

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1460

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

6 and

7 Gollihare of the Senate
8

9
10 COMMITTEE SUBSTITUTE

11 [fees - fines - assessment - court - sentences -
12 costs - cases - offenses - supervision - yield -
effective date]
13
14

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

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

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

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

21 2. "Convicted" means any final adjudication of guilt, whether
22 pursuant to a plea of guilty or nolo contendere or otherwise, and
23 any deferred or suspended sentence or judgment;
24

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

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

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

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

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

1 a. the OSBI who shall deposit the monies into the OSBI
2 Revolving Fund provided for in Section 150.19a of
3 Title 74 of the Oklahoma Statutes for services
4 rendered or administered by the OSBI,

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

11 c. the appropriate municipality or county for services
12 rendered or administered by a municipality or county.

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

15 a. providing criminalistic laboratory services,

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

18 c. education, training, and scientific development of
19 OSBI personnel, and

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

23 D. Upon conviction or bond forfeiture, the court shall collect
24 the fee provided for in subsection B of this section and deposit it

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

1 shall also submit a report stating the total amount of funds
2 collected and the total number of fees imposed during the preceding
3 quarter. The report may be made on computerized or manual
4 disposition reports.

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

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

22 ~~2. The court clerk shall cause to be deposited the amount of
23 Five Dollars (\$5.00) as collected, for every adjudicated or
24 otherwise convicted person as described in this subsection. The~~

1 ~~court clerk shall remit the monies in the fund on a monthly basis~~
2 ~~directly to the Bureau of Narcotics Drug Education Revolving Fund.~~

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

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

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

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

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

1 clerk as a result of different types of assessments and fees
2 pursuant to Sections 1313.2 through 1313.4 of this title shall be
3 made monthly to each state agency.

4 SECTION 2. AMENDATORY 22 O.S. 2021, Section 991a, as
5 last amended by Section 1, Chapter 61, O.S.L. 2024 (22 O.S. Supp.
6 2024, Section 991a), is amended to read as follows:

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

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

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

1 extent of the damage to the victim is determinable
2 with reasonable certainty,

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

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

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

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

23 f. to confinement as provided by law together with a term
24 of post-imprisonment community supervision for not

1 less than three (3) years of the total term allowed by
2 law for imprisonment, with or without restitution;
3 provided, however, the authority of this provision is
4 limited to Section 843.5 of Title 21 of the Oklahoma
5 Statutes when the offense involved sexual abuse or
6 sexual exploitation; Sections 681, 741 and 843.1 of
7 Title 21 of the Oklahoma Statutes when the offense
8 involved sexual abuse or sexual exploitation; and
9 Sections 865 et seq., 885, 886, 888, 891, 1021,
10 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
11 1123 of Title 21 of the Oklahoma Statutes,

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

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

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

22 ~~i. to reimburse the Oklahoma State Bureau of~~
23 ~~Investigation and any authorized law enforcement~~
24 ~~agency for all costs incurred by that agency for~~

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

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

16 ~~k.~~

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

20 ~~l.~~

21 k. to participate in an assessment and evaluation by an
22 assessment agency or assessment personnel certified by
23 the Department of Mental Health and Substance Abuse
24 Services pursuant to Section 3-460 of Title 43A of the

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

6 ~~m.~~

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

23 ~~n.~~

24

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

1 ~~e.~~

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

21 ~~p.~~

22 o. to perform one or more courses of treatment, education
23 or rehabilitation for any conditions, behaviors,
24 deficiencies or disorders which may contribute to

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

16 ~~e.~~

17 p. to submit to periodic testing for alcohol,
18 intoxicating substance or controlled dangerous
19 substances by a qualified laboratory,

20 ~~f.~~

21 g. to pay a fee or costs for treatment, education,
22 supervision, participation in a program or any
23 combination thereof as determined by the court, based
24 upon the defendant's ability to pay the fees or costs,

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~~s.~~

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

~~t.~~

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

~~u.~~

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

~~v.~~

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

~~w.~~

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

~~x.~~

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

~~y.~~

1 x. to pay day fines not to exceed fifty percent (50%) of
2 the net wages earned. For purposes of this paragraph,
3 "day fine" means the offender is ordered to pay an
4 amount calculated as a percentage of net daily wages
5 earned. The day fine shall be paid to the local
6 community sentencing system as reparation to the
7 community. Day fines shall be used to support the
8 local system,

