

1 **SENATE FLOOR VERSION**

2 April 23, 2025

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1460

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

10 and

11 Gollihare of the Senate

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

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

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

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

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

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

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

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

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

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

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

13 a. providing criminalistic laboratory services,

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

16 c. education, training, and scientific development of  
17 OSBI personnel, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 ~~k.~~

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

18 ~~l.~~

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

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

4 ~~m.~~

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

21 ~~n.~~

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

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

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

18 ~~p.~~

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

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

13 ~~q.~~

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

17 ~~r.~~

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

22 ~~s.~~

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

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

7 ~~z.~~

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

10 ~~aa.~~

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

16 ~~bb.~~

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

21 ~~cc.~~

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

1 ~~dd.~~

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

11 ~~ee.~~

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

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

10 ~~ff.~~

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

20 ~~gg.~~

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

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

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

13 ~~hh.~~

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

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

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

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

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

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

24

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

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

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

22           ~~7.~~ 6. In addition to the other sentencing powers of the court,  
23 in the case of a person convicted of operating or being in control  
24 of a motor vehicle while the person was under the influence of

1 alcohol, other intoxicating substance or a combination of alcohol or  
2 another intoxicating substance, or convicted of operating a motor  
3 vehicle while the ability of the person to operate such vehicle was  
4 impaired due to the consumption of alcohol, require such person:

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

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

21 c. to both participate in the alcohol and drug substance  
22 abuse course or treatment program, pursuant to  
23 subparagraph a of this paragraph and attend a victims  
24

1 impact panel program, pursuant to subparagraph b of  
2 this paragraph,

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

21 e. beginning January 1, 1993, to submit to electronically  
22 monitored home detention administered and supervised  
23 by the Department of Corrections, and to pay to the  
24 Department a monitoring fee, not to exceed Seventy-

1 five Dollars (\$75.00) a month, to the Department of  
2 Corrections, if in the opinion of the court the  
3 defendant has the ability to pay such fee. Any fees  
4 collected pursuant to this subparagraph shall be  
5 deposited in the Department of Corrections Revolving  
6 Fund. Any order by the court for the payment of the  
7 monitoring fee, if willfully disobeyed, may be  
8 enforced as an indirect contempt of court;

9 ~~8.~~ 7. In addition to the other sentencing powers of the court,  
10 in the case of a person convicted of prostitution pursuant to  
11 Section 1029 of Title 21 of the Oklahoma Statutes, require such  
12 person to receive counseling for the behavior which may have caused  
13 such person to engage in prostitution activities. Such person may  
14 be required to receive counseling in areas including but not limited  
15 to alcohol and substance abuse, sexual behavior problems or domestic  
16 abuse or child abuse problems;

17 ~~9.~~ 8. In addition to the other sentencing powers of the court,  
18 in the case of a person convicted of any crime related to domestic  
19 abuse, as defined in Section 60.1 of this title, the court may  
20 require the defendant to undergo the treatment or participate in the  
21 counseling services necessary to bring about the cessation of  
22 domestic abuse against the victim. The defendant may be required to  
23 pay all or part of the cost of the treatment or counseling services;

1       ~~10.~~ 9. In addition to the other sentencing powers of the court,  
2 the court, in the case of a sex offender sentenced after November 1,  
3 1989, and required by law to register pursuant to the Sex Offenders  
4 Registration Act, shall require the defendant to participate in a  
5 treatment program designed specifically for the treatment of sex  
6 offenders, if available. The treatment program will include  
7 polygraph examinations specifically designed for use with sex  
8 offenders for the purpose of supervision and treatment compliance,  
9 provided the examination is administered by a certified licensed  
10 polygraph examiner. The treatment program must be approved by the  
11 Department of Corrections or the Department of Mental Health and  
12 Substance Abuse Services. Such treatment shall be at the expense of  
13 the defendant based on the ability of the defendant to pay;

