

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE

FOR

5 HOUSE BILL NO. 1460

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

6

7 and

8 **Gollihare** of the Senate

9

10

11 COMMITTEE SUBSTITUTE

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

15

16

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

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

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

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

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

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

6 4. "DNA" means ~~D~~eoxyribonucleic deoxyribonucleic acid.

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

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

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

- 5 a. the OSBI who shall deposit the monies into the OSBI
6 Revolving Fund provided for in Section 150.19a of
7 Title 74 of the Oklahoma Statutes for services
8 rendered or administered by the OSBI,
9 b. the Office of the Chief Medical Examiner who shall
10 deposit the monies into the Chief Medical Examiner
11 Revolving Fund provided for in Section 948 of Title 63
12 of the Oklahoma Statutes for services rendered or
13 administered by the Office of the Chief Medical
14 Examiner, or
15 c. the appropriate municipality or county for services
16 rendered or administered by a municipality or county.

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

- 19 a. providing criminalistic laboratory services,
20 b. the purchase and maintenance of equipment for use by
21 the laboratory in performing analysis,
22 c. education, training, and scientific development of
23 OSBI personnel, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 8 b. to reimburse any state agency for amounts paid by the
9 state agency for hospital and medical expenses
10 incurred by the victim or victims, as a result of the
11 criminal act for which such person was convicted,
12 which reimbursement shall be made directly to the
13 state agency, with interest accruing thereon at the
14 rate of twelve percent (12%) per annum,
15 c. to engage in a term of community service without
16 compensation, according to a schedule consistent with
17 the employment and family responsibilities of the
18 person convicted,
19 d. to pay a reasonable sum into any trust fund
20 established pursuant to the provisions of Sections 176
21 through 180.4 of Title 60 of the Oklahoma Statutes and
22 which provides restitution payments by convicted
23 defendants to victims of crimes committed within this
24

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

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

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

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

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

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

1 and if the costs incurred by the Bureau during the
2 investigation of the defendant's case may be
3 determined with reasonable certainty,
4 i. to reimburse the Oklahoma State Bureau of
5 Investigation and any authorized law enforcement
6 agency for all costs incurred by that agency for
7 cleaning up an illegal drug laboratory site for which
8 the defendant pleaded guilty, nolo contendere or was
9 convicted. The court clerk shall collect the amount
10 and may retain five percent (5%) of such monies to be
11 deposited in the Court Clerk's Revolving Fund to cover
12 administrative costs and shall remit the remainder to
13 the Oklahoma State Bureau of Investigation to be
14 deposited in the OSBI Revolving Fund established by
15 Section 150.19a of Title 74 of the Oklahoma Statutes
16 or to the general fund wherein the other law
17 enforcement agency is located,
18 j. to pay a reasonable sum to the Crime Victims
19 Compensation Board, created by Section 142.2 et seq.
20 of Title 21 of the Oklahoma Statutes, for the benefit
21 of crime victims,
22 k. to reimburse the court fund for amounts paid to court-
23 appointed attorneys for representing the defendant in
24 the case in which the person is being sentenced,

- 1 1. to participate in an assessment and evaluation by an
2 assessment agency or assessment personnel certified by
3 the Department of Mental Health and Substance Abuse
4 Services pursuant to Section 3-460 of Title 43A of the
5 Oklahoma Statutes and, as determined by the
6 assessment, participate in an alcohol and drug
7 substance abuse course or treatment program or both,
8 pursuant to Sections 3-452 and 3-453 of Title 43A of
9 the Oklahoma Statutes, or as ordered by the court,
10 m. to be placed in a victims impact panel program, as
11 defined in subsection H of this section, or
12 victim/offender reconciliation program and payment of
13 a fee to the program of Seventy-five Dollars (\$75.00)
14 as set by the governing authority of the program to
15 offset the cost of participation by the defendant.
16 Provided, each victim/offender reconciliation program
17 shall be required to obtain a written consent form
18 voluntarily signed by the victim and defendant that
19 specifies the methods to be used to resolve the
20 issues, the obligations and rights of each person and
21 the confidentiality of the proceedings. Volunteer
22 mediators and employees of a victim/offender
23 reconciliation program shall be immune from liability
24

