

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

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

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

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Tammy West _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1460

By: West (Tammy), Deck,
Blancett, and Osburn of the
House

6 and

7 Gollihare of the Senate

8
9
10 FLOOR SUBSTITUTE

11 [fees - fines - assessment - court - sentences -
12 costs - cases - offenses - supervision - yield -
13 effective date]

14
15
16
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

21 1. "Arrested" means taking custody of another for the purpose
22 of holding or detaining him or her to answer a criminal charge;
23
24

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

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

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

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

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

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

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

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

15 c. the appropriate municipality or county for services
16 rendered or administered by a municipality or county.

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

19 a. providing criminalistic laboratory services,

20 b. the purchase and maintenance of equipment for use by
21 the laboratory in performing analysis,

22 c. education, training, and scientific development of
23 OSBI personnel, and
24

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

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

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

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

21 F. ~~1. Any person entering a plea of guilty or nolo contendere~~
22 ~~or is found guilty of the crime of misdemeanor possession of~~
23 ~~marijuana or drug paraphernalia shall be ordered by the court to pay~~
24 ~~a five dollar fee, which shall be in addition to and not in~~

1 ~~substitution for any and all fines and penalties otherwise provided~~
2 ~~for by law for such offense.~~

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

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

17 H. G. 1. Any person arrested or convicted of a felony offense
18 or convicted of a misdemeanor offense of assault and battery,
19 domestic abuse, stalking, possession of a controlled substance
20 prohibited under Schedule IV of the Uniform Controlled Dangerous
21 Substances Act, outraging public decency, resisting arrest, escaping
22 or attempting to escape, eluding a police officer, Peeping Tom,
23 pointing a firearm, threatening an act of violence, breaking and
24 entering a dwelling place, destruction of property, negligent

1 homicide or causing a personal injury accident while driving under
2 the influence of any intoxicating substance shall pay a DNA fee of
3 One Hundred Fifty Dollars (\$150.00). This fee shall not be
4 collected if the person has a valid DNA sample in the OSBI DNA
5 Offender Database at the time of sentencing.

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

22 3. The monies from the DNA sample fee deposited into the OSBI
23 Revolving Fund shall be used for creating, staffing and maintaining
24

1 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
2 Database.

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

10 SECTION 2. AMENDATORY 22 O.S. 2021, Section 991a, as
11 last amended by Section 1, Chapter 61, O.S.L. 2024 (22 O.S. Supp.
12 2024, Section 991a), is amended to read as follows:

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

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

21 a. to provide restitution to the victim as provided by
22 Section 991f et seq. of this title or according to a
23 schedule of payments established by the sentencing
24 court, together with interest upon any pecuniary sum

1 at the rate of twelve percent (12%) per annum, if the
2 defendant agrees to pay such restitution or, in the
3 opinion of the court, if the defendant is able to pay
4 such restitution without imposing manifest hardship on
5 the defendant or the immediate family and if the
6 extent of the damage to the victim is determinable
7 with reasonable certainty,

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

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

19 d. to pay a reasonable sum into any trust fund
20 established pursuant to the provisions of Sections 176
21 through 180.4 of Title 60 of the Oklahoma Statutes and
22 which provides restitution payments by convicted
23 defendants to victims of crimes committed within this
24

1 state wherein such victim has incurred a financial
2 loss,

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

5 f. to confinement as provided by law together with a term
6 of post-imprisonment community supervision for not
7 less than three (3) years of the total term allowed by
8 law for imprisonment, with or without restitution;
9 provided, however, the authority of this provision is
10 limited to Section 843.5 of Title 21 of the Oklahoma
11 Statutes when the offense involved sexual abuse or
12 sexual exploitation; Sections 681, 741 and 843.1 of
13 Title 21 of the Oklahoma Statutes when the offense
14 involved sexual abuse or sexual exploitation; and
15 Sections 865 et seq., 885, 886, 888, 891, 1021,
16 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
17 1123 of Title 21 of the Oklahoma Statutes,

18 g. to repay the reward or part of the reward paid by a
19 local certified crime stoppers program and the
20 Oklahoma Reward System. In determining whether the
21 defendant shall repay the reward or part of the
22 reward, the court shall consider the ability of the
23 defendant to make the payment, the financial hardship
24 on the defendant to make the required payment and the

1 importance of the information to the prosecution of
2 the defendant as provided by the arresting officer or
3 the district attorney with due regard for the
4 confidentiality of the records of the local certified
5 crime stoppers program and the Oklahoma Reward System.
6 The court shall assess this repayment against the
7 defendant as a cost of prosecution. The term
8 "certified" means crime stoppers organizations that
9 annually meet the certification standards for crime
10 stoppers programs established by the Oklahoma Crime
11 Stoppers Association to the extent those standards do
12 not conflict with state statutes. The term "court"
13 refers to all municipal and district courts within
14 this state. The "Oklahoma Reward System" means the
15 reward program established by Section 150.18 of Title
16 74 of the Oklahoma Statutes,

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

1 and if the costs incurred by the Bureau during the
2 investigation of the defendant's case may be
3 determined with reasonable certainty,

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

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

22 ~~k.~~

1 j. to reimburse the court fund for amounts paid to court-
2 appointed attorneys for representing the defendant in
3 the case in which the person is being sentenced,

4 ~~l.~~

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

14 ~~m.~~

15 l. to be placed in a victims impact panel program, as
16 defined in subsection H of this section, or
17 victim/offender reconciliation program and payment of
18 a fee to the program of Seventy-five Dollars (\$75.00)
19 as set by the governing authority of the program to
20 offset the cost of participation by the defendant.
21 Provided, each victim/offender reconciliation program
22 shall be required to obtain a written consent form
23 voluntarily signed by the victim and defendant that
24 specifies the methods to be used to resolve the

