

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1460 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:
Tammy.West

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Tammy West

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED SUBCOMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1460

By: West (Tammy)

7 PROPOSED SUBCOMMITTEE SUBSTITUTE

8 An Act relating to fees; amending 20 O.S. 2021,
9 Section 1313.2, which relates to fees and fines;
10 deleting the assessment of certain fees; amending 22
11 O.S. 2021, Section 988.9, which relates to the
12 Oklahoma Community Sentencing Act; deleting the
13 assessment of certain fees; amending 22 O.S. 2021,
14 Section 991a, as last amended by Section 1, Chapter
15 61, O.S.L. 2024 (22 O.S. Supp. 2024, Section 991a),
16 which relates to sentencing powers of the court;
17 deleting the assessment of certain fees; amending 22
18 O.S. 2021, Section 991c, which relates to deferred
19 sentences; deleting the assessment of certain fees;
20 amending 28 O.S. 2021, Section 153, as amended by
21 Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp.
22 2024, Section 153), which relates to costs in
23 criminal cases; deleting the assessment of certain
24 fees; repealing 20 O.S. 2021, Section 1313.6, which
relates to fees and penalties for certain offenses;
repealing 22 O.S. 2021, Section 991d, which relates
to supervision fees; repealing 47 O.S. 2021, Section
11-403.1, which relates to fees for failing to yield;
and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2021, Section 1313.2, is
amended to read as follows:

1 Section 1313.2. A. As used in this section:

2 1. "Arrested" means taking custody of another for the purpose
3 of holding or detaining him or her to answer a criminal charge;

4 2. "Convicted" means any final adjudication of guilt, whether
5 pursuant to a plea of guilty or nolo contendere or otherwise, and
6 any deferred or suspended sentence or judgment;

7 3. "Court" means any state or municipal court having
8 jurisdiction to impose a criminal fine or penalty; and

9 4. "DNA" means ~~Deoxyribonucleic~~ deoxyribonucleic acid.

10 B. Any person convicted of an offense including traffic
11 offenses but excluding parking and standing violations, punishable
12 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
13 person forfeiting bond when charged with such an offense, shall be
14 ordered by the court to pay Ten Dollars (\$10.00) as a separate fee,
15 which fee shall be in addition to and not in substitution for any
16 and all fines and penalties otherwise provided for by law for such
17 offense.

18 C. ~~1. Any person convicted of any misdemeanor or felony~~
19 ~~offense shall pay a Laboratory Analysis Fee in the amount of One~~
20 ~~Hundred Fifty Dollars (\$150.00) for each offense if forensic science~~
21 ~~or laboratory services are rendered or administered by the Oklahoma~~
22 ~~State Bureau of Investigation (OSBI), by the Toxicology Laboratory~~
23 ~~of the Office of the Chief Medical Examiner or by any municipality~~
24 ~~or county in connection with the case. This fee shall be in~~

1 ~~addition to and not a substitution for any and all fines and~~
2 ~~penalties otherwise provided for by law for this offense.~~

3 ~~2. The court clerk shall cause to be deposited the amount of~~
4 ~~One Hundred Fifty Dollars (\$150.00) as collected, for every~~
5 ~~conviction as described in this subsection. The court clerk shall~~
6 ~~remit the monies in the fund on a monthly basis directly either to:~~

7 ~~a. the OSBI who shall deposit the monies into the OSBI~~
8 ~~Revolving Fund provided for in Section 150.19a of~~
9 ~~Title 74 of the Oklahoma Statutes for services~~
10 ~~rendered or administered by the OSBI,~~

11 ~~b. the Office of the Chief Medical Examiner who shall~~
12 ~~deposit the monies into the Chief Medical Examiner~~
13 ~~Revolving Fund provided for in Section 948 of Title 63~~
14 ~~of the Oklahoma Statutes for services rendered or~~
15 ~~administered by the Office of the Chief Medical~~
16 ~~Examiner, or~~

17 ~~c. the appropriate municipality or county for services~~
18 ~~rendered or administered by a municipality or county.~~

19 ~~3. The monies from the Laboratory Analysis Fee Fund deposited~~
20 ~~into the OSBI Revolving Fund shall be used for the following:~~

21 ~~a. providing criminalistic laboratory services,~~

22 ~~b. the purchase and maintenance of equipment for use by~~
23 ~~the laboratory in performing analysis,~~

1 e. ~~education, training, and scientific development of~~
2 ~~OSBI personnel, and~~

3 d. ~~the destruction of seized property and chemicals as~~
4 ~~prescribed in Sections 2-505 and 2-508 of Title 63 of~~
5 ~~the Oklahoma Statutes.~~

6 ~~D.~~ Upon conviction or bond forfeiture, the court shall collect
7 the fee provided for in subsection B of this section and deposit it
8 in an account created for that purpose. Except as otherwise
9 provided in subsection ~~E~~ D of this section, monies shall be
10 forwarded monthly by the court clerk to the Council on Law
11 Enforcement Education and Training (CLEET). Beginning July 1, 2003,
12 deposits shall be due on the fifteenth day of each month for the
13 preceding calendar month. There shall be a late fee imposed for
14 failure to make timely deposits; provided, CLEET, in its discretion,
15 may waive all or part of the late fee. Such late fee shall be one
16 percent (1%) of the principal amount due per day beginning from the
17 tenth day after payment is due and accumulating until the late fee
18 reaches one hundred percent (100%) of the principal amount due.
19 Beginning on July 1, 1987, ninety percent (90%) of the monies
20 received by CLEET from the court clerks pursuant to this section
21 shall be deposited in the CLEET Fund, and ten percent (10%) shall be
22 deposited in the General Revenue Fund. Beginning January 1, 2001,
23 sixty and fifty-three one-hundredths percent (60.53%) of the monies
24 received by CLEET from the court clerks pursuant to this section

1 shall be deposited in the CLEET Fund created pursuant to subsection
2 ~~Ⓔ~~ E of this section, five and eighty-three one-hundredths percent
3 (5.83%) shall be deposited in the General Revenue Fund and thirty-
4 three and sixty-four one-hundredths percent (33.64%) shall be
5 deposited in the CLEET Training Center Revolving Fund created
6 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
7 Along with the deposits required by this subsection, each court
8 shall also submit a report stating the total amount of funds
9 collected and the total number of fees imposed during the preceding
10 quarter. The report may be made on computerized or manual
11 disposition reports.

12 ~~E.~~ D. Any municipality or county having a basic law enforcement
13 academy approved by CLEET pursuant to the criteria developed by
14 CLEET for training law enforcement officers shall retain from monies
15 collected pursuant to subsections A through ~~Ⓓ~~ C of this section, Two
16 Dollars (\$2.00) from each fee. These monies shall be deposited into
17 an account for the sole use of the municipality or county in
18 implementing its law enforcement training functions. Not more than
19 seven percent (7%) of the monies shall be used for court and
20 prosecution training. The court clerk of any such municipality or
21 county shall furnish to CLEET the report required by subsection ~~Ⓓ~~ C
22 of this section.