1 and have rights of confidentiality as provided in
2 Section 1805 of Title 12 of the Oklahoma Statutes,
3 n. to install, at the expense of the defendant, an
4 ignition interlock device approved by the Board of
5 Tests for Alcohol and Drug Influence. The device
6 shall be installed upon every motor vehicle operated
7 by the defendant, and the court shall require that a
8 notation of this restriction be affixed to the
9 defendant's driver license. The restriction shall
10 remain on the driver license not exceeding two (2)
11 years to be determined by the court. The restriction
12 may be modified or removed only by order of the court
13 and notice of any modification order shall be given to
14 Service Oklahoma. Upon the expiration of the period
15 for the restriction, Service Oklahoma shall remove the
16 restriction without further court order. Failure to
17 comply with the order to install an ignition interlock
18 device or operating any vehicle without a device
19 during the period of restriction shall be a violation
20 of the sentence and may be punished as deemed proper
21 by the sentencing court. As used in this paragraph,
22 "ignition interlock device" means a device that,
23 without tampering or intervention by another person,
24 would prevent the defendant from operating a motor

- 1 vehicle if the defendant has a blood or breath alcohol
2 concentration of two-hundredths (0.02) or greater,
3 o. to be confined by electronic monitoring administered
4 and supervised by the Department of Corrections or a
5 community sentence provider, ~~and payment of a~~
6 ~~monitoring fee to the supervising authority, not to~~
7 ~~exceed Three Hundred Dollars (\$300.00) per month.~~ Any
8 ~~fees collected pursuant to this subparagraph shall be~~
9 ~~deposited with the appropriate supervising authority.~~
10 ~~Any willful violation of an order of the court for the~~
11 ~~payment of the monitoring fee shall be a violation of~~
12 ~~the sentence and may be punished as deemed proper by~~
13 ~~the sentencing court.~~ As used in this paragraph,
14 "electronic monitoring" means confinement of the
15 defendant within a specified location or locations
16 with supervision by means of an electronic device
17 approved by the Department of Corrections which is
18 designed to detect if the defendant is in the court-
19 ordered location at the required times and which
20 records violations for investigation by a qualified
21 supervisory agency or person,
22 p. to perform one or more courses of treatment, education
23 or rehabilitation for any conditions, behaviors,
24 deficiencies or disorders which may contribute to

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

- q. to submit to periodic testing for alcohol, intoxicating substance or controlled dangerous substances by a qualified laboratory,
 - r. to pay a fee or costs for treatment, education, supervision, participation in a program or any combination thereof as determined by the court, based upon the defendant's ability to pay the fees or costs,

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

- 1 z. to submit to blood or saliva testing as required by
2 subsection I of this section,
- 3 aa. to repair or restore property damaged by the
4 defendant's conduct, if the court determines the
5 defendant possesses sufficient skill to repair or
6 restore the property and the victim consents to the
7 repairing or restoring of the property,
- 8 bb. to restore damaged property in kind or payment of out-
9 of-pocket expenses to the victim, if the court is able
10 to determine the actual out-of-pocket expenses
11 suffered by the victim,
- 12 cc. to attend a victim-offender reconciliation program if
13 the victim agrees to participate and the offender is
14 deemed appropriate for participation,
- 15 dd. in the case of a person convicted of prostitution
16 pursuant to Section 1029 of Title 21 of the Oklahoma
17 Statutes, require such person to receive counseling
18 for the behavior which may have caused such person to
19 engage in prostitution activities. Such person may be
20 required to receive counseling in areas including but
21 not limited to alcohol and substance abuse, sexual
22 behavior problems or domestic abuse or child abuse
23 problems,
- 24

1 ee. in the case of a sex offender sentenced after November
2 1, 1989, and required by law to register pursuant to
3 the Sex Offender Registration Act, the court shall
4 require the person to comply with sex offender
5 specific rules and conditions of supervision
6 established by the Department of Corrections and
7 require the person to participate in a treatment
8 program designed for the treatment of sex offenders
9 during the period of time while the offender is
10 subject to supervision by the Department of
11 Corrections. The treatment program shall include
12 polygraph examinations specifically designed for use
13 with sex offenders for purposes of supervision and
14 treatment compliance, and shall be administered not
15 less than each six (6) months during the period of
16 supervision. The examination shall be administered by
17 a certified licensed polygraph examiner. The
18 treatment program must be approved by the Department
19 of Corrections or the Department of Mental Health and
20 Substance Abuse Services. Such treatment shall be at
21 the expense of the defendant based on the defendant's
22 ability to pay,

23 ff. in addition to other sentencing powers of the court,
24 the court in the case of a defendant being sentenced

for a felony conviction for a violation of Section 2-402 of Title 63 of the Oklahoma Statutes which involves marijuana may require the person to participate in a drug court program, if available. If a drug court program is not available, the defendant may be required to participate in a community sanctions program, if available,

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

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

hh. any other provision specifically ordered by the court.