1 issues, the obligations and rights of each person and
2 the confidentiality of the proceedings. Volunteer
3 mediators and employees of a victim/offender
4 reconciliation program shall be immune from liability
5 and have rights of confidentiality as provided in
6 Section 1805 of Title 12 of the Oklahoma Statutes,

7 ~~n.~~

8 m. to install, at the expense of the defendant, an
9 ignition interlock device approved by the Board of
10 Tests for Alcohol and Drug Influence. The device
11 shall be installed upon every motor vehicle operated
12 by the defendant, and the court shall require that a
13 notation of this restriction be affixed to the
14 defendant's driver license. The restriction shall
15 remain on the driver license not exceeding two (2)
16 years to be determined by the court. The restriction
17 may be modified or removed only by order of the court
18 and notice of any modification order shall be given to
19 Service Oklahoma. Upon the expiration of the period
20 for the restriction, Service Oklahoma shall remove the
21 restriction without further court order. Failure to
22 comply with the order to install an ignition interlock
23 device or operating any vehicle without a device
24 during the period of restriction shall be a violation

1 of the sentence and may be punished as deemed proper
2 by the sentencing court. As used in this paragraph,
3 "ignition interlock device" means a device that,
4 without tampering or intervention by another person,
5 would prevent the defendant from operating a motor
6 vehicle if the defendant has a blood or breath alcohol
7 concentration of two-hundredths (0.02) or greater,

8 ~~o.~~

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

1 ordered location at the required times and which
2 records violations for investigation by a qualified
3 supervisory agency or person,

4 ~~p.~~

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

23 ~~q.~~

24

1 p. to submit to periodic testing for alcohol,
2 intoxicating substance or controlled dangerous
3 substances by a qualified laboratory,

4 ~~r.~~

5 q. to pay a fee or costs for treatment, education,
6 supervision, participation in a program or any
7 combination thereof as determined by the court, based
8 upon the defendant's ability to pay the fees or costs,

9 ~~s.~~

10 r. to be supervised by a Department of Corrections
11 employee, a private supervision provider or other
12 person designated by the court,

13 ~~t.~~

14 s. to obtain positive behavior modeling by a trained
15 mentor,

16 ~~u.~~

17 t. to serve a term of confinement in a restrictive
18 housing facility available in the community,

19 ~~v.~~

20 u. to serve a term of confinement in the county jail at
21 night or during weekends pursuant to Section 991a-2 of
22 this title or for work release,

23 ~~w.~~

24

1 v. to obtain employment or participate in employment-
2 related activities,

3 ~~z.~~

4 w. to participate in mandatory day reporting to
5 facilities or persons for services, payments, duties
6 or person-to-person contacts as specified by the
7 court,

8 ~~y.~~

9 x. to pay day fines not to exceed fifty percent (50%) of
10 the net wages earned. For purposes of this paragraph,
11 "day fine" means the offender is ordered to pay an
12 amount calculated as a percentage of net daily wages
13 earned. The day fine shall be paid to the local
14 community sentencing system as reparation to the
15 community. Day fines shall be used to support the
16 local system,

17 ~~z.~~

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

20 ~~aa.~~

21 z. to repair or restore property damaged by the
22 defendant's conduct, if the court determines the
23 defendant possesses sufficient skill to repair or
24

1 restore the property and the victim consents to the
2 repairing or restoring of the property,

3 ~~bb.~~

4 aa. to restore damaged property in kind or payment of out-
5 of-pocket expenses to the victim, if the court is able
6 to determine the actual out-of-pocket expenses
7 suffered by the victim,

8 ~~ee.~~

9 bb. to attend a victim-offender reconciliation program if
10 the victim agrees to participate and the offender is
11 deemed appropriate for participation,

12 ~~dd.~~

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

22 ~~ee.~~

23 dd. in the case of a sex offender sentenced after November
24 1, 1989, and required by law to register pursuant to

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

21 ~~ff.~~

22 ee. in addition to other sentencing powers of the court,
23 the court in the case of a defendant being sentenced
24 for a felony conviction for a violation of Section 2-

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

7 ~~gg.~~

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

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

24 ~~hh.~~

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

13 ~~8.~~ 7. In addition to the other sentencing powers of the court,
14 in the case of a person convicted of prostitution pursuant to
15 Section 1029 of Title 21 of the Oklahoma Statutes, require such
16 person to receive counseling for the behavior which may have caused
17 such person to engage in prostitution activities. Such person may
18 be required to receive counseling in areas including but not limited
19 to alcohol and substance abuse, sexual behavior problems or domestic
20 abuse or child abuse problems;

21 ~~9.~~ 8. In addition to the other sentencing powers of the court,
22 in the case of a person convicted of any crime related to domestic
23 abuse, as defined in Section 60.1 of this title, the court may
24 require the defendant to undergo the treatment or participate in the

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

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

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

1 ~~12.~~ 11. In addition to the other sentencing powers of the
2 court, the court, in the case of a person convicted of cruelty to
3 animals pursuant to Section 1685 of Title 21 of the Oklahoma
4 Statutes, may require the person to pay restitution to animal
5 facilities for medical care and any boarding costs of victimized
6 animals;

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

16 ~~14.~~ 13. In addition to the other sentencing powers of the
17 court, in the case of a sex offender who is required by law to
18 register pursuant to the Sex Offenders Registration Act, the court
19 may prohibit the person from accessing or using any Internet social
20 networking website that has the potential or likelihood of allowing
21 the sex offender to have contact with any child who is under the age
22 of eighteen (18) years;

