

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 128

By: Kirt

AS INTRODUCED

An Act relating to forcible entry and detainer; amending 12 O.S. 2021, Sections 1148.4, 1148.5, 1148.5A, and 1148.16, as amended by Section 2, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2024, Section 1148.16), which relate to summons; extending time period for certain appearance; providing exceptions; making language gender neutral; increasing time period for service of certain summons; providing exceptions; conforming time periods for certain notice and hearing; providing exceptions; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1148.4, is amended to read as follows:

Section 1148.4. The summons shall be issued and returned as in other cases, except that it shall command the sheriff, or other person serving it, to summon the defendant to appear for trial at the time and place specified therein, which time shall be not less than ~~five (5) days nor more than~~ ten (10) days nor more than fifteen (15) days from the date that the summons is issued; provided, however, a trial for an action pursuant to subsection C or D of

1 Section 132 of Title 41 of the Oklahoma Statutes shall be not less  
2 than five (5) days nor more than ten (10) days from the date the  
3 summons is issued. The summons shall apprise the defendant of the  
4 nature of the claim that is being asserted ~~against him~~; and there  
5 shall be endorsed upon the summons the relief sought and the amount  
6 for which the plaintiff will take judgment if the defendant fails to  
7 appear. In all cases, pleadings may be amended to conform to the  
8 evidence.

9 SECTION 2. AMENDATORY 12 O.S. 2021, Section 1148.5, is  
10 amended to read as follows:

11 Section 1148.5. The summons may be served as in other cases  
12 except that such service shall be at least ~~three (3)~~ seven (7) days  
13 before the day of trial, and the return day shall not be later than  
14 the day of trial, and it may also be served by leaving a copy  
15 thereof with some person over fifteen (15) years of age, residing on  
16 the premises, at least ~~three (3)~~ seven (7) days before the day of  
17 trial; or, if service cannot be made by the exercise of reasonable  
18 diligence on the tenant or on any person over the age of fifteen  
19 (15) years residing on the premises, the same may be served by  
20 certified mail with return receipt postmarked at least ~~three (3)~~  
21 seven (7) days before the date of trial. Provided, service of a  
22 summons for an action pursuant to subsection C or D of Section 132  
23 of Title 41 of the Oklahoma Statutes shall be at least three (3)  
24 days before the date of trial.

1 SECTION 3. AMENDATORY 12 O.S. 2021, Section 1148.5A, is  
2 amended to read as follows:

3 Section 1148.5A. If, in the exercise of reasonable diligence,  
4 service cannot be made upon the defendant personally nor upon any  
5 person residing upon the premises over fifteen (15) years of age,  
6 then in lieu of service by certified mail, service may be obtained  
7 for the sole purpose of adjudicating the right to restitution of the  
8 premises by the sheriff's posting or by private process service  
9 posting of ~~said the~~ the summons conspicuously on the building on the  
10 premises, and, if there ~~be~~ is no building on ~~said the~~ the premises, then  
11 by posting the same at some conspicuous place on the premises sought  
12 to be recovered at least ~~five (5)~~ seven (7) days prior to the date  
13 of trial, and by the claimant's mailing a copy of ~~said the~~ the summons  
14 to the last-known address of the defendant by certified mail at  
15 least ~~five (5)~~ seven (7) days prior to ~~said the~~ the date of trial;  
16 provided, however, such service for an action pursuant to subsection  
17 C or D of Section 132 of Title 41 of the Oklahoma Statutes shall be  
18 posted at least five (5) days prior to the date of trial. Such  
19 service shall confer no jurisdiction upon the court to render any  
20 judgment against the defendant for the payment of money nor for any  
21 relief other than the restoration of possession of the premises to  
22 the claimant, unless the defendant appears at trial. If the court  
23 only renders a judgment for restoration of possession of the  
24 premises, the claimant shall not be precluded from pursuing a

1 subsequent action for the payment of rent. A judgment for forcible  
2 entry and detainer shall not preclude the property owner from  
3 pursuing a subsequent action for other monetary relief. Such  
4 service shall not be rendered ineffectual by the failure of the  
5 defendant to actually see or receive such posted process nor by the  
6 failure of the defendant to actually receive or sign a return  
7 receipt for such mailed process.

8 SECTION 4. AMENDATORY 12 O.S. 2021, Section 1148.16, as  
9 amended by Section 2, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2024,  
10 Section 1148.16), is amended to read as follows:

11 Section 1148.16. The summons to be issued in an action for  
12 forcible entry and detainer, commonly known as an eviction, shall be  
13 in a form developed in plain and understandable language by the  
14 Oklahoma Bar Association. The Administrative Office of the Courts  
15 shall provide public access to the affidavit by providing a link to  
16 the form on the Oklahoma State Courts Network (OSCN) website. The  
17 summons shall be delivered no less than ~~three (3)~~ seven (7) days  
18 before the scheduled time and date of the court hearing; provided,  
19 however, a summons for an action pursuant to subsection C or D of  
20 Section 132 of Title 41 of the Oklahoma Statutes shall be delivered  
21 no less than three (3) days before the date of trial. This  
22 scheduled date and time shall not be less than ~~five (5)~~ ten (10)  
23 days nor more than fifteen (15) days from the date the summons is  
24 issued; provided, however, the scheduled date and time for an action

1 pursuant to subsection C or D of Section 132 of Title 41 of the  
2 Oklahoma Statutes shall not be less than five (5) days nor more than  
3 ten (10) days from the date the summons is issued.

4 SECTION 5. This act shall become effective November 1, 2025.

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