

1 | ENGROSSED HOUSE  
2 | BILL NO. 1460

By: West (Tammy), Deck,  
Blancett, Osburn, Kannady,  
Stark, Pogemiller and Hill  
of the House

4 | and

5 | Gollihare of the Senate

6 |  
7 |  
8 | [ fees - fines - assessment - court - sentences -  
9 | costs - cases - offenses - supervision - yield -  
10 | effective date ]

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

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

17 | Section 1313.2. A. As used in this section:

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

20 | 2. "Convicted" means any final adjudication of guilt, whether  
21 | pursuant to a plea of guilty or nolo contendere or otherwise, and  
22 | any deferred or suspended sentence or judgment;

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

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

2 B. Any person convicted of an offense including traffic  
3 offenses but excluding parking and standing violations, punishable  
4 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any  
5 person forfeiting bond when charged with such an offense, shall be  
6 ordered by the court to pay Ten Dollars (\$10.00) as a separate fee,  
7 which fee shall be in addition to and not in substitution for any  
8 and all fines and penalties otherwise provided for by law for such  
9 offense.

10 C. 1. Any person convicted of any misdemeanor or felony  
11 offense shall pay a Laboratory Analysis Fee in the amount of One  
12 Hundred Fifty Dollars (\$150.00) for each offense if forensic science  
13 or laboratory services are rendered or administered by the Oklahoma  
14 State Bureau of Investigation (OSBI), by the Toxicology Laboratory  
15 of the Office of the Chief Medical Examiner or by any municipality  
16 or county in connection with the case. This fee shall be in  
17 addition to and not a substitution for any and all fines and  
18 penalties otherwise provided for by law for this offense.

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

- 23 a. the OSBI who shall deposit the monies into the OSBI  
24 Revolving Fund provided for in Section 150.19a of

1 Title 74 of the Oklahoma Statutes for services  
2 rendered or administered by the OSBI,

3 b. the Office of the Chief Medical Examiner who shall  
4 deposit the monies into the Chief Medical Examiner  
5 Revolving Fund provided for in Section 948 of Title 63  
6 of the Oklahoma Statutes for services rendered or  
7 administered by the Office of the Chief Medical  
8 Examiner, or

9 c. the appropriate municipality or county for services  
10 rendered or administered by a municipality or county.

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

- 13 a. providing criminalistic laboratory services,  
14 b. the purchase and maintenance of equipment for use by  
15 the laboratory in performing analysis,  
16 c. education, training, and scientific development of  
17 OSBI personnel, and  
18 d. the destruction of seized property and chemicals as  
19 prescribed in Sections 2-505 and 2-508 of Title 63 of  
20 the Oklahoma Statutes.

21 D. Upon conviction or bond forfeiture, the court shall collect  
22 the fee provided for in subsection B of this section and deposit it  
23 in an account created for that purpose. Except as otherwise  
24 provided in subsection E of this section, monies shall be forwarded

1 monthly by the court clerk to the Council on Law Enforcement  
2 Education and Training (CLEET). Beginning July 1, 2003, deposits  
3 shall be due on the fifteenth day of each month for the preceding  
4 calendar month. There shall be a late fee imposed for failure to  
5 make timely deposits; provided, CLEET, in its discretion, may waive  
6 all or part of the late fee. Such late fee shall be one percent  
7 (1%) of the principal amount due per day beginning from the tenth  
8 day after payment is due and accumulating until the late fee reaches  
9 one hundred percent (100%) of the principal amount due. Beginning  
10 on July 1, 1987, ninety percent (90%) of the monies received by  
11 CLEET from the court clerks pursuant to this section shall be  
12 deposited in the CLEET Fund, and ten percent (10%) shall be  
13 deposited in the General Revenue Fund. Beginning January 1, 2001,  
14 sixty and fifty-three one-hundredths percent (60.53%) of the monies  
15 received by CLEET from the court clerks pursuant to this section  
16 shall be deposited in the CLEET Fund created pursuant to subsection  
17 G F of this section, five and eighty-three one-hundredths percent  
18 (5.83%) shall be deposited in the General Revenue Fund and thirty-  
19 three and sixty-four one-hundredths percent (33.64%) shall be  
20 deposited in the CLEET Training Center Revolving Fund created  
21 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.  
22 Along with the deposits required by this subsection, each court  
23 shall also submit a report stating the total amount of funds  
24 collected and the total number of fees imposed during the preceding

1 quarter. The report may be made on computerized or manual  
2 disposition reports.

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

14 F. ~~1. Any person entering a plea of guilty or nolo contendere~~  
15 ~~or is found guilty of the crime of misdemeanor possession of~~  
16 ~~marijuana or drug paraphernalia shall be ordered by the court to pay~~  
17 ~~a five-dollar fee, which shall be in addition to and not in~~  
18 ~~substitution for any and all fines and penalties otherwise provided~~  
19 ~~for by law for such offense.~~

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

1       ~~G.~~ There is hereby created in the State Treasury a fund for the  
2 Council on Law Enforcement Education and Training to be designated  
3 the "CLEET Fund". The fund shall be subject to legislative  
4 appropriation and shall consist of any monies received from fees and  
5 receipts collected pursuant to the Oklahoma Open Records Act,  
6 reimbursements for parts used in the repair of weapons of law  
7 enforcement officers attending the basic academies, gifts, bequests,  
8 contributions, tuition, fees, devises and the assessments levied  
9 pursuant to the fund pursuant to law.

10       ~~H.~~ G. 1. Any person arrested or convicted of a felony offense  
11 or convicted of a misdemeanor offense of assault and battery,  
12 domestic abuse, stalking, possession of a controlled substance  
13 prohibited under Schedule IV of the Uniform Controlled Dangerous  
14 Substances Act, outraging public decency, resisting arrest, escaping  
15 or attempting to escape, eluding a police officer, Peeping Tom,  
16 pointing a firearm, threatening an act of violence, breaking and  
17 entering a dwelling place, destruction of property, negligent  
18 homicide or causing a personal injury accident while driving under  
19 the influence of any intoxicating substance shall pay a DNA fee of  
20 One Hundred Fifty Dollars (\$150.00). This fee shall not be  
21 collected if the person has a valid DNA sample in the OSBI DNA  
22 Offender Database at the time of sentencing.

23       2. The court clerk shall cause to be deposited the amount of  
24 One Hundred Fifty Dollars (\$150.00) as collected for every felony

1 arrest, felony conviction or every conviction for a misdemeanor  
2 offense of assault and battery, domestic abuse, stalking, possession  
3 of a controlled substance prohibited under the Uniform Controlled  
4 Dangerous Substances Act, outraging public decency, resisting  
5 arrest, escaping or attempting to escape, eluding a police officer,  
6 Peeping Tom, pointing a firearm, threatening an act of violence,  
7 breaking and entering a dwelling place, destruction of property,  
8 negligent homicide or causing a personal injury accident while  
9 driving under the influence of any intoxicating substance as  
10 described in this subsection. The court clerk shall remit the  
11 monies in the fund on a monthly basis directly to the OSBI who shall  
12 deposit the monies into the OSBI Revolving Fund provided for in  
13 Section 150.19a of Title 74 of the Oklahoma Statutes for services  
14 rendered or administered by the OSBI.

15 3. The monies from the DNA sample fee deposited into the OSBI  
16 Revolving Fund shall be used for creating, staffing and maintaining  
17 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)  
18 Database.

19 ~~F.~~ H. It shall be the responsibility of the court clerk to  
20 account for and ensure the correctness and accuracy of payments made  
21 to the state agencies identified in Sections 1313.2 through 1313.4  
22 of this title. Payments made directly to an agency by the court  
23 clerk as a result of different types of assessments and fees  
24

1 pursuant to Sections 1313.2 through 1313.4 of this title shall be  
2 made monthly to each state agency.