14       ~~11.~~ 10. In addition to the other sentencing powers of the  
15 court, the court, in the case of a person convicted of abuse or  
16 neglect of a child, as defined in Section 1-1-105 of Title 10A of  
17 the Oklahoma Statutes, may require the person to undergo treatment  
18 or to participate in counseling services. The defendant may be  
19 required to pay all or part of the cost of the treatment or  
20 counseling services;

21       ~~12.~~ 11. In addition to the other sentencing powers of the  
22 court, the court, in the case of a person convicted of cruelty to  
23 animals pursuant to Section 1685 of Title 21 of the Oklahoma  
24 Statutes, may require the person to pay restitution to animal

1 facilities for medical care and any boarding costs of victimized  
2 animals;

3 ~~13.~~ 12. In addition to the other sentencing powers of the  
4 court, a sex offender who is habitual or aggravated as defined by  
5 Section 584 of Title 57 of the Oklahoma Statutes and who is required  
6 to register as a sex offender pursuant to the Sex Offenders  
7 Registration Act shall be supervised by the Department of  
8 Corrections for the duration of the registration period and shall be  
9 assigned to a global position monitoring device by the Department of  
10 Corrections for the duration of the registration period. The cost  
11 of such monitoring device shall be reimbursed by the offender;

12 ~~14.~~ 13. In addition to the other sentencing powers of the  
13 court, in the case of a sex offender who is required by law to  
14 register pursuant to the Sex Offenders Registration Act, the court  
15 may prohibit the person from accessing or using any Internet social  
16 networking website that has the potential or likelihood of allowing  
17 the sex offender to have contact with any child who is under the age  
18 of eighteen (18) years;

19 ~~15.~~ 14. In addition to the other sentencing powers of the  
20 court, in the case of a sex offender who is required by law to  
21 register pursuant to the Sex Offenders Registration Act, the court  
22 shall require the person to register any electronic mail address  
23 information, instant message, chat or other Internet communication  
24 name or identity information that the person uses or intends to use

1 while accessing the Internet or used for other purposes of social  
2 networking or other similar Internet communication; or

3 ~~16.~~ 15. In addition to the other sentencing powers of the  
4 court, and pursuant to the terms and conditions of a written plea  
5 agreement, the court may prohibit the defendant from entering,  
6 visiting or residing within the judicial district in which the  
7 defendant was convicted until after completion of his or her  
8 sentence; provided, however, the court shall ensure that the  
9 defendant has access to those services or programs for which the  
10 defendant is required to participate as a condition of probation.  
11 When seeking to enter the prohibited judicial district for personal  
12 business not related to his or her criminal case, the defendant  
13 shall be required to obtain approval by the court.

14 B. Notwithstanding any other provision of law, any person who  
15 is found guilty of a violation of any provision of Section 761 or  
16 11-902 of Title 47 of the Oklahoma Statutes or any person pleading  
17 guilty or nolo contendere for a violation of any provision of such  
18 sections shall be ordered to participate in, prior to sentencing, an  
19 alcohol and drug assessment and evaluation by an assessment agency  
20 or assessment personnel certified by the Department of Mental Health  
21 and Substance Abuse Services for the purpose of evaluating the  
22 receptivity to treatment and prognosis of the person. The court  
23 shall order the person to reimburse the agency or assessor for the  
24 evaluation. The fee shall be the amount provided in subsection C of

1 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation  
2 shall be conducted at a certified assessment agency, the office of a  
3 certified assessor or at another location as ordered by the court.  
4 The agency or assessor shall, within seventy-two (72) hours from the  
5 time the person is assessed, submit a written report to the court  
6 for the purpose of assisting the court in its final sentencing  
7 determination. No person, agency or facility operating an alcohol  
8 and drug substance abuse evaluation program certified by the  
9 Department of Mental Health and Substance Abuse Services shall  
10 solicit or refer any person evaluated pursuant to this subsection  
11 for any treatment program or alcohol and drug substance abuse  
12 service in which such person, agency or facility has a vested  
13 interest; however, this provision shall not be construed to prohibit  
14 the court from ordering participation in or any person from  
15 voluntarily utilizing a treatment program or alcohol and drug  
16 substance abuse service offered by such person, agency or facility.  
17 If a person is sentenced to the custody of the Department of  
18 Corrections and the court has received a written evaluation report  
19 pursuant to this subsection, the report shall be furnished to the  
20 Department of Corrections with the judgment and sentence. Any  
21 evaluation report submitted to the court pursuant to this subsection  
22 shall be handled in a manner which will keep such report  
23 confidential from the general public's review. Nothing contained in  
24 this subsection shall be construed to prohibit the court from