9 ~~z.~~

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

12 ~~aa.~~

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

18 ~~bb.~~

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

23 ~~cc.~~

24

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

4 ~~dd.~~

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

14 ~~ee.~~

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

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

13 ~~ff.~~

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

23 ~~gg.~~

1 ff. in the case of a person convicted of any false or
2 bogus check violation, as defined in Section 1541.4 of
3 Title 21 of the Oklahoma Statutes, impose a fee of
4 Twenty-five Dollars (\$25.00) to the victim for each
5 check, and impose a bogus check fee to be paid to the
6 district attorney. The bogus check fee paid to the
7 district attorney shall be equal to the amount
8 assessed as court costs plus Twenty-five Dollars
9 (\$25.00) for each check upon filing of the case in
10 district court. This money shall be deposited in the
11 Bogus Check Restitution Program Fund as established in
12 subsection B of Section 114 of this title.
13 Additionally, the court may require the offender to
14 pay restitution and bogus check fees on any other
15 bogus check or checks that have been submitted to the
16 Bogus Check Restitution Program, ~~and~~

17 ~~hh.~~

18 gg. in the case of a person convicted of an offense under
19 Section 644 of Title 21 of the Oklahoma Statutes,
20 require the person to receive an assessment for
21 batterers, which shall be conducted through a
22 certified treatment program for batterers, and

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

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

6 However, unless under the supervision of the district attorney,
7 the offender shall be required to pay Forty Dollars (\$40.00) per
8 month to the district attorney during the first two (2) years of
9 probation to compensate the district attorney for the costs incurred
10 during the prosecution of the offender and for the additional work
11 of verifying the compliance of the offender with the rules and
12 conditions of his or her probation. The district attorney may waive
13 any part of this requirement in the best interests of justice. The
14 court ~~shall not~~ may ~~waive, suspend, defer or dismiss~~ the costs of
15 prosecution in ~~its entirety~~. ~~However, if the court determines that~~
16 ~~a reduction in the fine, costs and costs of prosecution is~~
17 ~~warranted, the court shall equally apply the same percentage~~
18 ~~reduction to the fine, costs and costs of prosecution owed by the~~
19 ~~offender~~ the same manner as the court waives financial obligations
20 pursuant to Section 983 of this title. Any unpaid costs of
21 prosecution shall be waived if the suspended sentence of an offender
22 expires without being revoked;

23 2. Impose a fine prescribed by law for the offense, with or
24 without probation or commitment and with or without restitution or

1 service as provided for in this section, Section 991a-4.1 of this
2 title or Section 227 of Title 57 of the Oklahoma Statutes;

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

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

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

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

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

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

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

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

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

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1 of the sentence and may be punished as deemed proper
2 by the sentencing court, or

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

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

23 ~~9.~~ 8. In addition to the other sentencing powers of the court,
24 in the case of a person convicted of any crime related to domestic

1 abuse, as defined in Section 60.1 of this title, the court may
2 require the defendant to undergo the treatment or participate in the
3 counseling services necessary to bring about the cessation of
4 domestic abuse against the victim. The defendant may be required to
5 pay all or part of the cost of the treatment or counseling services;

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

19 ~~11.~~ 10. In addition to the other sentencing powers of the
20 court, the court, in the case of a person convicted of abuse or
21 neglect of a child, as defined in Section 1-1-105 of Title 10A of
22 the Oklahoma Statutes, may require the person to undergo treatment
23 or to participate in counseling services. The defendant may be
24

1 required to pay all or part of the cost of the treatment or
2 counseling services;

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

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

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

1 ~~15.~~ 14. In addition to the other sentencing powers of the
2 court, in the case of a sex offender who is required by law to
3 register pursuant to the Sex Offenders Registration Act, the court
4 shall require the person to register any electronic mail address
5 information, instant message, chat or other Internet communication
6 name or identity information that the person uses or intends to use
7 while accessing the Internet or used for other purposes of social
8 networking or other similar Internet communication; or

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

20 B. Notwithstanding any other provision of law, any person who
21 is found guilty of a violation of any provision of Section 761 or
22 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
23 guilty or nolo contendere for a violation of any provision of such
24 sections shall be ordered to participate in, prior to sentencing, an

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

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

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

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

22 E. Probation, for purposes of subsection A of this section, is
23 a procedure by which a defendant found guilty of a crime, whether
24 upon a verdict or plea of guilty or upon a plea of nolo contendere,

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

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

24

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

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

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

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

24

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

6 H. As used in this section:

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

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

17 3. "Victims impact panel program" means a program conducted by
18 a corporation registered with the Secretary of State in Oklahoma for
19 the sole purpose of operating a victims impact panel program. The
20 program shall include live presentations from presenters who will
21 share personal stories with participants about how alcohol, drug
22 abuse, the operation of a motor vehicle while using an electronic
23 communication device or the illegal conduct of others has personally
24 impacted the lives of the presenters. A victims impact panel