23 ~~F. 1. Any person entering a plea of guilty or nolo contendere~~
24 ~~or is found guilty of the crime of misdemeanor possession of~~

1 ~~marijuana or drug paraphernalia shall be ordered by the court to pay~~
2 ~~a five dollar fee, which shall be in addition to and not in~~
3 ~~substitution for any and all fines and penalties otherwise provided~~
4 ~~for by law for such offense.~~

5 ~~2. The court clerk shall cause to be deposited the amount of~~
6 ~~Five Dollars (\$5.00) as collected, for every adjudicated or~~
7 ~~otherwise convicted person as described in this subsection. The~~
8 ~~court clerk shall remit the monies in the fund on a monthly basis~~
9 ~~directly to the Bureau of Narcotics Drug Education Revolving Fund.~~

10 ~~G. E.~~ There is hereby created in the State Treasury a fund for
11 the Council on Law Enforcement Education and Training to be
12 designated the "CLEET Fund". The fund shall be subject to
13 legislative appropriation and shall consist of any monies received
14 from fees and receipts collected pursuant to the Oklahoma Open
15 Records Act, reimbursements for parts used in the repair of weapons
16 of law enforcement officers attending the basic academies, gifts,
17 bequests, contributions, tuition, fees, devises and the assessments
18 levied pursuant to the fund pursuant to law.

19 ~~H. 1. Any person arrested or convicted of a felony offense or~~
20 ~~convicted of a misdemeanor offense of assault and battery, domestic~~
21 ~~abuse, stalking, possession of a controlled substance prohibited~~
22 ~~under Schedule IV of the Uniform Controlled Dangerous Substances~~
23 ~~Act, outraging public decency, resisting arrest, escaping or~~
24 ~~attempting to escape, eluding a police officer, Peeping Tom,~~

1 ~~pointing a firearm, threatening an act of violence, breaking and~~
2 ~~entering a dwelling place, destruction of property, negligent~~
3 ~~homicide or causing a personal injury accident while driving under~~
4 ~~the influence of any intoxicating substance shall pay a DNA fee of~~
5 ~~One Hundred Fifty Dollars (\$150.00). This fee shall not be~~
6 ~~collected if the person has a valid DNA sample in the OSBI DNA~~
7 ~~Offender Database at the time of sentencing.~~

8 2. ~~The court clerk shall cause to be deposited the amount of~~
9 ~~One Hundred Fifty Dollars (\$150.00) as collected for every felony~~
10 ~~arrest, felony conviction or every conviction for a misdemeanor~~
11 ~~offense of assault and battery, domestic abuse, stalking, possession~~
12 ~~of a controlled substance prohibited under the Uniform Controlled~~
13 ~~Dangerous Substances Act, outraging public decency, resisting~~
14 ~~arrest, escaping or attempting to escape, eluding a police officer,~~
15 ~~Peeping Tom, pointing a firearm, threatening an act of violence,~~
16 ~~breaking and entering a dwelling place, destruction of property,~~
17 ~~negligent homicide or causing a personal injury accident while~~
18 ~~driving under the influence of any intoxicating substance as~~
19 ~~described in this subsection. The court clerk shall remit the~~
20 ~~monies in the fund on a monthly basis directly to the OSBI who shall~~
21 ~~deposit the monies into the OSBI Revolving Fund provided for in~~
22 ~~Section 150.19a of Title 74 of the Oklahoma Statutes for services~~
23 ~~rendered or administered by the OSBI.~~

1 ~~3. The monies from the DNA sample fee deposited into the OSBI~~
2 ~~Revolving Fund shall be used for creating, staffing and maintaining~~
3 ~~the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)~~
4 ~~Database.~~

5 ~~F.~~ F. It shall be the responsibility of the court clerk to
6 account for and ensure the correctness and accuracy of payments made
7 to the state agencies identified in Sections 1313.2 through 1313.4
8 of this title. Payments made directly to an agency by the court
9 clerk as a result of different types of assessments and fees
10 pursuant to Sections 1313.2 through 1313.4 of this title shall be
11 made monthly to each state agency.

12 SECTION 2. AMENDATORY 22 O.S. 2021, Section 988.9, is
13 amended to read as follows:

14 Section 988.9. ~~A. Any offender sentenced to a community~~
15 ~~sentence pursuant to the Oklahoma Community Sentencing Act which~~
16 ~~requires supervision shall be required to pay a supervision fee.~~
17 ~~The supervising agency shall establish the fee amount, not to exceed~~
18 ~~Forty Dollars (\$40.00) per month, based upon the offender's ability~~
19 ~~to pay. In hardship cases the supervising agency may expressly~~
20 ~~waive all or part of the fee. No supervising agency participating~~
21 ~~in a local community sentencing system shall deny any offender~~
22 ~~supervision services for the sole reason that the offender is~~
23 ~~indigent. Fees collected for supervision services performed by the~~
24 ~~Department of Corrections shall be paid directly to the Department~~

1 ~~to be deposited in the Department of Corrections Revolving Fund.~~
2 ~~Supervision services performed by contracted providers other than~~
3 ~~the Department shall be paid directly to that contracted provider.~~

4 ~~B. In addition to any supervision fee, eligible offenders~~
5 ~~participating in a local community sentencing system under a court-~~
6 ~~ordered community punishment shall be required to pay an~~
7 ~~administrative fee to support the local system which shall not~~
8 ~~exceed Twenty Dollars (\$20.00) per month to be set by the court.~~
9 ~~Administrative fees when collected shall be deposited with the~~
10 ~~Community Sentencing Division within the Department of Corrections~~
11 ~~and credited to the local community sentencing system for support~~
12 ~~and expansion of the local community corrections system. In the~~
13 ~~event the court fails to order the amount of the administrative fee,~~
14 ~~the fee shall be Twenty Dollars (\$20.00) per month.~~

15 ~~C. In addition to any supervision fee and administrative fee~~
16 ~~authorized by this section, the The court shall assess court costs,~~
17 ~~and may assess program reimbursement costs, restitution, and fines~~
18 ~~to be paid by the offender. ~~With the exception of supervision fees,~~~~
19 ~~other Other fees, costs, fines, restitution, or monetary obligations~~
20 ~~ordered to be paid by the offender shall not cease with the~~
21 ~~termination of active supervision and such obligations shall~~
22 ~~continue until fully paid and may be collected in the same manner as~~
23 ~~court costs.~~

24

1 SECTION 3. AMENDATORY 22 O.S. 2021, Section 991a, as
2 last amended by Section 1, Chapter 61, O.S.L. 2024 (22 O.S. Supp.
3 2024, Section 991a), is amended to read as follows:

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

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

12 a. to provide restitution to the victim as provided by
13 Section 991f et seq. of this title or according to a
14 schedule of payments established by the sentencing
15 court, together with interest upon any pecuniary sum
16 at the rate of twelve percent (12%) per annum, if the
17 defendant agrees to pay such restitution or, in the
18 opinion of the court, if the defendant is able to pay
19 such restitution without imposing manifest hardship on
20 the defendant or the immediate family and if the
21 extent of the damage to the victim is determinable
22 with reasonable certainty,