23 ~~15.~~ 14. In addition to the other sentencing powers of the
24 court, in the case of a sex offender who is required by law to

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

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

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

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

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

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

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

20 E. Probation, for purposes of subsection A of this section, is
21 a procedure by which a defendant found guilty of a crime, whether
22 upon a verdict or plea of guilty or upon a plea of nolo contendere,
23 is released by the court subject to conditions imposed by the court
24 and subject to supervision by the Department of Corrections, a

1 private supervision provider or other person designated by the
2 court. Such supervision shall be initiated upon an order of
3 probation from the court, and shall not exceed two (2) years, unless
4 a petition alleging a violation of any condition of deferred
5 judgment or seeking revocation of the suspended sentence is filed
6 during the supervision, or as otherwise provided by law. In the
7 case of a person convicted of a sex offense, supervision shall begin
8 immediately upon release from incarceration or if parole is granted
9 and shall not be limited to two (2) years. Provided further, any
10 supervision provided for in this section may be extended for a
11 period not to exceed the expiration of the maximum term or terms of
12 the sentence upon a determination by the court or the Division of
13 Probation and Parole of the Department of Corrections that the best
14 interests of the public and the release will be served by an
15 extended period of supervision.

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

22 G. 1. The Department of Corrections is hereby authorized,
23 subject to funds available through appropriation by the Legislature,
24

1 to contract with counties for the administration of county Community
2 Service Sentencing Programs.

3 2. Any offender eligible to participate in the Program pursuant
4 to this section shall be eligible to participate in a county
5 Program; provided, participation in county-funded Programs shall not
6 be limited to offenders who would otherwise be sentenced to
7 confinement with the Department of Corrections.

8 3. The Department shall establish criteria and specifications
9 for contracts with counties for such Programs. A county may apply
10 to the Department for a contract for a county-funded Program for a
11 specific period of time. The Department shall be responsible for
12 ensuring that any contracting county complies in full with
13 specifications and requirements of the contract. The contract shall
14 set appropriate compensation to the county for services to the
15 Department.

16 4. The Department is hereby authorized to provide technical
17 assistance to any county in establishing a Program, regardless of
18 whether the county enters into a contract pursuant to this
19 subsection. Technical assistance shall include appropriate
20 staffing, development of community resources, sponsorship,
21 supervision and any other requirements.

22 5. The Department shall annually make a report to the Governor,
23 the President Pro Tempore of the Senate and the Speaker of the House
24 on the number of such Programs, the number of participating

1 offenders, the success rates of each Program according to criteria
2 established by the Department and the costs of each Program.

3 H. As used in this section:

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

9 2. "Electronically monitored home detention" means
10 incarceration of the defendant within a specified location or
11 locations with monitoring by means of a device approved by the
12 Department of Corrections that detects if the person leaves the
13 confines of any specified location; and

14 3. "Victims impact panel program" means a program conducted by
15 a corporation registered with the Secretary of State in Oklahoma for
16 the sole purpose of operating a victims impact panel program. The
17 program shall include live presentations from presenters who will
18 share personal stories with participants about how alcohol, drug
19 abuse, the operation of a motor vehicle while using an electronic
20 communication device or the illegal conduct of others has personally
21 impacted the lives of the presenters. A victims impact panel
22 program shall be attended by persons who have committed the offense
23 of driving, operating or being in actual physical control of a motor
24 vehicle while under the influence of alcohol or other intoxicating

1 substance, operating a motor vehicle while the ability of the person
2 to operate such vehicle was impaired due to the consumption of
3 alcohol or any other substance or operating a motor vehicle while
4 using an electronic device or by persons who have been convicted of
5 furnishing alcoholic beverage to persons under twenty-one (21) years
6 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the
7 Oklahoma Statutes. Persons attending a victims impact panel program
8 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to
9 the provider of the program. A certificate of completion shall be
10 issued to the person upon satisfying the attendance and fee
11 requirements of the victims impact panel program. The certificate
12 of completion shall contain the business identification number of
13 the program provider. A certified assessment agency, certified
14 assessor or provider of an alcohol and drug substance abuse course
15 shall be prohibited from providing a victims impact panel program
16 and shall further be prohibited from having any proprietary or
17 pecuniary interest in a victims impact panel program. The provider
18 of the victims impact panel program shall carry general liability
19 insurance and maintain an accurate accounting of all business
20 transactions and funds received in relation to the victims impact
21 panel program. Beginning October 1, 2020, and each October 1
22 thereafter, the provider of the victims impact panel program shall
23 provide to the District Attorneys Council the following:

24

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

I. A person convicted of a felony offense or receiving any form of probation for an offense in which registration is required pursuant to the Sex Offenders Registration Act, shall submit to deoxyribonucleic acid (DNA) testing for law enforcement identification purposes in accordance with Section 150.27 of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI Combined DNA Index System (CODIS) Database. Subject to the availability of funds, any person convicted of a misdemeanor offense of assault and

