the defendant or the immediate family and if the  
4 extent of the damage to the victim is determinable  
5 with reasonable certainty,

6 b. to reimburse any state agency for amounts paid by the  
7 state agency for hospital and medical expenses  
8 incurred by the victim or victims, as a result of the  
9 criminal act for which such person was convicted,  
10 which reimbursement shall be made directly to the  
11 state agency, with interest accruing thereon at the  
12 rate of twelve percent (12%) per annum,

13 c. to engage in a term of community service without  
14 compensation, according to a schedule consistent with  
15 the employment and family responsibilities of the  
16 person convicted,

17 d. to pay a reasonable sum into any trust fund  
18 established pursuant to the provisions of Sections 176  
19 through 180.4 of Title 60 of the Oklahoma Statutes and  
20 which provides restitution payments by convicted  
21 defendants to victims of crimes committed within this  
22 state wherein such victim has incurred a financial  
23 loss,

24

- 1 e. to confinement in the county jail for a period not to  
2 exceed six (6) months,
- 3 f. to confinement as provided by law together with a term  
4 of post-imprisonment community supervision for not  
5 less than three (3) years of the total term allowed by  
6 law for imprisonment, with or without restitution;  
7 provided, however, the authority of this provision is  
8 limited to Section 843.5 of Title 21 of the Oklahoma  
9 Statutes when the offense involved sexual abuse or  
10 sexual exploitation; Sections 681, 741 and 843.1 of  
11 Title 21 of the Oklahoma Statutes when the offense  
12 involved sexual abuse or sexual exploitation; and  
13 Sections 865 et seq., 885, 886, 888, 891, 1021,  
14 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and  
15 1123 of Title 21 of the Oklahoma Statutes,
- 16 g. to repay the reward or part of the reward paid by a  
17 local certified crime stoppers program and the  
18 Oklahoma Reward System. In determining whether the  
19 defendant shall repay the reward or part of the  
20 reward, the court shall consider the ability of the  
21 defendant to make the payment, the financial hardship  
22 on the defendant to make the required payment and the  
23 importance of the information to the prosecution of  
24 the defendant as provided by the arresting officer or

1 the district attorney with due regard for the  
2 confidentiality of the records of the local certified  
3 crime stoppers program and the Oklahoma Reward System.  
4 The court shall assess this repayment against the  
5 defendant as a cost of prosecution. The term  
6 "certified" means crime stoppers organizations that  
7 annually meet the certification standards for crime  
8 stoppers programs established by the Oklahoma Crime  
9 Stoppers Association to the extent those standards do  
10 not conflict with state statutes. The term "court"  
11 refers to all municipal and district courts within  
12 this state. The "Oklahoma Reward System" means the  
13 reward program established by Section 150.18 of Title  
14 74 of the Oklahoma Statutes,

15 h. to reimburse the Oklahoma State Bureau of  
16 Investigation for costs incurred by that agency during  
17 its investigation of the crime for which the defendant  
18 pleaded guilty, nolo contendere or was convicted  
19 including compensation for laboratory, technical or  
20 investigation services performed by the Bureau if, in  
21 the opinion of the court, the defendant is able to pay  
22 without imposing manifest hardship on the defendant,  
23 and if the costs incurred by the Bureau during the  
24

1 investigation of the defendant's case may be  
2 determined with reasonable certainty,

3 i. to reimburse the Oklahoma State Bureau of  
4 Investigation and any authorized law enforcement  
5 agency for all costs incurred by that agency for  
6 cleaning up an illegal drug laboratory site for which  
7 the defendant pleaded guilty, nolo contendere or was  
8 convicted. The court clerk shall collect the amount  
9 and may retain five percent (5%) of such monies to be  
10 deposited in the Court Clerk's Revolving Fund to cover  
11 administrative costs and shall remit the remainder to  
12 the Oklahoma State Bureau of Investigation to be  
13 deposited in the OSBI Revolving Fund established by  
14 Section 150.19a of Title 74 of the Oklahoma Statutes  
15 or to the general fund wherein the other law  
16 enforcement agency is located,

17 j. to pay a reasonable sum to the Crime Victims  
18 Compensation Board, created by Section 142.2 et seq.  
19 of Title 21 of the Oklahoma Statutes, for the benefit  
20 of crime victims,

21 k. to reimburse the court fund for amounts paid to court-  
22 appointed attorneys for representing the defendant in  
23 the case in which the person is being sentenced,  
24