23 b. to reimburse any state agency for amounts paid by the
24 state agency for hospital and medical expenses

1 incurred by the victim or victims, as a result of the
2 criminal act for which such person was convicted,
3 which reimbursement shall be made directly to the
4 state agency, with interest accruing thereon at the
5 rate of twelve percent (12%) per annum,

6 c. to engage in a term of community service without
7 compensation, according to a schedule consistent with
8 the employment and family responsibilities of the
9 person convicted,

10 d. to pay a reasonable sum into any trust fund
11 established pursuant to the provisions of Sections 176
12 through 180.4 of Title 60 of the Oklahoma Statutes and
13 which provides restitution payments by convicted
14 defendants to victims of crimes committed within this
15 state wherein such victim has incurred a financial
16 loss,

17 e. to confinement in the county jail for a period not to
18 exceed six (6) months,

19 f. to confinement as provided by law together with a term
20 of post-imprisonment community supervision for not
21 less than three (3) years of the total term allowed by
22 law for imprisonment, with or without restitution;
23 provided, however, the authority of this provision is
24 limited to Section 843.5 of Title 21 of the Oklahoma

1 Statutes when the offense involved sexual abuse or
2 sexual exploitation; Sections 681, 741 and 843.1 of
3 Title 21 of the Oklahoma Statutes when the offense
4 involved sexual abuse or sexual exploitation; and
5 Sections 865 et seq., 885, 886, 888, 891, 1021,
6 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
7 1123 of Title 21 of the Oklahoma Statutes,

8 g. to repay the reward or part of the reward paid by a
9 local certified crime stoppers program and the
10 Oklahoma Reward System. In determining whether the
11 defendant shall repay the reward or part of the
12 reward, the court shall consider the ability of the
13 defendant to make the payment, the financial hardship
14 on the defendant to make the required payment and the
15 importance of the information to the prosecution of
16 the defendant as provided by the arresting officer or
17 the district attorney with due regard for the
18 confidentiality of the records of the local certified
19 crime stoppers program and the Oklahoma Reward System.
20 The court shall assess this repayment against the
21 defendant as a cost of prosecution. The term
22 "certified" means crime stoppers organizations that
23 annually meet the certification standards for crime
24 stoppers programs established by the Oklahoma Crime

1 Stoppers Association to the extent those standards do
2 not conflict with state statutes. The term "court"
3 refers to all municipal and district courts within
4 this state. The "Oklahoma Reward System" means the
5 reward program established by Section 150.18 of Title
6 74 of the Oklahoma Statutes,

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

18 i. to reimburse the Oklahoma State Bureau of
19 Investigation and any authorized law enforcement
20 agency for all costs incurred by that agency for
21 cleaning up an illegal drug laboratory site for which
22 the defendant pleaded guilty, nolo contendere or was
23 convicted. The court clerk shall collect the amount
24 and may retain five percent (5%) of such monies to be

1 deposited in the Court Clerk's Revolving Fund to cover
2 administrative costs and shall remit the remainder to
3 the Oklahoma State Bureau of Investigation to be
4 deposited in the OSBI Revolving Fund established by
5 Section 150.19a of Title 74 of the Oklahoma Statutes
6 or to the general fund wherein the other law
7 enforcement agency is located,

8 j. to pay a reasonable sum to the Crime Victims
9 Compensation Board, created by Section 142.2 et seq.
10 of Title 21 of the Oklahoma Statutes, for the benefit
11 of crime victims,

12 k. to reimburse the court fund for amounts paid to court-
13 appointed attorneys for representing the defendant in
14 the case in which the person is being sentenced,

15 l. to participate in an assessment and evaluation by an
16 assessment agency or assessment personnel certified by
17 the Department of Mental Health and Substance Abuse
18 Services pursuant to Section 3-460 of Title 43A of the
19 Oklahoma Statutes and, as determined by the
20 assessment, participate in an alcohol and drug
21 substance abuse course or treatment program or both,
22 pursuant to Sections 3-452 and 3-453 of Title 43A of
23 the Oklahoma Statutes, or as ordered by the court,
24

1 m. to be placed in a victims impact panel program, as
2 defined in subsection H of this section, or
3 victim/offender reconciliation program and payment of
4 a fee to the program of Seventy-five Dollars (\$75.00)
5 as set by the governing authority of the program to
6 offset the cost of participation by the defendant.
7 Provided, each victim/offender reconciliation program
8 shall be required to obtain a written consent form
9 voluntarily signed by the victim and defendant that
10 specifies the methods to be used to resolve the
11 issues, the obligations and rights of each person and
12 the confidentiality of the proceedings. Volunteer
13 mediators and employees of a victim/offender
14 reconciliation program shall be immune from liability
15 and have rights of confidentiality as provided in
16 Section 1805 of Title 12 of the Oklahoma Statutes,
17 n. to install, at the expense of the defendant, an
18 ignition interlock device approved by the Board of
19 Tests for Alcohol and Drug Influence. The device
20 shall be installed upon every motor vehicle operated
21 by the defendant, and the court shall require that a
22 notation of this restriction be affixed to the
23 defendant's driver license. The restriction shall
24 remain on the driver license not exceeding two (2)

1 years to be determined by the court. The restriction
2 may be modified or removed only by order of the court
3 and notice of any modification order shall be given to
4 Service Oklahoma. Upon the expiration of the period
5 for the restriction, Service Oklahoma shall remove the
6 restriction without further court order. Failure to
7 comply with the order to install an ignition interlock
8 device or operating any vehicle without a device
9 during the period of restriction shall be a violation
10 of the sentence and may be punished as deemed proper
11 by the sentencing court. As used in this paragraph,
12 "ignition interlock device" means a device that,
13 without tampering or intervention by another person,
14 would prevent the defendant from operating a motor
15 vehicle if the defendant has a blood or breath alcohol
16 concentration of two-hundredths (0.02) or greater,
17 o. to be confined by electronic monitoring administered
18 and supervised by the Department of Corrections or a
19 community sentence provider, ~~and payment of a~~
20 ~~monitoring fee to the supervising authority, not to~~
21 ~~exceed Three Hundred Dollars (\$300.00) per month. Any~~
22 ~~fees collected pursuant to this subparagraph shall be~~
23 ~~deposited with the appropriate supervising authority.~~
24 ~~Any willful violation of an order of the court for the~~

1 ~~payment of the monitoring fee shall be a violation of~~
2 ~~the sentence and may be punished as deemed proper by~~
3 ~~the sentencing court.~~ As used in this paragraph,
4 "electronic monitoring" means confinement of the
5 defendant within a specified location or locations
6 with supervision by means of an electronic device
7 approved by the Department of Corrections which is
8 designed to detect if the defendant is in the court-
9 ordered location at the required times and which
10 records violations for investigation by a qualified
11 supervisory agency or person,