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

1 thereafter, the provider of the victims impact panel program shall
2 provide to the District Attorneys Council the following:

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

18 I. A person convicted of a felony offense or receiving any form
19 of probation for an offense in which registration is required
20 pursuant to the Sex Offenders Registration Act, shall submit to
21 deoxyribonucleic acid (DNA) testing for law enforcement
22 identification purposes in accordance with Section 150.27 of Title
23 74 of the Oklahoma Statutes and the rules promulgated by the
24 Oklahoma State Bureau of Investigation for the OSBI Combined DNA

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

1 previously submitted to DNA testing under this section and for whom
2 a valid sample is on file in the OSBI Combined DNA Index System
3 (CODIS) Database at the time of sentencing shall not be required to
4 submit to additional testing. Except as required by the Sex
5 Offenders Registration Act, a deferred judgment does not require
6 submission to DNA testing.

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

17 J. Samples of blood or saliva for DNA testing required by
18 subsection I of this section shall be taken by employees or
19 contractors of the Department of Corrections, peace officers, or the
20 county sheriff or employees or contractors of the sheriff's office.
21 The individuals shall be properly trained to collect blood or saliva
22 samples. Persons collecting blood or saliva for DNA testing
23 pursuant to this section shall be immune from civil liabilities
24 arising from this activity. All collectors of DNA samples shall

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

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

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

21 Section 991c. A. Upon a verdict or plea of guilty or upon a
22 plea of nolo contendere, but before a judgment of guilt, the court
23 may, without entering a judgment of guilt and with the consent of
24 the defendant, defer further proceedings upon the specific

1 conditions prescribed by the court not to exceed a seven-year
2 period, except as authorized under subsection B of this section.

3 The court shall first consider restitution among the various
4 conditions it may prescribe. The court may also consider ordering
5 the defendant to:

6 1. Pay court costs;

7 2. Pay an assessment in lieu of any fine authorized by law for
8 the offense;

9 3. Pay any other assessment or cost authorized by law;

10 4. Engage in a term of community service without compensation,
11 according to a schedule consistent with the employment and family
12 responsibilities of the defendant;

13 5. County jail confinement for a period not to exceed ninety
14 (90) days or the maximum amount of jail time provided for the
15 offense, if it is less than ninety (90) days;

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

19 7. Be supervised in the community for a period not to exceed
20 eighteen (18) months, unless a petition alleging violation of any
21 condition of deferred judgment is filed during the period of
22 supervision. As a condition of any supervision, the defendant shall
23 be required to pay a supervision fee of Forty Dollars (\$40.00) per
24 month. The supervision fee shall be waived in whole or part by the

1 supervisory agency when the accused is indigent. Any fees collected
2 by the district attorney pursuant to this paragraph shall be
3 deposited in the General Revenue Fund of the State Treasury. No
4 person shall be denied supervision based solely on the inability of
5 the person to pay a fee;

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

12 9. Make other reparations to the community or victim as
13 required and deemed appropriate by the court;

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

17 11. Any combination of the ~~above~~ provisions in paragraphs 1
18 through 10 of this subsection.

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

1 conditions of his or her probation. The district attorney may waive
2 any part of this requirement in the best interests of justice. The
3 court ~~shall not~~ may waive, ~~suspend, defer or dismiss~~ the costs of
4 prosecution in ~~its entirety~~. ~~However, if the court determines that~~
5 ~~a reduction in the fine, costs and costs of prosecution is~~
6 ~~warranted, the court shall equally apply the same percentage~~
7 ~~reduction to the fine, costs and costs of prosecution owed by the~~
8 ~~offender~~ the same manner as the court waives financial obligations
9 pursuant to Section 983 of this title. Any unpaid costs of
10 prosecution shall be waived if the deferred sentence of an offender
11 expires without being accelerated. Any fees collected by the
12 district attorney pursuant to this paragraph shall be deposited in
13 the General Revenue Fund of the State Treasury.

14 B. When the court has ordered restitution as a condition of
15 supervision as provided for in subsection A of this section and that
16 condition has not been satisfied, the court may, at any time prior
17 to the termination or expiration of the supervision period, order an
18 extension of supervision for a period not to exceed three (3) years.