- 1           1.    to participate in an assessment and evaluation by an  
2                   assessment agency or assessment personnel certified by  
3                   the Department of Mental Health and Substance Abuse  
4                   Services pursuant to Section 3-460 of Title 43A of the  
5                   Oklahoma Statutes and, as determined by the  
6                   assessment, participate in an alcohol and drug  
7                   substance abuse course or treatment program or both,  
8                   pursuant to Sections 3-452 and 3-453 of Title 43A of  
9                   the Oklahoma Statutes, or as ordered by the court,
- 10          m.    to be placed in a victims impact panel program, as  
11                   defined in subsection H of this section, or  
12                   victim/offender reconciliation program and payment of  
13                   a fee to the program of Seventy-five Dollars (\$75.00)  
14                   as set by the governing authority of the program to  
15                   offset the cost of participation by the defendant.  
16                   Provided, each victim/offender reconciliation program  
17                   shall be required to obtain a written consent form  
18                   voluntarily signed by the victim and defendant that  
19                   specifies the methods to be used to resolve the  
20                   issues, the obligations and rights of each person and  
21                   the confidentiality of the proceedings. Volunteer  
22                   mediators and employees of a victim/offender  
23                   reconciliation program shall be immune from liability

1 and have rights of confidentiality as provided in  
2 Section 1805 of Title 12 of the Oklahoma Statutes,  
3 n. to install, at the expense of the defendant, an  
4 ignition interlock device approved by the Board of  
5 Tests for Alcohol and Drug Influence. The device  
6 shall be installed upon every motor vehicle operated  
7 by the defendant, and the court shall require that a  
8 notation of this restriction be affixed to the  
9 defendant's driver license. The restriction shall  
10 remain on the driver license not exceeding two (2)  
11 years to be determined by the court. The restriction  
12 may be modified or removed only by order of the court  
13 and notice of any modification order shall be given to  
14 the Department of Public Safety. Upon the expiration  
15 of the period for the restriction, the Department of  
16 Public Safety shall remove the restriction without  
17 further court order. Failure to comply with the order  
18 to install an ignition interlock device or operating  
19 any vehicle without a device during the period of  
20 restriction shall be a violation of the sentence and  
21 may be punished as deemed proper by the sentencing  
22 court. As used in this paragraph, "ignition interlock  
23 device" means a device that, without tampering or  
24 intervention by another person, would prevent the

1 defendant from operating a motor vehicle if the  
2 defendant has a blood or breath alcohol concentration  
3 of two-hundredths (0.02) or greater,

4 o. to be confined by electronic monitoring administered  
5 and supervised by the Department of Corrections or a  
6 community sentence provider, and payment of a  
7 monitoring fee to the supervising authority, not to  
8 exceed Three Hundred Dollars (\$300.00) per month. Any  
9 fees collected pursuant to this subparagraph shall be  
10 deposited with the appropriate supervising authority.  
11 Any willful violation of an order of the court for the  
12 payment of the monitoring fee shall be a violation of  
13 the sentence and may be punished as deemed proper by  
14 the sentencing court. As used in this paragraph,  
15 "electronic monitoring" means confinement of the  
16 defendant within a specified location or locations  
17 with supervision by means of an electronic device  
18 approved by the Department of Corrections which is  
19 designed to detect if the defendant is in the court-  
20 ordered location at the required times and which  
21 records violations for investigation by a qualified  
22 supervisory agency or person,

23 p. to perform one or more courses of treatment, education  
24 or rehabilitation for any conditions, behaviors,

1 deficiencies or disorders which may contribute to  
2 criminal conduct including but not limited to alcohol  
3 and substance abuse, mental health, emotional health,  
4 physical health, propensity for violence, antisocial  
5 behavior, personality or attitudes, deviant sexual  
6 behavior, child development, parenting assistance, job  
7 skills, vocational-technical skills, domestic  
8 relations, literacy, education or any other  
9 identifiable deficiency which may be treated  
10 appropriately in the community and for which a  
11 certified provider or a program recognized by the  
12 court as having significant positive impact exists in  
13 the community. Any treatment, education or  
14 rehabilitation provider required to be certified  
15 pursuant to law or rule shall be certified by the  
16 appropriate state agency or a national organization,

- 17 q. to submit to periodic testing for alcohol,  
18 intoxicating substance or controlled dangerous  
19 substances by a qualified laboratory,
- 20 r. to pay a fee or costs for treatment, education,  
21 supervision, participation in a program or any  
22 combination thereof as determined by the court, based  
23 upon the defendant's ability to pay the fees or costs,  
24