- 12 p. to perform one or more courses of treatment, education
13 or rehabilitation for any conditions, behaviors,
14 deficiencies or disorders which may contribute to
15 criminal conduct including but not limited to alcohol
16 and substance abuse, mental health, emotional health,
17 physical health, propensity for violence, antisocial
18 behavior, personality or attitudes, deviant sexual
19 behavior, child development, parenting assistance, job
20 skills, vocational-technical skills, domestic
21 relations, literacy, education or any other
22 identifiable deficiency which may be treated
23 appropriately in the community and for which a
24 certified provider or a program recognized by the

1 court as having significant positive impact exists in
2 the community. Any treatment, education or
3 rehabilitation provider required to be certified
4 pursuant to law or rule shall be certified by the
5 appropriate state agency or a national organization,
6 q. to submit to periodic testing for alcohol,
7 intoxicating substance or controlled dangerous
8 substances by a qualified laboratory,
9 r. to pay a fee or costs for treatment, education,
10 supervision, participation in a program or any
11 combination thereof as determined by the court, based
12 upon the defendant's ability to pay the fees or costs,
13 s. to be supervised by a Department of Corrections
14 employee, a private supervision provider or other
15 person designated by the court,
16 t. to obtain positive behavior modeling by a trained
17 mentor,
18 u. to serve a term of confinement in a restrictive
19 housing facility available in the community,
20 v. to serve a term of confinement in the county jail at
21 night or during weekends pursuant to Section 991a-2 of
22 this title or for work release,
23 w. to obtain employment or participate in employment-
24 related activities,

- 1 x. to participate in mandatory day reporting to
2 facilities or persons for services, payments, duties
3 or person-to-person contacts as specified by the
4 court,
- 5 y. to pay day fines not to exceed fifty percent (50%) of
6 the net wages earned. For purposes of this paragraph,
7 "day fine" means the offender is ordered to pay an
8 amount calculated as a percentage of net daily wages
9 earned. The day fine shall be paid to the local
10 community sentencing system as reparation to the
11 community. Day fines shall be used to support the
12 local system,
- 13 z. to submit to blood or saliva testing as required by
14 subsection I of this section,
- 15 aa. to repair or restore property damaged by the
16 defendant's conduct, if the court determines the
17 defendant possesses sufficient skill to repair or
18 restore the property and the victim consents to the
19 repairing or restoring of the property,
- 20 bb. to restore damaged property in kind or payment of out-
21 of-pocket expenses to the victim, if the court is able
22 to determine the actual out-of-pocket expenses
23 suffered by the victim,
24

1 cc. to attend a victim-offender reconciliation program if
2 the victim agrees to participate and the offender is
3 deemed appropriate for participation,

4 dd. in the case of a person convicted of prostitution
5 pursuant to Section 1029 of Title 21 of the Oklahoma
6 Statutes, require such person to receive counseling
7 for the behavior which may have caused such person to
8 engage in prostitution activities. Such person may be
9 required to receive counseling in areas including but
10 not limited to alcohol and substance abuse, sexual
11 behavior problems or domestic abuse or child abuse
12 problems,

13 ee. in the case of a sex offender sentenced after November
14 1, 1989, and required by law to register pursuant to
15 the Sex Offender Registration Act, the court shall
16 require the person to comply with sex offender
17 specific rules and conditions of supervision
18 established by the Department of Corrections and
19 require the person to participate in a treatment
20 program designed for the treatment of sex offenders
21 during the period of time while the offender is
22 subject to supervision by the Department of
23 Corrections. The treatment program shall include
24 polygraph examinations specifically designed for use

1 with sex offenders for purposes of supervision and
2 treatment compliance, and shall be administered not
3 less than each six (6) months during the period of
4 supervision. The examination shall be administered by
5 a certified licensed polygraph examiner. The
6 treatment program must be approved by the Department
7 of Corrections or the Department of Mental Health and
8 Substance Abuse Services. Such treatment shall be at
9 the expense of the defendant based on the defendant's
10 ability to pay,

11 ff. in addition to other sentencing powers of the court,
12 the court in the case of a defendant being sentenced
13 for a felony conviction for a violation of Section 2-
14 402 of Title 63 of the Oklahoma Statutes which
15 involves marijuana may require the person to
16 participate in a drug court program, if available. If
17 a drug court program is not available, the defendant
18 may be required to participate in a community
19 sanctions program, if available,

20 gg. in the case of a person convicted of any false or
21 bogus check violation, as defined in Section 1541.4 of
22 Title 21 of the Oklahoma Statutes, impose a fee of
23 Twenty-five Dollars (\$25.00) to the victim for each
24 check, and impose a bogus check fee to be paid to the

1 district attorney. The bogus check fee paid to the
2 district attorney shall be equal to the amount
3 assessed as court costs plus Twenty-five Dollars
4 (\$25.00) for each check upon filing of the case in
5 district court. This money shall be deposited in the
6 Bogus Check Restitution Program Fund as established in
7 subsection B of Section 114 of this title.

8 Additionally, the court may require the offender to
9 pay restitution and bogus check fees on any other
10 bogus check or checks that have been submitted to the
11 Bogus Check Restitution Program, and

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

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

18 ~~However, unless under the supervision of the district attorney,~~
19 ~~the offender shall be required to pay Forty Dollars (\$40.00) per~~
20 ~~month to the district attorney during the first two (2) years of~~
21 ~~probation to compensate the district attorney for the costs incurred~~
22 ~~during the prosecution of the offender and for the additional work~~
23 ~~of verifying the compliance of the offender with the rules and~~
24 ~~conditions of his or her probation. The district attorney may waive~~

1 ~~any part of this requirement in the best interests of justice. The~~
2 ~~court shall not waive, suspend, defer or dismiss the costs of~~
3 ~~prosecution in its entirety. However, if the court determines that~~
4 ~~a reduction in the fine, costs and costs of prosecution is~~
5 ~~warranted, the court shall equally apply the same percentage~~
6 ~~reduction to the fine, costs and costs of prosecution owed by the~~
7 ~~offender;~~

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

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

14 4. Order the defendant to reimburse the Oklahoma State Bureau
15 of Investigation for costs incurred by that agency during its
16 investigation of the crime for which the defendant pleaded guilty,
17 nolo contendere or was convicted including compensation for
18 laboratory, technical or investigation services performed by the
19 Bureau if, in the opinion of the court, the defendant is able to pay
20 without imposing manifest hardship on the defendant, and if the
21 costs incurred by the Bureau during the investigation of the
22 defendant's case may be determined with reasonable certainty;

23 5. Order the defendant to reimburse the Oklahoma State Bureau
24 of Investigation for all costs incurred by that agency for cleaning

1 up an illegal drug laboratory site for which the defendant pleaded
2 guilty, nolo contendere or was convicted. The court clerk shall
3 collect the amount and may retain five percent (5%) of such monies
4 to be deposited in the Court Clerk's Revolving Fund to cover
5 administrative costs and shall remit the remainder to the Oklahoma
6 State Bureau of Investigation to be deposited in the OSBI Revolving
7 Fund established by Section 150.19a of Title 74 of the Oklahoma
8 Statutes;