1 ordering judgment and sentence in the event the defendant fails or  
2 refuses to comply with an order of the court to obtain the  
3 evaluation required by this subsection.

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

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

16 E. Probation, for purposes of subsection A of this section, is  
17 a procedure by which a defendant found guilty of a crime, whether  
18 upon a verdict or plea of guilty or upon a plea of nolo contendere,  
19 is released by the court subject to conditions imposed by the court  
20 and subject to supervision by the Department of Corrections, a  
21 private supervision provider or other person designated by the  
22 court. Such supervision shall be initiated upon an order of  
23 probation from the court, and shall not exceed two (2) years, unless  
24 a petition alleging a violation of any condition of deferred

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

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

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

22 2. Any offender eligible to participate in the Program pursuant  
23 to this section shall be eligible to participate in a county  
24 Program; provided, participation in county-funded Programs shall not

1 be limited to offenders who would otherwise be sentenced to  
2 confinement with the Department of Corrections.

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

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

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

22 H. As used in this section:

23 1. "Ignition interlock device" means a device that, without  
24 tampering or intervention by another person, would prevent the

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

4 2. "Electronically monitored home detention" means  
5 incarceration of the defendant within a specified location or  
6 locations with monitoring by means of a device approved by the  
7 Department of Corrections that detects if the person leaves the  
8 confines of any specified location; and

9 3. "Victims impact panel program" means a program conducted by  
10 a corporation registered with the Secretary of State in Oklahoma for  
11 the sole purpose of operating a victims impact panel program. The  
12 program shall include live presentations from presenters who will  
13 share personal stories with participants about how alcohol, drug  
14 abuse, the operation of a motor vehicle while using an electronic  
15 communication device or the illegal conduct of others has personally  
16 impacted the lives of the presenters. A victims impact panel  
17 program shall be attended by persons who have committed the offense  
18 of driving, operating or being in actual physical control of a motor  
19 vehicle while under the influence of alcohol or other intoxicating  
20 substance, operating a motor vehicle while the ability of the person  
21 to operate such vehicle was impaired due to the consumption of  
22 alcohol or any other substance or operating a motor vehicle while  
23 using an electronic device or by persons who have been convicted of  
24 furnishing alcoholic beverage to persons under twenty-one (21) years

1 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the  
2 Oklahoma Statutes. Persons attending a victims impact panel program  
3 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to  
4 the provider of the program. A certificate of completion shall be  
5 issued to the person upon satisfying the attendance and fee  
6 requirements of the victims impact panel program. The certificate  
7 of completion shall contain the business identification number of  
8 the program provider. A certified assessment agency, certified  
9 assessor or provider of an alcohol and drug substance abuse course  
10 shall be prohibited from providing a victims impact panel program  
11 and shall further be prohibited from having any proprietary or  
12 pecuniary interest in a victims impact panel program. The provider  
13 of the victims impact panel program shall carry general liability  
14 insurance and maintain an accurate accounting of all business  
15 transactions and funds received in relation to the victims impact  
16 panel program. Beginning October 1, 2020, and each October 1  
17 thereafter, the provider of the victims impact panel program shall  
18 provide to the District Attorneys Council the following:

- 19 a. proof of registration with the Oklahoma Secretary of  
20 State,
- 21 b. proof of general liability insurance,
- 22 c. end-of-year financial statements prepared by a  
23 certified public accountant,

24

- 1           d. a copy of federal income tax returns filed with the  
2           Internal Revenue Service,  
3           e. a registration fee of One Thousand Dollars  
4           (\$1,000.00). The registration fee shall be deposited  
5           in the District Attorneys Council Revolving Fund  
6           created in Section 215.28 of Title 19 of the Oklahoma  
7           Statutes, and  
8           f. a statement certifying that the provider of the  
9           victims impact panel program has complied with all of  
10          the requirements set forth in this paragraph.