- 1 s. to be supervised by a Department of Corrections  
2 employee, a private supervision provider or other  
3 person designated by the court,
- 4 t. to obtain positive behavior modeling by a trained  
5 mentor,
- 6 u. to serve a term of confinement in a restrictive  
7 housing facility available in the community,
- 8 v. to serve a term of confinement in the county jail at  
9 night or during weekends pursuant to Section 991a-2 of  
10 this title or for work release,
- 11 w. to obtain employment or participate in employment-  
12 related activities,
- 13 x. to participate in mandatory day reporting to  
14 facilities or persons for services, payments, duties  
15 or person-to-person contacts as specified by the  
16 court,
- 17 y. to pay day fines not to exceed fifty percent (50%) of  
18 the net wages earned. For purposes of this paragraph,  
19 "day fine" means the offender is ordered to pay an  
20 amount calculated as a percentage of net daily wages  
21 earned. The day fine shall be paid to the local  
22 community sentencing system as reparation to the  
23 community. Day fines shall be used to support the  
24 local system,

- 1           z.    to submit to blood or saliva testing as required by  
2                subsection I of this section,
- 3           aa.   to repair or restore property damaged by the  
4                defendant's conduct, if the court determines the  
5                defendant possesses sufficient skill to repair or  
6                restore the property and the victim consents to the  
7                repairing or restoring of the property,
- 8           bb.   to restore damaged property in kind or payment of out-  
9                of-pocket expenses to the victim, if the court is able  
10              to determine the actual out-of-pocket expenses  
11              suffered by the victim,
- 12          cc.   to attend a victim-offender reconciliation program if  
13              the victim agrees to participate and the offender is  
14              deemed appropriate for participation,
- 15          dd.   in the case of a person convicted of prostitution  
16              pursuant to Section 1029 of Title 21 of the Oklahoma  
17              Statutes, require such person to receive counseling  
18              for the behavior which may have caused such person to  
19              engage in prostitution activities. Such person may be  
20              required to receive counseling in areas including but  
21              not limited to alcohol and substance abuse, sexual  
22              behavior problems or domestic abuse or child abuse  
23              problems,
- 24

1 ee. in the case of a sex offender sentenced after November  
2 1, 1989, and required by law to register pursuant to  
3 the Sex Offender Registration Act, the court shall  
4 require the person to comply with sex offender  
5 specific rules and conditions of supervision  
6 established by the Department of Corrections and  
7 require the person to participate in a treatment  
8 program designed for the treatment of sex offenders  
9 during the period of time while the offender is  
10 subject to supervision by the Department of  
11 Corrections. The treatment program shall include  
12 polygraph examinations specifically designed for use  
13 with sex offenders for purposes of supervision and  
14 treatment compliance, and shall be administered not  
15 less than each six (6) months during the period of  
16 supervision. The examination shall be administered by  
17 a certified licensed polygraph examiner. The  
18 treatment program must be approved by the Department  
19 of Corrections or the Department of Mental Health and  
20 Substance Abuse Services. Such treatment shall be at  
21 the expense of the defendant based on the defendant's  
22 ability to pay,

23 ff. in addition to other sentencing powers of the court,  
24 the court in the case of a defendant being sentenced

1 for a felony conviction for a violation of Section 2-  
2 402 of Title 63 of the Oklahoma Statutes which  
3 involves marijuana may require the person to  
4 participate in a drug court program, if available. If  
5 a drug court program is not available, the defendant  
6 may be required to participate in a community  
7 sanctions program, if available,

8 gg. in the case of a person convicted of any false or  
9 bogus check violation, as defined in Section 1541.4 of  
10 Title 21 of the Oklahoma Statutes, impose a fee of  
11 Twenty-five Dollars (\$25.00) to the victim for each  
12 check, and impose a bogus check fee to be paid to the  
13 district attorney. The bogus check fee paid to the  
14 district attorney shall be equal to the amount  
15 assessed as court costs plus Twenty-five Dollars  
16 (\$25.00) for each check upon filing of the case in  
17 district court. This money shall be deposited in the  
18 Bogus Check Restitution Program Fund as established in  
19 subsection B of Section 114 of this title.

20 Additionally, the court may require the offender to  
21 pay restitution and bogus check fees on any other  
22 bogus check or checks that have been submitted to the  
23 Bogus Check Restitution Program, and

24 hh. any other provision specifically ordered by the court.

1        However, any such order for restitution, community service,  
2 payment to a local certified crime stoppers program, payment to the  
3 Oklahoma Reward System or confinement in the county jail, or a  
4 combination thereof, shall be made in conjunction with probation and  
5 shall be made a condition of the suspended sentence.