3 SECTION 2. AMENDATORY 22 O.S. 2021, Section 991a, as  
4 last amended by Section 1, Chapter 61, O.S.L. 2024 (22 O.S. Supp.  
5 2024, Section 991a), is amended to read as follows:

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

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

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

- 1           b.    to reimburse any state agency for amounts paid by the  
2                   state agency for hospital and medical expenses  
3                   incurred by the victim or victims, as a result of the  
4                   criminal act for which such person was convicted,  
5                   which reimbursement shall be made directly to the  
6                   state agency, with interest accruing thereon at the  
7                   rate of twelve percent (12%) per annum,
- 8           c.    to engage in a term of community service without  
9                   compensation, according to a schedule consistent with  
10                  the employment and family responsibilities of the  
11                  person convicted,
- 12           d.    to pay a reasonable sum into any trust fund  
13                   established pursuant to the provisions of Sections 176  
14                   through 180.4 of Title 60 of the Oklahoma Statutes and  
15                   which provides restitution payments by convicted  
16                   defendants to victims of crimes committed within this  
17                   state wherein such victim has incurred a financial  
18                   loss,
- 19           e.    to confinement in the county jail for a period not to  
20                  exceed six (6) months,
- 21           f.    to confinement as provided by law together with a term  
22                  of post-imprisonment community supervision for not  
23                  less than three (3) years of the total term allowed by  
24                  law for imprisonment, with or without restitution;

1 provided, however, the authority of this provision is  
2 limited to Section 843.5 of Title 21 of the Oklahoma  
3 Statutes when the offense involved sexual abuse or  
4 sexual exploitation; Sections 681, 741 and 843.1 of  
5 Title 21 of the Oklahoma Statutes when the offense  
6 involved sexual abuse or sexual exploitation; and  
7 Sections 865 et seq., 885, 886, 888, 891, 1021,  
8 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and  
9 1123 of Title 21 of the Oklahoma Statutes,

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

1 annually meet the certification standards for crime  
2 stoppers programs established by the Oklahoma Crime  
3 Stoppers Association to the extent those standards do  
4 not conflict with state statutes. The term "court"  
5 refers to all municipal and district courts within  
6 this state. The "Oklahoma Reward System" means the  
7 reward program established by Section 150.18 of Title  
8 74 of the Oklahoma Statutes,

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

20 ~~i. to reimburse the Oklahoma State Bureau of~~  
21 ~~Investigation and any authorized law enforcement~~  
22 ~~agency for all costs incurred by that agency for~~  
23 ~~cleaning up an illegal drug laboratory site for which~~  
24 ~~the defendant pleaded guilty, nolo contendere or was~~

1 ~~convicted. The court clerk shall collect the amount~~  
2 ~~and may retain five percent (5%) of such monies to be~~  
3 ~~deposited in the Court Clerk's Revolving Fund to cover~~  
4 ~~administrative costs and shall remit the remainder to~~  
5 ~~the Oklahoma State Bureau of Investigation to be~~  
6 ~~deposited in the OSBI Revolving Fund established by~~  
7 ~~Section 150.19a of Title 74 of the Oklahoma Statutes~~  
8 ~~or to the general fund wherein the other law~~  
9 ~~enforcement agency is located,~~

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

14 ~~k.~~

15 j. to reimburse the court fund for amounts paid to court-  
16 appointed attorneys for representing the defendant in  
17 the case in which the person is being sentenced,

18 ~~l.~~

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

1 substance abuse course or treatment program or both,  
2 pursuant to Sections 3-452 and 3-453 of Title 43A of  
3 the Oklahoma Statutes, or as ordered by the court,

4 ~~m.~~

5 l. to be placed in a victims impact panel program, as  
6 defined in subsection H of this section, or  
7 victim/offender reconciliation program and payment of  
8 a fee to the program of Seventy-five Dollars (\$75.00)  
9 as set by the governing authority of the program to  
10 offset the cost of participation by the defendant.  
11 Provided, each victim/offender reconciliation program  
12 shall be required to obtain a written consent form  
13 voluntarily signed by the victim and defendant that  
14 specifies the methods to be used to resolve the  
15 issues, the obligations and rights of each person and  
16 the confidentiality of the proceedings. Volunteer  
17 mediators and employees of a victim/offender  
18 reconciliation program shall be immune from liability  
19 and have rights of confidentiality as provided in  
20 Section 1805 of Title 12 of the Oklahoma Statutes,

21 ~~n.~~

22 m. to install, at the expense of the defendant, an  
23 ignition interlock device approved by the Board of  
24 Tests for Alcohol and Drug Influence. The device

1 shall be installed upon every motor vehicle operated  
2 by the defendant, and the court shall require that a  
3 notation of this restriction be affixed to the  
4 defendant's driver license. The restriction shall  
5 remain on the driver license not exceeding two (2)  
6 years to be determined by the court. The restriction  
7 may be modified or removed only by order of the court  
8 and notice of any modification order shall be given to  
9 Service Oklahoma. Upon the expiration of the period  
10 for the restriction, Service Oklahoma shall remove the  
11 restriction without further court order. Failure to  
12 comply with the order to install an ignition interlock  
13 device or operating any vehicle without a device  
14 during the period of restriction shall be a violation  
15 of the sentence and may be punished as deemed proper  
16 by the sentencing court. As used in this paragraph,  
17 "ignition interlock device" means a device that,  
18 without tampering or intervention by another person,  
19 would prevent the defendant from operating a motor  
20 vehicle if the defendant has a blood or breath alcohol  
21 concentration of two-hundredths (0.02) or greater,  
22 ~~e.~~  
23 n. to be confined by electronic monitoring administered  
24 and supervised by the Department of Corrections or a

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

18 ~~p.~~

19 o. to perform one or more courses of treatment, education  
20 or rehabilitation for any conditions, behaviors,  
21 deficiencies or disorders which may contribute to  
22 criminal conduct including but not limited to alcohol  
23 and substance abuse, mental health, emotional health,  
24 physical health, propensity for violence, antisocial

1 behavior, personality or attitudes, deviant sexual  
2 behavior, child development, parenting assistance, job  
3 skills, vocational-technical skills, domestic  
4 relations, literacy, education or any other  
5 identifiable deficiency which may be treated  
6 appropriately in the community and for which a  
7 certified provider or a program recognized by the  
8 court as having significant positive impact exists in  
9 the community. Any treatment, education or  
10 rehabilitation provider required to be certified  
11 pursuant to law or rule shall be certified by the  
12 appropriate state agency or a national organization,

13 ~~q.~~

14 p. to submit to periodic testing for alcohol,  
15 intoxicating substance or controlled dangerous  
16 substances by a qualified laboratory,

17 ~~r.~~

18 q. to pay a fee or costs for treatment, education,  
19 supervision, participation in a program or any  
20 combination thereof as determined by the court, based  
21 upon the defendant's ability to pay the fees or costs,

22 ~~s.~~

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

1 "day fine" means the offender is ordered to pay an  
2 amount calculated as a percentage of net daily wages  
3 earned. The day fine shall be paid to the local  
4 community sentencing system as reparation to the  
5 community. Day fines shall be used to support the  
6 local system,

7 ~~z.~~

8 y. to submit to blood or saliva testing as required by  
9 subsection I of this section,

10 ~~aa.~~

11 z. to repair or restore property damaged by the  
12 defendant's conduct, if the court determines the  
13 defendant possesses sufficient skill to repair or  
14 restore the property and the victim consents to the  
15 repairing or restoring of the property,

16 ~~bb.~~

17 aa. to restore damaged property in kind or payment of out-  
18 of-pocket expenses to the victim, if the court is able  
19 to determine the actual out-of-pocket expenses  
20 suffered by the victim,

21 ~~cc.~~

22 bb. to attend a victim-offender reconciliation program if  
23 the victim agrees to participate and the offender is  
24 deemed appropriate for participation,

1 ~~dd.~~

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

11 ~~ee.~~

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

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

10 ~~ff.~~

11 ee. 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.~~

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

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

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

13 ~~hh.~~

14 gg. any other provision specifically ordered by the court.