1 battery, domestic abuse, stalking, possession of a controlled
2 substance prohibited under the Uniform Controlled Dangerous
3 Substances Act, outraging public decency, resisting arrest, escape
4 or attempting to escape, eluding a police officer, Peeping Tom,
5 pointing a firearm, threatening an act of violence, breaking and
6 entering a dwelling place, destruction of property, negligent
7 homicide or causing a personal injury accident while driving under
8 the influence of any intoxicating substance, or any alien unlawfully
9 present under federal immigration law, upon arrest, shall submit to
10 DNA testing for law enforcement identification purposes in
11 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes
12 and the rules promulgated by the Oklahoma State Bureau of
13 Investigation for the OSBI Combined DNA Index System (CODIS)
14 Database. Any defendant sentenced to probation shall be required to
15 submit to testing within thirty (30) days of sentencing either to
16 the Department of Corrections or to the county sheriff or other
17 peace officer as directed by the court. Defendants who are
18 sentenced to a term of incarceration shall submit to testing in
19 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,
20 for those defendants who enter the custody of the Department of
21 Corrections or to the county sheriff, for those defendants sentenced
22 to incarceration in a county jail. Convicted individuals who have
23 previously submitted to DNA testing under this section and for whom
24 a valid sample is on file in the OSBI Combined DNA Index System

1 (CODIS) Database at the time of sentencing shall not be required to
2 submit to additional testing. Except as required by the Sex
3 Offenders Registration Act, a deferred judgment does not require
4 submission to DNA testing.

5 Any person who is incarcerated in the custody of the Department
6 of Corrections after July 1, 1996, and who has not been released
7 before January 1, 2006, shall provide a blood or saliva sample prior
8 to release. Every person subject to DNA testing after January 1,
9 2006, whose sentence does not include a term of confinement with the
10 Department of Corrections shall submit a blood or saliva sample.
11 Every person subject to DNA testing who is sentenced to unsupervised
12 probation or otherwise not supervised by the Department of
13 Corrections shall submit for blood or saliva testing to the sheriff
14 of the sentencing county.

15 J. Samples of blood or saliva for DNA testing required by
16 subsection I of this section shall be taken by employees or
17 contractors of the Department of Corrections, peace officers, or the
18 county sheriff or employees or contractors of the sheriff's office.
19 The individuals shall be properly trained to collect blood or saliva
20 samples. Persons collecting blood or saliva for DNA testing
21 pursuant to this section shall be immune from civil liabilities
22 arising from this activity. All collectors of DNA samples shall
23 ensure the collection of samples are mailed to the Oklahoma State
24 Bureau of Investigation within ten (10) days of the time the subject

1 appears for testing or within ten (10) days of the date the subject
2 comes into physical custody to serve a term of incarceration. All
3 collectors of DNA samples shall use sample kits provided by the OSBI
4 and procedures promulgated by the OSBI. Persons subject to DNA
5 testing who are not received at the Lexington Assessment and
6 Reception Center shall be required to pay a fee of Fifteen Dollars
7 (\$15.00) to the agency collecting the sample for submission to the
8 OSBI Combined DNA Index System (CODIS) Database. Any fees collected
9 pursuant to this subsection shall be deposited in the revolving
10 account or the service fee account of the collection agency or
11 department.

12 K. When sentencing a person who has been convicted of a crime
13 that would subject that person to the provisions of the Sex
14 Offenders Registration Act, neither the court nor the district
15 attorney shall be allowed to waive or exempt such person from the
16 registration requirements of the Sex Offenders Registration Act.

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

19 Section 1355A. A. When an indigent requests representation by
20 the Oklahoma Indigent Defense System, such person shall submit an
21 appropriate application to the court clerk, which shall state that
22 the application is signed under oath and under the penalty of
23 perjury and that a false statement may be prosecuted as such. The
24 application shall state whether or not the indigent has been

1 released on bond. In addition, if the indigent has been released on
2 bond, the application shall include a written statement from the
3 applicant that the applicant has contacted three named attorneys,
4 licensed to practice law in this state, and the applicant has been
5 unable to obtain legal counsel. ~~A nonrefundable application fee of~~
6 ~~Forty Dollars (\$40.00) shall be paid to the court clerk at the time~~
7 ~~the application is submitted, and no application shall be accepted~~
8 ~~without payment of the fee; except that the court may, based upon~~
9 ~~the financial information submitted, defer all or part of the fee if~~
10 ~~the court determines that the person does not have the financial~~
11 ~~resources to pay the fee at time of application, to attach as a~~
12 ~~court fee upon conviction. Any fees collected pursuant to this~~
13 ~~subsection shall be retained by the court clerk, deposited in the~~
14 ~~Court Clerk's Revolving Fund, and reported quarterly to the~~
15 ~~Administrative Office of the Courts.~~

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

22 2. Upon promulgation of the rules required by law, the
23 determination of indigency shall be subject to review by the
24 Presiding Judge of the Judicial Administrative District. Until such

1 rules become effective, the determination of indigency shall be
2 subject to review by the Court of Criminal Appeals.

3 C. Before the court appoints the System based on the
4 application, the court shall advise the indigent or, if applicable,
5 a parent or legal guardian, that the application is signed under
6 oath and under the penalty of perjury and that a false statement may
7 be prosecuted as such. A copy of the application shall be sent to
8 the prosecuting attorney or the Office of the Attorney General,
9 whichever is appropriate, for review. Upon request by any party
10 including, but not limited to, the attorney appointed to represent
11 the indigent, the court shall hold a hearing on the issue of
12 eligibility for appointment of the System.

13 D. If the defendant is admitted to bail and the defendant or
14 another person on behalf of the defendant posts a bond, other than
15 by personal recognizance, the court may consider such fact in
16 determining the eligibility of the defendant for appointment of the
17 System; provided, however, such consideration shall not be the sole
18 factor in the determination of eligibility.