19 C. In addition to any conditions of supervision provided for in
20 subsection A of this section, the court shall, in the case of a
21 person before the court for the offense of operating or being in
22 control of a motor vehicle while the person was under the influence
23 of alcohol, other intoxicating substance, or a combination of
24 alcohol and another intoxicating substance, or who is before the

1 court for the offense of operating a motor vehicle while the ability
2 of the person to operate such vehicle was impaired due to the
3 consumption of alcohol, require the person to participate in an
4 alcohol and drug substance abuse evaluation program offered by a
5 facility or qualified practitioner certified by the Department of
6 Mental Health and Substance Abuse Services for the purpose of
7 evaluating the receptivity to treatment and prognosis of the person.
8 The court shall order the person to reimburse the facility or
9 qualified practitioner for the evaluation. The Department of Mental
10 Health and Substance Abuse Services shall establish a fee schedule,
11 based upon the ability of a person to pay, provided the fee for an
12 evaluation shall not exceed Seventy-five Dollars (\$75.00). The
13 evaluation shall be conducted at a certified facility, the office of
14 a qualified practitioner or at another location as ordered by the
15 court. The facility or qualified practitioner shall, within
16 seventy-two (72) hours from the time the person is assessed, submit
17 a written report to the court for the purpose of assisting the court
18 in its determination of conditions for deferred sentence. No
19 person, agency or facility operating an alcohol and drug substance
20 abuse evaluation program certified by the Department of Mental
21 Health and Substance Abuse Services shall solicit or refer any
22 person evaluated pursuant to this subsection for any treatment
23 program or alcohol and drug substance abuse service in which the
24 person, agency or facility has a vested interest; however, this

1 provision shall not be construed to prohibit the court from ordering
2 participation in or any person from voluntarily utilizing a
3 treatment program or alcohol and drug substance abuse service
4 offered by such person, agency or facility. Any evaluation report
5 submitted to the court pursuant to this subsection shall be handled
6 in a manner which will keep the report confidential from review by
7 the general public. Nothing contained in this subsection shall be
8 construed to prohibit the court from ordering judgment and sentence
9 in the event the defendant fails or refuses to comply with an order
10 of the court to obtain the evaluation required by this subsection.
11 As used in this subsection, "qualified practitioner" means a person
12 with at least a bachelor's degree in substance abuse treatment,
13 mental health or a related health care field and at least two (2)
14 years of experience in providing alcohol abuse treatment, other drug
15 abuse treatment, or both alcohol and other drug abuse treatment who
16 is certified each year by the Department of Mental Health and
17 Substance Abuse Services to provide these assessments. However, any
18 person who does not meet the requirements for a qualified
19 practitioner as defined herein, but who has been previously
20 certified by the Department of Mental Health and Substance Abuse
21 Services to provide alcohol or drug treatment or assessments, shall
22 be considered a qualified practitioner provided all education,
23 experience and certification requirements stated herein are met by

24

1 September 1, 1995. The court may also require the person to
2 participate in one or both of the following:

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

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

13 D. Upon completion of the conditions of the deferred judgment,
14 and upon a finding by the court that the conditions have been met
15 and all fines, fees, and monetary assessments have been paid as
16 ordered, the defendant shall be discharged without a court judgment
17 of guilt, and the court shall order the verdict or plea of guilty or
18 plea of nolo contendere to be expunged from the record and the
19 charge shall be dismissed with prejudice to any further action. The
20 procedure to expunge the record of the defendant shall be as
21 follows:

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

24

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

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

6 4. No information concerning the confidential file shall be
7 revealed or released, except upon written order of a judge of the
8 district court or upon written request by the named defendant to the
9 court clerk for the purpose of updating the criminal history record
10 of the defendant with the Oklahoma State Bureau of Investigation;
11 and

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

16 Records expunged pursuant to this subsection shall be sealed to
17 the public but not to law enforcement agencies for law enforcement
18 purposes. Records expunged pursuant to this subsection shall be
19 admissible in any subsequent criminal prosecution to prove the
20 existence of a prior conviction or prior deferred judgment without
21 the necessity of a court order requesting the unsealing of such
22 records.

23 E. The provisions of subsection D of this section shall be
24 retroactive.

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

14 G. Upon any violation of the deferred judgment, other than a
15 technical violation, the court may enter a judgment of guilt and
16 proceed as provided in Section 991a of this title or may modify any
17 condition imposed. Provided, however, if the deferred judgment is
18 for a felony offense, and the defendant commits another felony
19 offense, the defendant shall not be allowed bail pending appeal.

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

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

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

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

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

17 SECTION 4. 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 5. AMENDATORY 28 O.S. 2021, Section 153, as
2 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2024,
3 Section 153), is amended to read as follows:

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 SECTION 6. 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 7. 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 8. This act shall become effective November 1, 2025.

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