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

20 However, unless under the supervision of the district attorney,  
21 the offender shall be required to pay Forty Dollars (\$40.00) per  
22 month to the district attorney during the first two (2) years of  
23 probation to compensate the district attorney for the costs incurred  
24 during the prosecution of the offender and for the additional work

1 of verifying the compliance of the offender with the rules and  
2 conditions of his or her probation. The district attorney may waive  
3 any part of this requirement in the best interests of justice. The  
4 court shall not waive, suspend, defer or dismiss the costs of  
5 prosecution in its entirety. However, if the court determines that  
6 a reduction in the fine, costs and costs of prosecution is  
7 warranted, the court shall equally apply the same percentage  
8 reduction to the fine, costs and costs of prosecution owed by the  
9 offender;

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

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

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

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

11           ~~6.~~ In the case of nonviolent felony offenses, sentence such  
12 person to the Community Service Sentencing Program;

13           ~~7.~~ 6. In addition to the other sentencing powers of the court,  
14 in the case of a person convicted of operating or being in control  
15 of a motor vehicle while the person was under the influence of  
16 alcohol, other intoxicating substance or a combination of alcohol or  
17 another intoxicating substance, or convicted of operating a motor  
18 vehicle while the ability of the person to operate such vehicle was  
19 impaired due to the consumption of alcohol, require such person:

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

1 determined by the assessment, participate in an  
2 alcohol and drug substance abuse course or treatment  
3 program or both, pursuant to Sections 3-452 and 3-453  
4 of Title 43A of the Oklahoma Statutes,

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

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

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

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

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

23 ~~§. 7.~~ 7. In addition to the other sentencing powers of the court,  
24 in the case of a person convicted of prostitution pursuant to

1 Section 1029 of Title 21 of the Oklahoma Statutes, require such  
2 person to receive counseling for the behavior which may have caused  
3 such person to engage in prostitution activities. Such person may  
4 be required to receive counseling in areas including but not limited  
5 to alcohol and substance abuse, sexual behavior problems or domestic  
6 abuse or child abuse problems;

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

14 ~~10.~~ 9. In addition to the other sentencing powers of the court,  
15 the court, in the case of a sex offender sentenced after November 1,  
16 1989, and required by law to register pursuant to the Sex Offenders  
17 Registration Act, shall require the defendant to participate in a  
18 treatment program designed specifically for the treatment of sex  
19 offenders, if available. The treatment program will include  
20 polygraph examinations specifically designed for use with sex  
21 offenders for the purpose of supervision and treatment compliance,  
22 provided the examination is administered by a certified licensed  
23 polygraph examiner. The treatment program must be approved by the  
24 Department of Corrections or the Department of Mental Health and

1 Substance Abuse Services. Such treatment shall be at the expense of  
2 the defendant based on the ability of the defendant to pay;

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

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

16 ~~13.~~ 12. In addition to the other sentencing powers of the  
17 court, a sex offender who is habitual or aggravated as defined by  
18 Section 584 of Title 57 of the Oklahoma Statutes and who is required  
19 to register as a sex offender pursuant to the Sex Offenders  
20 Registration Act shall be supervised by the Department of  
21 Corrections for the duration of the registration period and shall be  
22 assigned to a global position monitoring device by the Department of  
23 Corrections for the duration of the registration period. The cost  
24 of such monitoring device shall be reimbursed by the offender;

1       ~~14.~~ 13. In addition to the other sentencing powers of the  
2 court, in the case of a sex offender who is required by law to  
3 register pursuant to the Sex Offenders Registration Act, the court  
4 may prohibit the person from accessing or using any Internet social  
5 networking website that has the potential or likelihood of allowing  
6 the sex offender to have contact with any child who is under the age  
7 of eighteen (18) years;

8       ~~15.~~ 14. In addition to the other sentencing powers of the  
9 court, in the case of a sex offender who is required by law to  
10 register pursuant to the Sex Offenders Registration Act, the court  
11 shall require the person to register any electronic mail address  
12 information, instant message, chat or other Internet communication  
13 name or identity information that the person uses or intends to use  
14 while accessing the Internet or used for other purposes of social  
15 networking or other similar Internet communication; or

16       ~~16.~~ 15. In addition to the other sentencing powers of the  
17 court, and pursuant to the terms and conditions of a written plea  
18 agreement, the court may prohibit the defendant from entering,  
19 visiting or residing within the judicial district in which the  
20 defendant was convicted until after completion of his or her  
21 sentence; provided, however, the court shall ensure that the  
22 defendant has access to those services or programs for which the  
23 defendant is required to participate as a condition of probation.  
24 When seeking to enter the prohibited judicial district for personal

1 business not related to his or her criminal case, the defendant  
2 shall be required to obtain approval by the court.

3 B. Notwithstanding any other provision of law, any person who  
4 is found guilty of a violation of any provision of Section 761 or  
5 11-902 of Title 47 of the Oklahoma Statutes or any person pleading  
6 guilty or nolo contendere for a violation of any provision of such  
7 sections shall be ordered to participate in, prior to sentencing, an  
8 alcohol and drug assessment and evaluation by an assessment agency  
9 or assessment personnel certified by the Department of Mental Health  
10 and Substance Abuse Services for the purpose of evaluating the  
11 receptivity to treatment and prognosis of the person. The court  
12 shall order the person to reimburse the agency or assessor for the  
13 evaluation. The fee shall be the amount provided in subsection C of  
14 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation  
15 shall be conducted at a certified assessment agency, the office of a  
16 certified assessor or at another location as ordered by the court.  
17 The agency or assessor shall, within seventy-two (72) hours from the  
18 time the person is assessed, submit a written report to the court  
19 for the purpose of assisting the court in its final sentencing  
20 determination. No person, agency or facility operating an alcohol  
21 and drug substance abuse evaluation program certified by the  
22 Department of Mental Health and Substance Abuse Services shall  
23 solicit or refer any person evaluated pursuant to this subsection  
24 for any treatment program or alcohol and drug substance abuse

1 service in which such person, agency or facility has a vested  
2 interest; however, this provision shall not be construed to prohibit  
3 the court from ordering participation in or any person from  
4 voluntarily utilizing a treatment program or alcohol and drug  
5 substance abuse service offered by such person, agency or facility.  
6 If a person is sentenced to the custody of the Department of  
7 Corrections and the court has received a written evaluation report  
8 pursuant to this subsection, the report shall be furnished to the  
9 Department of Corrections with the judgment and sentence. Any  
10 evaluation report submitted to the court pursuant to this subsection  
11 shall be handled in a manner which will keep such report  
12 confidential from the general public's review. Nothing contained in  
13 this subsection shall be construed to prohibit the court from  
14 ordering judgment and sentence in the event the defendant fails or  
15 refuses to comply with an order of the court to obtain the  
16 evaluation required by this subsection.

17 C. When sentencing a person convicted of a crime, the court  
18 shall first consider a program of restitution for the victim, as  
19 well as imposition of a fine or incarceration of the offender. The  
20 provisions of paragraph 1 of subsection A of this section shall not  
21 apply to defendants being sentenced upon their third or subsequent  
22 to their third conviction of a felony. Provided, the court may  
23 waive these prohibitions upon written application of the district  
24

1 attorney. Both the application and the waiver shall be made part of  
2 the record of the case.

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

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

24

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 3. AMENDATORY 22 O.S. 2021, Section 1355A, is  
7 amended to read as follows:

8 Section 1355A. A. When an indigent requests representation by  
9 the Oklahoma Indigent Defense System, such person shall submit an  
10 appropriate application to the court clerk, which shall state that  
11 the application is signed under oath and under the penalty of  
12 perjury and that a false statement may be prosecuted as such. The  
13 application shall state whether or not the indigent has been  
14 released on bond. In addition, if the indigent has been released on  
15 bond, the application shall include a written statement from the  
16 applicant that the applicant has contacted three named attorneys,  
17 licensed to practice law in this state, and the applicant has been  
18 unable to obtain legal counsel. ~~A nonrefundable application fee of~~  
19 ~~Forty Dollars (\$40.00) shall be paid to the court clerk at the time~~  
20 ~~the application is submitted, and no application shall be accepted~~  
21 ~~without payment of the fee; except that the court may, based upon~~  
22 ~~the financial information submitted, defer all or part of the fee if~~  
23 ~~the court determines that the person does not have the financial~~  
24 ~~resources to pay the fee at time of application, to attach as a~~

1 ~~court fee upon conviction. Any fees collected pursuant to this~~  
2 ~~subsection shall be retained by the court clerk, deposited in the~~  
3 ~~Court Clerk's Revolving Fund, and reported quarterly to the~~  
4 ~~Administrative Office of the Courts.~~

5 B. 1. The Court of Criminal Appeals shall promulgate rules  
6 governing the determination of indigency pursuant to the provisions  
7 of Section 55 of Title 20 of the Oklahoma Statutes. The initial  
8 determination of indigency shall be made by the Chief Judge of the  
9 Judicial District or a designee thereof, based on the defendant's  
10 application and the rules provided herein.