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

24

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

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

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

1 intoxicating substance or an offense
2 provided for in paragraph 1 or 2 of this
3 subsection, whether charged individually
4 or conjointly with others.....\$93.00

5 4. For each defendant convicted of a
6 felony, other than for driving under the
7 influence of alcohol or other
8 intoxicating substance, whether charged
9 individually or conjointly with others.....\$103.00

10 5. For each defendant convicted of the
11 misdemeanor of driving under the
12 influence of alcohol or other
13 intoxicating substance, whether charged
14 individually or conjointly with others.....\$433.00

15 6. For each defendant convicted of the
16 felony of driving under the influence of
17 alcohol or other intoxicating substance,
18 whether charged individually or
19 conjointly with others.....\$433.00

20 7. For the services of a court reporter at
21 each preliminary hearing and trial held
22 in the case.....\$20.00

23 8. For each time a jury is requested.....\$30.00
24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 2. Is under the influence of alcohol;

23 3. Has any amount of a Schedule I chemical or controlled
24 substance, as defined in Section 2-204 of Title 63 of the Oklahoma

1 Statutes, or one of its metabolites or analogs in the person's
2 blood, saliva, urine or any other bodily fluid at the time of a test
3 of such person's blood, saliva, urine or any other bodily fluid
4 administered within two (2) hours after the arrest of such person;

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

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

11 B. The fact that any person charged with a violation of this
12 section is or has been lawfully entitled to use alcohol or a
13 controlled dangerous substance or any other intoxicating substance
14 shall not constitute a defense against any charge of violating this
15 section.

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

- 19 a. participate in an assessment and evaluation pursuant
20 to subsection G of this section and shall follow all
21 recommendations made in the assessment and evaluation,
22 b. be punished by imprisonment in jail for not less than
23 ten (10) days nor more than one (1) year, and
24

1 c. be fined not more than One Thousand Dollars
2 (\$1,000.00).

3 2. Any person who, having been convicted of or having received
4 deferred judgment for a violation of this section or a violation
5 pursuant to the provisions of any law of this state or another state
6 prohibiting the offenses provided in this section, Section 11-904 of
7 this title or paragraph 4 of subsection A of Section 852.1 of Title
8 21 of the Oklahoma Statutes, or having a prior conviction in a
9 municipal criminal court of record for the violation of a municipal
10 ordinance prohibiting the offense provided for in this section
11 commits a subsequent violation of this section within ten (10) years
12 of the date following the completion of the execution of said
13 sentence or deferred judgment shall, upon conviction, be guilty of a
14 felony and shall participate in an assessment and evaluation
15 pursuant to subsection G of this section and shall be sentenced to:

16 a. follow all recommendations made in the assessment and
17 evaluation for treatment at the defendant's expense,

18 or

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

1 c. treatment, imprisonment and a fine within the
2 limitations prescribed in subparagraphs a and b of
3 this paragraph.

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

8 3. Any person who commits a violation of this section after
9 having been convicted of a felony offense pursuant to the provisions
10 of this section or a violation pursuant to the provisions of any law
11 of this state or another state prohibiting the offenses provided for
12 in this section, Section 11-904 of this title or paragraph 4 of
13 subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes
14 shall be guilty of a felony and participate in an assessment and
15 evaluation pursuant to subsection G of this section and shall be
16 sentenced to:

- 17 a. follow all recommendations made in the assessment and
18 evaluation for treatment at the defendant's expense,
19 two hundred forty (240) hours of community service and
20 use of an ignition interlock device, as provided by
21 subparagraph n of paragraph 1 of subsection A of
22 Section 991a of Title 22 of the Oklahoma Statutes, or
23 b. placement in the custody of the Department of
24 Corrections for not less than one (1) year and not to

1 exceed ten (10) years and a fine of not more than Five
2 Thousand Dollars (\$5,000.00), or

3 c. treatment, imprisonment and a fine within the
4 limitations prescribed in subparagraphs a and b of
5 this paragraph.

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

10 4. Any person who commits a violation of this section after
11 having been twice convicted of a felony offense pursuant to the
12 provisions of this section or a violation pursuant to the provisions
13 of any law of this state or another state prohibiting the offenses
14 provided for in this section, Section 11-904 of this title or
15 paragraph 4 of subsection A of Section 852.1 of Title 21 of the
16 Oklahoma Statutes shall be guilty of a felony and participate in an
17 assessment and evaluation pursuant to subsection G of this section
18 and shall be sentenced to:

19 a. follow all recommendations made in the assessment and
20 evaluation for treatment at the defendant's expense,
21 followed by not less than one (1) year of supervision
22 and periodic testing at the defendant's expense, four
23 hundred eighty (480) hours of community service, and
24 use of an ignition interlock device, as provided by

1 subparagraph n of paragraph 1 of subsection A of
2 Section 991a of Title 22 of the Oklahoma Statutes, for
3 a minimum of thirty (30) days, or

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

8 c. treatment, imprisonment and a fine within the
9 limitations prescribed in subparagraphs a and b of
10 this paragraph.

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

14 5. Any person who, after a previous conviction of a violation
15 of murder in the second degree or manslaughter in the first degree
16 in which the death was caused as a result of driving under the
17 influence of alcohol or other intoxicating substance, is convicted
18 of a violation of this section shall be guilty of a felony and shall
19 be punished by imprisonment in the custody of the Department of
20 Corrections for not less than five (5) years and not to exceed
21 twenty (20) years, and a fine of not more than Ten Thousand Dollars
22 (\$10,000.00).

23 6. Provided, however, a conviction from another state shall not
24 be used to enhance punishment pursuant to the provisions of this

1 subsection if that conviction is based on a blood or breath alcohol
2 concentration of less than eight-hundredths (0.08).