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

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

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

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

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

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

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

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

- 8 a. to participate in an alcohol and drug assessment and
9 evaluation by an assessment agency or assessment
10 personnel certified by the Department of Mental Health
11 and Substance Abuse Services pursuant to Section 3-460
12 of Title 43A of the Oklahoma Statutes and, as
13 determined by the assessment, participate in an
14 alcohol and drug substance abuse course or treatment
15 program or both, pursuant to Sections 3-452 and 3-453
16 of Title 43A of the Oklahoma Statutes,
- 17 b. to attend a victims impact panel program, as defined
18 in subsection H of this section, and to pay a fee of
19 Seventy-five Dollars (\$75.00) as set by the governing
20 authority of the program and approved by the court, to
21 the program to offset the cost of participation by the
22 defendant, if in the opinion of the court the
23 defendant has the ability to pay such fee,

- 1 c. to both participate in the alcohol and drug substance
2 abuse course or treatment program, pursuant to
3 subparagraph a of this paragraph and attend a victims
4 impact panel program, pursuant to subparagraph b of
5 this paragraph,
- 6 d. to install, at the expense of the person, an ignition
7 interlock device approved by the Board of Tests for
8 Alcohol and Drug Influence, upon every motor vehicle
9 operated by such person and to require that a notation
10 of this restriction be affixed to the person's driver
11 license at the time of reinstatement of the license.
12 The restriction shall remain on the driver license for
13 such period as the court shall determine. The
14 restriction may be modified or removed by order of the
15 court and notice of the order shall be given to
16 Service Oklahoma. Upon the expiration of the period
17 for the restriction, Service Oklahoma shall remove the
18 restriction without further court order. Failure to
19 comply with the order to install an ignition interlock
20 device or operating any vehicle without such device
21 during the period of restriction shall be a violation
22 of the sentence and may be punished as deemed proper
23 by the sentencing court, or
- 24

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

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

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

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

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

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

24 |

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

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

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

22 15. In addition to the other sentencing powers of the court, in
23 the case of a sex offender who is required by law to register
24 pursuant to the Sex Offenders Registration Act, the court shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 H. As used in this section:

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

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

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

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

a. proof of registration with the Oklahoma Secretary of State,

b. proof of general liability insurance,

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

I. A person convicted of a felony offense or receiving any form of probation for an offense in which registration is required pursuant to the Sex Offenders Registration Act, shall submit to deoxyribonucleic acid (DNA) testing for law enforcement identification purposes in accordance with Section 150.27 of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI Combined DNA Index System (CODIS) Database. Subject to the availability of funds, any person convicted of a misdemeanor offense of assault and battery, domestic abuse, stalking, possession of a controlled substance prohibited under the Uniform Controlled Dangerous Substances Act, outraging public decency, resisting arrest, escape

1 or attempting to escape, eluding a police officer, Peeping Tom,
2 pointing a firearm, threatening an act of violence, breaking and
3 entering a dwelling place, destruction of property, negligent
4 homicide or causing a personal injury accident while driving under
5 the influence of any intoxicating substance, or any alien unlawfully
6 present under federal immigration law, upon arrest, shall submit to
7 DNA testing for law enforcement identification purposes in
8 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes
9 and the rules promulgated by the Oklahoma State Bureau of
10 Investigation for the OSBI Combined DNA Index System (CODIS)
11 Database. Any defendant sentenced to probation shall be required to
12 submit to testing within thirty (30) days of sentencing either to
13 the Department of Corrections or to the county sheriff or other
14 peace officer as directed by the court. Defendants who are
15 sentenced to a term of incarceration shall submit to testing in
16 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,
17 for those defendants who enter the custody of the Department of
18 Corrections or to the county sheriff, for those defendants sentenced
19 to incarceration in a county jail. Convicted individuals who have
20 previously submitted to DNA testing under this section and for whom
21 a valid sample is on file in the OSBI Combined DNA Index System
22 (CODIS) Database at the time of sentencing shall not be required to
23 submit to additional testing. Except as required by the Sex
24

1 Offenders Registration Act, a deferred judgment does not require
2 submission to DNA testing.

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

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

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

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

15 | SECTION 3. AMENDATORY 22 O.S. 2021, Section 991c, is
16 | amended to read as follows:

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

1 conditions it may prescribe. The court may also consider ordering
2 the defendant to:

3 1. Pay court costs;

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

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

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

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

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

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

1 person shall be denied supervision based solely on the inability of
2 the person to pay a fee;

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

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

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

14 11. Any combination of the above provisions.