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

1 entering a dwelling place, destruction of property, negligent  
2 homicide or causing a personal injury accident while driving under  
3 the influence of any intoxicating substance, or any alien unlawfully  
4 present under federal immigration law, upon arrest, shall submit to  
5 DNA testing for law enforcement identification purposes in  
6 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes  
7 and the rules promulgated by the Oklahoma State Bureau of  
8 Investigation for the OSBI Combined DNA Index System (CODIS)  
9 Database. Any defendant sentenced to probation shall be required to  
10 submit to testing within thirty (30) days of sentencing either to  
11 the Department of Corrections or to the county sheriff or other  
12 peace officer as directed by the court. Defendants who are  
13 sentenced to a term of incarceration shall submit to testing in  
14 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,  
15 for those defendants who enter the custody of the Department of  
16 Corrections or to the county sheriff, for those defendants sentenced  
17 to incarceration in a county jail. Convicted individuals who have  
18 previously submitted to DNA testing under this section and for whom  
19 a valid sample is on file in the OSBI Combined DNA Index System  
20 (CODIS) Database at the time of sentencing shall not be required to  
21 submit to additional testing. Except as required by the Sex  
22 Offenders Registration Act, a deferred judgment does not require  
23 submission to DNA testing.

24

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

11 J. Samples of blood or saliva for DNA testing required by  
12 subsection I of this section shall be taken by employees or  
13 contractors of the Department of Corrections, peace officers, or the  
14 county sheriff or employees or contractors of the sheriff's office.  
15 The individuals shall be properly trained to collect blood or saliva  
16 samples. Persons collecting blood or saliva for DNA testing  
17 pursuant to this section shall be immune from civil liabilities  
18 arising from this activity. All collectors of DNA samples shall  
19 ensure the collection of samples are mailed to the Oklahoma State  
20 Bureau of Investigation within ten (10) days of the time the subject  
21 appears for testing or within ten (10) days of the date the subject  
22 comes into physical custody to serve a term of incarceration. All  
23 collectors of DNA samples shall use sample kits provided by the OSBI  
24 and procedures promulgated by the OSBI. Persons subject to DNA

1 testing who are not received at the Lexington Assessment and  
2 Reception Center shall be required to pay a fee of Fifteen Dollars  
3 (\$15.00) to the agency collecting the sample for submission to the  
4 OSBI Combined DNA Index System (CODIS) Database. Any fees collected  
5 pursuant to this subsection shall be deposited in the revolving  
6 account or the service fee account of the collection agency or  
7 department.

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

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

15 Section 991c. A. Upon a verdict or plea of guilty or upon a  
16 plea of nolo contendere, but before a judgment of guilt, the court  
17 may, without entering a judgment of guilt and with the consent of  
18 the defendant, defer further proceedings upon the specific  
19 conditions prescribed by the court not to exceed a seven-year  
20 period, except as authorized under subsection B of this section.  
21 The court shall first consider restitution among the various  
22 conditions it may prescribe. The court may also consider ordering  
23 the defendant to:

24 1. Pay court costs;

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

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

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

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

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

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

24

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

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

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

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

14 However, unless under the supervision of the district attorney,  
15 the offender shall be required to pay Forty Dollars (\$40.00) per  
16 month to the district attorney during the first two (2) years of  
17 probation to compensate the district attorney for the costs incurred  
18 during the prosecution of the offender and for the additional work  
19 of verifying the compliance of the offender with the rules and  
20 conditions of his or her probation. The district attorney may waive  
21 any part of this requirement in the best interests of justice. The  
22 court ~~shall not~~ may ~~waive, suspend, defer or dismiss~~ the costs of  
23 prosecution in ~~its entirety.~~ ~~However, if the court determines that~~  
24 ~~a reduction in the fine, costs and costs of prosecution is~~