11 2. Upon promulgation of the rules required by law, the  
12 determination of indigency shall be subject to review by the  
13 Presiding Judge of the Judicial Administrative District. Until such  
14 rules become effective, the determination of indigency shall be  
15 subject to review by the Court of Criminal Appeals.

16 C. Before the court appoints the System based on the  
17 application, the court shall advise the indigent or, if applicable,  
18 a parent or legal guardian, that the application is signed under  
19 oath and under the penalty of perjury and that a false statement may  
20 be prosecuted as such. A copy of the application shall be sent to  
21 the prosecuting attorney or the Office of the Attorney General,  
22 whichever is appropriate, for review. Upon request by any party  
23 including, but not limited to, the attorney appointed to represent  
24

1 the indigent, the court shall hold a hearing on the issue of  
2 eligibility for appointment of the System.

3 D. If the defendant is admitted to bail and the defendant or  
4 another person on behalf of the defendant posts a bond, other than  
5 by personal recognizance, the court may consider such fact in  
6 determining the eligibility of the defendant for appointment of the  
7 System; provided, however, such consideration shall not be the sole  
8 factor in the determination of eligibility.

9 E. The System shall be prohibited from accepting an appointment  
10 unless a completed application for court-appointed counsel as  
11 provided by Form 13.3 of Section XIII of the Rules of the Court of  
12 Criminal Appeals, 22 O.S. 2001, Ch. 18, App., has been filed of  
13 record in the case.

14 SECTION 4. AMENDATORY 28 O.S. 2021, Section 153, as  
15 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2024,  
16 Section 153), is amended to read as follows:

17 Section 153. A. The clerks of the courts shall collect as  
18 costs in every criminal case for each offense of which the defendant  
19 is convicted, irrespective of whether or not the sentence is  
20 deferred, the following flat charges and no more, except for  
21 standing and parking violations and for charges otherwise provided  
22 for by law, which fee shall cover docketing of the case, filing of  
23 all papers, issuance of process, warrants, orders, and other  
24 services to the date of judgment:

- 1 1. For each defendant convicted of  
2 exceeding the speed limit by at least  
3 one (1) mile per hour but not more than  
4 ten (10) miles per hour, whether charged  
5 individually or conjointly with others.....\$77.00
- 6 2. For each defendant convicted of a  
7 misdemeanor traffic violation other than  
8 an offense provided for in paragraph 1  
9 or 5 of this subsection, whether charged  
10 individually or conjointly with others.....\$98.00
- 11 3. For each defendant convicted of a  
12 misdemeanor, other than for driving  
13 under the influence of alcohol or other  
14 intoxicating substance or an offense  
15 provided for in paragraph 1 or 2 of this  
16 subsection, whether charged individually  
17 or conjointly with others.....\$93.00
- 18 4. For each defendant convicted of a  
19 felony, other than for driving under the  
20 influence of alcohol or other  
21 intoxicating substance, whether charged  
22 individually or conjointly with others.....\$103.00
- 23 5. For each defendant convicted of the  
24 misdemeanor of driving under the

1 influence of alcohol or other  
2 intoxicating substance, whether charged  
3 individually or conjointly with others.....\$433.00

4 6. For each defendant convicted of the  
5 felony of driving under the influence of  
6 alcohol or other intoxicating substance,  
7 whether charged individually or  
8 conjointly with others.....\$433.00

9 7. For the services of a court reporter at  
10 each preliminary hearing and trial held  
11 in the case.....\$20.00

12 8. For each time a jury is requested.....\$30.00

13 9. A sheriff's fee for serving or  
14 endeavoring to serve each writ, warrant,  
15 order, process, command, or notice or  
16 pursuing any fugitive from justice

17 a. within the county..... \$50.00, or  
18 mileage as  
19 established by the  
20 Oklahoma Statutes,  
21 whichever is  
22 greater, or

23 b. outside of the county..... \$50.00, or  
24

1 actual, necessary  
2 expenses, whichever  
3 is greater

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

9 C. In addition to the amount collected pursuant to subsection A  
10 of this section, the sum of Twenty Dollars (\$20.00) shall be  
11 assessed and collected in every traffic case for each offense other  
12 than for driving under the influence of alcohol or other  
13 intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be  
14 assessed and collected in every misdemeanor case for each offense;  
15 the sum of Thirty Dollars (\$30.00) shall be assessed and collected  
16 in every misdemeanor case for each offense for driving under the  
17 influence of alcohol or other intoxicating substance; the sum of  
18 Fifty Dollars (\$50.00) shall be assessed and collected in every  
19 felony case for each offense; and the sum of Fifty Dollars (\$50.00)  
20 shall be assessed and collected in every felony case for each  
21 offense for driving under the influence of alcohol or other  
22 intoxicating substance.

23 D. In addition to the amounts collected pursuant to subsections  
24 A and B of this section, the sum of Twenty-five Dollars (\$25.00)

1 shall be assessed and credited to the Oklahoma Court Information  
2 System Revolving Fund created pursuant to Section 1315 of Title 20  
3 of the Oklahoma Statutes.

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

10 F. In addition to the amounts collected pursuant to paragraphs  
11 1 through 6 of subsection A of this section, the sum of Three  
12 Dollars (\$3.00) shall be assessed and credited to the Office of the  
13 Attorney General Victim Services Unit.

14 G. In addition to the amounts collected pursuant to paragraphs  
15 1 through 6 of subsection A of this section, the sum of Three  
16 Dollars (\$3.00) shall be assessed and credited to the Child Abuse  
17 Multidisciplinary Account. This fee shall not be used for purposes  
18 of hiring or employing any law enforcement officers.

19 ~~H. In addition to the amount collected pursuant to paragraphs 5~~  
20 ~~and 6 of subsection A of this section, the sum of Fifteen Dollars~~  
21 ~~(\$15.00) shall be assessed in every misdemeanor or felony case for~~  
22 ~~each offense of driving under the influence of alcohol or other~~  
23 ~~intoxicating substance and credited to the Oklahoma Impaired Driver~~

24

1 ~~Database Revolving Fund created pursuant to Section 11-902d of Title~~  
2 ~~47 of the Oklahoma Statutes.~~

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

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

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

11 1. A court clerk issuing a misdemeanor warrant is entitled to  
12 ten percent (10%) of the sheriff's service fee, provided for in  
13 paragraph 9 of subsection A of this section, collected on a warrant  
14 referred to the contractor for the misdemeanor warrant notification  
15 program governed by Sections 514.4 and 514.5 of Title 19 of the  
16 Oklahoma Statutes. This ten-percent sum shall be deposited into the  
17 issuing Court Clerk's Revolving Fund, created pursuant to Section  
18 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
19 the warrant with the balance of the sheriff's service fee to be  
20 deposited into the Sheriff's Service Fee Account, created pursuant  
21 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
22 Statutes, of the sheriff in the county in which service is made or  
23 attempted. Otherwise, the sheriff's service fee, when collected,  
24 shall be deposited in its entirety into the Sheriff's Service Fee

1 Account of the sheriff in the county in which service is made or  
2 attempted;

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

5 3. The witness fees paid by the district attorney pursuant to  
6 the provisions of Section 82 of this title which, if collected by  
7 the court clerk, shall be transferred to the district attorney's  
8 office in the county where witness attendance was required. Fees  
9 transferred pursuant to this paragraph shall be deposited in the  
10 district attorney's maintenance and operating expense account;

11 4. The fees provided for in subsection C of this section shall  
12 be forwarded to the District Attorneys Council Revolving Fund to  
13 defray the costs of prosecution; and

14 5. The following amounts of the fees provided for in paragraphs  
15 2, 3, 5 and 6 of subsection A of this section, when collected, shall  
16 be deposited in the Trauma Care Assistance Revolving Fund, created  
17 pursuant to the provisions of Section 1-2530.9 of Title 63 of the  
18 Oklahoma Statutes:

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

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

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

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

9 ~~E.~~ K. As used in this section, "convicted" means any final  
10 adjudication of guilt, whether pursuant to a plea of guilty or nolo  
11 contendere or otherwise, and any deferred judgment or suspended  
12 sentence.