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

1 ~~a reduction in the fine, costs and costs of prosecution is~~
2 ~~warranted, the court shall equally apply the same percentage~~
3 ~~reduction to the fine, costs and costs of prosecution owed by the~~
4 ~~offender. Any fees collected by the district attorney pursuant to~~
5 ~~this paragraph shall be deposited in the General Revenue Fund of the~~
6 ~~State Treasury.~~

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

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

1 The court shall order the person to reimburse the facility or
2 qualified practitioner for the evaluation. The Department of Mental
3 Health and Substance Abuse Services shall establish a fee schedule,
4 based upon the ability of a person to pay, provided the fee for an
5 evaluation shall not exceed Seventy-five Dollars (\$75.00). The
6 evaluation shall be conducted at a certified facility, the office of
7 a qualified practitioner or at another location as ordered by the
8 court. The facility or qualified practitioner shall, within
9 seventy-two (72) hours from the time the person is assessed, submit
10 a written report to the court for the purpose of assisting the court
11 in its determination of conditions for deferred sentence. No
12 person, agency or facility operating an alcohol and drug substance
13 abuse evaluation program certified by the Department of Mental
14 Health and Substance Abuse Services shall solicit or refer any
15 person evaluated pursuant to this subsection for any treatment
16 program or alcohol and drug substance abuse service in which the
17 person, agency or facility has a vested interest; however, this
18 provision shall not be construed to prohibit the court from ordering
19 participation in or any person from voluntarily utilizing a
20 treatment program or alcohol and drug substance abuse service
21 offered by such person, agency or facility. Any evaluation report
22 submitted to the court pursuant to this subsection shall be handled
23 in a manner which will keep the report confidential from review by
24 the general public. Nothing contained in this subsection shall be

1 construed to prohibit the court from ordering judgment and sentence
2 in the event the defendant fails or refuses to comply with an order
3 of the court to obtain the evaluation required by this subsection.
4 As used in this subsection, "qualified practitioner" means a person
5 with at least a bachelor's degree in substance abuse treatment,
6 mental health or a related health care field and at least two (2)
7 years of experience in providing alcohol abuse treatment, other drug
8 abuse treatment, or both alcohol and other drug abuse treatment who
9 is certified each year by the Department of Mental Health and
10 Substance Abuse Services to provide these assessments. However, any
11 person who does not meet the requirements for a qualified
12 practitioner as defined herein, but who has been previously
13 certified by the Department of Mental Health and Substance Abuse
14 Services to provide alcohol or drug treatment or assessments, shall
15 be considered a qualified practitioner provided all education,
16 experience and certification requirements stated herein are met by
17 September 1, 1995. The court may also require the person to
18 participate in one or both of the following:

- 19 1. An alcohol and drug substance abuse course, pursuant to
20 Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and
- 21 2. A victims impact panel program, as defined in subsection H
22 of Section 991a of this title, if such a program is offered in the
23 county where the judgment is rendered. The defendant shall be
24 required to pay a fee of Seventy-five Dollars (\$75.00) as set by the

1 governing authority of the program and approved by the court to the
2 victims impact panel program to offset the cost of participation by
3 the defendant, if in the opinion of the court the defendant has the
4 ability to pay such fee.

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

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

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

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

21 4. No information concerning the confidential file shall be
22 revealed or released, except upon written order of a judge of the
23 district court or upon written request by the named defendant to the
24 court clerk for the purpose of updating the criminal history record

1 of the defendant with the Oklahoma State Bureau of Investigation;
2 and

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

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

14 E. The provisions of subsection D of this section shall be
15 retroactive.

16 F. Whenever a judgment has been deferred by the court according
17 to the provisions of this section, deferred judgment may not be
18 accelerated for any technical violation unless a petition setting
19 forth the grounds for such acceleration is filed by the district
20 attorney with the clerk of the sentencing court and competent
21 evidence justifying the acceleration of the judgment is presented to
22 the court at a hearing to be held for that purpose. The hearing
23 shall be held not more than twenty (20) days after the entry of the
24 plea of not guilty to the petition, unless waived by both the state

1 and the defendant. Any acceleration of a deferred sentence based on
2 a technical violation shall not exceed ninety (90) days for a first
3 acceleration or five (5) years for a second or subsequent
4 acceleration.