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

11 7. In addition to the other sentencing powers of the court, in
12 the case of a person convicted of operating or being in control of a
13 motor vehicle while the person was under the influence of alcohol,
14 other intoxicating substance or a combination of alcohol or another
15 intoxicating substance, or convicted of operating a motor vehicle
16 while the ability of the person to operate such vehicle was impaired
17 due to the consumption of alcohol, require such person:

18 a. to participate in an alcohol and drug assessment and
19 evaluation by an assessment agency or assessment
20 personnel certified by the Department of Mental Health
21 and Substance Abuse Services pursuant to Section 3-460
22 of Title 43A of the Oklahoma Statutes and, as
23 determined by the assessment, participate in an
24 alcohol and drug substance abuse course or treatment

1 program or both, pursuant to Sections 3-452 and 3-453
2 of Title 43A of the Oklahoma Statutes,

3 b. to attend a victims impact panel program, as defined
4 in subsection H of this section, and to pay a fee of
5 Seventy-five Dollars (\$75.00) as set by the governing
6 authority of the program and approved by the court, to
7 the program to offset the cost of participation by the
8 defendant, if in the opinion of the court the
9 defendant has the ability to pay such fee,

10 c. to both participate in the alcohol and drug substance
11 abuse course or treatment program, pursuant to
12 subparagraph a of this paragraph and attend a victims
13 impact panel program, pursuant to subparagraph b of
14 this paragraph,

15 d. to install, at the expense of the person, an ignition
16 interlock device approved by the Board of Tests for
17 Alcohol and Drug Influence, upon every motor vehicle
18 operated by such person and to require that a notation
19 of this restriction be affixed to the person's driver
20 license at the time of reinstatement of the license.
21 The restriction shall remain on the driver license for
22 such period as the court shall determine. The
23 restriction may be modified or removed by order of the
24 court and notice of the order shall be given to

1 Service Oklahoma. Upon the expiration of the period
2 for the restriction, Service Oklahoma shall remove the
3 restriction without further court order. Failure to
4 comply with the order to install an ignition interlock
5 device or operating any vehicle without such device
6 during the period of restriction shall be a violation
7 of the sentence and may be punished as deemed proper
8 by the sentencing court, or

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

21 8. In addition to the other sentencing powers of the court, in
22 the case of a person convicted of prostitution pursuant to Section
23 1029 of Title 21 of the Oklahoma Statutes, require such person to
24 receive counseling for the behavior which may have caused such

1 person to engage in prostitution activities. Such person may be
2 required to receive counseling in areas including but not limited to
3 alcohol and substance abuse, sexual behavior problems or domestic
4 abuse or child abuse problems;

5 9. In addition to the other sentencing powers of the court, in
6 the case of a person convicted of any crime related to domestic
7 abuse, as defined in Section 60.1 of this title, the court may
8 require the defendant to undergo the treatment or participate in the
9 counseling services necessary to bring about the cessation of
10 domestic abuse against the victim. The defendant may be required to
11 pay all or part of the cost of the treatment or counseling services;

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

1 11. In addition to the other sentencing powers of the court,
2 the court, in the case of a person convicted of abuse or neglect of
3 a child, as defined in Section 1-1-105 of Title 10A of the Oklahoma
4 Statutes, may require the person to undergo treatment or to
5 participate in counseling services. The defendant may be required
6 to pay all or part of the cost of the treatment or counseling
7 services;

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

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

22 14. 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 may

1 prohibit the person from accessing or using any Internet social
2 networking website that has the potential or likelihood of allowing
3 the sex offender to have contact with any child who is under the age
4 of eighteen (18) years;

5 15. In addition to the other sentencing powers of the court, in
6 the case of a sex offender who is required by law to register
7 pursuant to the Sex Offenders Registration Act, the court shall
8 require the person to register any electronic mail address
9 information, instant message, chat or other Internet communication
10 name or identity information that the person uses or intends to use
11 while accessing the Internet or used for other purposes of social
12 networking or other similar Internet communication; or

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

24

1 B. Notwithstanding any other provision of law, any person who
2 is found guilty of a violation of any provision of Section 761 or
3 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
4 guilty or nolo contendere for a violation of any provision of such
5 sections shall be ordered to participate in, prior to sentencing, an
6 alcohol and drug assessment and evaluation by an assessment agency
7 or assessment personnel certified by the Department of Mental Health
8 and Substance Abuse Services for the purpose of evaluating the
9 receptivity to treatment and prognosis of the person. The court
10 shall order the person to reimburse the agency or assessor for the
11 evaluation. The fee shall be the amount provided in subsection C of
12 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
13 shall be conducted at a certified assessment agency, the office of a
14 certified assessor or at another location as ordered by the court.
15 The agency or assessor shall, within seventy-two (72) hours from the
16 time the person is assessed, submit a written report to the court
17 for the purpose of assisting the court in its final sentencing
18 determination. No person, agency or facility operating an alcohol
19 and drug substance abuse evaluation program certified by the
20 Department of Mental Health and Substance Abuse Services shall
21 solicit or refer any person evaluated pursuant to this subsection
22 for any treatment program or alcohol and drug substance abuse
23 service in which such person, agency or facility has a vested
24 interest; however, this provision shall not be construed to prohibit

1 the court from ordering participation in or any person from
2 voluntarily utilizing a treatment program or alcohol and drug
3 substance abuse service offered by such person, agency or facility.
4 If a person is sentenced to the custody of the Department of
5 Corrections and the court has received a written evaluation report
6 pursuant to this subsection, the report shall be furnished to the
7 Department of Corrections with the judgment and sentence. Any
8 evaluation report submitted to the court pursuant to this subsection
9 shall be handled in a manner which will keep such report
10 confidential from the general public's review. Nothing contained in
11 this subsection shall be construed to prohibit the court from
12 ordering judgment and sentence in the event the defendant fails or
13 refuses to comply with an order of the court to obtain the
14 evaluation required by this subsection.

15 C. When sentencing a person convicted of a crime, the court
16 shall first consider a program of restitution for the victim, as
17 well as imposition of a fine or incarceration of the offender. The
18 provisions of paragraph 1 of subsection A of this section shall not
19 apply to defendants being sentenced upon their third or subsequent
20 to their third conviction of a felony. Provided, the court may
21 waive these prohibitions upon written application of the district
22 attorney. Both the application and the waiver shall be made part of
23 the record of the case.

24

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

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

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

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

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

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

24

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

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

12 H. As used in this section:

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

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

23 3. "Victims impact panel program" means a program conducted by
24 a corporation registered with the Secretary of State in Oklahoma for

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

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

- 9 a. proof of registration with the Oklahoma Secretary of
10 State,
- 11 b. proof of general liability insurance,
- 12 c. end-of-year financial statements prepared by a
13 certified public accountant,
- 14 d. a copy of federal income tax returns filed with the
15 Internal Revenue Service,
- 16 e. a registration fee of One Thousand Dollars
17 (\$1,000.00). The registration fee shall be deposited
18 in the District Attorneys Council Revolving Fund
19 created in Section 215.28 of Title 19 of the Oklahoma
20 Statutes, and
- 21 f. a statement certifying that the provider of the
22 victims impact panel program has complied with all of
23 the requirements set forth in this paragraph.