6        However, unless under the supervision of the district attorney,  
7 the offender shall be required to pay Forty Dollars (\$40.00) per  
8 month to the district attorney during the first two (2) years of  
9 probation to compensate the district attorney for the costs incurred  
10 during the prosecution of the offender and for the additional work  
11 of verifying the compliance of the offender with the rules and  
12 conditions of his or her probation. The district attorney may waive  
13 any part of this requirement in the best interests of justice. The  
14 court shall not waive, suspend, defer or dismiss the costs of  
15 prosecution in its entirety. However, if the court determines that  
16 a reduction in the fine, costs and costs of prosecution is  
17 warranted, the court shall equally apply the same percentage  
18 reduction to the fine, costs and costs of prosecution owed by the  
19 offender;

20        2. Impose a fine prescribed by law for the offense, with or  
21 without probation or commitment and with or without restitution or  
22 service as provided for in this section, Section 991a-4.1 of this  
23 title or Section 227 of Title 57 of the Oklahoma Statutes;

24

1           3. Commit such person for confinement provided for by law with  
2 or without restitution as provided for in this section;

3           4. Order the defendant to reimburse the Oklahoma State Bureau  
4 of Investigation for costs incurred by that agency during its  
5 investigation of the crime for which the defendant pleaded guilty,  
6 nolo contendere or was convicted including compensation for  
7 laboratory, technical or investigation services performed by the  
8 Bureau if, in the opinion of the court, the defendant is able to pay  
9 without imposing manifest hardship on the defendant, and if the  
10 costs incurred by the Bureau during the investigation of the  
11 defendant's case may be determined with reasonable certainty;

12           5. Order the defendant to reimburse the Oklahoma State Bureau  
13 of Investigation for all costs incurred by that agency for cleaning  
14 up an illegal drug laboratory site for which the defendant pleaded  
15 guilty, nolo contendere or was convicted. The court clerk shall  
16 collect the amount and may retain five percent (5%) of such monies  
17 to be deposited in the Court Clerk's Revolving Fund to cover  
18 administrative costs and shall remit the remainder to the Oklahoma  
19 State Bureau of Investigation to be deposited in the OSBI Revolving  
20 Fund established by Section 150.19a of Title 74 of the Oklahoma  
21 Statutes;

22           6. In the case of nonviolent felony offenses, sentence such  
23 person to the Community Service Sentencing Program;

24

1           7. In addition to the other sentencing powers of the court, in  
2 the case of a person convicted of operating or being in control of a  
3 motor vehicle while the person was under the influence of alcohol,  
4 other intoxicating substance or a combination of alcohol or another  
5 intoxicating substance, or convicted of operating a motor vehicle  
6 while the ability of the person to operate such vehicle was impaired  
7 due to the consumption of alcohol, require such person:

8           a. to participate in an alcohol and drug assessment and  
9 evaluation by an assessment agency or assessment  
10 personnel certified by the Department of Mental Health  
11 and Substance Abuse Services pursuant to Section 3-460  
12 of Title 43A of the Oklahoma Statutes and, as  
13 determined by the assessment, participate in an  
14 alcohol and drug substance abuse course or treatment  
15 program or both, pursuant to Sections 3-452 and 3-453  
16 of Title 43A of the Oklahoma Statutes,

17           b. to attend a victims impact panel program, as defined  
18 in subsection H of this section, and to pay a fee of  
19 Seventy-five Dollars (\$75.00) as set by the governing  
20 authority of the program and approved by the court, to  
21 the program to offset the cost of participation by the  
22 defendant, if in the opinion of the court the  
23 defendant has the ability to pay such fee,  
24

1 c. to both participate in the alcohol and drug substance  
2 abuse course or treatment program, pursuant to  
3 subparagraph a of this paragraph and attend a victims  
4 impact panel program, pursuant to subparagraph b of  
5 this paragraph,

6 d. to install, at the expense of the person, an ignition  
7 interlock device approved by the Board of Tests for  
8 Alcohol and Drug Influence, upon every motor vehicle  
9 operated by such person and to require that a notation  
10 of this restriction be affixed to the person's driver  
11 license at the time of reinstatement of the license.  
12 The restriction shall remain on the driver license for  
13 such period as the court shall determine. The  
14 restriction may be modified or removed by order of the  
15 court and notice of the order shall be given to the  
16 Department of Public Safety. Upon the expiration of  
17 the period for the restriction, the Department of  
18 Public Safety shall remove the restriction without  
19 further court order. Failure to comply with the order  
20 to install an ignition interlock device or operating  
21 any vehicle without such device during the period of  
22 restriction shall be a violation of the sentence and  
23 may be punished as deemed proper by the sentencing  
24 court, or