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

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

22 SECTION 5. AMENDATORY 47 O.S. 2021, Section 11-902, is  
23 amended to read as follows:  
24

1 Section 11-902. A. It is unlawful and punishable as provided  
2 in this section for any person to drive, operate, or be in actual  
3 physical control of a motor vehicle within this state, whether upon  
4 public roads, highways, streets, turnpikes, other public places or  
5 upon any private road, street, alley or lane which provides access  
6 to one or more single or multi-family dwellings, who:

7 1. Has a blood or breath alcohol concentration, as defined in  
8 Section 756 of this title, of eight-hundredths (0.08) or more at the  
9 time of a test of such person's blood or breath administered within  
10 two (2) hours after the arrest of such person;

11 2. Is under the influence of alcohol;

12 3. Has any amount of a Schedule I chemical or controlled  
13 substance, as defined in Section 2-204 of Title 63 of the Oklahoma  
14 Statutes, or one of its metabolites or analogs in the person's  
15 blood, saliva, urine or any other bodily fluid at the time of a test  
16 of such person's blood, saliva, urine or any other bodily fluid  
17 administered within two (2) hours after the arrest of such person;

18 4. Is under the influence of any intoxicating substance other  
19 than alcohol which may render such person incapable of safely  
20 driving or operating a motor vehicle; or

21 5. Is under the combined influence of alcohol and any other  
22 intoxicating substance which may render such person incapable of  
23 safely driving or operating a motor vehicle.

24

1 B. The fact that any person charged with a violation of this  
2 section is or has been lawfully entitled to use alcohol or a  
3 controlled dangerous substance or any other intoxicating substance  
4 shall not constitute a defense against any charge of violating this  
5 section.

6 C. 1. Any person who is convicted of a violation of the  
7 provisions of this section shall be guilty of a misdemeanor for the  
8 first offense and shall:

- 9 a. participate in an assessment and evaluation pursuant  
10 to subsection G of this section and shall follow all  
11 recommendations made in the assessment and evaluation,
- 12 b. be punished by imprisonment in jail for not less than  
13 ten (10) days nor more than one (1) year, and
- 14 c. be fined not more than One Thousand Dollars  
15 (\$1,000.00).

16 2. Any person who, having been convicted of or having received  
17 deferred judgment for a violation of this section or a violation  
18 pursuant to the provisions of any law of this state or another state  
19 prohibiting the offenses provided in this section, Section 11-904 of  
20 this title or paragraph 4 of subsection A of Section 852.1 of Title  
21 21 of the Oklahoma Statutes, or having a prior conviction in a  
22 municipal criminal court of record for the violation of a municipal  
23 ordinance prohibiting the offense provided for in this section  
24 commits a subsequent violation of this section within ten (10) years

1 of the date following the completion of the execution of said  
2 sentence or deferred judgment shall, upon conviction, be guilty of a  
3 felony and shall participate in an assessment and evaluation  
4 pursuant to subsection G of this section and shall be sentenced to:

5 a. follow all recommendations made in the assessment and  
6 evaluation for treatment at the defendant's expense,  
7 or

8 b. placement in the custody of the Department of  
9 Corrections for not less than one (1) year and not to  
10 exceed five (5) years and a fine of not more than Two  
11 Thousand Five Hundred Dollars (\$2,500.00), or

12 c. treatment, imprisonment and a fine within the  
13 limitations prescribed in subparagraphs a and b of  
14 this paragraph.

15 However, if the treatment in subsection G of this section does  
16 not include residential or inpatient treatment for a period of not  
17 less than five (5) days, the person shall serve a term of  
18 imprisonment of at least five (5) days.

19 3. Any person who commits a violation of this section after  
20 having been convicted of a felony offense pursuant to the provisions  
21 of this section or a violation pursuant to the provisions of any law  
22 of this state or another state prohibiting the offenses provided for  
23 in this section, Section 11-904 of this title or paragraph 4 of  
24 subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes

1 shall be guilty of a felony and participate in an assessment and  
2 evaluation pursuant to subsection G of this section and shall be  
3 sentenced to:

- 4 a. follow all recommendations made in the assessment and  
5 evaluation for treatment at the defendant's expense,  
6 two hundred forty (240) hours of community service and  
7 use of an ignition interlock device, as provided by  
8 subparagraph n of paragraph 1 of subsection A of  
9 Section 991a of Title 22 of the Oklahoma Statutes, or
- 10 b. placement in the custody of the Department of  
11 Corrections for not less than one (1) year and not to  
12 exceed ten (10) years and a fine of not more than Five  
13 Thousand Dollars (\$5,000.00), or
- 14 c. treatment, imprisonment and a fine within the  
15 limitations prescribed in subparagraphs a and b of  
16 this paragraph.

17 However, if the treatment in subsection G of this section does  
18 not include residential or inpatient treatment for a period of not  
19 less than ten (10) days, the person shall serve a term of  
20 imprisonment of at least ten (10) days.

21 4. Any person who commits a violation of this section after  
22 having been twice convicted of a felony offense pursuant to the  
23 provisions of this section or a violation pursuant to the provisions  
24 of any law of this state or another state prohibiting the offenses

1 provided for in this section, Section 11-904 of this title or  
2 paragraph 4 of subsection A of Section 852.1 of Title 21 of the  
3 Oklahoma Statutes shall be guilty of a felony and participate in an  
4 assessment and evaluation pursuant to subsection G of this section  
5 and shall be sentenced to:

6 a. follow all recommendations made in the assessment and  
7 evaluation for treatment at the defendant's expense,  
8 followed by not less than one (1) year of supervision  
9 and periodic testing at the defendant's expense, four  
10 hundred eighty (480) hours of community service, and  
11 use of an ignition interlock device, as provided by  
12 subparagraph n of paragraph 1 of subsection A of  
13 Section 991a of Title 22 of the Oklahoma Statutes, for  
14 a minimum of thirty (30) days, or

15 b. placement in the custody of the Department of  
16 Corrections for not less than one (1) year and not to  
17 exceed twenty (20) years and a fine of not more than  
18 Five Thousand Dollars (\$5,000.00), or

19 c. treatment, imprisonment and a fine within the  
20 limitations prescribed in subparagraphs a and b of  
21 this paragraph.

22 However, if the person does not undergo residential or inpatient  
23 treatment pursuant to subsection G of this section the person shall  
24 serve a term of imprisonment of at least ten (10) days.

1           5. Any person who, after a previous conviction of a violation  
2 of murder in the second degree or manslaughter in the first degree  
3 in which the death was caused as a result of driving under the  
4 influence of alcohol or other intoxicating substance, is convicted  
5 of a violation of this section shall be guilty of a felony and shall  
6 be punished by imprisonment in the custody of the Department of  
7 Corrections for not less than five (5) years and not to exceed  
8 twenty (20) years, and a fine of not more than Ten Thousand Dollars  
9 (\$10,000.00).

10           6. Provided, however, a conviction from another state shall not  
11 be used to enhance punishment pursuant to the provisions of this  
12 subsection if that conviction is based on a blood or breath alcohol  
13 concentration of less than eight-hundredths (0.08).