24

1 I. A person convicted of a felony offense or receiving any form
2 of probation for an offense in which registration is required
3 pursuant to the Sex Offenders Registration Act, shall submit to
4 deoxyribonucleic acid (DNA) testing for law enforcement
5 identification purposes in accordance with Section 150.27 of Title
6 74 of the Oklahoma Statutes and the rules promulgated by the
7 Oklahoma State Bureau of Investigation for the OSBI Combined DNA
8 Index System (CODIS) Database. Subject to the availability of
9 funds, any person convicted of a misdemeanor offense of assault and
10 battery, domestic abuse, stalking, possession of a controlled
11 substance prohibited under the Uniform Controlled Dangerous
12 Substances Act, outraging public decency, resisting arrest, escape
13 or attempting to escape, eluding a police officer, Peeping Tom,
14 pointing a firearm, threatening an act of violence, breaking and
15 entering a dwelling place, destruction of property, negligent
16 homicide or causing a personal injury accident while driving under
17 the influence of any intoxicating substance, or any alien unlawfully
18 present under federal immigration law, upon arrest, shall submit to
19 DNA testing for law enforcement identification purposes in
20 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes
21 and the rules promulgated by the Oklahoma State Bureau of
22 Investigation for the OSBI Combined DNA Index System (CODIS)
23 Database. Any defendant sentenced to probation shall be required to
24 submit to testing within thirty (30) days of sentencing either to

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

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

24

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

22 K. When sentencing a person who has been convicted of a crime
23 that would subject that person to the provisions of the Sex
24 Offenders Registration Act, neither the court nor the district

1 attorney shall be allowed to waive or exempt such person from the
2 registration requirements of the Sex Offenders Registration Act.

3 SECTION 4. AMENDATORY 22 O.S. 2021, Section 991c, is
4 amended to read as follows:

5 Section 991c. A. Upon a verdict or plea of guilty or upon a
6 plea of nolo contendere, but before a judgment of guilt, the court
7 may, without entering a judgment of guilt and with the consent of
8 the defendant, defer further proceedings upon the specific
9 conditions prescribed by the court not to exceed a seven-year
10 period, except as authorized under subsection B of this section.
11 The court shall first consider restitution among the various
12 conditions it may prescribe. The court may also consider ordering
13 the defendant to:

- 14 1. Pay court costs;
- 15 2. Pay an assessment in lieu of any fine authorized by law for
16 the offense;
- 17 3. Pay any other assessment or cost authorized by law;
- 18 4. Engage in a term of community service without compensation,
19 according to a schedule consistent with the employment and family
20 responsibilities of the defendant;
- 21 5. County jail confinement for a period not to exceed ninety
22 (90) days or the maximum amount of jail time provided for the
23 offense, if it is less than ninety (90) days;

24

1 6. Pay an amount as reimbursement for reasonable attorney fees,
2 to be paid into the court fund, if a court-appointed attorney has
3 been provided to the defendant;

4 7. Be supervised in the community for a period not to exceed
5 eighteen (18) months, unless a petition alleging violation of any
6 condition of deferred judgment is filed during the period of
7 supervision. ~~As a condition of any supervision, the defendant shall
8 be required to pay a supervision fee of Forty Dollars (\$40.00) per
9 month. The supervision fee shall be waived in whole or part by the
10 supervisory agency when the accused is indigent. Any fees collected
11 by the district attorney pursuant to this paragraph shall be
12 deposited in the General Revenue Fund of the State Treasury. No
13 person shall be denied supervision based solely on the inability of
14 the person to pay a fee;~~

15 8. Pay into the court fund a monthly amount not exceeding Forty
16 Dollars (\$40.00) per month during any period during which the
17 proceedings are deferred when the defendant is not to be supervised
18 in the community. The total amount to be paid into the court fund
19 shall be established by the court and shall not exceed the amount of
20 the maximum fine authorized by law for the offense;

21 9. Make other reparations to the community or victim as
22 required and deemed appropriate by the court;
23
24

1 10. Order any conditions which can be imposed for a suspended
2 sentence pursuant to paragraph 1 of subsection A of Section 991a of
3 this title; or

4 11. Any combination of the above provisions.

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

21 B. When the court has ordered restitution as a condition of
22 supervision as provided for in subsection A of this section and that
23 condition has not been satisfied, the court may, at any time prior
24

1 to the termination or expiration of the supervision period, order an
2 extension of supervision for a period not to exceed three (3) years.

3 C. In addition to any conditions of supervision provided for in
4 subsection A of this section, the court shall, in the case of a
5 person before the court for the offense of operating or being in
6 control of a motor vehicle while the person was under the influence
7 of alcohol, other intoxicating substance, or a combination of
8 alcohol and another intoxicating substance, or who is before the
9 court for the offense of operating a motor vehicle while the ability
10 of the person to operate such vehicle was impaired due to the
11 consumption of alcohol, require the person to participate in an
12 alcohol and drug substance abuse evaluation program offered by a
13 facility or qualified practitioner certified by the Department of
14 Mental Health and Substance Abuse Services for the purpose of
15 evaluating the receptivity to treatment and prognosis of the person.
16 The court shall order the person to reimburse the facility or
17 qualified practitioner for the evaluation. The Department of Mental
18 Health and Substance Abuse Services shall establish a fee schedule,
19 based upon the ability of a person to pay, provided the fee for an
20 evaluation shall not exceed Seventy-five Dollars (\$75.00). The
21 evaluation shall be conducted at a certified facility, the office of
22 a qualified practitioner or at another location as ordered by the
23 court. The facility or qualified practitioner shall, within
24 seventy-two (72) hours from the time the person is assessed, submit

1 a written report to the court for the purpose of assisting the court
2 in its determination of conditions for deferred sentence. No
3 person, agency or facility operating an alcohol and drug substance
4 abuse evaluation program certified by the Department of Mental
5 Health and Substance Abuse Services shall solicit or refer any
6 person evaluated pursuant to this subsection for any treatment
7 program or alcohol and drug substance abuse service in which the
8 person, agency or facility has a vested interest; however, this
9 provision shall not be construed to prohibit the court from ordering
10 participation in or any person from voluntarily utilizing a
11 treatment program or alcohol and drug substance abuse service
12 offered by such person, agency or facility. Any evaluation report
13 submitted to the court pursuant to this subsection shall be handled
14 in a manner which will keep the report confidential from review by
15 the general public. Nothing contained in this subsection shall be
16 construed to prohibit the court from ordering judgment and sentence
17 in the event the defendant fails or refuses to comply with an order
18 of the court to obtain the evaluation required by this subsection.
19 As used in this subsection, "qualified practitioner" means a person
20 with at least a bachelor's degree in substance abuse treatment,
21 mental health or a related health care field and at least two (2)
22 years of experience in providing alcohol abuse treatment, other drug
23 abuse treatment, or both alcohol and other drug abuse treatment who
24 is certified each year by the Department of Mental Health and