1 e. beginning January 1, 1993, to submit to electronically  
2 monitored home detention administered and supervised  
3 by the Department of Corrections, and to pay to the  
4 Department a monitoring fee, not to exceed Seventy-  
5 five Dollars (\$75.00) a month, to the Department of  
6 Corrections, if in the opinion of the court the  
7 defendant has the ability to pay such fee. Any fees  
8 collected pursuant to this subparagraph shall be  
9 deposited in the Department of Corrections Revolving  
10 Fund. Any order by the court for the payment of the  
11 monitoring fee, if willfully disobeyed, may be  
12 enforced as an indirect contempt of court;

13 8. In addition to the other sentencing powers of the court, in  
14 the case of a person convicted of prostitution pursuant to Section  
15 1029 of Title 21 of the Oklahoma Statutes, require such person to  
16 receive counseling for the behavior which may have caused such  
17 person to engage in prostitution activities. Such person may be  
18 required to receive counseling in areas including but not limited to  
19 alcohol and substance abuse, sexual behavior problems or domestic  
20 abuse or child abuse problems;

21 9. In addition to the other sentencing powers of the court, in  
22 the case of a person convicted of any crime related to domestic  
23 abuse, as defined in Section 60.1 of this title, the court may  
24 require the defendant to undergo the treatment or participate in the

1 counseling services necessary to bring about the cessation of  
2 domestic abuse against the victim. The defendant may be required to  
3 pay all or part of the cost of the treatment or counseling services;

4 10. In addition to the other sentencing powers of the court,  
5 the court, in the case of a sex offender sentenced after November 1,  
6 1989, and required by law to register pursuant to the Sex Offenders  
7 Registration Act, shall require the defendant to participate in a  
8 treatment program designed specifically for the treatment of sex  
9 offenders, if available. The treatment program will include  
10 polygraph examinations specifically designed for use with sex  
11 offenders for the purpose of supervision and treatment compliance,  
12 provided the examination is administered by a certified licensed  
13 polygraph examiner. The treatment program must be approved by the  
14 Department of Corrections or the Department of Mental Health and  
15 Substance Abuse Services. Such treatment shall be at the expense of  
16 the defendant based on the ability of the defendant to pay;

17 11. In addition to the other sentencing powers of the court,  
18 the court, in the case of a person convicted of abuse or neglect of  
19 a child, as defined in Section 1-1-105 of Title 10A of the Oklahoma  
20 Statutes, may require the person to undergo treatment or to  
21 participate in counseling services. The defendant may be required  
22 to pay all or part of the cost of the treatment or counseling  
23 services;

24

1 12. In addition to the other sentencing powers of the court,  
2 the court, in the case of a person convicted of cruelty to animals  
3 pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may  
4 require the person to pay restitution to animal facilities for  
5 medical care and any boarding costs of victimized animals;

6 13. In addition to the other sentencing powers of the court, a  
7 sex offender who is habitual or aggravated as defined by Section 584  
8 of Title 57 of the Oklahoma Statutes and who is required to register  
9 as a sex offender pursuant to the Sex Offenders Registration Act  
10 shall be supervised by the Department of Corrections for the  
11 duration of the registration period and shall be assigned to a  
12 global position monitoring device by the Department of Corrections  
13 for the duration of the registration period. The cost of such  
14 monitoring device shall be reimbursed by the offender;

15 14. In addition to the other sentencing powers of the court, in  
16 the case of a sex offender who is required by law to register  
17 pursuant to the Sex Offenders Registration Act, the court may  
18 prohibit the person from accessing or using any Internet social  
19 networking website that has the potential or likelihood of allowing  
20 the sex offender to have contact with any child who is under the age  
21 of eighteen (18) years;

22 15. In addition to the other sentencing powers of the court, in  
23 the case of a sex offender who is required by law to register  
24 pursuant to the Sex Offenders Registration Act, the court shall

1 require the person to register any electronic mail address  
2 information, instant message, chat or other Internet communication  
3 name or identity information that the person uses or intends to use  
4 while accessing the Internet or used for other purposes of social  
5 networking or other similar Internet communication; or

6 16. In addition to the other sentencing powers of the court,  
7 and pursuant to the terms and conditions of a written plea  
8 agreement, the court may prohibit the defendant from entering,  
9 visiting or residing within the judicial district in which the  
10 defendant was convicted until after completion of his or her  
11 sentence; provided, however, the court shall ensure that the  
12 defendant has access to those services or programs for which the  
13 defendant is required to participate as a condition of probation.  
14 When seeking to enter the prohibited judicial district for personal  
15 business not related to his or her criminal case, the defendant  
16 shall be required to obtain approval by the court.