14           7. In any case in which a defendant is charged with driving  
15 under the influence of alcohol or other intoxicating substance  
16 offense within any municipality with a municipal court other than a  
17 court of record, the charge shall be presented to the county's  
18 district attorney and filed with the district court of the county  
19 within which the municipality is located.

20           D. Any person who is convicted of a violation of driving under  
21 the influence with a blood or breath alcohol concentration of  
22 fifteen-hundredths (0.15) or more pursuant to this section shall be  
23 deemed guilty of aggravated driving under the influence. A person  
24 convicted of aggravated driving under the influence shall

1 participate in an assessment and evaluation pursuant to subsection G  
2 of this section and shall comply with all recommendations for  
3 treatment. Such person shall be sentenced as provided in paragraph  
4 1, 2, 3, 4 or 5 of subsection C of this section and to:

5 1. Not less than one (1) year of supervision and periodic  
6 testing at the defendant's expense; and

7 2. An ignition interlock device or devices, as provided by  
8 subparagraph n of paragraph 1 of subsection A of Section 991a of  
9 Title 22 of the Oklahoma Statutes, for a minimum of ninety (90)  
10 days.

11 E. When a person is sentenced to imprisonment in the custody of  
12 the Department of Corrections, the person shall be processed through  
13 the Lexington Assessment and Reception Center or at a place  
14 determined by the Director of the Department of Corrections. The  
15 Department of Corrections shall classify and assign the person to  
16 one or more of the following:

17 1. The Department of Mental Health and Substance Abuse Services  
18 pursuant to paragraph 1 of subsection A of Section 612 of Title 57  
19 of the Oklahoma Statutes; or

20 2. A correctional facility operated by the Department of  
21 Corrections with assignment to substance abuse treatment.

22 Successful completion of a Department-of-Corrections-approved  
23 substance abuse treatment program shall satisfy the recommendation  
24 for a ten-hour or twenty-four-hour alcohol and drug substance abuse

1 course or treatment program or both. Successful completion of an  
2 approved Department of Corrections substance abuse treatment program  
3 may precede or follow the required assessment.

4 F. The Department of Public Safety is hereby authorized to  
5 reinstate any suspended or revoked driving privilege when the person  
6 meets the statutory requirements which affect the existing driving  
7 privilege.

8 G. Any person who is found guilty of a violation of the  
9 provisions of this section shall be ordered to participate in an  
10 alcohol and drug substance abuse evaluation and assessment program  
11 offered by a certified assessment agency or certified assessor for  
12 the purpose of evaluating and assessing the receptivity to treatment  
13 and prognosis of the person and shall follow all recommendations  
14 made in the assessment and evaluation for treatment. The court  
15 shall order the person to reimburse the agency or assessor for the  
16 evaluation and assessment. Payment shall be remitted by the  
17 defendant or on behalf of the defendant by any third party;  
18 provided, no state-appropriated funds are utilized. The fee for an  
19 evaluation and assessment shall be the amount provided in subsection  
20 C of Section 3-460 of Title 43A of the Oklahoma Statutes. The  
21 evaluation and assessment shall be conducted at a certified  
22 assessment agency, the office of a certified assessor or at another  
23 location as ordered by the court. The agency or assessor shall,  
24 within seventy-two (72) hours from the time the person is evaluated

1 and assessed, submit a written report to the court for the purpose  
2 of assisting the court in its sentencing determination. The court  
3 shall, as a condition of any sentence imposed, including deferred  
4 and suspended sentences, require the person to participate in and  
5 successfully complete all recommendations from the evaluation, such  
6 as an alcohol and substance abuse treatment program pursuant to  
7 Section 3-452 of Title 43A of the Oklahoma Statutes. If such report  
8 indicates that the evaluation and assessment shows that the  
9 defendant would benefit from a ten-hour or twenty-four-hour alcohol  
10 and drug substance abuse course or a treatment program or both, the  
11 court shall, as a condition of any sentence imposed, including  
12 deferred and suspended sentences, require the person to follow all  
13 recommendations identified by the evaluation and assessment and  
14 ordered by the court. No person, agency or facility operating an  
15 evaluation and assessment program certified by the Department of  
16 Mental Health and Substance Abuse Services shall solicit or refer  
17 any person evaluated and assessed pursuant to this section for any  
18 treatment program or substance abuse service in which such person,  
19 agency or facility has a vested interest; however, this provision  
20 shall not be construed to prohibit the court from ordering  
21 participation in or any person from voluntarily utilizing a  
22 treatment program or substance abuse service offered by such person,  
23 agency or facility. If a person is sentenced to imprisonment in the  
24 custody of the Department of Corrections and the court has received

1 a written evaluation report pursuant to the provisions of this  
2 subsection, the report shall be furnished to the Department of  
3 Corrections with the judgment and sentence. Any evaluation and  
4 assessment report submitted to the court pursuant to the provisions  
5 of this subsection shall be handled in a manner which will keep such  
6 report confidential from the general public's review. Nothing  
7 contained in this subsection shall be construed to prohibit the  
8 court from ordering judgment and sentence in the event the defendant  
9 fails or refuses to comply with an order of the court to obtain the  
10 evaluation and assessment required by this subsection. If the  
11 defendant fails or refuses to comply with an order of the court to  
12 obtain the evaluation and assessment, the Department of Public  
13 Safety shall not reinstate driving privileges until the defendant  
14 has complied in full with such order. Nothing contained in this  
15 subsection shall be construed to prohibit the court from ordering  
16 judgment and sentence and any other sanction authorized by law for  
17 failure or refusal to comply with an order of the court.

18 H. Any person who is found guilty of a violation of the  
19 provisions of this section shall be required by the court to attend  
20 a victims impact panel program, as defined in subsection H of  
21 Section 991a of Title 22 of the Oklahoma Statutes, if such a program  
22 is offered in the county where the judgment is rendered, and to pay  
23 a fee of Seventy-five Dollars (\$75.00), as set by the governing  
24 authority of the program and approved by the court, to the program

1 to offset the cost of participation by the defendant, if in the  
2 opinion of the court the defendant has the ability to pay such fee.

3 I. Any person who is found guilty of a felony violation of the  
4 provisions of this section shall be required to submit to electronic  
5 monitoring as authorized and defined by Section 991a of Title 22 of  
6 the Oklahoma Statutes.

7 J. Any person who is found guilty of a violation of the  
8 provisions of this section who has been sentenced by the court to  
9 perform any type of community service shall not be permitted to pay  
10 a fine in lieu of performing the community service.

11 ~~K. When a person is found guilty of a violation of the~~  
12 ~~provisions of this section, the court shall order, in addition to~~  
13 ~~any other penalty, the defendant to pay a one-hundred-dollar~~  
14 ~~assessment to be deposited in the Drug Abuse Education and Treatment~~  
15 ~~Revolving Fund created in Section 2-503.2 of Title 63 of the~~  
16 ~~Oklahoma Statutes, upon collection.~~

17 ~~L.~~ 1. When a person is eighteen (18) years of age or older,  
18 and is the driver, operator, or person in physical control of a  
19 vehicle, and is convicted of violating any provision of this section  
20 while transporting or having in the motor vehicle any child less  
21 than eighteen (18) years of age, the fine shall be enhanced to  
22 double the amount of the fine imposed for the underlying driving  
23 under the influence (DUI) violation which shall be in addition to  
24 any other penalties allowed by this section.

1           2. Nothing in this subsection shall prohibit the prosecution of  
2 a person pursuant to Section 852.1 of Title 21 of the Oklahoma  
3 Statutes who is in violation of any provision of this section or  
4 Section 11-904 of this title.

5           ~~M.~~ L. Any plea of guilty, nolo contendere or finding of guilt  
6 for a violation of this section or a violation pursuant to the  
7 provisions of any law of this state or another state prohibiting the  
8 offenses provided for in this section, Section 11-904 of this title,  
9 or paragraph 4 of subsection A of Section 852.1 of Title 21 of the  
10 Oklahoma Statutes, shall constitute a conviction of the offense for  
11 the purpose of this section; provided, any deferred judgment shall  
12 only be considered to constitute a conviction for a period of ten  
13 (10) years following the completion of any court-imposed  
14 probationary term.