1 ~~warranted, the court shall equally apply the same percentage~~  
2 ~~reduction to the fine, costs and costs of prosecution owed by the~~  
3 ~~offender~~ the same manner as the court waives financial obligations  
4 pursuant to Section 983 of this title. Any unpaid costs of  
5 prosecution shall be waived if the deferred sentence of an offender  
6 expires without being accelerated. Any fees collected by the  
7 district attorney pursuant to this paragraph shall be deposited in  
8 the General Revenue Fund of the State Treasury.

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

14 C. In addition to any conditions of supervision provided for in  
15 subsection A of this section, the court shall, in the case of a  
16 person before the court for the offense of operating or being in  
17 control of a motor vehicle while the person was under the influence  
18 of alcohol, other intoxicating substance, or a combination of  
19 alcohol and another intoxicating substance, or who is before the  
20 court for the offense of operating a motor vehicle while the ability  
21 of the person to operate such vehicle was impaired due to the  
22 consumption of alcohol, require the person to participate in an  
23 alcohol and drug substance abuse evaluation program offered by a  
24 facility or qualified practitioner certified by the Department of

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

1 in a manner which will keep the report confidential from review by  
2 the general public. Nothing contained in this subsection shall be  
3 construed to prohibit the court from ordering judgment and sentence  
4 in the event the defendant fails or refuses to comply with an order  
5 of the court to obtain the evaluation required by this subsection.  
6 As used in this subsection, "qualified practitioner" means a person  
7 with at least a bachelor's degree in substance abuse treatment,  
8 mental health or a related health care field and at least two (2)  
9 years of experience in providing alcohol abuse treatment, other drug  
10 abuse treatment, or both alcohol and other drug abuse treatment who  
11 is certified each year by the Department of Mental Health and  
12 Substance Abuse Services to provide these assessments. However, any  
13 person who does not meet the requirements for a qualified  
14 practitioner as defined herein, but who has been previously  
15 certified by the Department of Mental Health and Substance Abuse  
16 Services to provide alcohol or drug treatment or assessments, shall  
17 be considered a qualified practitioner provided all education,  
18 experience and certification requirements stated herein are met by  
19 September 1, 1995. The court may also require the person to  
20 participate in one or both of the following:

- 21 1. An alcohol and drug substance abuse course, pursuant to  
22 Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and
- 23 2. A victims impact panel program, as defined in subsection H  
24 of Section 991a of this title, if such a program is offered in the

1 county where the judgment is rendered. The defendant shall be  
2 required to pay a fee of Seventy-five Dollars (\$75.00) as set by the  
3 governing authority of the program and approved by the court to the  
4 victims impact panel program to offset the cost of participation by  
5 the defendant, if in the opinion of the court the defendant has the  
6 ability to pay such fee.

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

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

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

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

23 4. No information concerning the confidential file shall be  
24 revealed or released, except upon written order of a judge of the

1 district court or upon written request by the named defendant to the  
2 court clerk for the purpose of updating the criminal history record  
3 of the defendant with the Oklahoma State Bureau of Investigation;  
4 and

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

9 Records expunged pursuant to this subsection shall be sealed to  
10 the public but not to law enforcement agencies for law enforcement  
11 purposes. Records expunged pursuant to this subsection shall be  
12 admissible in any subsequent criminal prosecution to prove the  
13 existence of a prior conviction or prior deferred judgment without  
14 the necessity of a court order requesting the unsealing of such  
15 records.