1 Substance Abuse Services to provide these assessments. However, any
2 person who does not meet the requirements for a qualified
3 practitioner as defined herein, but who has been previously
4 certified by the Department of Mental Health and Substance Abuse
5 Services to provide alcohol or drug treatment or assessments, shall
6 be considered a qualified practitioner provided all education,
7 experience and certification requirements stated herein are met by
8 September 1, 1995. The court may also require the person to
9 participate in one or both of the following:

10 1. An alcohol and drug substance abuse course, pursuant to
11 Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and

12 2. A victims impact panel program, as defined in subsection H
13 of Section 991a of this title, if such a program is offered in the
14 county where the judgment is rendered. The defendant shall be
15 required to pay a fee of Seventy-five Dollars (\$75.00) as set by the
16 governing authority of the program and approved by the court to the
17 victims impact panel program to offset the cost of participation by
18 the defendant, if in the opinion of the court the defendant has the
19 ability to pay such fee.

20 D. Upon completion of the conditions of the deferred judgment,
21 and upon a finding by the court that the conditions have been met
22 and all fines, fees, and monetary assessments have been paid as
23 ordered, the defendant shall be discharged without a court judgment
24 of guilt, and the court shall order the verdict or plea of guilty or

1 plea of nolo contendere to be expunged from the record and the
2 charge shall be dismissed with prejudice to any further action. The
3 procedure to expunge the record of the defendant shall be as
4 follows:

5 1. All references to the name of the defendant shall be deleted
6 from the docket sheet;

7 2. The public index of the filing of the charge shall be
8 expunged by deletion, mark-out or obliteration;

9 3. Upon expungement, the court clerk shall keep a separate
10 confidential index of case numbers and names of defendants which
11 have been obliterated pursuant to the provisions of this section;

12 4. No information concerning the confidential file shall be
13 revealed or released, except upon written order of a judge of the
14 district court or upon written request by the named defendant to the
15 court clerk for the purpose of updating the criminal history record
16 of the defendant with the Oklahoma State Bureau of Investigation;
17 and

18 5. Defendants qualifying under Section 18 of this title may
19 petition the court to have the filing of the indictment and the
20 dismissal expunged from the public index and docket sheet. This
21 section shall not be mutually exclusive of Section 18 of this title.

22 Records expunged pursuant to this subsection shall be sealed to
23 the public but not to law enforcement agencies for law enforcement
24 purposes. Records expunged pursuant to this subsection shall be

1 admissible in any subsequent criminal prosecution to prove the
2 existence of a prior conviction or prior deferred judgment without
3 the necessity of a court order requesting the unsealing of such
4 records.

5 E. The provisions of subsection D of this section shall be
6 retroactive.

7 F. Whenever a judgment has been deferred by the court according
8 to the provisions of this section, deferred judgment may not be
9 accelerated for any technical violation unless a petition setting
10 forth the grounds for such acceleration is filed by the district
11 attorney with the clerk of the sentencing court and competent
12 evidence justifying the acceleration of the judgment is presented to
13 the court at a hearing to be held for that purpose. The hearing
14 shall be held not more than twenty (20) days after the entry of the
15 plea of not guilty to the petition, unless waived by both the state
16 and the defendant. Any acceleration of a deferred sentence based on
17 a technical violation shall not exceed ninety (90) days for a first
18 acceleration or five (5) years for a second or subsequent
19 acceleration.

20 G. Upon any violation of the deferred judgment, other than a
21 technical violation, the court may enter a judgment of guilt and
22 proceed as provided in Section 991a of this title or may modify any
23 condition imposed. Provided, however, if the deferred judgment is
24

1 for a felony offense, and the defendant commits another felony
2 offense, the defendant shall not be allowed bail pending appeal.

3 H. The deferred judgment procedure described in this section
4 shall apply only to defendants who have not been previously
5 convicted of a felony offense and have not received more than one
6 deferred judgment for a felony offense within the ten (10) years
7 previous to the commission of the pending offense.

8 Provided, the court may waive this prohibition upon written
9 application of the district attorney. Both the application and the
10 waiver shall be made a part of the record of the case.

11 I. The deferred judgment procedure described in this section
12 shall not apply to defendants found guilty or who plead guilty or
13 nolo contendere to a sex offense required by law to register
14 pursuant to the Sex Offenders Registration Act.

15 J. All defendants who are supervised pursuant to this section
16 shall be subject to the sanction process as established in
17 subsection D of Section 991b of this title.

18 K. Notwithstanding the provisions of subsections F and G of
19 this section, a person who is being considered for an acceleration
20 of a deferred judgment for an offense where the penalty has
21 subsequently been lowered to a misdemeanor shall only be subject to
22 a judgment and sentence that would have been applicable had he or
23 she committed the offense after July 1, 2017.

24

1 SECTION 5. AMENDATORY 28 O.S. 2021, Section 153, as
2 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2024,
3 Section 153), is amended to read as follows:

4 Section 153. A. The clerks of the courts shall collect as
5 costs in every criminal case for each offense of which the defendant
6 is convicted, irrespective of whether or not the sentence is
7 deferred, the following flat charges and no more, except for
8 standing and parking violations and for charges otherwise provided
9 for by law, which fee shall cover docketing of the case, filing of
10 all papers, issuance of process, warrants, orders, and other
11 services to the date of judgment:

- 12 1. For each defendant convicted of
13 exceeding the speed limit by at least
14 one (1) mile per hour but not more than
15 ten (10) miles per hour, whether charged
16 individually or conjointly with others.....\$77.00
- 17 2. For each defendant convicted of a
18 misdemeanor traffic violation other than
19 an offense provided for in paragraph 1
20 or 5 of this subsection, whether charged
21 individually or conjointly with others.....\$98.00
- 22 3. For each defendant convicted of a
23 misdemeanor, other than for driving
24 under the influence of alcohol or other

1 intoxicating substance or an offense
2 provided for in paragraph 1 or 2 of this
3 subsection, whether charged individually
4 or conjointly with others.....\$93.00
5 4. For each defendant convicted of a
6 felony, other than for driving under the
7 influence of alcohol or other
8 intoxicating substance, whether charged
9 individually or conjointly with others.....\$103.00
10 5. For each defendant convicted of the
11 misdemeanor of driving under the
12 influence of alcohol or other
13 intoxicating substance, whether charged
14 individually or conjointly with others.....\$433.00
15 6. For each defendant convicted of the
16 felony of driving under the influence of
17 alcohol or other intoxicating substance,
18 whether charged individually or
19 conjointly with others.....\$433.00
20 7. For the services of a court reporter at
21 each preliminary hearing and trial held
22 in the case.....\$20.00
23 8. For each time a jury is requested.....\$30.00
24

1 9. A sheriff's fee for serving or
2 endeavoring to serve each writ, warrant,
3 order, process, command, or notice or
4 pursuing any fugitive from justice

5 a. within the county..... \$50.00, or
6 mileage as
7 established by the
8 Oklahoma Statutes,
9 whichever is
10 greater, or

11 b. outside of the county..... \$50.00, or
12 actual, necessary
13 expenses, whichever
14 is greater

15 B. In addition to the amount collected pursuant to paragraphs 2
16 through 6 of subsection A of this section, the sum of Six Dollars
17 (\$6.00) shall be assessed and credited to the Law Library Fund
18 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
19 Statutes.