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

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

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

19 I. The deferred judgment procedure described in this section
20 shall not apply to defendants found guilty or who plead guilty or
21 nolo contendere to a sex offense required by law to register
22 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 28 O.S. 2021, Section 153, as
11 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2024,
12 Section 153), is amended to read as follows:

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

- 21 1. For each defendant convicted of
22 exceeding the speed limit by at least
23 one (1) mile per hour but not more than

1 ten (10) miles per hour, whether charged
2 individually or conjointly with others.....\$77.00

3 2. For each defendant convicted of a
4 misdemeanor traffic violation other than
5 an offense provided for in paragraph 1
6 or 5 of this subsection, whether charged
7 individually or conjointly with others.....\$98.00

8 3. For each defendant convicted of a
9 misdemeanor, other than for driving
10 under the influence of alcohol or other
11 intoxicating substance or an offense
12 provided for in paragraph 1 or 2 of this
13 subsection, whether charged individually
14 or conjointly with others.....\$93.00

15 4. For each defendant convicted of a
16 felony, other than for driving under the
17 influence of alcohol or other
18 intoxicating substance, whether charged
19 individually or conjointly with others.....\$103.00

20 5. For each defendant convicted of the
21 misdemeanor of driving under the
22 influence of alcohol or other
23 intoxicating substance, whether charged
24 individually or conjointly with others.....\$433.00

- 1 6. For each defendant convicted of the
2 felony of driving under the influence of
3 alcohol or other intoxicating substance,
4 whether charged individually or
5 conjointly with others.....\$433.00
- 6 7. For the services of a court reporter at
7 each preliminary hearing and trial held
8 in the case.....\$20.00
- 9 8. For each time a jury is requested.....\$30.00
- 10 9. A sheriff's fee for serving or
11 endeavoring to serve each writ, warrant,
12 order, process, command, or notice or
13 pursuing any fugitive from justice
14 a. within the county..... \$50.00, or
15 mileage as
16 established by the
17 Oklahoma Statutes,
18 whichever is
19 greater, or
20 b. outside of the county..... \$50.00, or
21 actual, necessary
22 expenses, whichever
23 is greater
- 24

1 B. In addition to the amount collected pursuant to paragraphs 2
2 through 6 of subsection A of this section, the sum of Six Dollars
3 (\$6.00) shall be assessed and credited to the Law Library Fund
4 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
5 Statutes.

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

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

1 E. In addition to the amount collected pursuant to paragraphs 1
2 through 6 of subsection A of this section, the sum of Ten Dollars
3 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
4 Account in the county in which the conviction occurred for the
5 purpose of enhancing existing or providing additional courthouse
6 security.

7 F. In addition to the amounts collected pursuant to paragraphs
8 1 through 6 of subsection A of this section, the sum of Three
9 Dollars (\$3.00) shall be assessed and credited to the Office of the
10 Attorney General Victim Services Unit.

11 G. In addition to the amounts collected pursuant to paragraphs
12 1 through 6 of subsection A of this section, the sum of Three
13 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
14 Multidisciplinary Account. This fee shall not be used for purposes
15 of hiring or employing any law enforcement officers.

16 H. ~~In addition to the amount collected pursuant to paragraphs 5~~
17 ~~and 6 of subsection A of this section, the sum of Fifteen Dollars~~
18 ~~(\$15.00) shall be assessed in every misdemeanor or felony case for~~
19 ~~each offense of driving under the influence of alcohol or other~~
20 ~~intoxicating substance and credited to the Oklahoma Impaired Driver~~
21 ~~Database Revolving Fund created pursuant to Section 11-902d of Title~~
22 ~~47 of the Oklahoma Statutes.~~

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

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

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

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

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

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

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

12 5. The following amounts of the fees provided for in paragraphs
13 2, 3, 5 and 6 of subsection A of this section, when collected, shall
14 be deposited in the Trauma Care Assistance Revolving Fund, created
15 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
16 Oklahoma Statutes:

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

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

23 c. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~
24 Thirty-three-Dollar four-hundred-thirty-three-dollar

1 fee provided for in paragraph 5 of subsection A of
2 this section, and

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

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

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

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

20 SECTION 5. REPEALER 20 O.S. 2021, Section 1313.6, is
21 hereby repealed.

22 SECTION 6. REPEALER 22 O.S. 2021, Section 991d, is
23 hereby repealed.

1 SECTION 7. REPEALER 47 O.S. 2021, Section 11-403.1, is
2 hereby repealed.

3 SECTION 8. This act shall become effective November 1, 2025.
4

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
03/06/2025 - DO PASS, As Amended and Coauthored.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24