16 E. The provisions of subsection D of this section shall be  
17 retroactive.

18 F. Whenever a judgment has been deferred by the court according  
19 to the provisions of this section, deferred judgment may not be  
20 accelerated for any technical violation unless a petition setting  
21 forth the grounds for such acceleration is filed by the district  
22 attorney with the clerk of the sentencing court and competent  
23 evidence justifying the acceleration of the judgment is presented to  
24 the court at a hearing to be held for that purpose. The hearing

1 shall be held not more than twenty (20) days after the entry of the  
2 plea of not guilty to the petition, unless waived by both the state  
3 and the defendant. Any acceleration of a deferred sentence based on  
4 a technical violation shall not exceed ninety (90) days for a first  
5 acceleration or five (5) years for a second or subsequent  
6 acceleration.

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

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

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

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

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

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

10 SECTION 4. AMENDATORY 22 O.S. 2021, Section 1355A, is  
11 amended to read as follows:

12 Section 1355A. A. When an indigent requests representation by  
13 the Oklahoma Indigent Defense System, such person shall submit an  
14 appropriate application to the court clerk, which shall state that  
15 the application is signed under oath and under the penalty of  
16 perjury and that a false statement may be prosecuted as such. The  
17 application shall state whether or not the indigent has been  
18 released on bond. In addition, if the indigent has been released on  
19 bond, the application shall include a written statement from the  
20 applicant that the applicant has contacted three named attorneys,  
21 licensed to practice law in this state, and the applicant has been  
22 unable to obtain legal counsel. ~~A nonrefundable application fee of~~  
23 ~~Forty Dollars (\$40.00) shall be paid to the court clerk at the time~~  
24 ~~the application is submitted, and no application shall be accepted~~

1 ~~without payment of the fee; except that the court may, based upon~~  
2 ~~the financial information submitted, defer all or part of the fee if~~  
3 ~~the court determines that the person does not have the financial~~  
4 ~~resources to pay the fee at time of application, to attach as a~~  
5 ~~court fee upon conviction. Any fees collected pursuant to this~~  
6 ~~subsection shall be retained by the court clerk, deposited in the~~  
7 ~~Court Clerk's Revolving Fund, and reported quarterly to the~~  
8 ~~Administrative Office of the Courts.~~

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

15       2. Upon promulgation of the rules required by law, the  
16 determination of indigency shall be subject to review by the  
17 Presiding Judge of the Judicial Administrative District. Until such  
18 rules become effective, the determination of indigency shall be  
19 subject to review by the Court of Criminal Appeals.

20       C. Before the court appoints the System based on the  
21 application, the court shall advise the indigent or, if applicable,  
22 a parent or legal guardian, that the application is signed under  
23 oath and under the penalty of perjury and that a false statement may  
24 be prosecuted as such. A copy of the application shall be sent to

1 the prosecuting attorney or the Office of the Attorney General,  
2 whichever is appropriate, for review. Upon request by any party  
3 including, but not limited to, the attorney appointed to represent  
4 the indigent, the court shall hold a hearing on the issue of  
5 eligibility for appointment of the System.

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

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

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

20 Section 153. A. The clerks of the courts shall collect as  
21 costs in every criminal case for each offense of which the defendant  
22 is convicted, irrespective of whether or not the sentence is  
23 deferred, the following flat charges and no more, except for  
24 standing and parking violations and for charges otherwise provided

1 for by law, which fee shall cover docketing of the case, filing of  
2 all papers, issuance of process, warrants, orders, and other  
3 services to the date of judgment:

4 1. For each defendant convicted of  
5 exceeding the speed limit by at least  
6 one (1) mile per hour but not more than  
7 ten (10) miles per hour, whether charged  
8 individually or conjointly with others.....\$77.00

9 2. For each defendant convicted of a  
10 misdemeanor traffic violation other than  
11 an offense provided for in paragraph 1  
12 or 5 of this subsection, whether charged  
13 individually or conjointly with others.....\$98.00

14 3. For each defendant convicted of a  
15 misdemeanor, other than for driving  
16 under the influence of alcohol or other  
17 intoxicating substance or an offense  
18 provided for in paragraph 1 or 2 of this  
19 subsection, whether charged individually  
20 or conjointly with others.....\$93.00

21 4. For each defendant convicted of a  
22 felony, other than for driving under the  
23 influence of alcohol or other  
24





1 offense for driving under the influence of alcohol or other  
2 intoxicating substance.