20 C. In addition to the amount collected pursuant to subsection A
21 of this section, the sum of Twenty Dollars (\$20.00) shall be
22 assessed and collected in every traffic case for each offense other
23 than for driving under the influence of alcohol or other
24 intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be

1 assessed and collected in every misdemeanor case for each offense;
2 the sum of Thirty Dollars (\$30.00) shall be assessed and collected
3 in every misdemeanor case for each offense for driving under the
4 influence of alcohol or other intoxicating substance; the sum of
5 Fifty Dollars (\$50.00) shall be assessed and collected in every
6 felony case for each offense; and the sum of Fifty Dollars (\$50.00)
7 shall be assessed and collected in every felony case for each
8 offense for driving under the influence of alcohol or other
9 intoxicating substance.

10 D. In addition to the amounts collected pursuant to subsections
11 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
12 shall be assessed and credited to the Oklahoma Court Information
13 System Revolving Fund created pursuant to Section 1315 of Title 20
14 of the Oklahoma Statutes.

15 E. In addition to the amount collected pursuant to paragraphs 1
16 through 6 of subsection A of this section, the sum of Ten Dollars
17 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
18 Account in the county in which the conviction occurred for the
19 purpose of enhancing existing or providing additional courthouse
20 security.

21 F. In addition to the amounts collected pursuant to paragraphs
22 1 through 6 of subsection A of this section, the sum of Three
23 Dollars (\$3.00) shall be assessed and credited to the Office of the
24 Attorney General Victim Services Unit.

1 G. In addition to the amounts collected pursuant to paragraphs
2 1 through 6 of subsection A of this section, the sum of Three
3 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
4 Multidisciplinary Account. This fee shall not be used for purposes
5 of hiring or employing any law enforcement officers.

6 ~~H. In addition to the amount collected pursuant to paragraphs 5
7 and 6 of subsection A of this section, the sum of Fifteen Dollars
8 (\$15.00) shall be assessed in every misdemeanor or felony case for
9 each offense of driving under the influence of alcohol or other
10 intoxicating substance and credited to the Oklahoma Impaired Driver
11 Database Revolving Fund created pursuant to Section 11-902d of Title
12 47 of the Oklahoma Statutes.~~

13 ~~I.~~ Prior to conviction, parties in criminal cases shall not be
14 required to pay, advance, or post security for the issuance or
15 service of process to obtain compulsory attendance of witnesses.

16 ~~J.~~ I. The amounts to be assessed as court costs upon filing of
17 a case shall be those amounts above-stated in paragraph 3 or 4 of
18 subsection A and subsections B, C, D and E of this section.

19 ~~K.~~ J. The fees collected pursuant to this section shall be
20 deposited into the court fund, except the following:

- 21 1. A court clerk issuing a misdemeanor warrant is entitled to
22 ten percent (10%) of the sheriff's service fee, provided for in
23 paragraph 9 of subsection A of this section, collected on a warrant
24 referred to the contractor for the misdemeanor warrant notification

1 program governed by Sections 514.4 and 514.5 of Title 19 of the
2 Oklahoma Statutes. This ten-percent sum shall be deposited into the
3 issuing Court Clerk's Revolving Fund, created pursuant to Section
4 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
5 the warrant with the balance of the sheriff's service fee to be
6 deposited into the Sheriff's Service Fee Account, created pursuant
7 to the provisions of Section 514.1 of Title 19 of the Oklahoma
8 Statutes, of the sheriff in the county in which service is made or
9 attempted. Otherwise, the sheriff's service fee, when collected,
10 shall be deposited in its entirety into the Sheriff's Service Fee
11 Account of the sheriff in the county in which service is made or
12 attempted;

13 2. The sheriff's fee provided for in Section 153.2 of this
14 title;

15 3. The witness fees paid by the district attorney pursuant to
16 the provisions of Section 82 of this title which, if collected by
17 the court clerk, shall be transferred to the district attorney's
18 office in the county where witness attendance was required. Fees
19 transferred pursuant to this paragraph shall be deposited in the
20 district attorney's maintenance and operating expense account;

21 4. The fees provided for in subsection C of this section shall
22 be forwarded to the District Attorneys Council Revolving Fund to
23 defray the costs of prosecution; and
24

1 5. The following amounts of the fees provided for in paragraphs
2 2, 3, 5 and 6 of subsection A of this section, when collected, shall
3 be deposited in the Trauma Care Assistance Revolving Fund, created
4 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
5 Oklahoma Statutes:

6 a. Ten Dollars (\$10.00) of the ~~Ninety-eight-Dollar~~
7 ninety-eight-dollar fee provided for in paragraph 2 of
8 subsection A of this section,

9 b. Ten Dollars (\$10.00) of the ~~Ninety-three-Dollar~~
10 ninety-three-dollar fee provided for in paragraph 3 of
11 subsection A of this section,

12 c. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~
13 ~~Thirty-three-Dollar~~ four-hundred-thirty-three-dollar
14 fee provided for in paragraph 5 of subsection A of
15 this section, and

16 d. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~
17 ~~Thirty-three-Dollar~~ four-hundred-thirty-three-dollar
18 fee provided for in paragraph 6 of subsection A of
19 this section.

20 ~~H.~~ K. As used in this section, "convicted" means any final
21 adjudication of guilt, whether pursuant to a plea of guilty or nolo
22 contendere or otherwise, and any deferred judgment or suspended
23 sentence.

1 ~~M.~~ L. A court clerk may accept in payment for any fee, fine,
2 forfeiture payment, cost, penalty assessment or other charge or
3 collection to be assessed or collected by a court clerk pursuant to
4 this section a nationally recognized credit card or debit card or
5 other electronic payment method as provided in paragraph 1 of
6 subsection B of Section 151 of this title.

7 ~~N.~~ M. Upon receipt of payment of fines and costs for offenses
8 charged prior to July 1, 1992, the court clerk shall apportion and
9 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

10 SECTION 6. REPEALER 20 O.S. 2021, Section 1313.6, is
11 hereby repealed.

12 SECTION 7. REPEALER 22 O.S. 2021, Section 991d, is
13 hereby repealed.

14 SECTION 8. REPEALER 47 O.S. 2021, Section 11-403.1, is
15 hereby repealed.

16 SECTION 9. This act shall become effective November 1, 2025.

17
18 60-1-12339 GRS 02/13/25
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