3 7. In any case in which a defendant is charged with driving
4 under the influence of alcohol or other intoxicating substance
5 offense within any municipality with a municipal court other than a
6 court of record, the charge shall be presented to the county's
7 district attorney and filed with the district court of the county
8 within which the municipality is located.

9 D. Any person who is convicted of a violation of driving under
10 the influence with a blood or breath alcohol concentration of
11 fifteen-hundredths (0.15) or more pursuant to this section shall be
12 deemed guilty of aggravated driving under the influence. A person
13 convicted of aggravated driving under the influence shall
14 participate in an assessment and evaluation pursuant to subsection G
15 of this section and shall comply with all recommendations for
16 treatment. Such person shall be sentenced as provided in paragraph
17 1, 2, 3, 4 or 5 of subsection C of this section and to:

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

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

24

1 E. When a person is sentenced to imprisonment in the custody of
2 the Department of Corrections, the person shall be processed through
3 the Lexington Assessment and Reception Center or at a place
4 determined by the Director of the Department of Corrections. The
5 Department of Corrections shall classify and assign the person to
6 one or more of the following:

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

10 2. A correctional facility operated by the Department of
11 Corrections with assignment to substance abuse treatment.
12 Successful completion of a Department-of-Corrections-approved
13 substance abuse treatment program shall satisfy the recommendation
14 for a ten-hour or twenty-four-hour alcohol and drug substance abuse
15 course or treatment program or both. Successful completion of an
16 approved Department of Corrections substance abuse treatment program
17 may precede or follow the required assessment.

18 F. The Department of Public Safety is hereby authorized to
19 reinstate any suspended or revoked driving privilege when the person
20 meets the statutory requirements which affect the existing driving
21 privilege.

22 G. Any person who is found guilty of a violation of the
23 provisions of this section shall be ordered to participate in an
24 alcohol and drug substance abuse evaluation and assessment program

1 offered by a certified assessment agency or certified assessor for
2 the purpose of evaluating and assessing the receptivity to treatment
3 and prognosis of the person and shall follow all recommendations
4 made in the assessment and evaluation for treatment. The court
5 shall order the person to reimburse the agency or assessor for the
6 evaluation and assessment. Payment shall be remitted by the
7 defendant or on behalf of the defendant by any third party;
8 provided, no state-appropriated funds are utilized. The fee for an
9 evaluation and assessment shall be the amount provided in subsection
10 C of Section 3-460 of Title 43A of the Oklahoma Statutes. The
11 evaluation and assessment shall be conducted at a certified
12 assessment agency, the office of a certified assessor or at another
13 location as ordered by the court. The agency or assessor shall,
14 within seventy-two (72) hours from the time the person is evaluated
15 and assessed, submit a written report to the court for the purpose
16 of assisting the court in its sentencing determination. The court
17 shall, as a condition of any sentence imposed, including deferred
18 and suspended sentences, require the person to participate in and
19 successfully complete all recommendations from the evaluation, such
20 as an alcohol and substance abuse treatment program pursuant to
21 Section 3-452 of Title 43A of the Oklahoma Statutes. If such report
22 indicates that the evaluation and assessment shows that the
23 defendant would benefit from a ten-hour or twenty-four-hour alcohol
24 and drug substance abuse course or a treatment program or both, the

1 court shall, as a condition of any sentence imposed, including
2 deferred and suspended sentences, require the person to follow all
3 recommendations identified by the evaluation and assessment and
4 ordered by the court. No person, agency or facility operating an
5 evaluation and assessment program certified by the Department of
6 Mental Health and Substance Abuse Services shall solicit or refer
7 any person evaluated and assessed pursuant to this section for any
8 treatment program or substance abuse service in which such person,
9 agency or facility has a vested interest; however, this provision
10 shall not be construed to prohibit the court from ordering
11 participation in or any person from voluntarily utilizing a
12 treatment program or substance abuse service offered by such person,
13 agency or facility. If a person is sentenced to imprisonment in the
14 custody of the Department of Corrections and the court has received
15 a written evaluation report pursuant to the provisions of this
16 subsection, the report shall be furnished to the Department of
17 Corrections with the judgment and sentence. Any evaluation and
18 assessment report submitted to the court pursuant to the provisions
19 of this subsection shall be handled in a manner which will keep such
20 report confidential from the general public's review. Nothing
21 contained in this subsection shall be construed to prohibit the
22 court from ordering judgment and sentence in the event the defendant
23 fails or refuses to comply with an order of the court to obtain the
24 evaluation and assessment required by this subsection. If the

1 defendant fails or refuses to comply with an order of the court to
2 obtain the evaluation and assessment, the Department of Public
3 Safety shall not reinstate driving privileges until the defendant
4 has complied in full with such order. Nothing contained in this
5 subsection shall be construed to prohibit the court from ordering
6 judgment and sentence and any other sanction authorized by law for
7 failure or refusal to comply with an order of the court.

8 H. Any person who is found guilty of a violation of the
9 provisions of this section shall be required by the court to attend
10 a victims impact panel program, as defined in subsection H of
11 Section 991a of Title 22 of the Oklahoma Statutes, if such a program
12 is offered in the county where the judgment is rendered, and to pay
13 a fee of Seventy-five Dollars (\$75.00), as set by the governing
14 authority of the program and approved by the court, to the program
15 to offset the cost of participation by the defendant, if in the
16 opinion of the court the defendant has the ability to pay such fee.

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

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

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

7 ~~H.~~ 1. When a person is eighteen (18) years of age or older,
8 and is the driver, operator, or person in physical control of a
9 vehicle, and is convicted of violating any provision of this section
10 while transporting or having in the motor vehicle any child less
11 than eighteen (18) years of age, the fine shall be enhanced to
12 double the amount of the fine imposed for the underlying driving
13 under the influence (DUI) violation which shall be in addition to
14 any other penalties allowed by this section.