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

8 E. In addition to the amount collected pursuant to paragraphs 1  
9 through 6 of subsection A of this section, the sum of Ten Dollars  
10 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee  
11 Account in the county in which the conviction occurred for the  
12 purpose of enhancing existing or providing additional courthouse  
13 security.

14 F. In addition to the amounts collected pursuant to paragraphs  
15 1 through 6 of subsection A of this section, the sum of Three  
16 Dollars (\$3.00) shall be assessed and credited to the Office of the  
17 Attorney General Victim Services Unit.

18 G. In addition to the amounts collected pursuant to paragraphs  
19 1 through 6 of subsection A of this section, the sum of Three  
20 Dollars (\$3.00) shall be assessed and credited to the Child Abuse  
21 Multidisciplinary Account. This fee shall not be used for purposes  
22 of hiring or employing any law enforcement officers.

23 ~~H. In addition to the amount collected pursuant to paragraphs 5~~  
24 ~~and 6 of subsection A of this section, the sum of Fifteen Dollars~~

1 ~~(\$15.00) shall be assessed in every misdemeanor or felony case for~~  
2 ~~each offense of driving under the influence of alcohol or other~~  
3 ~~intoxicating substance and credited to the Oklahoma Impaired Driver~~  
4 ~~Database Revolving Fund created pursuant to Section 11-902d of Title~~  
5 ~~47 of the Oklahoma Statutes.~~

6 ~~F.~~ Prior to conviction, parties in criminal cases shall not be  
7 required to pay, advance, or post security for the issuance or  
8 service of process to obtain compulsory attendance of witnesses.

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

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

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

1 Statutes, of the sheriff in the county in which service is made or  
2 attempted. Otherwise, the sheriff's service fee, when collected,  
3 shall be deposited in its entirety into the Sheriff's Service Fee  
4 Account of the sheriff in the county in which service is made or  
5 attempted;

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

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

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

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

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

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

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

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

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

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

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

1 SECTION 6. AMENDATORY 47 O.S. 2021, Section 11-902, is  
2 amended to read as follows:

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

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

13 2. Is under the influence of alcohol;

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

20 4. Is under the influence of any intoxicating substance other  
21 than alcohol which may render such person incapable of safely  
22 driving or operating a motor vehicle; or  
23  
24

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

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

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

- 12           a. participate in an assessment and evaluation pursuant  
13           to subsection G of this section and shall follow all  
14           recommendations made in the assessment and evaluation,
- 15           b. be punished by imprisonment in jail for not less than  
16           ten (10) days nor more than one (1) year, and
- 17           c. be fined not more than One Thousand Dollars  
18           (\$1,000.00).

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

1 municipal criminal court of record for the violation of a municipal  
2 ordinance prohibiting the offense provided for in this section  
3 commits a subsequent violation of this section within ten (10) years  
4 of the date following the completion of the execution of said  
5 sentence or deferred judgment shall, upon conviction, be guilty of a  
6 felony and shall participate in an assessment and evaluation  
7 pursuant to subsection G of this section and shall be sentenced to:

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

10 ~~or~~

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

15 c. treatment, imprisonment and a fine within the  
16 limitations prescribed in subparagraphs a and b of  
17 this paragraph.