17 B. Notwithstanding any other provision of law, any person who  
18 is found guilty of a violation of any provision of Section 761 or  
19 11-902 of Title 47 of the Oklahoma Statutes or any person pleading  
20 guilty or nolo contendere for a violation of any provision of such  
21 sections shall be ordered to participate in, prior to sentencing, an  
22 alcohol and drug assessment and evaluation by an assessment agency  
23 or assessment personnel certified by the Department of Mental Health  
24 and Substance Abuse Services for the purpose of evaluating the

1 receptivity to treatment and prognosis of the person. The court  
2 shall order the person to reimburse the agency or assessor for the  
3 evaluation. The fee shall be the amount provided in subsection C of  
4 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation  
5 shall be conducted at a certified assessment agency, the office of a  
6 certified assessor or at another location as ordered by the court.  
7 The agency or assessor shall, within seventy-two (72) hours from the  
8 time the person is assessed, submit a written report to the court  
9 for the purpose of assisting the court in its final sentencing  
10 determination. No person, agency or facility operating an alcohol  
11 and drug substance abuse evaluation program certified by the  
12 Department of Mental Health and Substance Abuse Services shall  
13 solicit or refer any person evaluated pursuant to this subsection  
14 for any treatment program or alcohol and drug substance abuse  
15 service in which such person, agency or facility has a vested  
16 interest; however, this provision shall not be construed to prohibit  
17 the court from ordering participation in or any person from  
18 voluntarily utilizing a treatment program or alcohol and drug  
19 substance abuse service offered by such person, agency or facility.  
20 If a person is sentenced to the custody of the Department of  
21 Corrections and the court has received a written evaluation report  
22 pursuant to this subsection, the report shall be furnished to the  
23 Department of Corrections with the judgment and sentence. Any  
24 evaluation report submitted to the court pursuant to this subsection

1 shall be handled in a manner which will keep such report  
2 confidential from the general public's review. Nothing contained in  
3 this subsection shall be construed to prohibit the court from  
4 ordering judgment and sentence in the event the defendant fails or  
5 refuses to comply with an order of the court to obtain the  
6 evaluation required by this subsection.

7 C. When sentencing a person convicted of a crime, the court  
8 shall first consider a program of restitution for the victim, as  
9 well as imposition of a fine or incarceration of the offender. The  
10 provisions of paragraph 1 of subsection A of this section shall not  
11 apply to defendants being sentenced upon their third or subsequent  
12 to their third conviction of a felony or, beginning January 1, 1993,  
13 to defendants being sentenced for their second or subsequent felony  
14 conviction for violation of Section 11-902 of Title 47 of the  
15 Oklahoma Statutes, except as otherwise provided in this subsection.  
16 In the case of a person being sentenced for his or her second or  
17 subsequent felony conviction for violation of Section 11-902 of  
18 Title 47 of the Oklahoma Statutes, the court may sentence the person  
19 pursuant to the provisions of paragraph 1 of subsection A of this  
20 section if the court orders the person to submit to electronically  
21 monitored home detention administered and supervised by the  
22 Department of Corrections pursuant to subparagraph e of paragraph 7  
23 of subsection A of this section. Provided, the court may waive  
24 these prohibitions upon written application of the district attorney

1 or the Attorney General, in cases prosecuted by the Attorney  
2 General. Both the application and the waiver shall be made part of  
3 the record of the case.

4 D. When sentencing a person convicted of a crime, the judge  
5 shall consider any victim impact statements if submitted to the  
6 jury, or the judge in the event a jury is waived.

7 E. Probation, for purposes of subsection A of this section, is  
8 a procedure by which a defendant found guilty of a crime, whether  
9 upon a verdict or plea of guilty or upon a plea of nolo contendere,  
10 is released by the court subject to conditions imposed by the court  
11 and subject to supervision by the Department of Corrections, a  
12 private supervision provider or other person designated by the  
13 court. Such supervision shall be initiated upon an order of  
14 probation from the court, and shall not exceed two (2) years, unless  
15 a petition alleging a violation of any condition of deferred  
16 judgment or seeking revocation of the suspended sentence is filed  
17 during the supervision, or as otherwise provided by law. In the  
18 case of a person convicted of a sex offense, supervision shall begin  
19 immediately upon release from incarceration or if parole is granted  
20 and shall not be limited to two (2) years. Provided further, any  
21 supervision provided for in this section may be extended for a  
22 period not to exceed the expiration of the maximum term or terms of  
23 the sentence upon a determination by the court or the Division of  
24 Probation and Parole of the Department of Corrections that the best

1 interests of the public and the release will be served by an  
2 extended period of supervision.

3 F. The Department of Corrections, or such other agency as the  
4 court may designate, shall be responsible for the monitoring and  
5 administration of the restitution and service programs provided for  
6 by subparagraphs a, c and d of paragraph 1 of subsection A of this  
7 section, and shall ensure that restitution payments are forwarded to  
8 the victim and that service assignments are properly performed.