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

19 ~~M.~~ L. Any plea of guilty, nolo contendere or finding of guilt
20 for a violation of this section or a violation pursuant to the
21 provisions of any law of this state or another state prohibiting the
22 offenses provided for in this section, Section 11-904 of this title,
23 or paragraph 4 of subsection A of Section 852.1 of Title 21 of the
24 Oklahoma Statutes, shall constitute a conviction of the offense for

1 the purpose of this section; provided, any deferred judgment shall
2 only be considered to constitute a conviction for a period of ten
3 (10) years following the completion of any court-imposed
4 probationary term.

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

10 1. The results of any standardized field sobriety test
11 including, but not limited to, the horizontal gaze nystagmus (HGN)
12 test administered by a person who has completed training in
13 standardized field sobriety testing; or

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

20 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2-401, as
21 amended by Section 1, Chapter 77, O.S.L. 2024 (63 O.S. Supp. 2024,
22 Section 2-401), is amended to read as follows:
23
24

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

4 1. To distribute, dispense, transport with intent to distribute
5 or dispense, possess with intent to manufacture, distribute, or
6 dispense, a controlled dangerous substance or to solicit the use of
7 or use the services of a person less than eighteen (18) years of age
8 to cultivate, distribute or dispense a controlled dangerous
9 substance;

10 2. To create, distribute, transport with intent to distribute
11 or dispense, or possess with intent to distribute, a counterfeit
12 controlled dangerous substance; or

13 3. To distribute any imitation controlled substance as defined
14 by Section 2-101 of this title, except when authorized by the Food
15 and Drug Administration of the United States Department of Health
16 and Human Services.

17 B. Any person who violates the provisions of this section with
18 respect to:

19 1. A substance classified in Schedule I or II, except for
20 marijuana, upon conviction, shall be guilty of transporting or
21 possessing with an intent to distribute a controlled dangerous
22 substance, a felony, and shall be sentenced to a term of
23 imprisonment in the custody of the Department of Corrections for not
24 more than seven (7) years and a fine not more than One Hundred

1 Thousand Dollars (\$100,000.00), which shall be in addition to other
2 punishment provided by law and shall not be imposed in lieu of other
3 punishment. A second conviction for the violation of provisions of
4 this paragraph is a felony punishable by a term of imprisonment in
5 the custody of the Department of Corrections for not more than
6 fourteen (14) years. A third or subsequent conviction for the
7 violation of the provisions of this paragraph is a felony punishable
8 by a term of imprisonment in the custody of the Department of
9 Corrections for not more than twenty (20) years;

10 2. Any other controlled dangerous substance classified in
11 Schedule III, IV, V or marijuana, upon conviction, shall be guilty
12 of a felony and shall be sentenced to a term of imprisonment in the
13 custody of the Department of Corrections for not more than five (5)
14 years and a fine not more than Twenty Thousand Dollars (\$20,000.00),
15 which shall be in addition to other punishment provided by law and
16 shall not be imposed in lieu of other punishment. A second
17 conviction for the violation of the provisions of this paragraph is
18 a felony punishable by a term of imprisonment in the custody of the
19 Department of Corrections for not more than ten (10) years. A third
20 or subsequent conviction for the violation of the provisions of this
21 paragraph is a felony punishable by a term of imprisonment in the
22 custody of the Department of Corrections for not more than fifteen
23 (15) years; or

24

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

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

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

24

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

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

18 5. A second conviction for the violation of the provisions of
19 paragraph 1 of this subsection with respect to manufacturing a
20 controlled substance is a felony punishable by imprisonment in the
21 custody of the Department of Corrections for a term not less than
22 two (2) years nor more than twenty (20) years. A third or
23 subsequent conviction for the violation of the provisions of this
24 paragraph is a felony punishable by imprisonment in the custody of

1 the Department of Corrections for a term not less than ten (10)
2 years nor more than life.

3 D. Convictions for violations of the provisions of this section
4 shall be subject to the statutory provisions for suspended or
5 deferred sentences, or probation as provided in Section 991a of
6 Title 22 of the Oklahoma Statutes.

7 E. Any person who is at least eighteen (18) years of age and
8 who violates the provisions of this section by using or soliciting
9 the use of services of a person less than eighteen (18) years of age
10 to distribute, dispense, transport with intent to distribute or
11 dispense or cultivate a controlled dangerous substance or by
12 distributing a controlled dangerous substance to a person under
13 eighteen (18) years of age, or in the presence of a person under
14 twelve (12) years of age, is punishable by:

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

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

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

24

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

12 1. For a first offense, a term of imprisonment in the custody
13 of the Department of Corrections, or by the imposition of a fine or
14 by both, not exceeding twice that authorized by the appropriate
15 provision of this section; or

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

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

23 G. 1. Except as authorized by the Uniform Controlled Dangerous
24 Substances Act, it shall be unlawful for any person to manufacture

1 or attempt to manufacture any controlled dangerous substance or
2 possess any substance listed in Section 2-322 of this title or any
3 substance containing any detectable amount of pseudoephedrine or its
4 salts, optical isomers or salts of optical isomers, iodine or its
5 salts, optical isomers or salts of optical isomers, hydriodic acid,
6 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or
7 organic solvents with the intent to use that substance to
8 manufacture a controlled dangerous substance.