15           ~~N.~~ M. If qualified by knowledge, skill, experience, training or  
16 education, a witness shall be allowed to testify in the form of an  
17 opinion or otherwise solely on the issue of impairment, but not on  
18 the issue of specific alcohol concentration level, relating to the  
19 following:

20           1. The results of any standardized field sobriety test  
21 including, but not limited to, the horizontal gaze nystagmus (HGN)  
22 test administered by a person who has completed training in  
23 standardized field sobriety testing; or  
24

1           2. Whether a person was under the influence of one or more  
2 impairing substances and the category of such impairing substance or  
3 substances. A witness who has received training and holds a current  
4 certification as a drug recognition expert shall be qualified to  
5 give the testimony in any case in which such testimony may be  
6 relevant.

7           SECTION 6.           AMENDATORY           63 O.S. 2021, Section 2-401, as  
8 amended by Section 1, Chapter 77, O.S.L. 2024 (63 O.S. Supp. 2024,  
9 Section 2-401), is amended to read as follows:

10           Section 2-401. A. Except as authorized by the Uniform  
11 Controlled Dangerous Substances Act, it shall be unlawful for any  
12 person:

13           1. To distribute, dispense, transport with intent to distribute  
14 or dispense, possess with intent to manufacture, distribute, or  
15 dispense, a controlled dangerous substance or to solicit the use of  
16 or use the services of a person less than eighteen (18) years of age  
17 to cultivate, distribute or dispense a controlled dangerous  
18 substance;

19           2. To create, distribute, transport with intent to distribute  
20 or dispense, or possess with intent to distribute, a counterfeit  
21 controlled dangerous substance; or

22           3. To distribute any imitation controlled substance as defined  
23 by Section 2-101 of this title, except when authorized by the Food  
24

1 and Drug Administration of the United States Department of Health  
2 and Human Services.

3 B. Any person who violates the provisions of this section with  
4 respect to:

5 1. A substance classified in Schedule I or II, except for  
6 marijuana, upon conviction, shall be guilty of transporting or  
7 possessing with an intent to distribute a controlled dangerous  
8 substance, a felony, and shall be sentenced to a term of  
9 imprisonment in the custody of the Department of Corrections for not  
10 more than seven (7) years and a fine not more than One Hundred  
11 Thousand Dollars (\$100,000.00), which shall be in addition to other  
12 punishment provided by law and shall not be imposed in lieu of other  
13 punishment. A second conviction for the violation of provisions of  
14 this paragraph is a felony punishable by a term of imprisonment in  
15 the custody of the Department of Corrections for not more than  
16 fourteen (14) years. A third or subsequent conviction for the  
17 violation of the provisions of this paragraph is a felony punishable  
18 by a term of imprisonment in the custody of the Department of  
19 Corrections for not more than twenty (20) years;

20 2. Any other controlled dangerous substance classified in  
21 Schedule III, IV, V or marijuana, upon conviction, shall be guilty  
22 of a felony and shall be sentenced to a term of imprisonment in the  
23 custody of the Department of Corrections for not more than five (5)  
24 years and a fine not more than Twenty Thousand Dollars (\$20,000.00),

1 which shall be in addition to other punishment provided by law and  
2 shall not be imposed in lieu of other punishment. A second  
3 conviction for the violation of the provisions of this paragraph is  
4 a felony punishable by a term of imprisonment in the custody of the  
5 Department of Corrections for not more than ten (10) years. A third  
6 or subsequent conviction for the violation of the provisions of this  
7 paragraph is a felony punishable by a term of imprisonment in the  
8 custody of the Department of Corrections for not more than fifteen  
9 (15) years; or

10 3. An imitation controlled substance as defined by Section 2-  
11 101 of this title, upon conviction, shall be guilty of a misdemeanor  
12 and shall be sentenced to a term of imprisonment in the county jail  
13 for a period not more than one (1) year and a fine not more than One  
14 Thousand Dollars (\$1,000.00). A person convicted of a second  
15 violation of the provisions of this paragraph shall be guilty of a  
16 felony and shall be sentenced to a term of imprisonment in the  
17 custody of the Department of Corrections for not more than two (2)  
18 years and a fine not more than Five Thousand Dollars (\$5,000.00),  
19 which shall be in addition to other punishment provided by law and  
20 shall not be imposed in lieu of other punishment.

21 C. 1. Except when authorized by the Food and Drug  
22 Administration of the United States Department of Health and Human  
23 Services, it shall be unlawful for any person to manufacture or  
24 distribute a controlled substance or synthetic controlled substance.

1           2. Any person convicted of violating the provisions of  
2 paragraph 1 of this subsection with respect to distributing a  
3 controlled substance is guilty of a felony and shall be punished by  
4 imprisonment in the custody of the Department of Corrections for a  
5 term not to exceed ten (10) years and a fine not more than Twenty-  
6 five Thousand Dollars (\$25,000.00), which shall be in addition to  
7 other punishment provided by law and shall not be imposed in lieu of  
8 other punishment.

9           3. A second conviction for the violation of the provisions of  
10 paragraph 1 of this subsection with respect to distributing a  
11 controlled substance is a felony punishable by imprisonment in the  
12 custody of the Department of Corrections for a term not less than  
13 two (2) years nor more than twenty (20) years. A third or  
14 subsequent conviction for the violation of the provisions of this  
15 paragraph is a felony punishable by imprisonment in the custody of  
16 the Department of Corrections for a term not less than ten (10)  
17 years nor more than life.

18           4. Any person convicted of violating the provisions of  
19 paragraph 1 of this subsection with respect to manufacturing a  
20 controlled substance is guilty of a felony and shall be punished by  
21 imprisonment in the custody of the Department of Corrections for a  
22 term not to exceed ten (10) years and a fine not more than Twenty-  
23 five Thousand Dollars (\$25,000.00), which shall be in addition to  
24

1 other punishment provided by law and shall not be imposed in lieu of  
2 other punishment.

3 5. A second conviction for the violation of the provisions of  
4 paragraph 1 of this subsection with respect to manufacturing a  
5 controlled substance is a felony punishable by imprisonment in the  
6 custody of the Department of Corrections for a term not less than  
7 two (2) years nor more than twenty (20) years. A third or  
8 subsequent conviction for the violation of the provisions of this  
9 paragraph is a felony punishable by imprisonment in the custody of  
10 the Department of Corrections for a term not less than ten (10)  
11 years nor more than life.

12 D. Convictions for violations of the provisions of this section  
13 shall be subject to the statutory provisions for suspended or  
14 deferred sentences, or probation as provided in Section 991a of  
15 Title 22 of the Oklahoma Statutes.

16 E. Any person who is at least eighteen (18) years of age and  
17 who violates the provisions of this section by using or soliciting  
18 the use of services of a person less than eighteen (18) years of age  
19 to distribute, dispense, transport with intent to distribute or  
20 dispense or cultivate a controlled dangerous substance or by  
21 distributing a controlled dangerous substance to a person under  
22 eighteen (18) years of age, or in the presence of a person under  
23 twelve (12) years of age, is punishable by:

24

1        1. For a first violation of this section, a term of  
2 imprisonment in the custody of the Department of Corrections not  
3 less than two (2) years nor more than ten (10) years;

4        2. For a second violation of this section, a term of  
5 imprisonment in the custody of the Department of Corrections for not  
6 less than four (4) years nor more than twenty (20) years; or

7        3. For a third or subsequent violation of this section, a term  
8 of imprisonment in the custody of the Department of Corrections for  
9 not less than ten (10) years nor more than life.