9 G. 1. The Department of Corrections is hereby authorized,  
10 subject to funds available through appropriation by the Legislature,  
11 to contract with counties for the administration of county Community  
12 Service Sentencing Programs.

13 2. Any offender eligible to participate in the Program pursuant  
14 to this section shall be eligible to participate in a county  
15 Program; provided, participation in county-funded Programs shall not  
16 be limited to offenders who would otherwise be sentenced to  
17 confinement with the Department of Corrections.

18 3. The Department shall establish criteria and specifications  
19 for contracts with counties for such Programs. A county may apply  
20 to the Department for a contract for a county-funded Program for a  
21 specific period of time. The Department shall be responsible for  
22 ensuring that any contracting county complies in full with  
23 specifications and requirements of the contract. The contract shall  
24



1 set appropriate compensation to the county for services to the  
2 Department.

3 4. The Department is hereby authorized to provide technical  
4 assistance to any county in establishing a Program, regardless of  
5 whether the county enters into a contract pursuant to this  
6 subsection. Technical assistance shall include appropriate  
7 staffing, development of community resources, sponsorship,  
8 supervision and any other requirements.

9 5. The Department shall annually make a report to the Governor,  
10 the President Pro Tempore of the Senate and the Speaker of the House  
11 on the number of such Programs, the number of participating  
12 offenders, the success rates of each Program according to criteria  
13 established by the Department and the costs of each Program.

14 H. As used in this section:

15 1. "Ignition interlock device" means a device that, without  
16 tampering or intervention by another person, would prevent the  
17 defendant from operating a motor vehicle if the defendant has a  
18 blood or breath alcohol concentration of two-hundredths (0.02) or  
19 greater;

20 2. "Electronically monitored home detention" means  
21 incarceration of the defendant within a specified location or  
22 locations with monitoring by means of a device approved by the  
23 Department of Corrections that detects if the person leaves the  
24 confines of any specified location; and

1           3. "Victims impact panel program" means a program conducted by  
2 a corporation registered with the Secretary of State in Oklahoma for  
3 the sole purpose of operating a victims impact panel program. The  
4 program shall include live presentations from presenters who will  
5 share personal stories with participants about how alcohol, drug  
6 abuse, the operation of a motor vehicle while using an electronic  
7 communication device or the illegal conduct of others has personally  
8 impacted the lives of the presenters. A victims impact panel  
9 program shall be attended by persons who have committed the offense  
10 of driving, operating or being in actual physical control of a motor  
11 vehicle while under the influence of alcohol or other intoxicating  
12 substance, operating a motor vehicle while the ability of the person  
13 to operate such vehicle was impaired due to the consumption of  
14 alcohol or any other substance or operating a motor vehicle while  
15 using an electronic device or by persons who have been convicted of  
16 furnishing alcoholic beverage to persons under twenty-one (21) years  
17 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the  
18 Oklahoma Statutes. Persons attending a victims impact panel program  
19 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to  
20 the provider of the program. A certificate of completion shall be  
21 issued to the person upon satisfying the attendance and fee  
22 requirements of the victims impact panel program. The certificate  
23 of completion shall contain the business identification number of  
24 the program provider. A certified assessment agency, certified

1 | assessor or provider of an alcohol and drug substance abuse course  
2 | shall be prohibited from providing a victims impact panel program  
3 | and shall further be prohibited from having any proprietary or  
4 | pecuniary interest in a victims impact panel program. The provider  
5 | of the victims impact panel program shall carry general liability  
6 | insurance and maintain an accurate accounting of all business  
7 | transactions and funds received in relation to the victims impact  
8 | panel program. Beginning October 1, 2020, and each October 1  
9 | thereafter, the provider of the victims impact panel program shall  
10 | provide to the District Attorneys Council the following:

- 11 |       a. proof of registration with the Oklahoma Secretary of  
12 |       State,
- 13 |       b. proof of general liability insurance,
- 14 |       c. end-of-year financial statements prepared by a  
15 |       certified public accountant,
- 16 |       d. a copy of federal income tax returns filed with the  
17 |       Internal Revenue Service,
- 18 |       e. a registration fee of One Thousand Dollars  
19 |       (\$1,000.00). The registration fee shall be deposited  
20 |       in the District Attorneys Council Revolving Fund  
21 |       created in Section 215.28 of Title 19 of the Oklahoma  
22 |       Statutes, and

23 |  
24 |

1 f. a statement certifying that the provider of the  
2 victims impact panel program has complied with all of  
3 the requirements set forth in this paragraph.