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

22 3. Any person who commits a violation of this section after  
23 having been convicted of a felony offense pursuant to the provisions  
24 of this section or a violation pursuant to the provisions of any law

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

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

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

24

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

10           a. follow all recommendations made in the assessment and  
11 evaluation for treatment at the defendant's expense,  
12 followed by not less than one (1) year of supervision  
13 and periodic testing at the defendant's expense, four  
14 hundred eighty (480) hours of community service, and  
15 use of an ignition interlock device, as provided by  
16 subparagraph n of paragraph 1 of subsection A of  
17 Section 991a of Title 22 of the Oklahoma Statutes, for  
18 a minimum of thirty (30) days, ~~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 twenty (20) years and a fine of not more than  
22 Five Thousand Dollars (\$5,000.00), or  
23  
24

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 person does not undergo residential or inpatient  
5 treatment pursuant to subsection G of this section the person shall  
6 serve a term of imprisonment of at least ten (10) days.

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

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

20 7. In any case in which a defendant is charged with driving  
21 under the influence of alcohol or other intoxicating substance  
22 offense within any municipality with a municipal court other than a  
23 court of record, the charge shall be presented to the county's  
24

1 district attorney and filed with the district court of the county  
2 within which the municipality is located.

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

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

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

18 E. When a person is sentenced to imprisonment in the custody of  
19 the Department of Corrections, the person shall be processed through  
20 the Lexington Assessment and Reception Center or at a place  
21 determined by the Director of the Department of Corrections. The  
22 Department of Corrections shall classify and assign the person to  
23 one or more of the following:

24

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

4 2. A correctional facility operated by the Department of  
5 Corrections with assignment to substance abuse treatment.  
6 Successful completion of a Department-of-Corrections-approved  
7 substance abuse treatment program shall satisfy the recommendation  
8 for a ten-hour or twenty-four-hour alcohol and drug substance abuse  
9 course or treatment program or both. Successful completion of an  
10 approved Department of Corrections substance abuse treatment program  
11 may precede or follow the required assessment.

12 F. The Department of Public Safety is hereby authorized to  
13 reinstate any suspended or revoked driving privilege when the person  
14 meets the statutory requirements which affect the existing driving  
15 privilege.

16 G. Any person who is found guilty of a violation of the  
17 provisions of this section shall be ordered to participate in an  
18 alcohol and drug substance abuse evaluation and assessment program  
19 offered by a certified assessment agency or certified assessor for  
20 the purpose of evaluating and assessing the receptivity to treatment  
21 and prognosis of the person and shall follow all recommendations  
22 made in the assessment and evaluation for treatment. The court  
23 shall order the person to reimburse the agency or assessor for the  
24 evaluation and assessment. Payment shall be remitted by the

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

1 any person evaluated and assessed pursuant to this section for any  
2 treatment program or substance abuse service in which such person,  
3 agency or facility has a vested interest; however, this provision  
4 shall not be construed to prohibit the court from ordering  
5 participation in or any person from voluntarily utilizing a  
6 treatment program or substance abuse service offered by such person,  
7 agency or facility. If a person is sentenced to imprisonment in the  
8 custody of the Department of Corrections and the court has received  
9 a written evaluation report pursuant to the provisions of this  
10 subsection, the report shall be furnished to the Department of  
11 Corrections with the judgment and sentence. Any evaluation and  
12 assessment report submitted to the court pursuant to the provisions  
13 of this subsection shall be handled in a manner which will keep such  
14 report confidential from the general public's review. Nothing  
15 contained in this subsection shall be construed to prohibit the  
16 court from ordering judgment and sentence in the event the defendant  
17 fails or refuses to comply with an order of the court to obtain the  
18 evaluation and assessment required by this subsection. If the  
19 defendant fails or refuses to comply with an order of the court to  
20 obtain the evaluation and assessment, the Department of Public  
21 Safety shall not reinstate driving privileges until the defendant  
22 has complied in full with such order. Nothing contained in this  
23 subsection shall be construed to prohibit the court from ordering

24

1 judgment and sentence and any other sanction authorized by law for  
2 failure or refusal to comply with an order of the court.

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

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

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

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~~

1 ~~Revolving Fund created in Section 2-503.2 of Title 63 of the~~  
2 ~~Oklahoma Statutes, upon collection.~~

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

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

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

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
18 April 23, 2025 - DO PASS

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