9 2. Any person violating the provisions of this subsection with
10 respect to the unlawful manufacturing or attempting to unlawfully
11 manufacture any controlled dangerous substance, possessing any
12 substance listed in this subsection or Section 2-322 of this title,
13 or combining fentanyl with any other controlled dangerous substance,
14 upon conviction, is guilty of a felony and shall be punished by
15 imprisonment in the custody of the Department of Corrections for not
16 less than seven (7) years nor more than life and by a fine not less
17 than Fifty Thousand Dollars (\$50,000.00), which shall be in addition
18 to other punishment provided by law and shall not be imposed in lieu
19 of other punishment. The possession of any amount of anhydrous
20 ammonia in an unauthorized container shall be prima facie evidence
21 of intent to use such substance to manufacture a controlled
22 dangerous substance.

23 3. Any person violating the provisions of this subsection with
24 respect to the unlawful manufacturing or attempting to unlawfully

1 manufacture any controlled dangerous substance in the following
2 amounts:

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

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

7 (1) coca leaves, except coca leaves and extracts of
8 coca leaves from which cocaine, ecgonine, and
9 derivatives of ecgonine or their salts have been
10 removed,

11 (2) cocaine, its salts, optical and geometric
12 isomers, and salts of isomers,

13 (3) ecgonine, its derivatives, their salts, isomers,
14 and salts of isomers, or

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

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

22 d. one hundred (100) grams or more of phencyclidine (PCP)
23 or 1 kilogram or more of a mixture or substance
24 containing a detectable amount of phencyclidine (PCP),

- 1 e. ten (10) grams or more of a mixture or substance
2 containing a detectable amount of lysergic acid
3 diethylamide (LSD),
- 4 f. four hundred (400) grams or more of a mixture or
5 substance containing a detectable amount of N-phenyl-
6 N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100
7 grams or more of a mixture or substance containing a
8 detectable amount of any analogue of N-phenyl-N-[1-(2-
9 phenylethyl)-4-piperidinyl] propanamide,
- 10 g. one thousand (1,000) kilograms or more of a mixture or
11 substance containing a detectable amount of marijuana
12 or one thousand (1000) or more marijuana plants
13 regardless of weight,
- 14 h. fifty (50) grams or more of methamphetamine, its
15 salts, isomers, and salts of its isomers or 500 grams
16 or more of a mixture or substance containing a
17 detectable amount of methamphetamine, its salts,
18 isomers, or salts of its isomers, or
- 19 i. ten (10) grams or more of a mixture or substance
20 containing a detectable amount of fentanyl, its
21 analogs, or derivatives,

22 upon conviction, is guilty of aggravated manufacturing a controlled
23 dangerous substance punishable by imprisonment in the custody of the
24 Department of Corrections for not less than twenty (20) years nor

1 more than life and by a fine not less than Fifty Thousand Dollars
2 (\$50,000.00), which shall be in addition to other punishment
3 provided by law and shall not be imposed in lieu of other
4 punishment. Any person convicted of a violation of the provisions
5 of this paragraph shall be required to serve a minimum of eighty-
6 five percent (85%) of the sentence received prior to becoming
7 eligible for state correctional earned credits towards the
8 completion of the sentence or eligible for parole.

9 4. Any sentence to the custody of the Department of Corrections
10 for any violation of paragraph 3 of this subsection shall not be
11 subject to statutory provisions for suspended sentences, deferred
12 sentences, or probation. A person convicted of a second or
13 subsequent violation of the provisions of paragraph 3 of this
14 subsection shall be punished as a habitual offender pursuant to
15 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be
16 required to serve a minimum of eighty-five percent (85%) of the
17 sentence received prior to becoming eligible for state correctional
18 earned credits or eligibility for parole.

19 5. Any person who has been convicted of manufacturing or
20 attempting to manufacture methamphetamine pursuant to the provisions
21 of this subsection and who, after such conviction, purchases or
22 attempts to purchase, receive or otherwise acquire any product,
23 mixture, or preparation containing any detectable quantity of base
24 pseudoephedrine or ephedrine shall, upon conviction, be guilty of a

1 felony punishable by imprisonment in the custody of the Department
2 of Corrections for a term in the range of twice the minimum term
3 provided for in paragraph 2 of this subsection.

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

10 I. Any person convicted of any offense described in this
11 section shall, in addition to any fine imposed, pay a special
12 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
13 deposited into the Trauma Care Assistance Revolving Fund created in
14 Section 1-2530.9 of this title.

15 J. For purposes of this section, "public housing project" means
16 any dwelling or accommodations operated as a state or federally
17 subsidized multifamily housing project by any housing authority,
18 nonprofit corporation or municipal developer or housing projects
19 created pursuant to the Oklahoma Housing Authorities Act.

20 ~~K. When a person is found guilty of a violation of the~~
21 ~~provisions of this section, the court shall order, in addition to~~
22 ~~any other penalty, the defendant to pay a one hundred dollar~~
23 ~~assessment to be deposited in the Drug Abuse Education and Treatment~~
24

1 ~~Revolving Fund created in Section 2-503.2 of this title, upon~~
2 ~~collection.~~

3 ~~↳~~ Any person convicted of a second or subsequent felony
4 violation of the provisions of this section, except for paragraphs 1
5 and 2 of subsection B of this section, paragraphs 2, 3, 4 and 5 of
6 subsection C of this section, paragraphs 1, 2, and 3 of subsection E
7 of this section and paragraphs 1 and 2 of subsection F of this
8 section, shall be punished as a habitual offender pursuant to
9 Section 51.1 of Title 21 of the Oklahoma Statutes.

10 SECTION 7. This act shall become effective November 1, 2025.

11

12 60-1-13359 GRS 03/20/25

13

14

15

16

17

18

19

20

21

22

23

24