4 I. A person convicted of a felony offense or receiving any form  
5 of probation for an offense in which registration is required  
6 pursuant to the Sex Offenders Registration Act, shall submit to  
7 deoxyribonucleic acid (DNA) testing for law enforcement  
8 identification purposes in accordance with Section 150.27 of Title  
9 74 of the Oklahoma Statutes and the rules promulgated by the  
10 Oklahoma State Bureau of Investigation for the OSBI Combined DNA  
11 Index System (CODIS) Database. Subject to the availability of  
12 funds, any person convicted of a misdemeanor offense of assault and  
13 battery, domestic abuse, stalking, possession of a controlled  
14 substance prohibited under the Uniform Controlled Dangerous  
15 Substances Act, outraging public decency, resisting arrest, escape  
16 or attempting to escape, eluding a police officer, Peeping Tom,  
17 pointing a firearm, threatening an act of violence, breaking and  
18 entering a dwelling place, destruction of property, negligent  
19 homicide or causing a personal injury accident while driving under  
20 the influence of any intoxicating substance, or any alien unlawfully  
21 present under federal immigration law, upon arrest, shall submit to  
22 DNA testing for law enforcement identification purposes in  
23 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes  
24 and the rules promulgated by the Oklahoma State Bureau of

1 Investigation for the OSBI Combined DNA Index System (CODIS)  
2 Database. Any defendant sentenced to probation shall be required to  
3 submit to testing within thirty (30) days of sentencing either to  
4 the Department of Corrections or to the county sheriff or other  
5 peace officer as directed by the court. Defendants who are  
6 sentenced to a term of incarceration shall submit to testing in  
7 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,  
8 for those defendants who enter the custody of the Department of  
9 Corrections or to the county sheriff, for those defendants sentenced  
10 to incarceration in a county jail. Convicted individuals who have  
11 previously submitted to DNA testing under this section and for whom  
12 a valid sample is on file in the OSBI Combined DNA Index System  
13 (CODIS) Database at the time of sentencing shall not be required to  
14 submit to additional testing. Except as required by the Sex  
15 Offenders Registration Act, a deferred judgment does not require  
16 submission to DNA testing.

17 Any person who is incarcerated in the custody of the Department  
18 of Corrections after July 1, 1996, and who has not been released  
19 before January 1, 2006, shall provide a blood or saliva sample prior  
20 to release. Every person subject to DNA testing after January 1,  
21 2006, whose sentence does not include a term of confinement with the  
22 Department of Corrections shall submit a blood or saliva sample.  
23 Every person subject to DNA testing who is sentenced to unsupervised  
24 probation or otherwise not supervised by the Department of

1 Corrections shall submit for blood or saliva testing to the sheriff  
2 of the sentencing county.

3 J. Samples of blood or saliva for DNA testing required by  
4 subsection I of this section shall be taken by employees or  
5 contractors of the Department of Corrections, peace officers, or the  
6 county sheriff or employees or contractors of the sheriff's office.  
7 The individuals shall be properly trained to collect blood or saliva  
8 samples. Persons collecting blood or saliva for DNA testing  
9 pursuant to this section shall be immune from civil liabilities  
10 arising from this activity. All collectors of DNA samples shall  
11 ensure the collection of samples are mailed to the Oklahoma State  
12 Bureau of Investigation within ten (10) days of the time the subject  
13 appears for testing or within ten (10) days of the date the subject  
14 comes into physical custody to serve a term of incarceration. All  
15 collectors of DNA samples shall use sample kits provided by the OSBI  
16 and procedures promulgated by the OSBI. Persons subject to DNA  
17 testing who are not received at the Lexington Assessment and  
18 Reception Center shall be required to pay a fee of Fifteen Dollars  
19 (\$15.00) to the agency collecting the sample for submission to the  
20 OSBI Combined DNA Index System (CODIS) Database. Any fees collected  
21 pursuant to this subsection shall be deposited in the revolving  
22 account or the service fee account of the collection agency or  
23 department.

24

1 K. When sentencing a person who has been convicted of a crime  
2 that would subject that person to the provisions of the Sex  
3 Offenders Registration Act, neither the court nor the district  
4 attorney shall be allowed to waive or exempt such person from the  
5 registration requirements of the Sex Offenders Registration Act.

6 SECTION 12. REPEALER 22 O.S. 2021, Section 524, is  
7 hereby repealed.

8 SECTION 13. It being immediately necessary for the preservation  
9 of the public peace, health or safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

12

13 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION AND  
14 TECHNOLOGY, dated 04/12/2023 - DO PASS, As Amended.

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