10       F. Any person who violates any provision of this section by  
11 transporting with intent to distribute or dispense, distributing or  
12 possessing with intent to distribute a controlled dangerous  
13 substance to a person, or violation of subsection G of this section,  
14 in or on, or within two thousand (2,000) feet of the real property  
15 comprising a public or private elementary or secondary school,  
16 public vocational school, public or private college or university,  
17 or other institution of higher education, recreation center or  
18 public park, including a state park or recreation area, public  
19 housing project, or child care facility as defined by Section 402 of  
20 Title 10 of the Oklahoma Statutes, shall be punished by:

21       1. For a first offense, a term of imprisonment in the custody  
22 of the Department of Corrections, or by the imposition of a fine or  
23 by both, not exceeding twice that authorized by the appropriate  
24 provision of this section; or

1           2. For a second or subsequent violation of this section, a term  
2 of imprisonment in the custody of the Department of Corrections, or  
3 by the imposition of a fine or by both, not exceeding thrice that  
4 authorized by the appropriate provision of this section.

5 Convictions for second and subsequent violations of the provisions  
6 of this section shall not be subject to statutory provisions of  
7 suspended sentences, deferred sentences or probation.

8           G. 1. Except as authorized by the Uniform Controlled Dangerous  
9 Substances Act, it shall be unlawful for any person to manufacture  
10 or attempt to manufacture any controlled dangerous substance or  
11 possess any substance listed in Section 2-322 of this title or any  
12 substance containing any detectable amount of pseudoephedrine or its  
13 salts, optical isomers or salts of optical isomers, iodine or its  
14 salts, optical isomers or salts of optical isomers, hydriodic acid,  
15 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or  
16 organic solvents with the intent to use that substance to  
17 manufacture a controlled dangerous substance.

18           2. Any person violating the provisions of this subsection with  
19 respect to the unlawful manufacturing or attempting to unlawfully  
20 manufacture any controlled dangerous substance, possessing any  
21 substance listed in this subsection or Section 2-322 of this title,  
22 or combining fentanyl with any other controlled dangerous substance,  
23 upon conviction, is guilty of a felony and shall be punished by  
24 imprisonment in the custody of the Department of Corrections for not

1 less than seven (7) years nor more than life and by a fine not less  
2 than Fifty Thousand Dollars (\$50,000.00), which shall be in addition  
3 to other punishment provided by law and shall not be imposed in lieu  
4 of other punishment. The possession of any amount of anhydrous  
5 ammonia in an unauthorized container shall be prima facie evidence  
6 of intent to use such substance to manufacture a controlled  
7 dangerous substance.

8 3. Any person violating the provisions of this subsection with  
9 respect to the unlawful manufacturing or attempting to unlawfully  
10 manufacture any controlled dangerous substance in the following  
11 amounts:

12 a. one (1) kilogram or more of a mixture or substance  
13 containing a detectable amount of heroin,

14 b. five (5) kilograms or more of a mixture or substance  
15 containing a detectable amount of:

16 (1) coca leaves, except coca leaves and extracts of  
17 coca leaves from which cocaine, ecgonine, and  
18 derivatives of ecgonine or their salts have been  
19 removed,

20 (2) cocaine, its salts, optical and geometric  
21 isomers, and salts of isomers,

22 (3) ecgonine, its derivatives, their salts, isomers,  
23 and salts of isomers, or  
24

1 (4) any compound, mixture, or preparation which  
2 contains any quantity of any of the substances  
3 referred to in divisions (1) through (3) of this  
4 subparagraph,

5 c. fifty (50) grams or more of a mixture or substance  
6 described in division (2) of subparagraph b of this  
7 paragraph which contains cocaine base,

8 d. one hundred (100) grams or more of phencyclidine (PCP)  
9 or 1 kilogram or more of a mixture or substance  
10 containing a detectable amount of phencyclidine (PCP),

11 e. ten (10) grams or more of a mixture or substance  
12 containing a detectable amount of lysergic acid  
13 diethylamide (LSD),

14 f. four hundred (400) grams or more of a mixture or  
15 substance containing a detectable amount of N-phenyl-  
16 N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100  
17 grams or more of a mixture or substance containing a  
18 detectable amount of any analogue of N-phenyl-N-[1-(2-  
19 phenylethyl)-4-piperidinyl] propanamide,

20 g. one thousand (1,000) kilograms or more of a mixture or  
21 substance containing a detectable amount of marijuana  
22 or one thousand (1000) or more marijuana plants  
23 regardless of weight,  
24

1           h.    fifty (50) grams or more of methamphetamine, its  
2                    salts, isomers, and salts of its isomers or 500 grams  
3                    or more of a mixture or substance containing a  
4                    detectable amount of methamphetamine, its salts,  
5                    isomers, or salts of its isomers, or

6           i.    ten (10) grams or more of a mixture or substance  
7                    containing a detectable amount of fentanyl, its  
8                    analog, or derivatives,

9 upon conviction, is guilty of aggravated manufacturing a controlled  
10 dangerous substance punishable by imprisonment in the custody of the  
11 Department of Corrections for not less than twenty (20) years nor  
12 more than life and by a fine not less than Fifty Thousand Dollars  
13 (\$50,000.00), which shall be in addition to other punishment  
14 provided by law and shall not be imposed in lieu of other  
15 punishment. Any person convicted of a violation of the provisions  
16 of this paragraph shall be required to serve a minimum of eighty-  
17 five percent (85%) of the sentence received prior to becoming  
18 eligible for state correctional earned credits towards the  
19 completion of the sentence or eligible for parole.

20           4. Any sentence to the custody of the Department of Corrections  
21 for any violation of paragraph 3 of this subsection shall not be  
22 subject to statutory provisions for suspended sentences, deferred  
23 sentences, or probation. A person convicted of a second or  
24 subsequent violation of the provisions of paragraph 3 of this

1 subsection shall be punished as a habitual offender pursuant to  
2 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be  
3 required to serve a minimum of eighty-five percent (85%) of the  
4 sentence received prior to becoming eligible for state correctional  
5 earned credits or eligibility for parole.

6 5. Any person who has been convicted of manufacturing or  
7 attempting to manufacture methamphetamine pursuant to the provisions  
8 of this subsection and who, after such conviction, purchases or  
9 attempts to purchase, receive or otherwise acquire any product,  
10 mixture, or preparation containing any detectable quantity of base  
11 pseudoephedrine or ephedrine shall, upon conviction, be guilty of a  
12 felony punishable by imprisonment in the custody of the Department  
13 of Corrections for a term in the range of twice the minimum term  
14 provided for in paragraph 2 of this subsection.

15 H. Any person convicted of any offense described in the Uniform  
16 Controlled Dangerous Substances Act may, in addition to the fine  
17 imposed, be assessed an amount not to exceed ten percent (10%) of  
18 the fine imposed. Such assessment shall be paid into a revolving  
19 fund for enforcement of controlled dangerous substances created  
20 pursuant to Section 2-506 of this title.

21 I. Any person convicted of any offense described in this  
22 section shall, in addition to any fine imposed, pay a special  
23 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
24

1 deposited into the Trauma Care Assistance Revolving Fund created in  
2 Section 1-2530.9 of this title.

3 J. For purposes of this section, "public housing project" means  
4 any dwelling or accommodations operated as a state or federally  
5 subsidized multifamily housing project by any housing authority,  
6 nonprofit corporation or municipal developer or housing projects  
7 created pursuant to the Oklahoma Housing Authorities Act.

8 ~~K. When a person is found guilty of a violation of the~~  
9 ~~provisions of this section, the court shall order, in addition to~~  
10 ~~any other penalty, the defendant to pay a one-hundred-dollar~~  
11 ~~assessment to be deposited in the Drug Abuse Education and Treatment~~  
12 ~~Revolving Fund created in Section 2-503.2 of this title, upon~~  
13 ~~collection.~~

14 ~~L.~~ Any person convicted of a second or subsequent felony  
15 violation of the provisions of this section, except for paragraphs 1  
16 and 2 of subsection B of this section, paragraphs 2, 3, 4 and 5 of  
17 subsection C of this section, paragraphs 1, 2, and 3 of subsection E  
18 of this section and paragraphs 1 and 2 of subsection F of this  
19 section, shall be punished as a habitual offender pursuant to  
20 Section 51.1 of Title 21 of the Oklahoma Statutes.

21 SECTION 7. This act shall become effective November 1, 2025.  
22  
23  
24

1 Passed the House of Representatives the 27th day of March, 2025.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate