

1 **SENATE FLOOR VERSION**

2 March 3, 2022

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1646

6 By: Rader and Dugger

7 [classification of felony offenses - Oklahoma Crime
8 Reclassification Act of 2022 - codification -
9 effective date]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 20A of Title 21, unless there is
14 created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Oklahoma Crime
16 Reclassification Act of 2022".

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 20A-1 of Title 21, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Any person committing a criminal offense on or after July 1,
21 2022, and sentenced by a court, other than an offense listed in
22 Section 13.1 of this title, shall be sentenced in accordance with
23 the provisions of each sentence classification.

1 B. This section shall not affect the power of the court to
2 suspend or defer a sentence, if authorized by law.

3 C. This act shall not affect the power of the court to order
4 restitution as a result of any criminal offense.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 20A-2 of Title 21, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The policy of this state is to sentence persons convicted of
9 felonies pursuant to sentencing classification. The initial
10 provisions of each sentencing classification shall be as provided in
11 Sections 6 through 20 of this act. These sentencing provisions for
12 each classification shall remain in effect until such time as new
13 sentencing provisions are established pursuant to subsection B of
14 this section.

15 B. Beginning July 1, 2022, felonies shall be classified
16 pursuant to Section 4 of this act and shall be punished as provided
17 by the sentencing provisions in accordance with the application of
18 any sentencing enhancers.

19 C. The provisions of this act shall not be applied to, affect or
20 alter sentencing of any offense, regardless of the new
21 classification structure, that is listed in Section 13.1 of this
22 title.

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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 20A-4 of Title 21, unless there
3 is created a duplication in numbering, reads as follows:

4 A. On and after July 1, 2022, criminal offenses, other than
5 offenses listed in Section 13.1 of this title, shall be punished as
6 provided by the sentencing provisions of each classification and in
7 accordance with the application of any sentencing enhancers
8 authorized by the Oklahoma Crime Reclassification Act of 2022.

9 B. Notwithstanding the provisions of subsection D of this
10 section, for purposes of sentencing, the provisions for each
11 classification shall be applied in felony cases for crimes that are
12 classified pursuant to Sections 6 through 20 of this act as a Class
13 Y, Class A1, Class A2, Class A3, Class B1, Class B2, Class B3, Class
14 B4, Class B5, Class B6, Class C1, Class C2, Class D1, Class D2, and
15 Class D3 crime committed on or after July 1, 2022;

16 C. The ranges of punishment for each level in the classes shall
17 be established as provided in Sections 6 through 20 of this act.
18 Provided, however, Class Y crimes shall be subject to the criminal
19 provisions of Sections 701.7 through 701.16 of Title 21 of the
20 Oklahoma Statutes.

21 D. The provisions of this act shall not be applied to, affect
22 or alter sentencing of any offense, regardless of the new
23 classification structure, that is listed in Section 13.1 of this
24 title.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 20A-5 of Title 21, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby established a classification system for all
5 felony criminal offenses provided for in the Oklahoma Statutes that
6 places the offenses into classes on the basis of the severity of the
7 offense and other factors of the commission of the crime. All
8 felonies provided for by the Oklahoma Statutes shall be classified
9 in the following manner:

10 1. "Class Y" is reserved for the crime of murder in the first
11 degree as defined by Section 701.7 of Title 21 of the Oklahoma
12 Statutes; and

13 2. "Class A1", "Class A2", "Class A3", "Class B1", "Class B2",
14 "Class B3", "Class B4", "Class B5", "Class B6", "Class C1", "Class
15 C2", "Class D1", "Class D2", and "Class D3" are reserved for all
16 other violent and nonviolent felony offenses.

17 B. Notwithstanding the provisions of subsection C of this
18 section, punishment for each class of offenses provided for in
19 subsection A of this section shall be as provided in the sentencing
20 provisions for each classification.

21 C. The provisions of this act shall not be applied to, affect
22 or alter sentencing of any offense, regardless of the new
23 classification structure, that is listed in Section 13.1 of this
24 title.

1 D. Classes B1, B2, B3, B4, B5, B6, C1, C2, D1, D2, and D3 shall
2 include a maximum allowable fine for each classification. This
3 maximum allowable fine shall apply to all criminal offenses
4 occurring on or after the effective date of this act and shall not
5 be applied retroactively to any offense occurring prior to the
6 effective date of this act.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 20B of Title 21, unless there is
9 created a duplication in numbering, reads as follows:

10 A. Class Y shall include the following criminal offenses:

11 1. Murder in the first degree as provided for in subsection A
12 of Section 701.7 of Title 21 of the Oklahoma Statutes;

13 2. Murder in the first degree during the commission of a crime,
14 as provided for in subsection B of Section 701.7 of Title 21 of the
15 Oklahoma Statutes;

16 3. Murder in the first degree when the death of a child results
17 from willful or malicious injuring, torturing, maiming, or using
18 unreasonable force, as provided for in subsection C of Section 701.7
19 of Title 21 of the Oklahoma Statutes;

20 4. Murder in the first degree when the person solicits another
21 to cause the death of another human being in furtherance of
22 unlawfully manufacturing, distributing, or dispensing a controlled
23 dangerous substance, as provided for in subsection D of Section
24 701.7 of Title 21 of the Oklahoma Statutes;

1 5. Murder in the first degree when the person intentionally
2 causes the death of a law enforcement officer, as provided for in
3 subsection E of Section 701.7 of Title 21 of the Oklahoma Statutes;
4 and

5 6. Murder in the first degree when a person kills another
6 person or causes the death of another human being in the commission
7 of an act of terrorism, as provided for in subsection C of Section
8 1268.2 of Title 21 of the Oklahoma Statutes.

9 B. Any person convicted of a Class Y criminal offense shall be
10 punished in accordance with the corresponding penalties as provided
11 for in the Oklahoma Statutes.

12 SECTION 7. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 20C of Title 21, unless there is
14 created a duplication in numbering, reads as follows:

15 A. Class A1 shall include the following criminal offenses:

16 1. Domestic abuse committed against a pregnant woman with
17 knowledge of the pregnancy and a miscarriage occurs or injury to the
18 unborn child, as provided for in subsection E of Section 644 of
19 Title 21 of the Oklahoma Statutes;

20 2. Administering poison with intent to kill, as provided for in
21 Section 651 of Title 21 of the Oklahoma Statutes;

22 3. Second degree murder, as provided for in paragraph 1 of
23 Section 701.8 of Title 21 of the Oklahoma Statutes;

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1 4. Second degree murder by a person engaged in the commission
2 of a felony, as provided for in paragraph 2 of Section 701.8 of
3 Title 21 of the Oklahoma Statutes;

4 5. Kidnapping for the purpose of extorting money, as provided
5 for in subsection A of Section 745 of Title 21 of the Oklahoma
6 Statutes;

7 6. Sexual abuse of a child under twelve (12) years of age, as
8 provided for in subsection F of Section 843.5 of Title 21 of the
9 Oklahoma Statutes;

10 7. Sexual exploitation of a child under twelve (12) years of
11 age, as provided for in subsection I of Section 843.5 of Title 21 of
12 the Oklahoma Statutes;

13 8. Sexual abuse of a child under fourteen (14) years of age
14 subsequent to a previous conviction of sexual abuse of a child under
15 fourteen (14) years of age, as provided for in subsection K of
16 Section 843.5 of Title 21 of the Oklahoma Statutes;

17 9. Soliciting or aiding a minor to perform an obscene act, as
18 provided for in paragraph 1 of subsection B of Section 1021 of Title
19 21 of the Oklahoma Statutes;

20 10. Showing, exhibiting, loaning or distributing to a minor
21 child obscene material or child pornography for purposes of inducing
22 said minor to participate in an obscene act, as provided for in
23 paragraph 2 of subsection B of Section 1021 of Title 21 of the
24 Oklahoma Statutes;

1 11. Murder, maiming, robbery, rape, or arson committed in the
2 course of a riot, as provided for in paragraph 1 of Section 1312 of
3 Title 21 of the Oklahoma Statutes;

4 12. Burglary by the aid or use of any explosive, as provided
5 for in Section 1441 of Title 21 of the Oklahoma Statutes;

6 13. Place, manufacture, possess, display, or threaten to use
7 any explosive or incendiary device and personal injury results, as
8 provided for in Section 1767.1 of Title 21 of the Oklahoma Statutes;

9 14. Aggravated manufacturing a controlled dangerous substance,
10 as provided for in paragraph 3 of subsection G of Section 2-401 of
11 Title 63 of the Oklahoma Statutes; and

12 15. Using any explosive or blasting agent to kill, injure, or
13 intimidate any person or to damage any real or personal property and
14 personal injury results, as provided for in subsection B of Section
15 124.8 of Title 63 of the Oklahoma Statutes.

16 B. Any person convicted of a Class A1 criminal offense shall be
17 punished in accordance with the corresponding penalties as provided
18 for in the Oklahoma Statutes.

19 SECTION 8. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 20D of Title 21, unless there is
21 created a duplication in numbering, reads as follows:

22 A. Class A2 shall include the following criminal offenses:

23 1. Accessory to murder in the first degree, as provided for in
24 paragraph 5 of Section 175 of Title 21 of the Oklahoma Statutes;

1 2. Aggravated assault and battery upon a police officer,
2 sheriff, deputy sheriff, highway patrolman, corrections personnel,
3 or any state peace officer that results in maiming, as provided for
4 in subsection B of Section 650 of Title 21 of the Oklahoma Statutes;

5 3. Solicitation for murder in the first degree, as provided for
6 in Section 701.16 of Title 21 of the Oklahoma Statutes;

7 4. Manslaughter in the first degree, as provided for in Section
8 711 of Title 21 of the Oklahoma Statutes;

9 5. Administration of poison, drug, or medicine by an
10 intoxicated physician to another person that causes the death of
11 such other person, as provided for in Section 712 of Title 21 of the
12 Oklahoma Statutes;

13 6. Procuring the destruction of a quick child, as provided for
14 in Section 714 of Title 21 of the Oklahoma Statutes;

15 7. Aiding, assisting, or participating in the receipt,
16 possession, or exchange of money or thing of value from the
17 kidnapped person, as provided for in subsection B of Section 745 of
18 Title 21 of the Oklahoma Statutes;

19 8. Human trafficking for labor or commercial sex, as provided
20 for in subsection C of Section 748 of Title 21 of the Oklahoma
21 Statutes;

22 9. Female genital mutilation, as provided for in Section 760 of
23 Title 21 of the Oklahoma Statutes;

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1 10. Robbery in the first degree, as provided for in Section 798
2 of Title 21 of the Oklahoma Statutes;

3 11. Conjoint robbery committed by two or more persons, as
4 provided for in Section 800 of Title 21 of the Oklahoma Statutes;

5 12. Robbery or attempted robbery with a dangerous weapon or
6 imitation firearm, as provided for in Section 801 of Title 21 of the
7 Oklahoma Statutes;

8 13. Wiring or equipping vehicles or structures with explosive
9 materials, things, or devices with intent to cause bodily injury or
10 death to another person, as provided for in Section 849 of Title 21
11 of the Oklahoma Statutes;

12 14. Procuring or causing the participation of a minor in child
13 pornography or possessing, procuring, manufacturing, selling, or
14 distributing child pornography, as provided for in Section 1021.2 of
15 Title 21 of the Oklahoma Statutes;

16 15. Permitting or consenting to the participation of a minor in
17 child pornography by a parent, guardian, or individual having
18 custody, as provided for in Section 1021.3 of Title 21 of the
19 Oklahoma Statutes;

20 16. Buying, procuring, or possessing child pornography, as
21 provided for in Section 1024.2 of Title 21 of the Oklahoma Statutes;

22 17. Aggravated possession of child pornography, as provided for
23 in Section 1040.12a of Title 21 of the Oklahoma Statutes;

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1 18. Rape by instrumentation, as provided for in Section 1111.1
2 of Title 21 of the Oklahoma Statutes;

3 19. Rape in the first degree, as provided for in subsection A
4 of Section 1114 of Title 21 of the Oklahoma Statutes;

5 20. Compelling a woman to marry another person against her will
6 by force, menace, or duress, as provided for in Section 1117 of
7 Title 21 of the Oklahoma Statutes;

8 21. Maliciously, wantonly, or negligently removing, injuring,
9 or destroying any railroad or railroad equipment that results in the
10 death of another human being, as provided for in Section 1752 of
11 Title 21 of the Oklahoma Statutes;

12 22. Resisting or aiding in resisting the execution of process
13 during a state of riot or insurrection, as provided for in Section
14 107 of Title 22 of the Oklahoma Statutes;

15 23. Driving under the influence of alcohol or other
16 intoxicating substance after a previous conviction of murder in the
17 second degree or manslaughter in the first degree where a death was
18 caused as a result of driving under the influence of alcohol or
19 other intoxicating substance, as provided for in paragraph 5 of
20 subsection C of Section 11-902 of Title 47 of the Oklahoma Statutes;

21 24. Manufacturing or attempting to manufacture any controlled
22 dangerous substance or the possession of certain substances, as
23 provided for in paragraph 2 of subsection G of Section 2-401 of
24 Title 63 of the Oklahoma Statutes; and

1 25. Robbery or attempted robbery of controlled dangerous
2 substances from a practitioner, manufacturer, distributor, or agent
3 thereof, as provided for in subsection B of Section 2-403 of Title
4 63 of the Oklahoma Statutes.

5 B. Any person convicted of a Class A2 criminal offense shall be
6 punished in accordance with the corresponding penalties as provided
7 for in the Oklahoma Statutes.

8 SECTION 9. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 20E of Title 21, unless there is
10 created a duplication in numbering, reads as follows:

11 A. Class A3 shall include the following criminal offenses:

12 1. Domestic assault and battery with a deadly weapon, as
13 provided for in paragraph 2 of subsection D of Section 644 of Title
14 21 of the Oklahoma Statutes;

15 2. Second or subsequent conviction of domestic abuse against a
16 pregnant woman with knowledge of the pregnancy, as provided for in
17 subsection E of Section 644 of Title 21 of the Oklahoma Statutes;

18 3. Aggravated assault and battery upon a police officer,
19 sheriff, deputy sheriff or highway patrolman, corrections personnel,
20 or any state peace officer, as provided for in subsection A of
21 Section 650 of Title 21 of the Oklahoma Statutes;

22 4. Shooting with the intent to kill, as provided for in
23 subsection A of Section 652 of Title 21 of the Oklahoma Statutes;

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1 5. Using a vehicle to facilitate the intentional discharge of a
2 firearm, crossbow, or other weapon, as provided for in subsection B
3 of Section 652 of Title 21 of the Oklahoma Statutes;

4 6. Assault and battery with a deadly weapon, as provided for in
5 subsection C of Section 652 of Title 21 of the Oklahoma Statutes;

6 7. Maiming, as provided for in Section 752 of Title 21 of the
7 Oklahoma Statutes;

8 8. Sexual abuse by a caretaker, as provided for in paragraph 2
9 of subsection B of Section 843.1 of Title 21 of the Oklahoma
10 Statutes;

11 9. Child abuse, as provided for in subsection A of Section
12 843.5 of Title 21 of the Oklahoma Statutes;

13 10. Enabling child abuse, as provided for in subsection B of
14 Section 843.5 of Title 21 of the Oklahoma Statutes;

15 11. Child sexual abuse, as provided for in subsection E of
16 Section 843.5 of Title 21 of the Oklahoma Statutes;

17 12. Enabling child sexual abuse, as provided for in subsection
18 G of Section 843.5 of Title 21 of the Oklahoma Statutes;

19 13. Child sexual exploitation, as provided for in subsection H
20 of Section 843.5 of Title 21 of the Oklahoma Statutes;

21 14. Enabling child sexual exploitation, as provided for in
22 subsection J of Section 843.5 of Title 21 of the Oklahoma Statutes;

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1 15. Lewd or indecent proposals or acts to a child, as provided
2 for in subsection A of Section 1123 of Title 21 of the Oklahoma
3 Statutes;

4 16. Terrorism, as provided for in subsection B of Section
5 1268.2 of Title 21 of the Oklahoma Statutes;

6 17. Conspiracy to commit terrorism, as provided for in
7 subsection A of Section 1268.3 of Title 21 of the Oklahoma Statutes;

8 18. Any person above the age of eighteen (18) who, on campuses
9 or public school grounds, advocates revolution, sabotage, force and
10 violation, sedition, treason, or the overthrow of the United States
11 government, as provided for in subsection B of Section 1327 of Title
12 21 of the Oklahoma Statutes;

13 19. Arson in the first degree, as provided for in subsection A
14 of Section 1401 of Title 21 of the Oklahoma Statutes;

15 20. Arson while manufacturing, attempting to manufacture, or
16 endeavoring to manufacture a controlled dangerous substance, as
17 provided for in subsection B of Section 1401 of Title 21 of the
18 Oklahoma Statutes; and

19 21. Causing personal injury while committing an act of arson,
20 as provided for in Section 1405 of Title 21 of the Oklahoma
21 Statutes.

22 B. Any person convicted of a Class A3 criminal offense shall be
23 punished in accordance with the corresponding penalties as provided
24 for in the Oklahoma Statutes.

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 20F of Title 21, unless there is
3 created a duplication in numbering, reads as follows:

4 A. Class B1 shall include the following criminal offenses:

5 1. Accessory to murder in the second degree, as provided for in
6 paragraph 5 of Section 175 of Title 21 of the Oklahoma Statutes;

7 2. Rescuing or attempting to rescue a prisoner charged or
8 convicted of a felony, as provided for in paragraph 1 of Section 521
9 of Title 21 of the Oklahoma Statutes;

10 3. Aiding suicide, as provided for in Section 813 of Title 21
11 of the Oklahoma Statutes;

12 4. Aiding suicide by furnishing the person with deadly weapons
13 or poisonous drugs, as provided for in Section 814 of Title 21 of
14 the Oklahoma Statutes;

15 5. Mingling poison, controlled dangerous substances, or sharp
16 objects harmful to human life with any food, drink, medicine, or
17 water, as provided for in Section 832 of Title 21 of the Oklahoma
18 Statutes;

19 6. Abuse, financial neglect, neglect, or exploitation by a
20 caretaker, as provided for in paragraph 1 of subsection B of Section
21 843.1 of Title 21 of the Oklahoma Statutes;

22 7. Exploitation of an elderly person or disabled adult, as
23 provided for in Section 843.4 of Title 21 of the Oklahoma Statutes;

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1 8. Engaging in child neglect, as provided for in subsection C
2 of Section 843.5 of Title 21 of the Oklahoma Statutes;

3 9. Enabling child neglect, as provided for in subsection D of
4 Section 843.5 of Title 21 of the Oklahoma Statutes;

5 10. Forcible sodomy, as provided for in subsection A of Section
6 888 of Title 21 of the Oklahoma Statutes;

7 11. Sodomy by a person over eighteen (18) years of age upon a
8 person under sixteen (16) years of age, as provided for in paragraph
9 1 of subsection B of Section 888 of Title 21 of the Oklahoma
10 Statutes;

11 12. Sodomy upon a person incapable through mental illness or
12 unsoundness of mind to give legal consent, as provided for in
13 paragraph 2 of subsection B of Section 888 of Title 21 of the
14 Oklahoma Statutes;

15 13. Sodomy with any person by means of force, violence, or
16 threats of force or violence, as provided for in paragraph 3 of
17 subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

18 14. Sodomy upon a person under the legal custody, supervision,
19 or authority of a state agency, county, municipality, or political
20 subdivision of the state, as provided for in paragraph 4 of
21 subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

22 15. Sodomy upon a person sixteen (16) years of age but less
23 than twenty (20) years of age and who is a student of any public or
24 private secondary school, junior high, high school, or public

1 vocational school with a person eighteen (18) years of age or older
2 and who is employed by the same school system, as provided for in
3 paragraph 5 of subsection B of Section 888 of Title 21 of the
4 Oklahoma Statutes;

5 16. Sodomy committee upon a person who is unconscious, as
6 provided for in paragraph 6 of subsection B of Section 888 of Title
7 21 of the Oklahoma Statutes;

8 17. Sodomy upon a person who is intoxicated by a narcotic or
9 anesthetic agent administered by or with the privity of the accused,
10 as provided for in paragraph 7 of subsection B of Section 888 of
11 Title 21 of the Oklahoma Statutes;

12 18. Child prostitution, as provided for in subsection B of
13 Section 1029 of Title 21 of the Oklahoma Statutes;

14 19. Engage in or operate prostitution within one thousand
15 (1000) feet of a school or church, as provided for in subsection D
16 of Section 1031 of Title 21 of the Oklahoma Statutes;

17 20. Receiving or offering to agree to receive a child for
18 purposes of prostitution, as provided for in paragraph 2 of
19 subsection A of Section 1087 of Title 21 of the Oklahoma Statutes;

20 21. Transporting or aiding in the transport of a child for
21 prostitution, as provided for in paragraph 3 of subsection A of
22 Section 1087 of Title 21 of the Oklahoma Statutes;

23 22. Permitting the prostitution of a child in any house,
24 building, room, other premises, or any conveyances under the control

1 of a person, as provided for in paragraph 2 of subsection B of
2 Section 1087 of Title 21 of the Oklahoma Statutes;

3 23. Causing, inducing, persuading, or encouraging a child by
4 promise, threats, violence, or any device or scheme to engage in
5 prostitution, as provided for in paragraph 1 of subsection A of
6 Section 1088 of Title 21 of the Oklahoma Statutes;

7 24. Keeping, holding, detaining, restraining, or compelling a
8 child to engage in prostitution, as provided for in paragraph 2 of
9 subsection A of Section 1088 of Title 21 of the Oklahoma Statutes;

10 25. Keeping, holding, detaining, restraining, or compelling a
11 child to engage in prostitution for purposes of compelling the child
12 to pay, liquidate, or cancel any debts, dues, or obligations
13 incurred by the child, as provided for in paragraph 3 of subsection
14 A of Section 1088 of Title 21 of the Oklahoma Statutes;

15 26. Permitting the keeping, holding, detaining, or restraining
16 of a child for prostitution in any house, building, room, other
17 premises, or any conveyances under the control of a person, as
18 provided for in paragraph 2 of subsection B of Section 1088 of Title
19 21 of the Oklahoma Statutes;

20 27. Advocating the revolution, sabotage, force and violation,
21 sedition, treason, or overthrow of the government of the United
22 States, as provided for in Section 1266 of Title 21 of the Oklahoma
23 Statutes;

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1 28. Commit, attempt to commit, or aid in the commission of any
2 act intended to overthrow, destroy, or alter the government of the
3 United States, as provided for in Section 1266.4 of Title 21 of the
4 Oklahoma Statutes;

5 29. Biochemical terrorism, as provided for in subsection D of
6 Section 1268.2 of Title 21 of the Oklahoma Statutes;

7 30. Biochemical assault when the person knows the substance is
8 toxic, noxious, or lethal to humans, as provided for in subsection C
9 of Section 1268.5 of Title 21 of the Oklahoma Statutes;

10 31. Second or subsequent conviction of using a firearm while
11 committing a felony, as provided for in subsection A of Section 1287
12 of Title 21 of the Oklahoma Statutes;

13 32. Discharging a firearm or other deadly weapon at or into a
14 dwelling or building used for public or business purposes, as
15 provided for in Section 1289.17A of Title 21 of the Oklahoma
16 Statutes;

17 33. Assault with a dangerous weapon while masked or in
18 disguise, as provided for in Section 1303 of Title 21 of the
19 Oklahoma Statutes;

20 34. Directing, advising, encouraging, or soliciting other
21 persons to commit acts of force or violence while participating in a
22 riot, as provided for in paragraph 4 of Section 1312 of Title 21 of
23 the Oklahoma Statutes;

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1 35. Burglary in the first degree, as provided for in Section
2 1431 of Title 21 of the Oklahoma Statutes;

3 36. Seizing or exercising control of any bus by force or
4 violence or by threats of force or violence, as provided for in
5 subsection A of Section 1903 of Title 21 of the Oklahoma Statutes;

6 37. Using a dangerous or deadly weapon while seizing or
7 exercising control of a bus or when intimidating, threatening,
8 assaulting or battering a bus driver, as provided for in subsection
9 C of Section 1903 of Title 21 of the Oklahoma Statutes;

10 38. Receiving, acquiring, and concealing proceeds derived from
11 unlawful activities in an amount of more than Fifty Thousand Dollars
12 (\$50,000.00), as provided for in paragraph 4 of subsection G of
13 Section 2001 of Title 21 of the Oklahoma Statutes;

14 39. Participating in racketeering activities, as provided for
15 in subsection A of Section 1403 of Title 22 of the Oklahoma
16 Statutes;

17 40. Acquiring or maintaining any interest in or control of any
18 enterprise or real property through racketeering activities, as
19 provided for in subsection B of Section 1403 of Title 22 of the
20 Oklahoma Statutes;

21 41. Using or investing any part of proceeds derived from
22 racketeering activities, as provided for in subsection C of Section
23 1403 of Title 22 of the Oklahoma Statutes;

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1 42. Conspiring with others to unlawful racketeering activities,
2 as provided for in subsection D of Section 1403 of Title 22 of the
3 Oklahoma Statutes;

4 43. Causing an accident resulting in great bodily injury while
5 driving under the influence of alcohol or other intoxicating
6 substance, as provided for in paragraph 1 of subsection B of Section
7 11-904 of Title 47 of the Oklahoma Statutes; and

8 44. Trafficking in fentanyl or carfentanyl, or any fentanyl
9 analogs or derivatives, as provided for in subparagraph a of
10 paragraph 12 of subsection C of Section 2-415 of Title 63 of the
11 Oklahoma Statutes.

12 B. Any person convicted of a Class B1 criminal offense that is
13 not listed in Section 13.1 of this title shall be punished by
14 imprisonment in the custody of the Department of Corrections for a
15 term nor more than twenty (20) years or a fine not to exceed Six
16 Thousand Dollars (\$6,000.00), or by both such fine and imprisonment.
17 Any person convicted of a Class B1 criminal offense listed in
18 Section 13.1 of this title shall be punished in accordance with the
19 corresponding penalties as provided for in the Oklahoma Statutes.

20 C. 1. Every person who, having been previously convicted of a
21 nonviolent felony offense, commits a Class B1 criminal offense shall
22 be punished by imprisonment in the custody of the Department of
23 Corrections for a term not less than two (2) years nor more than
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1 twenty (20) years or a fine not to exceed Six Thousand Dollars
2 (\$6,000.00), or by both such fine and imprisonment.

3 2. Every person who, having been convicted of two (2) or more
4 nonviolent felony offenses and/or one (1) violent offense, commits a
5 Class B1 criminal offense shall be punished by imprisonment in the
6 custody of the Department of Corrections for a term not less than
7 four (4) years nor more than twenty (20) years, or a fine not to
8 exceed Six Thousand Dollars (\$6,000.00), or by both such fine and
9 imprisonment.

10 SECTION 11. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 20G of Title 21, unless there is
12 created a duplication in numbering, reads as follows:

13 A. Class B2 shall include the following criminal offenses:

14 1. Transport, move, or attempt to transport in this state any
15 alien knowing that the alien has entered the United States in
16 violation of law, as provided for in subsection A of Section 446 of
17 Title 21 of the Oklahoma Statutes;

18 2. Conceal, harbor, or shelter from detection any alien in any
19 place within this state knowing that the alien has entered the
20 United States in violation of law, as provided for in subsection B
21 of Section 446 of Title 21 of the Oklahoma Statutes;

22 3. Intentionally destroy, hide, alter, abscond with, or keep
23 certain identification documentation of an individual for the
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1 purpose of trafficking the individual, as provided for in subsection
2 C of Section 446 of Title 21 of the Oklahoma Statutes;

3 4. Allowing any person lawfully held in custody to escape or go
4 at large by a sheriff, coroner, clerk of a court, constable, or
5 other ministerial officer and any deputy, as provided for in Section
6 532 of Title 21 of the Oklahoma Statutes;

7 5. Kidnapping, as provided for in Section 741 of Title 21 of
8 the Oklahoma Statutes;

9 6. Causing, aiding, abetting, or encouraging a minor child to
10 distribute, dispense, possess, or manufacture a controlled dangerous
11 substance or a counterfeit or imitation controlled dangerous
12 substance, as provided for in Section 856.1 of Title 21 of the
13 Oklahoma Statutes;

14 7. Trafficking in children, as provided for in Section 866 of
15 Title 21 of the Oklahoma Statutes;

16 8. Photographing, publishing, distributing, or participating in
17 the preparation of child pornography, as provided for in subsection
18 C of Section 1040.8 of Title 21 of the Oklahoma Statutes;

19 9. Procuring another for the purpose of prostitution, as
20 provided for in Section 1081 of Title 21 of the Oklahoma Statutes;

21 10. Keeping, holding, detaining, or restraining against her
22 will a female in a house of prostitution, as provided for in Section
23 1085 of Title 21 of the Oklahoma Statutes;

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1 11. Rape in the second degree, as provided for in subsection B
2 of Section 1114 of Title 21 of the Oklahoma Statutes;

3 12. Arson in the second degree, as provided for in Section 1402
4 of Title 21 of the Oklahoma Statutes;

5 13. Second or subsequent conviction of residing, either
6 temporarily or permanently, within a two-thousand-foot radius of a
7 public or private school, playground, park, licensed child care
8 center, family child care home, or residence of a victim by a person
9 who is required to register as a sex offender pursuant to the Sex
10 Offenders Registration Act, as provided for in subsection A of
11 Section 590 of Title 57 of the Oklahoma Statutes;

12 14. Second or subsequent conviction for residing with a minor
13 child by a person who is required to register as a sex offender
14 pursuant to the Sex Offenders Registration Act for an offense in
15 which a minor child was the victim, as provided for in subsection B
16 of Section 590 of Title 57 of the Oklahoma Statutes;

17 15. Breaking into and entering the dwelling house of a
18 defendant by a bail enforcer, as provided for in Section 1350.6 of
19 Title 59 of the Oklahoma Statutes;

20 16. Possessing a drug product containing ephedrine,
21 pseudoephedrine, or phenylpropanolamine with intent to use the
22 product as a precursor to manufacture methamphetamine or other
23 controlled substance, as provided for in subsection A of Section 2-
24 332 of Title 63 of the Oklahoma Statutes;

1 17. Aggravated trafficking of marijuana, as provided for in
2 subparagraph b of paragraph 1 of subsection C of Section 2-415 of
3 Title 63 of the Oklahoma Statutes;

4 18. Aggravated trafficking of cocaine, coca leaves, or cocaine
5 base, as provided for in subparagraph c of paragraph 2 of subsection
6 C of Section 2-415 of Title 63 of the Oklahoma Statutes;

7 19. Aggravated trafficking of heroin, as provided for in
8 subparagraph b of paragraph 3 of subsection C of Section 2-415 of
9 Title 63 of the Oklahoma Statutes;

10 20. Aggravated trafficking of amphetamine or methamphetamine,
11 as provided for in subparagraph c of paragraph 4 of subsection C of
12 Section 2-415 of Title 63 of the Oklahoma Statutes;

13 21. Aggravated trafficking of lysergic acid diethylamide (LSD),
14 as provided for in subparagraph b of paragraph 5 of subsection C of
15 Section 2-415 of Title 63 of the Oklahoma Statutes; and

16 22. Aggravated trafficking of phencyclidine (PCP), as provided
17 for in subparagraph b of paragraph 6 of subsection C of Section 2-
18 415 of Title 63 of the Oklahoma Statutes.

19 B. Any person convicted of a Class B2 criminal offense that is
20 not listed in Section 13.1 of this title shall be punished by
21 imprisonment in the custody of the Department of Corrections for a
22 term nor more than twenty (20) years or a fine not to exceed Five
23 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.
24 Any person convicted of a Class B2 criminal offense listed in

1 Section 13.1 of this title shall be punished in accordance with the
2 corresponding penalties as provided for in the Oklahoma Statutes.

3 C. 1. Every person who, having been previously convicted of a
4 nonviolent felony offense, commits a Class B2 criminal offense shall
5 be punished by imprisonment in the custody of the Department of
6 Corrections for a term not less than two (2) years nor more than
7 twenty (20) years or a fine not to exceed Five Thousand Dollars
8 (\$5,000.00), or by both such fine and imprisonment.

9 2. Every person who, having been convicted of two (2) or more
10 nonviolent felony offenses and/or one (1) violent offense, commits a
11 Class B1 criminal offense shall be punished by imprisonment in the
12 custody of the Department of Corrections for a term not less than
13 four (4) years nor more than twenty (20) years or a fine not to
14 exceed Five Thousand Dollars (\$5,000.00), or by both such fine and
15 imprisonment.

16 D. All Class B2 criminal offenses shall have a maximum
17 allowable fine of Five Thousand Dollars (\$5,000.00).

18 SECTION 12. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 20H of Title 21, unless there is
20 created a duplication in numbering, reads as follows:

21 A. Class B3 shall include the following criminal offenses:

22 1. Embezzlement of state property by a public officer of the
23 state or any county, city, town, or member or officer of the
24

1 Legislature, deputy, or clerk, as provided for in Section 341 of
2 Title 21 of the Oklahoma Statutes;

3 2. Burning, destroying, or injuring any public building, as
4 provided for in Section 349 of Title 21 of the Oklahoma Statutes;

5 3. Resisting or aiding in resisting the execution of process,
6 as provided for in Section 539 of Title 21 of the Oklahoma Statutes;

7 4. Domestic abuse with a prior pattern of physical abuse, as
8 provided for in Section 644.1 of Title 21 of the Oklahoma Statutes;

9 5. Assault, battery, or assault and battery upon an intimate
10 partner or a family or household member with any sharp or dangerous
11 weapon, as provided for in paragraph 1 of subsection D of Section
12 644 of Title 21 of the Oklahoma Statutes;

13 6. Assault and battery against a current or former intimate
14 partner or a family or household member that results in great bodily
15 injury to the victim, as provided for in subsection F of Section 644
16 of Title 21 of the Oklahoma Statutes;

17 7. Second or subsequent conviction for assault and battery by
18 strangulation or attempted strangulation against an intimate partner
19 or a family or household member, as provided for in subsection J of
20 Section 644 of Title 21 of the Oklahoma Statutes;

21 8. Assault, battery, or assault and battery with a sharp or
22 dangerous weapon, as provided for in Section 645 of Title 21 of the
23 Oklahoma Statutes;

24

1 9. Indecent exposure, as provided for in paragraph 1 of
2 subsection A of Section 1021 of Title 21 of the Oklahoma Statutes;

3 10. Sexual battery, as provided for in subsection B of Section
4 1123 of Title 21 of the Oklahoma Statutes;

5 11. Second or subsequent conviction for committing or
6 attempting to commit a felony while wearing body armor, as provided
7 for in Section 1289.26 of Title 21 of the Oklahoma Statutes;

8 12. Riotous assembly for the purpose of resisting the execution
9 of any statute or obstructing any public officer, as provided for in
10 paragraph 2 of Section 1312 of Title 21 of the Oklahoma Statutes;

11 13. Carrying at the time of a riot any firearm or other deadly
12 weapon or being disguised while participating in a riot, as provided
13 for in paragraph 3 of Section 1312 of Title 21 of the Oklahoma
14 Statutes;

15 14. Directing, advising, encouraging, or soliciting other
16 persons to use force or violence while participating in a riot, as
17 provided for in paragraph 4 of Section 1312 of Title 21 of the
18 Oklahoma Statutes;

19 15. Arson with the intent to injure or defraud the insurer, as
20 provided for in subsection B of Section 1403 of Title 21 of the
21 Oklahoma Statutes;

22 16. Forgery in the first degree, as provided for in Section
23 1561 of Title 21 of the Oklahoma Statutes;

24

1 17. Forgery of stock certificates or securities, as provided
2 for in Section 1562 of Title 21 of the Oklahoma Statutes;

3 18. Fraudulently uttering one's signature on any instrument as
4 that of another with the same name, as provided for in Section 1622
5 of Title 21 of the Oklahoma Statutes;

6 19. Fraudulently uttering one's endorsement on any negotiable
7 instrument as that of another with the same name, as provided for in
8 Section 1623 of Title 21 of the Oklahoma Statutes;

9 20. Total or partial erasure or obliteration of any instrument
10 or writing with intent to defraud, as provided for in Section 1624
11 of Title 21 of the Oklahoma Statutes;

12 21. Signing fictitious name as an officer or agent of a
13 corporation, as provided for in Section 1626 of Title 21 of the
14 Oklahoma Statutes;

15 22. Procuring, soliciting, selling, or receiving more than ten
16 (10) telephone records by fraudulent, deceptive, or false means, as
17 provided for in paragraph 3 of subsection B of Section 1742.2 of
18 Title 21 of the Oklahoma Statutes;

19 23. Violating the Viatical Settlements Act of 2008, as provided
20 for in paragraph 1 of subsection F of Section 4055.14 of Title 36 of
21 the Oklahoma Statutes;

22 24. Third or subsequent conviction of driving under the
23 influence of alcohol or other intoxicating substance, as provided
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1 for in paragraph 4 of subsection C of Section 11-902 of Title 47 of
2 the Oklahoma Statutes;

3 25. Driving under the influence with a blood or breath alcohol
4 concentration of fifteen-hundredths (0.15) or more, as provided for
5 in subsection D of Section 11-902 of Title 47 of the Oklahoma
6 Statutes;

7 26. Injuring, destroying, or attempting to injure or destroy
8 any hazardous liquid transportation system, as provided for in
9 Section 47.6 of Title 52 of the Oklahoma Statutes;

10 27. Bringing into or having in his or her possession in any
11 jail, state penal institution, or other place where prisoners are
12 located, any gun, knife, bomb, other dangerous instrument,
13 controlled dangerous substance, alcoholic beverage, money, or
14 financial documents, as provided for in subsection A of Section 21
15 of Title 57 of the Oklahoma Statutes;

16 28. Purchasing or attempting to purchase, receive, or otherwise
17 acquire any product, mixture, or preparation containing any
18 detectable quantity of base pseudoephedrine or ephedrine after a
19 conviction of manufacturing or attempting to manufacture
20 methamphetamine, as provided for in paragraph 5 of subsection G of
21 Section 2-401 of Title 63 of the Oklahoma Statutes;

22 29. Distributing, other than by dispensing, a Schedule I or
23 Schedule II controlled dangerous substance, in the course of
24

1 legitimate business, as provided for in paragraph 1 of subsection A
2 of Section 2-406 of Title 63 of the Oklahoma Statutes;

3 30. Using a fictitious, revoked, suspended, or fraudulent
4 registration number in the course of manufacturing or distributing a
5 controlled dangerous substance, as provided for in paragraph 2 of
6 subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

7 31. Furnishing false or fraudulent material information in, or
8 omitting any material information from, any application, report, or
9 document required by the Uniform Controlled Dangerous Substances
10 Act, as provided for in paragraph 4 of subsection A of Section 2-406
11 of Title 63 of the Oklahoma Statutes;

12 32. Making, distributing, or possessing any punch, die, plate,
13 stone, or other thing designed to print, imprint, or reproduce the
14 trademark, trade name, or other identifying mark, upon any drug,
15 container, or labeling, as provided for in paragraph 5 of subsection
16 A of Section 2-406 of Title 63 of the Oklahoma Statutes;

17 33. Trafficking twenty-five (25) pounds or more of marijuana,
18 as provided for in subparagraph a of paragraph 1 of subsection C of
19 Section 2-415 of Title 63 of the Oklahoma Statutes;

20 34. Trafficking twenty-eight (28) grams or more of cocaine,
21 coca leaves, or cocaine base, as provided for in subparagraph a of
22 paragraph 2 of subsection C of Section 2-415 of Title 63 of the
23 Oklahoma Statutes;

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1 35. Trafficking three hundred (300) grams or more of cocaine,
2 coca leaves, or cocaine base, as provided for in subparagraph b of
3 paragraph 2 of subsection C of Section 2-415 of Title 63 of the
4 Oklahoma Statutes;

5 36. Trafficking ten (10) grams or more of heroin, as provided
6 for in subparagraph a of paragraph 3 of subsection C of Section 2-
7 415 of Title 63 of the Oklahoma Statutes;

8 37. Trafficking twenty (20) grams or more of amphetamine or
9 methamphetamine, as provided for in subparagraph a of paragraph 4 of
10 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

11 38. Trafficking two hundred (200) grams or more of amphetamine
12 or methamphetamine, as provided for in subparagraph b of paragraph 4
13 of subsection C of Section 2-415 of Title 63 of the Oklahoma
14 Statutes;

15 39. Trafficking one (1) gram or more of lysergic acid
16 diethylamide (LSD), as provided for in subparagraph a of paragraph 5
17 of subsection C of Section 2-415 of Title 63 of the Oklahoma
18 Statutes;

19 40. Trafficking twenty (20) grams or more of phencyclidine
20 (PCP), as provided for in subparagraph a of paragraph 6 of
21 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

22 41. Trafficking thirty (30) tablets or ten (10) grams of 3,4-
23 Methylenedioxy methamphetamine, as provided for in subparagraph a of
24

1 paragraph 7 of subsection C of Section 2-415 of Title 63 of the
2 Oklahoma Statutes;

3 42. Aggravated trafficking one hundred (100) tablets or thirty
4 (30) grams of 3,4-Methylenedioxy methamphetamine, as provided for in
5 subparagraph b of paragraph 7 of subsection C of Section 2-415 of
6 Title 63 of the Oklahoma Statutes;

7 43. Trafficking one thousand (1,000) grams or more of morphine,
8 as provided for in paragraph 8 of subsection C of Section 2-415 of
9 Title 63 of the Oklahoma Statutes;

10 44. Trafficking four hundred (400) grams or more of oxycodone,
11 as provided for in paragraph 9 of subsection C of Section 2-415 of
12 Title 63 of the Oklahoma Statutes;

13 45. Trafficking three thousand seven hundred fifty (3,750)
14 grams or more of hydrocodone, as provided for in paragraph 10 of
15 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

16 46. Trafficking five hundred (500) grams or more of
17 benzodiazepine, as provided for in paragraph 11 of subsection C of
18 Section 2-415 of Title 63 of the Oklahoma Statutes;

19 47. Trafficking one (1) gram or more of fentanyl or
20 carfentanyl, as provided for in subparagraph a of paragraph 12 of
21 subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

22 48. Employing, hiring, or using an individual under fifteen
23 (15) year of age to unlawfully transport, carry, sell, give away,
24 prepare for sale, or peddle any controlled dangerous substance, as

1 provided for in subsection D of Section 2-419.1 of Title 63 of the
2 Oklahoma Statutes;

3 49. Second or subsequent conviction for violating the Vessel
4 and Motor Chop Shop, Stolen and Altered Property Act, as provided
5 for in subsection J of Section 4253 of Title 63 of the Oklahoma
6 Statutes; and

7 50. Third or subsequent conviction for violating the Vessel and
8 Motor Chop Shop, Stolen and Altered Property Act, as provided for in
9 subsection J of Section 4253 of Title 63 of the Oklahoma Statutes.

10 B. Any person convicted of a Class B3 criminal offense that is
11 not listed in Section 13.1 of this title shall be punished by
12 imprisonment in the custody of the Department of Corrections for a
13 term nor more than fifteen (15) years or a fine not to exceed Four
14 Thousand Dollars (\$4,000.00), or by both such fine and imprisonment.
15 Any person convicted of a Class B3 criminal offense listed in
16 Section 13.1 of this title shall be punished in accordance with the
17 corresponding penalties as provided for in the Oklahoma Statutes.

18 C. 1. Every person who, having been previously convicted of a
19 nonviolent felony offense, commits a Class B3 criminal offense shall
20 be punished by imprisonment in the custody of the Department of
21 Corrections for a term not less than one (1) year nor more than
22 fifteen (15) years or a fine not to exceed Four Thousand Dollars
23 (\$4,000.00), or by both such fine and imprisonment.

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1 5. Abandonment of a child under ten (10) years of age, as
2 provided for in Section 851 of Title 21 of the Oklahoma Statutes;

3 6. Abandonment of a wife or child under fifteen (15) years of
4 age, as provided for in Section 853 of Title 21 of the Oklahoma
5 Statutes;

6 7. Second or subsequent conviction for causing, aiding,
7 abetting, encouraging, soliciting, or recruiting a minor to
8 participate, join, or associate with a criminal street gang, as
9 provided for in subsection E of Section 856 of Title 21 of the
10 Oklahoma Statutes;

11 8. Incest, as provided for in Section 885 of Title 21 of the
12 Oklahoma Statutes;

13 9. Crime against nature, as provided for in Section 886 of
14 Title 21 of the Oklahoma Statutes;

15 10. Taking or enticing away any child under sixteen (16) years
16 of age with the intent to detain or conceal such child, as provided
17 for in Section 891 of Title 21 of the Oklahoma Statutes;

18 11. Procuring, counseling, or assisting another to commit an
19 act of indecent exposure, as provided for in paragraph 2 of
20 subsection A of Section 1021 of Title 21 of the Oklahoma Statutes;

21 12. Preparing, publishing, selling, distributing, downloading
22 on a computer, or exhibiting obscene material or child pornography,
23 as provided for in paragraph 3 of subsection A of Section 1021 of
24 Title 21 of the Oklahoma Statutes;

1 13. Preparing, selling, giving, loaning, distributing, or
2 exhibiting any type of obscene material or child pornography, as
3 provided for in paragraph 4 of subsection A of Section 1021 of Title
4 21 of the Oklahoma Statutes;

5 14. Operating, owning, or maintaining a house of prostitution,
6 soliciting, enticing, or procuring another for prostitution, or
7 transporting or assisting in the transport of another for
8 prostitution purposes, as provided for in Section 1028 of Title 21
9 of the Oklahoma Statutes;

10 15. Engaging in prostitution or soliciting, inducing, enticing,
11 or procuring another to commit an act of prostitution, as provided
12 for in subsection A of Section 1029 of Title 21 of the Oklahoma
13 Statutes;

14 16. Purchasing, selling, or distributing obscene material or
15 child pornography, as provided for in Section 1040.13 of Title 21 of
16 the Oklahoma Statutes;

17 17. Encouraging, offering, or soliciting sexual conduct with a
18 minor by use of technology, as provided for in Section 1040.13a of
19 Title 21 of the Oklahoma Statutes;

20 18. Promoting a pyramid promotional scheme, as provided for in
21 Section 1073 of Title 21 of the Oklahoma Statutes;

22 19. Second or subsequent offense of permitting prostitution in
23 any house, building, room, or premises under the control of such
24

1 person, as provided for in Section 1086 of Title 21 of the Oklahoma
2 Statutes;

3 20. Offering or offering to secure a child under eighteen (18)
4 years of age for the purpose of prostitution or transporting or
5 assisting in the transport of a child under eighteen (18) years of
6 age to a house, place, building, vehicle, or other conveyance for
7 the purpose of prostitution, as provided for in subsection A of
8 Section 1087 of Title 21 of the Oklahoma Statutes;

9 21. Knowingly permitting the prostitution of a child under
10 eighteen (18) years of age by an owner, proprietor, manager,
11 conductor, or other person in any house, place, building, room, or
12 other premises under the control of such person, as provided for in
13 paragraph 2 of subsection B of Section 1087 of Title 21 of the
14 Oklahoma Statutes;

15 22. Taking a woman against her will to compel her by force or
16 duress to marry another, as provided for in Section 1118 of Title 21
17 of the Oklahoma Statutes;

18 23. Abduction of a child under fifteen (15) years of age for
19 the purpose of marriage, concubinage, or any crime involving moral
20 turpitude, as provided for in Section 1119 of Title 21 of the
21 Oklahoma Statutes;

22 24. Indecent acts with a human corpse, as provided for in
23 subsection C of Section 1123 of Title 21 of the Oklahoma Statutes;

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1 25. Desecration of a human corpse, as provided for in Section
2 1161.1 of Title 21 of the Oklahoma Statutes;

3 26. Stalking, as provided for in subsection B of Section 1173
4 of Title 21 of the Oklahoma Statutes

5 27. Stalking within ten (10) years of a prior conviction for
6 stalking, as provided for in subsection D of Section 1173 of Title
7 21 of the Oklahoma Statutes;

8 28. Interfering with, molesting, or assaulting firefighters in
9 the performance of their duties, as provided for in Section 1217 of
10 Title 21 of the Oklahoma Statutes;

11 29. Concealment of hazardous waste, as provided for in Section
12 1230.7 of Title 21 of the Oklahoma Statutes;

13 30. Criminal syndicalism, as provided for in Section 1261 of
14 Title 21 of the Oklahoma Statutes;

15 31. Sabotage, as provided for in Section 1262 of Title 21 of
16 the Oklahoma Statutes;

17 32. Advocating or teaching criminal syndicalism or sabotage, as
18 provided for in Section 1263 of Title 21 of the Oklahoma Statutes;

19 33. Destroying, interfering, hindering, or tampering with real
20 or personal property with intent to hinder, delay, or interfere with
21 preparations for defense or for war, as provided for in Section
22 1265.2 of Title 21 of the Oklahoma Statutes;

23 34. Make or cause defects with any article or thing with
24 reasonable grounds to believe such article or thing will be used for

1 defense or for war, as provided for in Section 1265.3 of Title 21 of
2 the Oklahoma Statutes;

3 35. Conspiracy to commit crimes provided in the Sabotage
4 Prevention Act, as provided for in Section 1265.5 of Title 21 of the
5 Oklahoma Statutes;

6 36. Terrorism hoax, as provided for in Section 1268.4 of Title
7 21 of the Oklahoma Statutes;

8 37. Engaging in terrorist activity by manufacturing, sending,
9 delivering, or possessing any toxic, noxious, or lethal substances,
10 chemical, biological, or nuclear materials, as provided for in
11 Section 1268.6 of Title 21 of the Oklahoma Statutes;

12 38. Conducting or attempting to conduct financial transactions
13 involving property related to terrorism, as provided for in Section
14 1268.7 of Title 21 of the Oklahoma Statutes;

15 39. Using a money services business or an electric funds
16 transfer in violation of the Oklahoma Antiterrorism Act, as provided
17 for in Section 1268.8 of Title 21 of the Oklahoma Statutes;

18 40. Possession of a firearm by a convicted felon, as provided
19 for in subsection A of Section 1283 of Title 21 of the Oklahoma
20 Statutes;

21 41. Possession of a firearm by a person serving a term of
22 probation for a felony or who is subject to supervision, probation,
23 parole, or inmate status, as provided for in subsection C of Section
24 1283 of Title 21 of the Oklahoma Statutes;

1 42. Possession of a firearm by a person previously adjudicated
2 as a delinquent child or youthful offender, as provided for in
3 subsection D of Section 1283 of Title 21 of the Oklahoma Statutes;

4 43. Possession of a firearm by a person who is an alien
5 illegally or unlawfully in the United States, as provided for in
6 subsection E of Section 1283 of Title 21 of the Oklahoma Statutes;

7 44. Allowing a convicted felon, adjudicated delinquent, or
8 youthful offender to possess a pistol authorized for use under the
9 Oklahoma Self-Defense Act by a person who has a handgun license, as
10 provided for in subsection F of Section 1283 of Title 21 of the
11 Oklahoma Statutes;

12 45. Use of a firearm or other offensive weapon while committing
13 a felony, as provided for in Section 1287 of Title 21 of the
14 Oklahoma Statutes;

15 46. Pointing a firearm, as provided for in Section 1289.16 of
16 Title 21 of the Oklahoma Statutes;

17 47. Manufacturing, importing, or selling restricted bullets, as
18 provided for in Section 1289.20 of Title 21 of the Oklahoma
19 Statutes;

20 48. Possessing, carrying, or using or attempting to use against
21 another person any restricted bullets, as provided for in Section
22 1289.21 of Title 21 of the Oklahoma Statutes;

23 49. Committing a felony while wearing body armor, as provided
24 for in Section 1289.26 of Title 21 of the Oklahoma Statutes;

1 50. Carrying a stolen handgun, as provided for in subsection B
2 of Section 1290.21 of Title 21 of the Oklahoma Statutes;

3 51. Incitement to riot, as provided for in Section 1320.2 of
4 Title 21 of the Oklahoma Statutes;

5 52. Malicious destruction or damage to real or personal
6 property or malicious injury to another during a state of emergency,
7 as provided for in Section 1321.7 of Title 21 of the Oklahoma
8 Statutes;

9 53. Participating in a riot during a state of emergency, as
10 provided for in subsection A of Section 1321.8 of Title 21 of the
11 Oklahoma Statutes;

12 54. Causing an innocent or irresponsible person to engage in a
13 riot, as provided for in subsection E of Section 1321.8 of Title 21
14 of the Oklahoma Statutes;

15 55. Possession of explosives by a convicted felon, as provided
16 for in Section 1368 of Title 21 of the Oklahoma Statutes;

17 56. Attempting, conspiring, or endeavoring to perform an act of
18 violence, as provided for in subsection A of Section 1378 of Title
19 21 of the Oklahoma Statutes;

20 57. Devising a plan, scheme, or program of action to cause
21 serious bodily harm or death of another person, as provided for in
22 subsection C of Section 1378 of Title 21 of the Oklahoma Statutes;

23

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1 58. Endangering any human life including emergency service
2 personnel while committing an act of arson, as provided for in
3 Section 1405 of Title 21 of the Oklahoma Statutes;

4 59. Intimidating, threatening, assaulting, or battering any
5 driver, attendant, guard, or passenger of a bus with intent to seize
6 the bus, as provided for in subsection B of Section 1903 of Title 21
7 of the Oklahoma Statutes;

8 60. Discharging any firearm into or within any bus, terminal,
9 or other transportation facility, as provided for in subsection D of
10 Section 1903 of Title 21 of the Oklahoma Statutes;

11 61. Leaving the scene of a vehicle accident that resulted in
12 the death of a person, as provided for in Section 10-102.1 of Title
13 47 of the Oklahoma Statutes;

14 62. Second felony conviction of driving under the influence of
15 alcohol or other intoxicating substance, as provided for in
16 paragraph 3 of subsection C of Section 11-902 of Title 47 of the
17 Oklahoma Statutes;

18 63. Causing an accident resulting in the death of another
19 person while operating a vehicle without a valid driver license, as
20 provided for in subsection C of Section 11-905 of Title 47 of the
21 Oklahoma Statutes;

22 64. Throwing or dropping any substance at a moving vehicle, as
23 provided for in subsection A of Section 11-1111 of Title 47 of the
24 Oklahoma Statutes;

1 65. Throwing or dropping any object from a bridge or overpass
2 with intent to damage property or injure a person, as provided for
3 in subsection B of Section 11-1111 of Title 47 of the Oklahoma
4 Statutes;

5 66. Manufacturing, selling, transferring, or furnishing a
6 precursor substance to another with knowledge the recipient will use
7 such substance to unlawfully manufacture a controlled substance, as
8 provided for in subsection C of Section 2-328 of Title 63 of the
9 Oklahoma Statutes;

10 67. Second or subsequent conviction for manufacturing, selling,
11 transferring, furnishing, or receiving a precursor substance, as
12 provided for in subsection D of Section 2-328 of Title 63 of the
13 Oklahoma Statutes;

14 68. Purchasing, obtaining, possessing, manufacturing, selling,
15 or transferring a precursor substance without a permit or making a
16 false statement in an application or report, as provided for in
17 subsection E of Section 2-328 of Title 63 of the Oklahoma Statutes;

18 69. Selling, transferring, distributing, or dispensing any
19 product containing ephedrine, pseudoephedrine, or
20 phenylpropanolamine to another with knowledge the purchaser will use
21 such product as a precursor to manufacture methamphetamine or
22 another controlled illegal substance, as provided for in Section 2-
23 333 of Title 63 of the Oklahoma Statutes;

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1 70. Cultivating, producing, or knowingly permitting the
2 cultivation or production of any species of plants from which
3 controlled dangerous substances may be derived, as provided for in
4 subsection B of Section 2-509 of Title 63 of the Oklahoma Statutes;

5 71. Manufacturing or attempting to manufacture any controlled
6 dangerous substance by cooking, burning, or extracting and
7 converting marijuana or marijuana oil into hashish, hashish oil, or
8 hashish powder, as provided for in subsection H of Section 2-509 of
9 Title 63 of the Oklahoma Statutes;

10 72. Purchasing or possessing any quantity of pseudoephedrine by
11 a person who is subject to the Oklahoma Methamphetamine Offender
12 Registry Act, as provided for in subsection B of Section 2-701 of
13 Title 63 of the Oklahoma Statutes; and

14 73. Using an explosive or blasting agent with the intent to
15 kill, injure, or intimidate a person or unlawfully damage real or
16 personal property, as provided for in subsection B of Section 124.8
17 of Title 63 of the Oklahoma Statutes.

18 B. Any person convicted of a Class B4 criminal offense that is
19 not listed in Section 13.1 of this title shall be punished by
20 imprisonment in the custody of the Department of Corrections for a
21 term nor more than ten (10) years or a fine not to exceed Three
22 Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.
23 Any person convicted of a Class B4 criminal offense listed in
24

1 Section 13.1 of this title shall be punished in accordance with the
2 corresponding penalties as provided for in the Oklahoma Statutes.

3 C. 1. Every person who, having been previously convicted of a
4 nonviolent felony offense, commits a Class B4 criminal offense shall
5 be punished by imprisonment in the custody of the Department of
6 Corrections for a term not less than one (1) year nor more than ten
7 (10) years or a fine not to exceed Three Thousand Dollars
8 (\$3,000.00), or by both such fine and imprisonment.

9 2. Every person who, having been convicted of two (2) or more
10 nonviolent felony offenses and/or one (1) violent offense, commits a
11 Class B4 criminal offense shall be punished by imprisonment in the
12 custody of the Department of Corrections for a term not less than
13 two (2) years nor more than ten (10) years or a fine not to exceed
14 Three Thousand Dollars (\$3,000.00), or by both such fine and
15 imprisonment.

16 D. All Class B4 criminal offenses shall have a maximum
17 allowable fine of Three Thousand Dollars (\$3,000.00).

18 SECTION 14. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 20J of Title 21, unless there is
20 created a duplication in numbering, reads as follows:

21 A. Class B5 shall include the following criminal offenses:

22 1. Second or subsequent conviction for assault and battery
23 against a current or former intimate partner or a family or
24

1 household member, as provided for in subsection C of Section 644 of
2 Title 21 of the Oklahoma Statutes;

3 2. Second or subsequent conviction for domestic abuse committed
4 in the presence of a child, as provided for in subsection G of
5 Section 644 of Title 21 of the Oklahoma Statutes;

6 3. Assault and battery by strangulation or attempted
7 strangulation against an intimate partner or a family or household
8 member, as provided for in subsection J of Section 644 of Title 21
9 of the Oklahoma Statutes;

10 4. Aggravated assault and battery, as provided for in Section
11 646 of Title 21 of the Oklahoma Statutes;

12 5. Battery or assault and battery upon a police officer,
13 sheriff, deputy sheriff, highway patrolman, corrections personnel,
14 or other state peace officer, as provided for in subsection B of
15 Section 649 of Title 21 of the Oklahoma Statutes;

16 6. Striking or mistreating a police dog or police horse during
17 the commission of a misdemeanor or felony, as provided for in
18 subsection D of Section 649.1 of Title 21 of the Oklahoma Statutes;

19 7. Disfiguring, disabling, or killing a police dog or police
20 horse during the commission of a misdemeanor or felony, as provided
21 for in subsection C of Section 649.2 of Title 21 of the Oklahoma
22 Statutes;

23 8. Battery or assault and battery resulting in bodily injury to
24 any employee of the Office of Juvenile Affairs or residential

1 facility, as provided for in subsection E of Section 650.2 of Title
2 21 of the Oklahoma Statutes;

3 9. Assault with intent to kill, as provided for in Section 653
4 of Title 21 of the Oklahoma Statutes;

5 10. Assault with intent to commit any felony, as provided for
6 in Section 681 of Title 21 of the Oklahoma Statutes;

7 11. Manslaughter in the second degree, as provided for in
8 Section 716 of Title 21 of the Oklahoma Statutes;

9 12. Owning a mischievous animal that kills a human being, as
10 provided for in Section 717 of Title 21 of the Oklahoma Statutes;

11 13. Child endangerment, as provided for in Section 852.1 of
12 Title 21 of the Oklahoma Statutes;

13 14. Causing, aiding, abetting, or encouraging a minor to commit
14 or participate in committing a felony offense, as provided for in
15 subsection C of Section 856 of Title 21 of the Oklahoma Statutes;

16 15. Causing, aiding, abetting, encouraging, soliciting, or
17 recruiting a minor to participate, join, or associate with any
18 criminal street gang, as provided for in subsection D of Section 856
19 of Title 21 of the Oklahoma Statutes;

20 16. Committing a gang-related offense as a condition of
21 membership in a criminal street gang, as provided for in Section
22 856.3 of Title 21 of the Oklahoma Statutes;

23 17. Second or subsequent conviction of stalking or committing
24 the act of stalking within ten (10) years of the completion of

1 sentence for a prior conviction of stalking, as provided for in
2 subsection C of Section 1173 of Title 21 of the Oklahoma Statutes;

3 18. Intentionally or recklessly spreading an infectious
4 disease, as provided for in Section 1192.1 of Title 21 of the
5 Oklahoma Statutes;

6 19. Entering the premises of another while masked or disguised
7 with the intent to inflict bodily injury or injury to property, as
8 provided for in Section 1302 of Title 21 of the Oklahoma Statutes;

9 20. Unlawful assembly for the purpose of engaging in a riot, as
10 provided for in Section 1320.3 of Title 21 of the Oklahoma Statutes;

11 21. Acts of cruelty to animals, as provided for in Section 1685
12 of Title 21 of the Oklahoma Statutes;

13 22. Instigating or encouraging any cockfight, as provided for
14 in Section 1692.2 of Title 21 of the Oklahoma Statutes;

15 23. Keeping a pit or other place or knowingly providing
16 equipment or facilities for cockfighting, as provided for in Section
17 1692.3 of Title 21 of the Oklahoma Statutes;

18 24. Servicing or facilitating a cockfight, as provided for in
19 Section 1692.4 of Title 21 of the Oklahoma Statutes;

20 25. Owning, possessing, keeping, or training any bird for
21 cockfighting, as provided for in Section 1692.5 of Title 21 of the
22 Oklahoma Statutes;

23

24

1 26. Failing to stop for an accident resulting in a nonfatal
2 injury to another person, as provided for in Section 10-102 of Title
3 47 of the Oklahoma Statutes;

4 27. Personal injury accident while driving or operating a motor
5 vehicle under the influence of alcohol or other intoxicating
6 substance while having a previous conviction for driving or
7 operating a motor vehicle while under the influence of alcohol or
8 other intoxicating substance, as provided for in paragraph 2 of
9 subsection A of Section 11-904 of Title 47 of the Oklahoma Statutes;

10 28. Failure to register as a sex offender, as provided for in
11 Section 583 of Title 57 of the Oklahoma Statutes;

12 29. Furnishing false or misleading information in the
13 registration of the Sex Offenders Registration Act, as provided for
14 in Section 586 of Title 57 of the Oklahoma Statutes;

15 30. Failure to comply with the Sex Offenders Registration Act,
16 as provided for in subsection A of Section 587 of Title 57 of the
17 Oklahoma Statutes;

18 31. Failure to comply with established guidelines of global-
19 positioning-system (GPS) monitoring pursuant to the provisions of
20 the Sex Offenders Registration Act, as provided for in subsection B
21 of Section 587 of Title 57 of the Oklahoma Statutes;

22 32. Temporarily or permanently residing withing a two-thousand-
23 foot radius of a public or private school site or other listed
24 places by a person required to register pursuant to the Sex

1 Offenders Registration Act, as provided for in subsection A of
2 Section 590 of Title 57 of the Oklahoma Statutes;

3 33. Residing with a minor child after being convicted of an
4 offense that involved a minor child by a person required to register
5 pursuant to the Sex Offenders Registration Act, as provided for in
6 subsection B of Section 590 of Title 57 of the Oklahoma Statutes;

7 34. Two or more sex offenders residing together in a dwelling
8 during the term of registration as a sex offender, as provided for
9 in subsection A of Section 590.1 of Title 57 of the Oklahoma
10 Statutes; and

11 35. Establishing, leasing, operating, or owning any structure
12 where persons required to register pursuant to the Sex Offenders
13 Registration Act are allowed to reside, as provided for in
14 subsection E of Section 590.1 of Title 57 of the Oklahoma Statutes.

15 B. Any person convicted of a Class B5 criminal offense that is
16 not listed in Section 13.1 of this title shall be punished by
17 imprisonment in the custody of the Department of Corrections for a
18 term nor more than five (5) years or a fine not to exceed Two
19 Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.
20 Any person convicted of a Class B1 criminal offense listed in
21 Section 13.1 of this title shall be punished in accordance with the
22 corresponding penalties as provided for in the Oklahoma Statutes.

23 C. 1. Every person who, having been previously convicted of a
24 nonviolent felony offense, commits a Class B5 criminal offense shall

1 be punished by imprisonment in the custody of the Department of
2 Corrections for a term not more than five (5) years or a fine not to
3 exceed Two Thousand Dollars (\$2,000.00), or by both such fine and
4 imprisonment.

5 2. Every person who, having been convicted of two (2) or more
6 nonviolent felony offenses and/or one (1) violent offense, commits a
7 Class B5 criminal offense shall be punished by imprisonment in the
8 custody of the Department of Corrections for a term not more than
9 five (5) years or a fine not to exceed Two Thousand Dollars
10 (\$2,000.00), or by both such fine and imprisonment.

11 D. All Class B5 criminal offenses shall have a maximum
12 allowable fine of Two Thousand Dollars (\$2,000.00).

13 SECTION 15. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 20K of Title 21, unless there is
15 created a duplication in numbering, reads as follows:

16 A. Class B6 shall include the following criminal offenses:

17 1. Striking, tormenting, mistreating, or administering a
18 nonpoisonous desensitizing substance to a police dog or police
19 horse, as provided for in subsection A of Section 649.1 of Title 21
20 of the Oklahoma Statutes;

21 2. Interfering with the lawful performance of a police dog or
22 police horse, as provided for in subsection B of Section 649.1 of
23 Title 21 of the Oklahoma Statutes;

24

1 3. Harming, torturing, injuring, disabling, or otherwise
2 mistreating or killing a service animal during the commission of a
3 misdemeanor or felony offense, as provided for in subsection D of
4 Section 649.3 of Title 21 of the Oklahoma Statutes;

5 4. Assault, battery, or assault and battery upon a Department
6 of Corrections employee by a person in the custody of the Oklahoma
7 Department of Corrections, as provided for in subsection A of
8 Section 650.2 of Title 21 of the Oklahoma Statutes;

9 5. Assault, battery, or assault and battery upon an employee of
10 a private prison contractor by a person incarcerated in an
11 institution operated by a private prison contractor, as provided for
12 in subsection B of Section 650.2 of Title 21 of the Oklahoma
13 Statutes;

14 6. Aggravated assault and battery upon a Department of Human
15 Services employee or contractor, as provided for in subsection C of
16 Section 650.2 of Title 21 of the Oklahoma Statutes;

17 7. Assault, battery, or assault and battery upon an employee of
18 the Office of Juvenile Affairs by a person in the custody of the
19 Office of Juvenile Affairs, as provided for in subsection D of
20 Section 650.2 of Title 21 of the Oklahoma Statutes;

21 8. Assault, battery, or assault and battery upon a medical care
22 provider, as provided for in Section 650.4 of Title 21 of the
23 Oklahoma Statutes;

24

1 9. Assault, battery, or assault and battery upon an officer of
2 the court, witness, or juror, as provided for in subsection B of
3 Section 650.6 of Title 21 of the Oklahoma Statutes;

4 10. Aggravated assault and battery upon a school employee, as
5 provided for in subsection C of Section 650.7 of Title 21 of the
6 Oklahoma Statutes;

7 11. Assault, battery, or assault and battery upon an employee
8 of a facility maintained by the Office of Juvenile Affairs, a
9 facility maintained by a private contractor, juvenile detention
10 center, or juvenile bureau, as provided for in Section 650.8 of
11 Title 21 of the Oklahoma Statutes;

12 12. Throwing, transferring, or placing any feces, urine, semen,
13 saliva, or blood upon an employee of the state, a county, or a city,
14 as provided for in Section 650.9 of Title 21 of the Oklahoma
15 Statutes; and

16 13. Medical battery, as provided for in Section 650.11 of Title
17 21 of the Oklahoma Statutes.

18 B. Any person convicted of a Class B6 criminal offense shall be
19 punished by imprisonment in the custody of the Department of
20 Corrections for a term not more than two (2) years or a fine not to
21 exceed One Thousand Dollars (\$1,000.00), or by both such fine and
22 imprisonment.

23 C. 1. Every person who, having been previously convicted of a
24 nonviolent felony offense, commits a Class B6 criminal offense shall

1 be punished by imprisonment in the custody of the Department of
2 Corrections for a term not more than two (2) years or a fine not to
3 exceed One Thousand Dollars (\$1,000.00), or by both such fine and
4 imprisonment.

5 2. Every person who, having been convicted of two (2) or more
6 nonviolent felony offenses and/or one (1) violent offense, commits a
7 Class B6 criminal offense shall be punished by imprisonment in the
8 custody of the Department of Corrections for a term not more than
9 two (2) years or a fine not to exceed One Thousand Dollars
10 (\$1,000.00), or by both such fine and imprisonment.

11 D. All Class B6 criminal offenses shall have a maximum
12 allowable fine of One Thousand Dollars (\$1,000.00).

13 SECTION 16. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 20L of Title 21, unless there is
15 created a duplication in numbering, reads as follows:

16 A. Class C1 shall include the following criminal offenses:

17 1. Assisting a prisoner, who is confined in prison for a
18 felony, to escape from prison, as provided for in paragraph 1 of
19 Section 437 of Title 21 of the Oklahoma Statutes;

20 2. Carrying in or sending into a prison anything useful to aid
21 a prisoner, who is confined in prison for a felony, in escaping from
22 prison, as provided for in paragraph 1 of Section 438 of Title 21 of
23 the Oklahoma Statutes;

24

1 3. Harboring, assisting, or concealing any person guilty of a
2 felony, outlaw, or fugitive from justice, as provided for in
3 subsection A of Section 440 of Title 21 of the Oklahoma Statutes;

4 4. Preventing or attempting to prevent any person from giving
5 testimony or producing records or documents, as provided for in
6 subsection A of Section 455 of Title 21 of the Oklahoma Statutes;

7 5. Threatening physical harm through force or fear or causing
8 physical harm to any person who provided testimony in any civil or
9 criminal trial or proceeding, as provided for in subsection B of
10 Section 455 of Title 21 of the Oklahoma Statutes;

11 6. Causing an accident resulting in great bodily injury while
12 eluding or attempting to elude an officer, as provided for in
13 subsection C of Section 540A of Title 21 of the Oklahoma Statutes;

14 7. Fighting any duel, as provided for in Section 662 of Title
15 21 of the Oklahoma Statutes;

16 8. Financial exploitation of an elderly or disabled adult with
17 funds, assets or property valued at One Hundred Thousand Dollars
18 (\$100,000.00) or more, as provided for in paragraph 1 of subsection
19 B of Section 843.4 of Title 21 of the Oklahoma Statutes;

20 9. Arson in the third degree by setting fire, burning, or using
21 explosive devices to burn any property, as provided for in
22 subsection A of Section 1403 of Title 21 of the Oklahoma Statutes;

23 10. Arson in the fourth degree by placing or distributing any
24 flammable, explosive, or combustible material or substance in any

1 building or property with the intent to set fire or burn the same,
2 as provided for in subsection B of Section 1404 of Title 21 of the
3 Oklahoma Statutes;

4 11. Stealing in the nighttime from the person of another, as
5 provided for in Section 1708 of Title 21 of the Oklahoma Statutes;

6 12. Soliciting another to commit certain computer crimes, as
7 provided for in paragraph 10 of subsection A of Section 1953 of
8 Title 21 of the Oklahoma Statutes;

9 13. Receiving, acquiring, or concealing proceeds or engaging in
10 transactions involving proceeds of Ten Thousand Dollars (\$10,000.00)
11 or more that were derived from unlawful activities, as provided for
12 in paragraph 3 of subsection G of Section 2001 of Title 21 of the
13 Oklahoma Statutes;

14 14. Making a false affidavit, as provided for in Section 6-302
15 of Title 47 of the Oklahoma Statutes;

16 15. Using or soliciting the use of services of a minor to
17 distribute, dispense, transport, or cultivate a controlled dangerous
18 substance, as provided for in subsection E of Section 2-401 of Title
19 63 of the Oklahoma Statutes;

20 16. Transporting with intent to distribute or dispense,
21 distributing, or possessing with intent to distribute a controlled
22 dangerous substance within two thousand (2,000) feet of a public or
23 private school, college or university, park, or child care facility,
24

1 as provided for in subsection F of Section 2-401 of Title 63 of the
2 Oklahoma Statutes;

3 17. Acquiring or obtaining possession of a controlled dangerous
4 substance by a registrant through misrepresentation, fraud, forgery,
5 deception, or subterfuge, as provided for in paragraph 3 of
6 subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

7 18. Employing, hiring, or using a minor to transport, carry,
8 sell, give away, prepare for sale, or peddle any controlled
9 dangerous substance, as provided for in subsection A of Section 2-
10 419.1 of Title 63 of the Oklahoma Statutes;

11 19. Employing, hiring, or using a minor to transport, carry,
12 sell, give away, prepare for sale, or peddle any controlled
13 dangerous substance subsequent to a previous conviction of the same,
14 as provided for in subsection C of Section 2-419.1 of Title 63 of
15 the Oklahoma Statutes;

16 20. Evading federal reporting requirements or other federal
17 money laundering laws, as provided for in Section 2-503.1f of Title
18 63 of the Oklahoma Statutes;

19 21. Owning, operating, or conducting a chop shop, as provided
20 for in paragraph 1 of subsection A of Section 4253 of Title 63 of
21 the Oklahoma Statutes;

22 22. Transporting any vessel, motor, or vessel or motor parts to
23 or from a chop shop, as provided for in paragraph 2 of subsection A
24 of Section 4253 of Title 63 of the Oklahoma Statutes; and

1 23. Selling, transferring, purchasing, or receiving any vessel,
2 motor, or vessel or motor parts to or from a chop shop, as provided
3 for in paragraph 3 of subsection A of Section 4253 of Title 63 of
4 the Oklahoma Statutes.

5 B. Any person convicted of a Class C1 criminal offense shall be
6 punished by imprisonment in the custody of the Department of
7 Corrections for a term not more than ten (10) years or a fine not to
8 exceed Seven Hundred Fifty Dollars (\$750.00), or by both such fine
9 and imprisonment.

10 C. 1. Every person who, having been previously convicted of a
11 nonviolent felony offense, commits a Class C1 criminal offense shall
12 be punished by imprisonment in the custody of the Department of
13 Corrections for a term not more than ten (10) years a fine not to
14 exceed Seven Hundred Fifty Dollars (\$750.00), or by both such fine
15 and imprisonment.

16 2. Every person who, having been convicted of two (2) or more
17 nonviolent felony offenses and/or one (1) violent offense, commits a
18 Class C1 criminal offense shall be punished by imprisonment in the
19 custody of the Department of Corrections for a term not less than
20 two (2) years nor more than ten (10) years a fine not to exceed
21 Seven Hundred Fifty Dollars (\$750.00), or by both such fine and
22 imprisonment.

23 D. All Class C1 criminal offenses shall have a maximum
24 allowable fine of Seven Hundred Fifty Dollars (\$750.00).

1 SECTION 17. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 20M of Title 21, unless there is
3 created a duplication in numbering, reads as follows:

4 A. Class C2 shall include the following criminal offenses:

5 1. Branding, misbranding, marking, or mismarking any domestic
6 animal with intent to defraud, as provided for in Section 268 of
7 Title 4 of the Oklahoma Statutes;

8 2. Injuring, destroying, or attempting to injure or destroy any
9 pipeline transportation system, as provided for in subsection C of
10 Section 6.1 of Title 17 of the Oklahoma Statutes;

11 3. Embezzlement by a county treasurer or other officer, as
12 provided for in Section 641 of Title 19 of the Oklahoma Statutes;

13 4. Giving or offering any bribe to an executive officer, as
14 provided for in Section 265 of Title 21 of the Oklahoma Statutes;

15 5. Receiving or agreeing to receive a bribe by an executive
16 officer or person elected or appointed to an executive office, as
17 provided for in Section 266 of Title 21 of the Oklahoma Statutes;

18 6. Entry into a restricted area of a building or grounds using
19 or carrying a deadly or dangerous weapon or firearm or engaging in
20 acts of violence that results in great bodily injury, as provided
21 for in paragraph 1 of subsection B of Section 282 of Title 21 of the
22 Oklahoma Statutes;

23

24

1 7. Forcefully or fraudulently preventing the State Legislature
2 from meeting or organizing, as provided for in Section 301 of Title
3 21 of the Oklahoma Statutes;

4 8. Forcefully or fraudulently compelling or attempting to
5 compel the State Legislature to adjourn or disperse, as provided for
6 in Section 303 of Title 21 of the Oklahoma Statutes;

7 9. Compelling or attempting to compel either houses of the
8 Legislature to pass, amend, or reject any bill or resolution, grant
9 or refuse any petition, or to perform or omit to perform any other
10 official act, as provided for in Section 305 of Title 21 of the
11 Oklahoma Statutes;

12 10. Offering to give a bribe to any member of the Legislature
13 in order to influence the member in giving or withholding a vote, as
14 provided for in Section 308 of Title 21 of the Oklahoma Statutes;

15 11. Asking, receiving, or agreeing to receive any bribe by a
16 member of the Legislature, as provided for in Section 309 of Title
17 21 of the Oklahoma Statutes;

18 12. Entering a fort, magazine, arsenal, armory, arsenal yard,
19 or encampment and seizing or taking away arms, ammunition, military
20 stores, or supplies belong to the state, as provided for in Section
21 350 of Title 21 of the Oklahoma Statutes;

22 13. Carrying, causing to be carried, or publicly displaying any
23 red flag or other emblem or banner indicating disloyalty to the
24

1 Government of the United States, as provided for in Section 374 of
2 Title 21 of the Oklahoma Statutes;

3 14. Bribery by a fiduciary, as provided for in subsection A of
4 Section 380 of Title 21 of the Oklahoma Statutes;

5 15. Bribery of a fiduciary, as provided for in subsection B of
6 Section 380 of Title 21 of the Oklahoma Statutes;

7 16. Commercial bribery of an insured depository institution or
8 credit union, as provided in Section 380.1 of Title 21 of the
9 Oklahoma Statutes;

10 17. Accepting or requesting a bribe by public officers or
11 employees of the State of Oklahoma, as provided for in Section 382
12 of Title 21 of the Oklahoma Statutes;

13 18. Offering or giving a bribe to any judicial officer, as
14 provided for in Section 383 of Title 21 of the Oklahoma Statutes;

15 19. Attempting to influence a juror, as provided for in Section
16 388 of Title 21 of the Oklahoma Statutes;

17 20. Conspiracy to commit a felony, as provided for in
18 subsection C of Section 421 of Title 21 of the Oklahoma Statutes;

19 21. Conspiring to commit any act against the peace of the state
20 by two or more persons outside of the state, as provided for in
21 Section 422 of Title 21 of the Oklahoma Statutes;

22 22. Conspiring to commit any act against the state by two or
23 more persons, as provided for in Section 424 of Title 21 of the
24 Oklahoma Statutes;

1 23. Endangering any other person while attempting to elude a
2 peace officer, as provided for in subsection B of Section 540A of
3 Title 21 of the Oklahoma Statutes;

4 24. Attempting to avoid a roadblock by failing to stop, pass b
5 or through such roadblock without permission, as provided for in
6 Section 540B of Title 21 of the Oklahoma Statutes;

7 25. Fraudulently producing an infant in order to intercept the
8 inheritance or distribution of any personal estate or real estate,
9 as provided for in Section 578 of Title 21 of the Oklahoma Statutes;

10 26. Maiming by inflicting upon one's self any disabling injury,
11 as provided for in Section 752 of Title 21 of the Oklahoma Statutes;

12 27. Financial exploitation of an elderly or disabled adult with
13 funds, assets, or property valued at One Hundred Thousand Dollars
14 (\$100,000.00) or less, as provided for in paragraph 2 of subsection
15 B of Section 843.4 of Title 21 of the Oklahoma Statutes;

16 28. Conducting gambling games, as provided for in Section 941
17 of Title 21 of the Oklahoma Statutes;

18 29. Using a house, room, or place to conduct gambling games, as
19 provided for in Section 946 of Title 21 of the Oklahoma Statutes;

20 30. Engaging or participating in gambling games by a public
21 officer, as provided for in Section 948 of Title 21 of the Oklahoma
22 Statutes;

23 31. Commercial gambling, as provided for in Section 982 of
24 Title 21 of the Oklahoma Statutes;

1 32. Letting premises for the purpose of betting on races or
2 receiving, registering, recording, or forwarding any money or thing
3 of value to a racetrack for betting purposes, as provided for in
4 paragraphs 2 through 6 of subsection A of Section 991 of Title 21 of
5 the Oklahoma Statutes;

6 33. Using the terms "prize" or "gift" in a manner that is
7 untrue or misleading, as provided for in Section 996.3 of Title 21
8 of the Oklahoma Statutes;

9 34. Advocating criminal syndicalism, sabotage, or the
10 necessity, propriety, or expediency of doing any act of physical
11 violence or unlawful act as a means of accomplishing any industrial
12 or political ends, change, or revolution, as provided for in
13 subsection A of Section 1327 of Title 21 of the Oklahoma Statutes;

14 35. Arson in the fourth degree by attempting to set fire to or
15 burn any building or property, as provided for in subsection A of
16 Section 1404 of Title 21 of the Oklahoma Statutes;

17 36. Delivering to another any merchandise for which any bill of
18 lading, receipt, or voucher has been issued and the value of the
19 property is Fifteen Thousand Dollars (\$15,000.00) or more, as
20 provided for in paragraph 4 of Section 1416 of Title 21 of the
21 Oklahoma Statutes;

22 37. Burglary in the second degree by breaking and entering into
23 the dwelling house of another in which no human is present, any
24 commercial building, or coin operated or vending machine, as

1 provided for in subsection A of Section 1435 of Title 21 of the
2 Oklahoma Statutes;

3 38. Embezzlement of property valued at Fifteen Thousand Dollars
4 (\$15,000.00) or more, as provided for in paragraph 4 of subsection B
5 of Section 1451 of Title 21 of the Oklahoma Statutes;

6 39. Embezzlement by a county or state officer, as provided for
7 in subsection C of Section 1451 of Title 21 of the Oklahoma
8 Statutes;

9 40. False personation of another, as provided for in paragraphs
10 1, 2, 3, and 4 of Section 1531 of Title 21 of the Oklahoma Statutes;

11 41. Receiving money or property intended for another with a
12 value of Fifteen Thousand Dollars (\$15,000.00) or more, as provided
13 for in paragraph 4 of Section 1532 of Title 21 of the Oklahoma
14 Statutes;

15 42. Use of a motor vehicle or motor-driven cycle for the
16 purpose of falsely impersonating a law enforcement officer which
17 causes another person to be injured, defrauded, harassed, vexed, or
18 annoyed, as provided for in paragraph 2 of subsection F of Section
19 1533 of Title 21 of the Oklahoma Statutes;

20 43. Obtaining, attempting to obtain, or presenting to a
21 financial institution personal, financial, or other information of
22 another person, as provided for in Section 1533.2 of Title 21 of the
23 Oklahoma Statutes;

24

1 44. Obtaining property by trick, deception or by means of a
2 false or bogus check and the property value is Fifteen Thousand
3 Dollars (\$15,000.00) or more, as provided for in paragraph 3 of
4 subsection A of Section 1541.2 of Title 21 of the Oklahoma Statutes;

5 45. Making, drawing, uttering, or delivering two or more false
6 or bogus checks and the value is Fifteen Thousand Dollars
7 (\$15,000.00) or more, as provided for in paragraph 3 of subsection A
8 of Section 1541.3 of Title 21 of the Oklahoma Statutes;

9 46. Selling, exchanging, or delivering any forged or
10 counterfeited promissory note, check, bill, draft, or other evidence
11 of debt knowing the same is forged or counterfeited and the value of
12 the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, as
13 provided for in paragraph 4 of subsection A of Section 1577 of Title
14 21 of the Oklahoma Statutes;

15 47. Possession of any forged, altered, or counterfeited
16 negotiable note, bill, draft, or other evidence of debt and the
17 value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or
18 more, as provided for in paragraph 4 of subsection A of Section 1578
19 of Title 21 of the Oklahoma Statutes;

20 48. Possession of any forged or counterfeited instrument with
21 intent to injure or defraud and the value of the instrument is
22 Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in
23 paragraph 4 of subsection A of Section 1579 of Title 21 of the
24 Oklahoma Statutes;

1 49. Uttering or publishing as true any forged, altered, or
2 counterfeit instrument or counterfeit coins and the value of the
3 instrument is Fifteen Thousand Dollars (\$15,000.00) or more, as
4 provided for in paragraph 4 of subsection A of Section 1592 of Title
5 21 of the Oklahoma Statutes;

6 50. Exhibiting false, forged, or altered books, papers,
7 vouchers, security, or other instruments of evidence to any public
8 officer or board with intent to deceive, as provided for in Section
9 1632 of Title 21 of the Oklahoma Statutes;

10 51. Destroying, altering, mutilating, or falsifying any books,
11 papers, writing, or securities belonging to a corporation or
12 association with intent to defraud, as provided for in Section 1635
13 of Title 21 of the Oklahoma Statutes;

14 52. Instigating or encouraging any fight between dogs, as
15 provided for in Section 1694 of Title 21 of the Oklahoma Statutes;

16 53. Keeping a house, pit, or other place, or providing any
17 equipment or facilities to be used for any fight between dogs, as
18 provided for in Section 1695 of Title 21 of the Oklahoma Statutes;

19 54. Acting or performing any service in the furtherance of or
20 facilitating any dogfight, as provided for in Section 1696 of Title
21 21 of the Oklahoma Statutes;

22 55. Owning, possessing, keeping, or training any dog with
23 intent to have such dog fight another dog, as provided for in
24 Section 1697 of Title 21 of the Oklahoma Statutes;

1 56. Larceny of lost property and the value of the property is
2 Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in
3 paragraph 4 of Section 1702 of Title 21 of the Oklahoma Statutes;

4 57. Grand larceny and the value of the property is Fifteen
5 Thousand Dollars (\$15,000.00) or more, as provided for in paragraph
6 4 of subsection A of Section 1705 of Title 21 of the Oklahoma
7 Statutes;

8 58. Grand larceny in any dwelling house or vessel, as provided
9 for in Section 1707 of Title 21 of the Oklahoma Statutes;

10 59. Larceny of any evidence of debt or other written
11 instrument, as provided for in Section 1709 of Title 21 of the
12 Oklahoma Statutes;

13 60. Buying or receiving any property that has been stolen,
14 embezzled, or obtained by false pretense or robbery and has a value
15 of Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in
16 paragraph 3 of subsection A of Section 1713 of Title 21 of the
17 Oklahoma Statutes;

18 61. Buying or receiving any construction equipment or farm
19 equipment that has been stolen, embezzled, or obtained by false
20 pretense or robbery, as provided for in Section 1713.1 of Title 21
21 of the Oklahoma Statutes;

22 62. Bringing into this state the stolen property of another
23 obtained from another state or country, as provided for in Section
24 1715 of Title 21 of the Oklahoma Statutes;

1 63. Larceny of livestock or implement of husbandry, as provided
2 for in subsection A of Section 1716 of Title 21 of the Oklahoma
3 Statutes;

4 64. Larceny of a dog, as provided for in Section 1718 of Title
5 21 of the Oklahoma Statutes;

6 65. Grand larceny of exotic livestock, as provided for in
7 Section 1719.2 of Title 21 of the Oklahoma Statutes;

8 66. Larceny of an aircraft, automobile, construction equipment
9 or farm equipment, valued at Fifty Thousand Dollars (\$50,000.00) or
10 more, as provided for in Section 1720 of Title 21 of the Oklahoma
11 Statutes;

12 67. Tapping or drilling into a pipeline, as provided for in
13 Section 1721 of Title 21 of the Oklahoma Statutes;

14 68. Taking any crude oil or gasoline from any pipe, pipeline,
15 tank, tank car, or other receptacle or container and the value of
16 such product is One Thousand Dollars (\$1,000.00) or more, as
17 provided for in paragraph 2 of Section 1722 of Title 21 of the
18 Oklahoma Statutes;

19 69. Larceny of merchandise from a retailer or wholesaler and
20 the value of the goods is Fifteen Thousand Dollars (\$15,000.00) or
21 more, as provided for in paragraph 5 of subsection A of Section 1731
22 of Title 21 of the Oklahoma Statutes;

23

24

1 70. Larceny of trade secrets that is valued at Fifteen Thousand
2 Dollars (\$15,000.00) or more, as provided for in Section 1732 of
3 Title 21 of the Oklahoma Statutes;

4 71. Procuring, soliciting, selling, or receiving by fraudulent,
5 deceptive, or false means two to ten telephone records without
6 authorization, as provided for in paragraph 2 of subsection B of
7 Section 1742.2 of Title 21 of the Oklahoma Statutes;

8 72. Masking, altering, or removing any locomotive or railway
9 car lights or signals, as provided for in Section 1778 of Title 21
10 of the Oklahoma Statutes;

11 73. Mutilating, tearing, defacing, obliterating, or destroying
12 any written instrument, value of Fifteen Thousand Dollars
13 (\$15,000.00) or more, as provided for in Section 1779 of Title 21 of
14 the Oklahoma Statutes;

15 74. Violations of the Oklahoma Computer Crimes Act, as provided
16 for in paragraphs 1, 2, 3, 6, 7, 9, or 10 of subsection A of Section
17 1953 of Title 21 of the Oklahoma Statutes;

18 75. Contracting the sale of rights arising from a criminal act
19 without providing for the forfeiture of said proceeds, as provided
20 for in subsection A of Section 17 of Title 22 of the Oklahoma
21 Statutes;

22 76. Violating any of the provisions of the Oklahoma Clean Air
23 Act knowing that the violation places others in danger of death or
24

1 serious bodily injury, as provided for in subsection B of Section 2-
2 5-116 of Title 27A of the Oklahoma Statutes;

3 77. Violating any of the provisions of the Oklahoma Pollutant
4 Discharge Elimination System Act knowing that the violation places
5 others in imminent danger of death or serious bodily injury, as
6 provided for in subparagraph a of paragraph 3 of subsection G of
7 Section 2-6-206 of Title 27A of the Oklahoma Statutes;

8 78. Soliciting or accepting any bribe or money by a game warden
9 in connection with the performance of his or her duties as a game
10 warden, as provided for in subsection E of Section 3-201 of Title 29
11 of the Oklahoma Statutes;

12 79. Taking or enticing away an incapacitated or partially
13 incapacitated person or person for whom a guardian has been
14 appointed without consent of the guardian, as provided for in
15 Section 4-904 of Title 30 of the Oklahoma Statutes;

16 80. Violating any of the provisions of the Viatical Settlement
17 Act if the value of the viatical settlement contract is more than
18 Two Thousand Five Hundred Dollars (\$2,500.00) but not more than
19 Thirty-five Thousand Dollars (\$35,000.00), as provided for in
20 paragraph 2 of subsection F of Section 4055.14 of Title 36 of the
21 Oklahoma Statutes;

22 81. Embezzlement of certain funds held in trust, value of
23 Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in
24 paragraph 2 of Section 153 of Title 42 of the Oklahoma Statutes;

1 82. Providing any false statement of a material fact in an
2 application for a certificate of title, as provided for in Section
3 4-108 of Title 47 of the Oklahoma Statutes;

4 83. Altering or forging any certificate of title issued by the
5 Oklahoma Tax Commission, as provided for in Section 4-109 of Title
6 47 of the Oklahoma Statutes;

7 84. Perjury by making any false affidavit, as provided for in
8 Section 6-302 of Title 47 of the Oklahoma Statutes;

9 85. Creating, manufacturing, issuing, or selling security
10 verification forms, as provided for in subsection B of Section 7-612
11 of Title 47 of the Oklahoma Statutes;

12 86. Committing a subsequent violation of driving under the
13 influence of alcohol or other intoxicating substance withing ten
14 (10) years of being convicted of driving under the influence of
15 alcohol or other intoxicating substance, causing a personal injury
16 accident while driving under the influence of alcohol or other
17 intoxicating substance, or driving under the influence of alcohol or
18 other intoxicating substance while transporting a child, as provided
19 for in paragraph 2 of subsection C of Section 11-902 of Title 47 of
20 the Oklahoma Statutes;

21 87. Operating a vehicle without a valid driver license for the
22 class of vehicle being operated and causing an accident resulting in
23 great bodily injury to another person, as provided for in subsection
24 B of Section 11-905 of Title 47 of the Oklahoma Statutes;

1 88. Operating a crusher without a proper license and receiving,
2 obtaining, or possessing any vehicle or property known to be stolen,
3 as provided for in paragraph 2 of subsection B of Section 592.9 of
4 Title 47 of the Oklahoma Statutes;

5 89. Selling a vehicle or other property to a crusher using
6 false or altered identification or making a false declaration of
7 ownership or lien status, as provided for in paragraph 3 of
8 subsection B of Section 592.9 of Title 47 of the Oklahoma Statutes;

9 90. Owning, operating, or conducting a chop shop, transporting
10 any motor vehicle or parts to or from a chop shop, or selling,
11 transferring, purchasing, or receiving any motor vehicle or parts to
12 or from a chop shop, as provided for in subsection A of Section 1503
13 of Title 47 of the Oklahoma Statutes;

14 91. Altering, counterfeiting, defacing, destroying, disguising,
15 falsifying, forging, obliterating, or knowingly removing a vehicle
16 identification number, as provided for in subsection B of Section
17 1503 of Title 47 of the Oklahoma Statutes;

18 92. Perjury by a public office or employee who states as true
19 any material matter knowing it to be false, as provided for in
20 Section 36.5 of Title 51 of the Oklahoma Statutes;

21 93. Advocating by teaching, justifying, or becoming a member of
22 or affiliated with the Communist Party or with any other party or
23 organization that advocates for the revolution, sedition, treason,
24 or overthrow of the government of the United States or the State of

1 Oklahoma by a public officer or employee, as provided for in Section
2 36.6 of Title 51 of the Oklahoma Statutes;

3 94. Perjury by verifying under oath any report, map, or drawing
4 required to be filed with the Corporation Commission knowing that
5 such material is false, as provided for in Section 109 of Title 52
6 of the Oklahoma Statutes;

7 95. Asking, receiving, or agreeing to receive any gift or
8 gratuity by any member of the Corporation Commission, as provided
9 for in Section 118 of Title 52 of the Oklahoma Statutes;

10 96. Burglary in the first degree by a bail enforcer by breaking
11 into and entering the dwelling house of any defendant or third party
12 for purposes of recovery or attempted recovery of a defendant, as
13 provided for in subsection A of Section 1350.6 of Title 59 of the
14 Oklahoma Statutes;

15 97. Distributing, dispensing, transporting, or possessing a
16 controlled dangerous substance or soliciting a person less than
17 eighteen (18) years of age to cultivate, distribute, or dispense a
18 controlled dangerous substance, as provided for in paragraph 1 of
19 subsection A of Section 2-401 of Title 63 of the Oklahoma Statutes;

20 98. Creating, distributing, transporting, or possessing a
21 counterfeit controlled dangerous substance, as provided for in
22 paragraph 2 of subsection A of Section 2-401 of Title 63 of the
23 Oklahoma Statutes;

24

1 99. Manufacturing or distributing a controlled substance or
2 synthetic controlled substance, as provided for in paragraph 1 of
3 subsection C of Section 2-401 of Title 63 of the Oklahoma Statutes;

4 100. Larceny, burglary, or theft of a controlled dangerous
5 substance, as provided for in subsection A of Section 2-403 of Title
6 63 of the Oklahoma Statutes;

7 101. Obtaining or attempting to obtain any controlled dangerous
8 substance by fraud, deceit, misrepresentation, or subterfuge, as
9 provided for in paragraph 1 of subsection A of Section 2-407 of
10 Title 63 of the Oklahoma Statutes;

11 102. Obtaining or attempting to obtain any controlled dangerous
12 substance by forgery of, alteration of, or changing any information
13 on a prescription or any written order, as provided for in paragraph
14 2 of subsection A of Section 2-407 of Title 63 of the Oklahoma
15 Statutes;

16 103. Obtaining or attempting to obtain any controlled dangerous
17 substance by the concealment of a material fact, as provided for in
18 paragraph 3 of subsection A of Section 2-407 of Title 63 of the
19 Oklahoma Statutes;

20 104. Obtaining or attempting to obtain any controlled dangerous
21 substance by the use of a false name or false address, as provided
22 for in paragraph 4 of subsection A of Section 2-407 of Title 63 of
23 the Oklahoma Statutes;

1 105. Obtaining or attempting to obtain any controlled dangerous
2 substance by failing to disclose the receipt or prescription of a
3 controlled dangerous substance of the same or similar therapeutic
4 use from another practitioner, as provided for in paragraph 5 of
5 subsection A of Section 2-407 of Title 63 of the Oklahoma Statutes;

6 106. Manufacturing, creating, delivering, or possessing an
7 original prescription form or counterfeit prescription form, as
8 provided for in subsection B of Section 2-407 of Title 63 of the
9 Oklahoma Statutes;

10 107. Receiving or acquiring proceeds known to be derived from
11 any violation of the Uniform Controlled Dangerous Substances Act, as
12 provided for in subsection A of Section 2-503.1 of Title 63 of the
13 Oklahoma Statutes;

14 108. Knowingly or intentionally giving, selling, transferring,
15 trading, investing, concealing, transporting, or maintaining an
16 interest in anything of value which is intended to be used for
17 committing a violation of the Uniform Controlled Dangerous
18 Substances Act, as provided for in subsection B of Section 2-503.1
19 of Title 63 of the Oklahoma Statutes;

20 109. Directing, planning, organizing, initiating, financing,
21 managing, supervising, or facilitating the transportation or
22 transfer of proceeds known to be derived from a violation of the
23 Uniform Controlled Dangerous Substances Act, as provided for in
24

1 subsection C of Section 2-503.1 of Title 63 of the Oklahoma
2 Statutes;

3 110. Conducting a financial transaction involving proceeds
4 derived from a violation of the Uniform Controlled Dangerous
5 Substances Act for the purpose of concealing or disguising the
6 nature, location, source, ownership, or control of the proceeds
7 known to be derived from a violation of the Uniform Controlled
8 Dangerous Substances Act, as provided for in subsection D of Section
9 2-503.1 of Title 63 of the Oklahoma Statutes;

10 111. Encouraging, facilitating, or allowing access to any money
11 transmitter equipment for unlawful purposes, as provided for in
12 subsection B of Section 2-503.1d of Title 63 of the Oklahoma
13 Statutes;

14 112. Using a money services business or electronic funds
15 transfer network to facilitate any violation of the Uniform
16 Controlled Dangerous Substances Act, as provided for in Section 2-
17 503.1e of Title 63 of the Oklahoma Statutes;

18 113. Structuring, assisting, or attempting to structure any
19 unlawful transaction with one or more financial or nonfinancial
20 trades or businesses, as provided for in Section 2-503.1g of Title
21 63 of the Oklahoma Statutes;

22 114. Altering, counterfeiting, defacing, destroying,
23 disguising, falsifying, forging, obliterating, or removing a hull
24

1 identification number of a vessel or motor, as provided for in
2 subsection B of Section 4253 of Title 63 of the Oklahoma Statutes;

3 115. Commit or attempt to commit certain violations of the
4 Vessel and Motor Chop Shop, Stolen and Altered Property Act, as
5 provided for in subsection D of Section 4253 of Title 63 of the
6 Oklahoma Statutes;

7 116. Giving a false or bogus check in payment or remittance of
8 taxes, fees, penalties, or interest levied pursuant to any state tax
9 laws and the value of the false or bogus check is Five Hundred
10 Dollars (\$500.00) or more, as provided for in Section 218.1 of Title
11 68 of the Oklahoma Statutes;

12 117. Perjury by providing false answers to any questions from
13 the Oklahoma Tax Commission or making or presenting any false
14 affidavit to be filed with the Oklahoma Tax Commission, as provided
15 for in Section 244 of Title 68 of the Oklahoma Statutes;

16 118. Perjury by verifying by oath, affirmation, or declaration,
17 any false report or false return that is to be filed with the
18 Oklahoma Tax Commission, as provided for in Section 246 of Title 68
19 of the Oklahoma Statutes;

20 119. Making or manufacturing any tax stamp or falsely or
21 fraudulently forging, counterfeiting, reproducing, or possessing any
22 tax stamp, as provided for in subsection A of Section 317 of Title
23 68 of the Oklahoma Statutes;

24

1 120. Offering or selling unregistered securities, as provided
2 for in Section 1-301 of Title 71 of the Oklahoma Statutes;

3 121. Issuing investment certificates when solvent by an
4 investment certificate issuer, as provided for in paragraph 1 of
5 subsection K of Section 1-308 of Title 71 of the Oklahoma Statutes;

6 122. Transacting business as a broker-dealer without being
7 registered as a broker-dealer, as provided for in subsection A of
8 Section 1-401 of Title 71 of the Oklahoma Statutes;

9 123. Employing or associating with an individual for security
10 transaction purposes when the registration of the individual is
11 suspended or revoked or the individual is barred from employment or
12 association with a broker-dealer, as provided for in subsection C of
13 Section 1-401 of Title 71 of the Oklahoma Statutes;

14 124. Transacting business as an agent without being registered
15 as an agent, as provided for in subsection A of Section 1-402 of
16 Title 71 of the Oklahoma Statutes;

17 125. Employing or associating with an agent who transacts
18 business on behalf of broker-dealers when the agent is not
19 registered, as provided for in subsection D of Section 1-402 of
20 Title 71 of the Oklahoma Statutes;

21 126. Conducting business on behalf of a broker-dealer when the
22 registration of the agent is suspended or revoked or the individual
23 is barred from employment or association with a broker-dealer, as
24

1 provided for in subsection F of Section 1-402 of Title 71 of the
2 Oklahoma Statutes;

3 127. Transacting business as an investment adviser without
4 being registered as an investment adviser, as provided for in
5 subsection A of Section 1-403 of Title 71 of the Oklahoma Statutes;

6 128. Employing or associating with an individual to engage in
7 providing investment advice when the registration of the individual
8 is suspended or revoked or the individual is barred from employment
9 or association with an investment adviser, as provided for in
10 subsection C of Section 1-403 of Title 71 of the Oklahoma Statutes;

11 129. Employing or associating with an individual required to be
12 registered as an investment adviser representative who is not
13 registered as an investment adviser representative, as provided for
14 in subsection D of Section 1-403 of Title 71 of the Oklahoma
15 Statutes;

16 130. Transacting business as an investment adviser
17 representative without being registered as an investment adviser
18 representative, as provided for in subsection A of Section 1-404 of
19 Title 71 of the Oklahoma Statutes;

20 131. Conducting business on behalf of an investment adviser or
21 federal covered investment when the registration of the investment
22 adviser representative is suspended or revoked or the individual is
23 barred from employment or association with an investment adviser or
24

1 federal covered investment adviser, as provided for in subsection E
2 of Section 1-404 of Title 71 of the Oklahoma Statutes;

3 132. Employing a device, scheme, or artifice to defraud another
4 when offering, selling, or purchasing a security, as provided for in
5 paragraph 1 of Section 1-501 of Title 71 of the Oklahoma Statutes;

6 133. Making an untrue statement of a material fact or omitting
7 a material fact when offering, selling, or purchasing a security, as
8 provided for in paragraph 2 of Section 1-501 of Title 71 of the
9 Oklahoma Statutes;

10 134. Engaging in an act, practice, or course of business that
11 operates as a fraud or deceit upon another person when offering,
12 selling, or purchasing a security, as provided for in paragraph 3 of
13 Section 1-501 of Title 71 of the Oklahoma Statutes;

14 135. Employing a device, scheme, or artifice to defraud another
15 when advising others for compensation as to the value of securities,
16 as provided for in paragraph 1 of subsection A of Section 1-502 of
17 Title 71 of the Oklahoma Statutes;

18 136. Making an untrue statement of a material fact or omitting
19 a material fact when advising others for compensation as to the
20 value of securities, as provided for in paragraph 2 of subsection A
21 of Section 1-502 of Title 71 of the Oklahoma Statutes;

22 137. Engaging in an act, practice, or course of business that
23 operates as a fraud or deceit upon another person when advising
24 others for compensation as to the value of securities, as provided

1 for in paragraph 3 of subsection A of Section 1-502 of Title 71 of
2 the Oklahoma Statutes;

3 138. Making false or misleading statements in a record, as
4 provided for in Section 1-505 of Title 71 of the Oklahoma Statutes;

5 139. Making or causing to be made to a purchaser, customer,
6 client, or prospective customer or client, an inconsistent
7 representation, as provided for in Section 1-506 of Title 71 of the
8 Oklahoma Statutes;

9 140. Willfully violating certain provisions of the Oklahoma
10 Uniform Securities Act of 2004, as provided for in subsection A of
11 Section 1-508 of Title 71 of the Oklahoma Statutes;

12 141. Offering or selling any business opportunity without being
13 registered under the Oklahoma Business Opportunity Sales Act, as
14 provided for in Section 806 of Title 71 of the Oklahoma Statutes;

15 142. Offering or selling any business opportunity without a
16 written disclosure being filed, as provided for in subsection A of
17 Section 808 of Title 71 of the Oklahoma Statutes;

18 143. Offering or selling any business opportunity without a
19 business opportunity contract or agreement, as provided for in
20 subsection A of Section 809 of Title 71 of the Oklahoma Statutes;

21 144. Making or using any specific representations from the
22 Oklahoma Business Opportunity Sales Act without having a minimum net
23 worth of Fifty Thousand Dollars (\$50,000.00), as provided for in
24 Section 811 of Title 71 of the Oklahoma Statutes;

1 145. Using information filed with or obtained by the
2 Administrator that is not public for the personal benefit of the
3 Administrator or any officers or employees of the Administrator, as
4 provided for in subsection B of Section 812 of Title 71 of the
5 Oklahoma Statutes;

6 146. Employing any device, scheme, or artifice to defraud in
7 connection with offering or selling any business opportunity, as
8 provided for in paragraph 1 of Section 819 of Title 71 of the
9 Oklahoma Statutes;

10 147. Making any untrue statement of a material fact or omitting
11 a material fact in connection with offering or selling any business
12 opportunity, as provided for in paragraph 2 of Section 819 of Title
13 71 of the Oklahoma Statutes;

14 148. Engaging in any act, practice, or course of business which
15 operates as a fraud or deceit in connection with offering or selling
16 any business opportunity, as provided for in paragraph 3 of Section
17 819 of Title 71 of the Oklahoma Statutes;

18 149. Making or causing to be made any false or misleading
19 statements or omitting to state a material fact necessary in any
20 document filed with the Administrator or in any proceeding pursuant
21 to the Oklahoma Business Opportunity Sales Act, as provided for in
22 Section 820 of Title 71 of the Oklahoma Statutes;

23

24

1 150. Filing any application for registration that is false,
2 incomplete, or misleading, as provided for in Section 821 of Title
3 71 of the Oklahoma Statutes;

4 151. Publishing, circulating, or using any advertising that
5 contains untrue statements of material facts or omits to state
6 material facts necessary, as provided for in Section 822 of Title 71
7 of the Oklahoma Statutes;

8 152. Taking or receiving any rebate, percentage of contract,
9 money, or any other thing of value by an officer of the Office of
10 Management and Enterprise Services from any person, firm, or
11 corporation, as provided for in Section 71 of Title 74 of the
12 Oklahoma Statutes;

13 153. Monopolizing, attempting to monopolize, or conspiring to
14 monopolize any part of trade or commerce, as provided for in
15 subsection B of Section 203 of Title 79 of the Oklahoma Statutes;

16 154. Discrimination in price between different purchasers of
17 commodities by any person engaged in commerce, as provided for in
18 Section 204 of Title 79 of the Oklahoma Statutes;

19 155. Violation of the Oklahoma Antitrust Reform Act, as
20 provided for in Section 206 of Title 79 of the Oklahoma Statutes;
21 and

22 156. Having any interest, directly or indirectly, in any
23 contract for the purchase of property or construction of work by or
24 for the Grand River Dam Authority by a director, officer, agent, or

1 employee, as provided for in Section 867 of Title 82 of the Oklahoma
2 Statutes.

3 B. Any person convicted of a Class C2 criminal offense shall be
4 punished by imprisonment in the custody of the Department of
5 Corrections for a term not more than seven (7) years or a fine not
6 to exceed Five Hundred Dollars (\$500.00), or by both such fine and
7 imprisonment.

8 C. 1. Every person who, having been previously convicted of a
9 nonviolent felony offense, commits a Class C2 criminal offense shall
10 be punished by imprisonment in the custody of the Department of
11 Corrections for a term not more than seven (7) years or a fine not
12 to exceed Five Hundred Dollars (\$500.00), or by both such fine and
13 imprisonment.

14 2. Every person who, having been convicted of two (2) or more
15 nonviolent felony offenses and/or one (1) violent offense, commits a
16 Class C2 criminal offense shall be punished by imprisonment in the
17 custody of the Department of Corrections for a term not more than
18 seven (7) years or a fine not to exceed Five Hundred Dollars
19 (\$500.00), or by both such fine and imprisonment.

20 D. All Class C2 criminal offenses shall have a maximum
21 allowable fine of Five Hundred Dollars (\$500.00).

22 SECTION 18. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 20N of Title 21, unless there is
24 created a duplication in numbering, reads as follows:

1 A. Upon the effective date of this act, Class D1 shall include
2 the following criminal offenses:

3 1. Public warehouse and/or commodity stock fraud, as provided
4 for in Section 9-34 of Title 2 of the Oklahoma Statutes;

5 2. False issuance of warehouse receipt, as provided for in
6 Section 9-35 of Title 2 of the Oklahoma Statutes;

7 3. Misrepresentation of charter, as provided for in Section 9-
8 36 of Title 2 of the Oklahoma Statutes;

9 4. Tampering with anhydrous equipment, as provided for in
10 subsection A of Section 11-10 of Title 2 of the Oklahoma Statutes;

11 5. Theft of anhydrous equipment, as provided for in subsection
12 B of Section 11-10 of Title 2 of the Oklahoma Statutes;

13 6. Willfully burn forest, grass, crops, or woodlands, as
14 provided for in Section 16-25 of Title 2 of the Oklahoma Statutes;

15 7. Willful and unlawful burning of forest, grass, croplands,
16 rangeland, or other wild lands by owner, as provided for in Section
17 16-28.1 of Title 2 of the Oklahoma Statutes;

18 8. Possession of incendiary device with the intent to burn, as
19 provided for in Section 16-34 of Title 2 of the Oklahoma Statutes;

20 9. Operate aircraft not registered with the Federal Aviation
21 Administration Office of Aircraft Registry or foreign country, as
22 provided for in subsection A of Section 258 of Title 3 of the
23 Oklahoma Statutes;

24

1 10. Supply false information in regard to aircraft ownership,
2 as provided for in subsection B of Section 258 of Title 3 of the
3 Oklahoma Statutes;

4 11. Concealing identity of aircraft, as provided for in
5 subsection C of Section 258 of Title 3 of the Oklahoma Statutes;

6 12. Destruction of registration or serial number on aircraft,
7 as provided for in subsection A of Section 259 of Title 3 of the
8 Oklahoma Statutes;

9 13. Destruction of registration or serial number on aircraft
10 with intent to conceal, as provided for in subsection B of Section
11 259 of Title 3 of the Oklahoma Statutes;

12 14. Sell, purchase or possess aircraft with removed or
13 falsified identification number with intent to misrepresent the
14 identity of aircraft, as provided for in subsection D of Section 259
15 of Title 3 of the Oklahoma Statutes;

16 15. Operating aircraft under the influence of alcohol, second
17 or subsequent offense within ten (10) years, as provided for in
18 subsection A of Section 301 of Title 3 of the Oklahoma Statutes;

19 16. Operating aircraft under the influence of intoxicant,
20 second or subsequent offense with ten (10) years, as provided for in
21 subsection A of Section 301 of Title 3 of the Oklahoma Statutes;

22 17. Unauthorized use of aircraft, as provided for in subsection
23 A of Section 321 of Title 3 of the Oklahoma Statutes;

24

1 18. Charge fee for horse race without a license, as provided
2 for in Section 205 of Title 3A of the Oklahoma Statutes;

3 19. Pari-mutuel wagering without a license, as provided for in
4 subsection A of Section 208.4 of Title 3A of the Oklahoma Statutes;

5 20. Entering racehorse under false name, as provided for in
6 subsection A of Section 208.6 of Title 3A of the Oklahoma Statutes;

7 21. Entering racehorse without name being registered, as
8 provided for in subsection B of Section 208.6 of Title 3A of the
9 Oklahoma Statutes;

10 22. Using racing stimulating devices, as provided for in
11 Section 208.7 of Title 3A of the Oklahoma Statutes;

12 23. Racetrack bribery or ticket falsification, as provided for
13 in Section 208.8 of Title 3A of the Oklahoma Statutes;

14 24. Unauthorized wagering on horse racing, as provided for in
15 Section 208.9 of Title 3A of the Oklahoma Statutes;

16 25. Falsification of information on racehorse, as provided for
17 in Section 208.10 of Title 3A of the Oklahoma Statutes;

18 26. Administer a drug or medication without authorization to
19 horse prior to racing, as provided for in subsection C of Section
20 208.11 of Title 3A of the Oklahoma Statutes;

21 27. Violation of horse racing drug provisions, as provided for
22 in subsection D of Section 208.11 of Title 3A of the Oklahoma
23 Statutes;

24

1 28. Forging and/or counterfeiting state lottery ticket, as
2 provided for in subsection A of Section 727 of Title 3A of the
3 Oklahoma Statutes;

4 29. Influence lottery win by fraud, as provided for in
5 subsection B of Section 727 of Title 3A of the Oklahoma Statutes;

6 30. Own dog that attacks and kills a person, as provided for in
7 subsection B of Section 42.4 of Title 4 of the Oklahoma Statutes;

8 31. Release dog on law enforcement officer, as provided for in
9 subsection C of Section 42.4 of Title 4 of the Oklahoma Statutes;

10 32. Pledging assets of bank as collateral, as provided in
11 Section 809 of Title 6 of the Oklahoma Statutes;

12 33. Unlawful compensation of bank officer, as provided for in
13 Section 1405 of Title 6 of the Oklahoma Statutes;

14 34. Receipt of deposits while insolvent, as provided for in
15 Section 1406 of Title 6 of the Oklahoma Statutes;

16 35. Unlawful service as bank officer or director, as provided
17 for in Section 1407 of Title 6 of the Oklahoma Statutes;

18 36. Serving as bank commissioner, administrative assistant, or
19 assistant banking commissioner with a felony conviction, as provided
20 for in Section 1408 of Title 6 of the Oklahoma Statutes;

21 37. Concealing bank transaction, as provided for in Section
22 1409 of Title 6 of the Oklahoma Statutes;

23

24

1 38. Improper maintenance of accounts or false or deceptive
2 entries and statements, as provided for in Section 1410 of Title 6
3 of the Oklahoma Statutes;

4 39. Payment of penalties and judgements against others, as
5 provided for in Section 1411 of Title 6 of the Oklahoma Statutes;

6 40. Embezzlement of bank funds, as provided for in Section 1412
7 of Title 6 of the Oklahoma Statutes;

8 41. Circulation of statement or representation for the purpose
9 of injuring any bank institution, as provided for in Section 1413 of
10 Title 6 of the Oklahoma Statutes;

11 42. Authorizing, executing, or ratifying a criminal offense, as
12 provided for in subsection A of Section 1414 of Title 6 of the
13 Oklahoma Statutes;

14 43. Violation of any lawful order of the board or commissioner,
15 as provided for in subsection C of Section 1414 of Title 6 of the
16 Oklahoma Statutes;

17 44. Bank advertising with confusingly similar name, as provided
18 for in subsection A of Section 1417 of Title 6 of the Oklahoma
19 Statutes;

20 45. Using shortened confusingly similar name for advertising,
21 as provided for in subsection B of Section 1417 of Title 6 of the
22 Oklahoma Statutes;

23

24

1 46. Acquiring another bank but using former name, as provided
2 for in subsection C of Section 1417 of Title 6 of the Oklahoma
3 Statutes;

4 47. Non-banking business using confusingly similar name, as
5 provided for in subsection D of Section 1417 of Title 6 of the
6 Oklahoma Statutes;

7 48. Registered sex offender providing services in a child care
8 facility, as provided for in subsection F of Section 404.1 of Title
9 10 of the Oklahoma Statutes;

10 49. Failure to report child abuse, as provided for in
11 subsection C of Section 1-2-101 of Title 10A of the Oklahoma
12 Statutes;

13 50. Interception of wire, oral, or electronic communication, as
14 provided for in paragraph 1 of Section 176.3 of Title 13 of the
15 Oklahoma Statutes;

16 51. Using devices to intercept oral communication, as provided
17 for in paragraph 2 of Section 176.3 of Title 13 of the Oklahoma
18 Statutes;

19 52. Disclosing contents of wire, oral, or electronic
20 communication, as provided for in paragraph 3 of Section 176.3 of
21 Title 13 of the Oklahoma Statutes;

22 53. Using contents of wire, oral, or electronic communication,
23 as provided for in paragraph 4 of Section 176.3 of Title 13 of the
24 Oklahoma Statutes;

1 54. Removing, injuring, or obstructing telephone line, as
2 provided for in paragraph 5 of Section 176.3 of Title 13 of the
3 Oklahoma Statutes;

4 55. Carrying devices for interception of wire, oral, or
5 electronic communication, as provided for in paragraph 6 of Section
6 176.3 of Title 13 of the Oklahoma Statutes;

7 56. Making devices for interception of wire, oral, or
8 electronic communication, as provided for in paragraph 7 of Section
9 176.3 of Title 13 of the Oklahoma Statutes;

10 57. Using communication facility in committing felonies, as
11 provided for in paragraph 8 of Section 176.3 of Title 13 of the
12 Oklahoma Statutes;

13 58. Violation of the Consumer Protection Act, as provided for
14 in Section 753 of Title 15 of the Oklahoma Statutes;

15 59. Violation of the Home Repair Fraud Act, as provided for in
16 Section 765.3 of Title 15 of the Oklahoma Statutes;

17 60. Conduct closing-out sale without license, as provided for
18 in Section 767 of Title 15 of the Oklahoma Statutes;

19 61. Violation of the Unlawful Electronic Mail Act, as provided
20 for in Section 776.1 of Title 15 of the Oklahoma Statutes;

21 62. Violation of the Unlawful Electronic Mail Act for
22 Commercial Electronic Mail, as provided for in Section 776.6 of
23 Title 15 of the Oklahoma Statutes;

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- 1 63. Conceal or destroy corporation records, as provided for in
2 Section 16 of Title 17 of the Oklahoma Statutes;
- 3 64. Misapplication of funds, as provided for in Section 411 of
4 Title 18 of the Oklahoma Statutes;
- 5 65. Solicit funds to secure old age assistance by deception or
6 fraud, as provided for in Section 553.1 of Title 18 of the Oklahoma
7 Statutes;
- 8 66. Inspector, judge, or clerk refusing to extend or enforce
9 the right to sign and deliver the certificate of election votes, as
10 provided for in Section 90 of Title 19 of the Oklahoma Statutes;
- 11 67. Knowing and willful failure or refusal to perform duties,
12 as provided for in Section 91 of Title 19 of the Oklahoma Statutes;
- 13 68. County officer failing to make daily deposit, as provided
14 for in Section 682 of Title 19 of the Oklahoma Statutes;
- 15 69. Use of false or illegal voucher by county official, as
16 provided for in Section 686 of Title 19 of the Oklahoma Statutes;
- 17 70. Gift to influence legislator, as provided for in Section
18 318 of Title 21 of the Oklahoma Statutes;
- 19 71. Legislator receiving payoff for employment of other, as
20 provided for in Section 321 of Title 21 of the Oklahoma Statutes;
- 21 72. Lobbying legislature on contingency fee basis, as provided
22 for in Section 334 of Title 21 of the Oklahoma Statutes;
- 23 73. Furnishing public supplies for profit, as provided for in
24 subsection A of Section 355 of Title 21 of the Oklahoma Statutes;

1 74. Purchase public supplies from business that employs family
2 member or spouse with more than five percent (5%) interest, as
3 provided for in subsection C of Section 355 of Title 21 of the
4 Oklahoma Statutes;

5 75. Make false claim against the state, as provided for in
6 subsection A of Section 358 of Title 21 of the Oklahoma Statutes;

7 76. Bribing an officer, as provided for in Section 381 of Title
8 21 of the Oklahoma Statutes;

9 77. Bribing participant or official in athletic contest, as
10 provided for in Section 399 of Title 21 of the Oklahoma Statutes;

11 78. Engaging in pattern of criminal offenses, as provided for
12 in Section 425 of Title 21 of the Oklahoma Statutes;

13 79. Escape from county or city jail, as provided for in
14 subsection A of Section 443 of Title 21 of the Oklahoma Statutes;

15 80. Escape from the Department of Corrections or alternative
16 incarceration, as provided for in subsection B of Section 443 of
17 Title 21 of the Oklahoma Statutes;

18 81. Escape from juvenile detention facility, as provided for in
19 subsection E of Section 443 of Title 21 of the Oklahoma Statutes;

20 82. Unauthorized entry into penal institution or jail, as
21 provided for in Section 445 of Title 21 of the Oklahoma Statutes;

22 83. Preparing false evidence, as provided for in Section 453 of
23 Title 21 of the Oklahoma Statutes;

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- 1 84. Bribing witness to falsely testify, as provided for in
2 Section 456 of Title 21 of the Oklahoma Statutes;
- 3 85. Larceny or destruction of records by clerk or officer, as
4 provided for in Section 461 of Title 21 of the Oklahoma Statutes;
- 5 86. Larceny or destruction of records by person other than
6 officers, as provided for in Section 462 of Title 21 of the Oklahoma
7 Statutes;
- 8 87. Offer forged or false instruments for the record, as
9 provided for in Section 463 of Title 21 of the Oklahoma Statutes;
- 10 88. Perjury, as provided for in Section 491 of Title 21 of the
11 Oklahoma Statutes;
- 12 89. Contradictory statements as perjury, as provided for in
13 Section 496 of Title 21 of the Oklahoma Statutes;
- 14 90. Perjury by subornation, as provided for in Section 504 of
15 Title 21 of the Oklahoma Statutes;
- 16 91. Falsify public record, as provided for in Section 531 of
17 Title 21 of the Oklahoma Statutes;
- 18 92. Fortifying accesspoint to place where felony is being
19 committed, as provided for in Section 540C of Title 21 of the
20 Oklahoma Statutes;
- 21 93. Compounding a crime, as provided for in Section 543 of
22 Title 21 of the Oklahoma Statutes;
- 23 94. Substitute a child to deceive a parent or guardian, as
24 provided for in Section 579 of Title 21 of the Oklahoma Statutes;

1 95. Record, listen to or observe jury proceedings, as provided
2 for in Section 588 of Title 21 of the Oklahoma Statutes;

3 96. Abuse, sexual abuse, or exploitation of a vulnerable adult,
4 as provided for in subsection A of Section 843.3 of Title 21 of the
5 Oklahoma Statutes;

6 97. Neglect of a vulnerable adult, as provided for in
7 subsection B of Section 843.3 of Title 21 of the Oklahoma Statutes;

8 98. Procuring an abortion, as provided for in Section 861 of
9 Title 21 of the Oklahoma Statutes;

10 99. Adultery, as provided for in Section 871 of Title 21 of the
11 Oklahoma Statutes;

12 100. Bigamy, as provided for in Section 881 of Title 21 of the
13 Oklahoma Statutes;

14 101. Knowingly marrying a bigamist, as provided for in Section
15 884 of Title 21 of the Oklahoma Statutes;

16 102. Confidence game by cards, as provided for in Section 954
17 of Title 21 of the Oklahoma Statutes;

18 103. Dealing in gambling devices, as provided for in Section
19 984 of Title 21 of the Oklahoma Statutes;

20 104. Install communication of gambling information, as provided
21 for in Section 986 of Title 21 of the Oklahoma Statutes;

22 105. Dissemination of gambling information, as provided for in
23 Section 987 of Title 21 of the Oklahoma Statutes;

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1 106. Conspiracy to violate gambling laws, as provided for in
2 Section 988 of Title 21 of the Oklahoma Statutes;

3 107. Engaging in prostitution while HIV-infected, as provided
4 for in subsection B of Section 1031 of Title 21 of the Oklahoma
5 Statutes;

6 108. Interactive computer service provider failing to remove
7 child pornography, third or subsequent offense, as provided for in
8 Section 1040.80 of Title 21 of the Oklahoma Statutes;

9 109. Gain or attempt to gain value from nonconsensual
10 dissemination of private sexual images, as provided for in
11 subsection G of Section 1040.13b of Title 21 of the Oklahoma
12 Statutes;

13 110. Sex offender entering safety zone around school, as
14 provided for in Section 1125 of Title 21 of the Oklahoma Statutes;

15 111. Unlawful removal of dead body, as provided for in Section
16 1161 of Title 21 of the Oklahoma Statutes;

17 112. Purchasing or receiving dead body, as provided for in
18 Section 1162 of Title 21 of the Oklahoma Statutes;

19 113. Using photographic, electronic, or video equipment in
20 clandestine manner, as provided for in subsection B of Section 1171
21 of Title 21 of the Oklahoma Statutes;

22 114. Obscene, threatening, or harassing phone call, second or
23 subsequent offense, as provided for in Section 1172 of Title 21 of
24 the Oklahoma Statutes;

1 115. Spreading infectious diseases, as provided for in Section
2 1192 of Title 21 of the Oklahoma Statutes;

3 116. Altering livestock appearance for exhibition, second or
4 subsequent offense, as provided for in Section 1229 of Title 21 of
5 the Oklahoma Statutes;

6 117. Unlawfully transport hazardous waste, as provided for in
7 Section 1230.3 of Title 21 of the Oklahoma Statutes;

8 118. Unlawful waste management, as provided for in Section
9 1230.4 of Title 21 of the Oklahoma Statutes;

10 119. False statements and acts concerning permits and waste, as
11 provided for in Section 1230.5 of Title 21 of the Oklahoma Statutes;

12 120. Unlawful disposal of hazardous waste, as provided for in
13 Section 1230.6 of Title 21 of the Oklahoma Statutes;

14 121. Attempt to sabotage, as provided for in Section 1265.4 of
15 Title 21 of the Oklahoma Statutes;

16 122. Carry weapon with intent to injure another, as provided
17 for in Section 1278 of Title 21 of the Oklahoma Statutes;

18 123. Teaching, demonstrating, or training use of firearms in
19 furtherance of riot, as provided for in Section 1320.10 of Title 21
20 of the Oklahoma Statutes;

21 124. Delivering fraudulent bill of lading, as provided for in
22 Section 1411 of Title 21 of the Oklahoma Statutes;

23 125. Maintaining fraudulent warehouse receipts, as provided for
24 in Section 1412 of Title 21 of the Oklahoma Statutes;

1 126. Issuing duplicate bill of lading or warehouse receipts, as
2 provided for in Section 1414 of Title 21 of the Oklahoma Statutes;

3 127. Selling goods without consent of holder of bill of lading,
4 as provided for in Section 1415 of Title 21 of the Oklahoma
5 Statutes;

6 128. Unlawful delivery of goods, value from Two Thousand Five
7 Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars
8 (\$15,000.00), as provided for in paragraph 3 of Section 1416 of
9 Title 21 of the Oklahoma Statutes;

10 129. Burglary in the third degree, as provided for in
11 subsection B of Section 1435 of Title 21 of the Oklahoma Statutes;

12 130. Embezzlement of property, value from Two Thousand Five
13 Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars
14 (\$15,000.00), as provided for in subsection A of Section 1451 of
15 Title 21 of the Oklahoma Statutes;

16 131. Extortion, as provided for in Section 1481 of Title 21 of
17 the Oklahoma Statutes;

18 132. Extortion induced by threats, as provided for in Section
19 1482 of Title 21 of the Oklahoma Statutes;

20 133. Obtain signatures by extortion, as provided for in Section
21 1485 of Title 21 of the Oklahoma Statutes;

22 134. Extortion by threatening letter, as provided for in
23 Section 1486 of Title 21 of the Oklahoma Statutes;

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1 135. Blackmail, as provided for in Section 1488 of Title 21 of
2 the Oklahoma Statutes;

3 136. Defrauding hotel, inn, or restaurant, value of One
4 Thousand Dollars (\$1,000.00) or more, as provided for in Section
5 1503 of Title 21 of the Oklahoma Statutes;

6 137. Renting motor vehicle with bogus check, value of One
7 Thousand Dollars (\$1,000.00) or more, as provided for in Section
8 1521 of Title 21 of the Oklahoma Statutes;

9 138. Receive money or property by impersonating another, value
10 from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen
11 Thousand Dollars (\$15,000.00), as provided for in paragraph 3 of
12 Section 1532 of Title 21 of the Oklahoma Statutes;

13 139. False use of "State Police" with intent to communicate
14 policing authority, and another is injured, defrauded, harassed, or
15 vexed, as provided for in subsection G of Section 1533 of Title 21
16 of the Oklahoma Statutes;

17 140. Identity theft, as provided for in Section 1533.1 of Title
18 21 of the Oklahoma Statutes;

19 141. Felony value - false pretense, bogus check, con game,
20 valued from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen
21 Thousand Dollars (\$15,000.00), as provided for subsection A of
22 Section 1541.2 of Title 21 of the Oklahoma Statutes;

23 142. Two or more false or bogus checks, valued from Two
24 Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand

1 Dollars (\$15,000.00), as provided for in subsection A of Section
2 1541.3 of Title 21 of the Oklahoma Statutes;

3 143. Obtaining money or property with false negotiable paper,
4 as provided for in Section 1544 of Title 21 of the Oklahoma
5 Statutes;

6 144. Signs credit or debit card with intent to defraud, as
7 provided for in subsection A of Section 1550.28 of Title 21 of the
8 Oklahoma Statutes;

9 145. Possess credit or debit card of another with intent to
10 defraud, as provided for in subsection B of Section 1550.28 of Title
11 21 of the Oklahoma Statutes;

12 146. Possessing incomplete credit cards with intent to
13 complete, as provided for in Section 1550.31 of Title 21 of the
14 Oklahoma Statutes;

15 147. Possess firearm with altered ID during commission of a
16 felony, as provided for in subsection A of Section 1550 of Title 21
17 of the Oklahoma Statutes;

18 148. Make, sell, or display false identification for felony
19 purposes or to mislead police officer, as provided for in subsection
20 C of Section 1550.41 of Title 21 of the Oklahoma Statutes;

21 149. Forgery of state, public, court, or corporate seals, as
22 provided for in Section 1571 of this title;

23 150. Forgery of records, as provided for in Section 1572 of
24 Title 21 of the Oklahoma Statutes;

1 151. Making false entry in records, as provided for in Section
2 1573 of Title 21 of the Oklahoma Statutes;

3 152. Forgery of certification or acknowledgement of conveyance,
4 as provided for in Section 1574 of Title 21 of the Oklahoma
5 Statutes;

6 153. Forgery II / Forgery III, valued from Two Thousand Five
7 Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars
8 (\$15,000.00), as provided for in subsection A of Section 1577 of
9 Title 21 of the Oklahoma Statutes;

10 154. Possession of forged evidence of debt, valued from Two
11 Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand
12 Dollars (\$15,000.00), as provided for in subsection A of Section
13 1578 of Title 21 of the Oklahoma Statutes;

14 155. Possession of other forged instrument, valued from Two
15 Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand
16 Dollars (\$15,000.00), as provided for in subsection A of Section
17 1579 of Title 21 of the Oklahoma Statutes;

18 156. Issuing spurious or false certificates of stock, as
19 provided for in Section 1580 of Title 21 of the Oklahoma Statutes;

20 157. Reissuing canceled certificates of stock, as provided for
21 in Section 1581 of Title 21 of the Oklahoma Statutes;

22 158. Issuing or pledging false evidence of debt, as provided
23 for in Section 1582 of Title 21 of the Oklahoma Statutes;

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1 159. Counterfeiting coin, as provided for in Section 1583 of
2 Title 21 of the Oklahoma Statutes;

3 160. Counterfeiting coin for exportation, as provided for in
4 Section 1584 of Title 21 of the Oklahoma Statutes;

5 161. Forging process of court or title to property, as provided
6 for in Section 1585 of Title 21 of the Oklahoma Statutes;

7 162. Making false entries in public book, as provided for in
8 Section 1586 of Title 21 of the Oklahoma Statutes;

9 163. Forging tickets of passage, as provided for in Section
10 1587 of Title 21 of the Oklahoma Statutes;

11 164. Forging postage stamps, as provided for in Section 1588 of
12 Title 21 of the Oklahoma Statutes;

13 165. Falsification of corporate records, as provided for in
14 Section 1589 of Title 21 of the Oklahoma Statutes;

15 166. Employee making false entries, as provided for in Section
16 1590 of Title 21 of the Oklahoma Statutes;

17 167. Possessing counterfeit coin with intent to circulate, as
18 provided for in Section 1591 of Title 21 of the Oklahoma Statutes;

19 168. Uttering forged instruments, value from Two Thousand Five
20 Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars
21 (\$15,000.00), as provided for in subsection A of Section 1592 of
22 Title 21 of the Oklahoma Statutes;

23 169. Falsely procuring another's signature, as provided for in
24 Section 1593 of Title 21 of the Oklahoma Statutes;

1 170. Utter signature of another with same name, as provided for
2 in Section 1622 of Title 21 of the Oklahoma Statutes;

3 171. Uttering one's endorsement as another's, as provided for in
4 Section 1623 of Title 21 of the Oklahoma Statutes;

5 172. Erasure or alterations with intent to defraud, as provided
6 for in Section 1624 of Title 21 of the Oklahoma Statutes;

7 173. Sign fictitious name as officer of corporation, as
8 provided for in Section 1626 of Title 21 of the Oklahoma Statutes;

9 174. Fraudulent insolvency of corporation, as provided for in
10 Section 1639 of Title 21 of the Oklahoma Statutes;

11 175. Workers' compensation fraud, as provided for in Section
12 1663 of Title 21 of the Oklahoma Statutes;

13 176. Willfully poisoning animal, as provided for in Section
14 1681 of Title 21 of the Oklahoma Statutes;

15 177. Larceny of lost property, value from Two Thousand Five
16 Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars
17 (\$15,000.00), as provided for in paragraph 3 of Section 1702 of
18 Title 21 of the Oklahoma Statutes;

19 178. Grand larceny, value from Two Thousand Five Hundred
20 Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as
21 provided for in subsection A of Section 1705 of Title 21 of the
22 Oklahoma Statutes;

23 179. Larceny of written instrument, as provided for in Section
24 1709 of Title 21 of the Oklahoma Statutes;

1 180. Receive, possess, or conceal stolen property, value from
2 Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand
3 Dollars (\$15,000.00), as provided for in subsection A of Section
4 1713 of Title 21 of the Oklahoma Statutes;

5 181. Bringing stolen property into state, value from Two
6 Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand
7 Dollars (\$15,000.00), as provided for in Section 1715 of Title 21 of
8 the Oklahoma Statutes;

9 182. Larceny of dogs, as provided for in Section 1718 of Title
10 21 of the Oklahoma Statutes;

11 183. Larceny of or receiving stolen fowls, as provided for in
12 Section 1719 of Title 21 of the Oklahoma Statutes;

13 184. Larceny of domesticated fish or game, value One Thousand
14 Dollars (\$1,000.00) or more, as provided for in Section 1719.1 of
15 Title 21 of the Oklahoma Statutes;

16 185. Larceny of auto, aircraft, or other motor vehicle, value
17 less than Fifty Thousand Dollars (\$50,000.00), as provided for in
18 Section 1720 of Title 21 of the Oklahoma Statutes;

19 186. Larceny from building or house, as provided for in Section
20 1723 of Title 21 of the Oklahoma Statutes;

21 187. Possession of mercury, as provided for in Section 1726 of
22 Title 21 of the Oklahoma Statutes;

23 188. Entering with intent to steal copper, as provided for in
24 Section 1727 of Title 21 of the Oklahoma Statutes;

1 189. Possessing, receiving, or transporting stolen copper, as
2 provided for in Section 1728 of Title 21 of the Oklahoma Statutes;

3 190. Larceny of merchandise from retailer, value from Two
4 Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand
5 Dollars (\$15,000.00), as provided for in subsection A of Section
6 1731 of Title 21 of the Oklahoma Statutes;

7 191. Larceny of trade secrets, value from Two Thousand Five
8 Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars
9 (\$15,000.00), as provided for in Section 1732 of Title 21 of the
10 Oklahoma Statutes;

11 192. Procuring, selling, or receiving telephone records by
12 fraud (single telephone record), as provided for in subsection B of
13 Section 1742.2 of Title 21 of the Oklahoma Statutes;

14 193. Injury to or obstruction of railroad, as provided for in
15 Section 1751 of Title 21 of the Oklahoma Statutes;

16 194. Interfering with railroad, as provided for in Section
17 1752.1 of Title 21 of the Oklahoma Statutes;

18 195. Possess, use, manufacture, or threaten to use incendiary
19 device or explosives without injury, as provided for in Section
20 1767.1 of Title 21 of the Oklahoma Statutes;

21 196. Removing or injuring piles securing bank or dam, as
22 provided for in Section 1777 of Title 21 of the Oklahoma Statutes;

23 197. Maliciously injuring written instrument, value from Two
24 Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand

1 Dollars (\$15,000.00), as provided for in Section 1779 of Title 21 of
2 the Oklahoma Statutes;

3 198. Place hard object in grain or flammable one in cotton, as
4 provided for in Section 1837 of Title 21 of the Oklahoma Statutes;

5 199. Selling five or more unlawful telecommunication devices
6 within six months, as provided for in subsection B of Section 1873
7 of Title 21 of the Oklahoma Statutes;

8 200. Manufacturing five or more unlawful telecommunications
9 devices within six months, as provided for in subsection B of
10 Section 1874 of Title 21 of the Oklahoma Statutes;

11 201. Unauthorized removal of baggage or cargo from bus or
12 terminal, as provided for in Section 1904 of Title 21 of the
13 Oklahoma Statutes;

14 202. Access computer system or network with unlawful intent, as
15 provided for in Section 1958 of Title 21 of the Oklahoma Statutes;

16 203. Reproduction of sound recording without consent, one
17 hundred (100) or more articles, as provided for in Section 1976 of
18 Title 21 of the Oklahoma Statutes;

19 204. Unlawfully sell sound recordings, as provided for in
20 Section 1977 of Title 21 of the Oklahoma Statutes;

21 205. Broadcast or live recording for sale without consent, as
22 provided for in Section 1978 of Title 21 of the Oklahoma Statutes;

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1 206. Rent or sell articles without true name of manufacturer,
2 as provided for in Section 1979 of Title 21 of the Oklahoma
3 Statutes;

4 207. Counterfeiting recording or article label, as provided for
5 in Section 1980 of Title 21 of the Oklahoma Statutes;

6 208. Violation of Trademark Anti-Counterfeiting Act, as
7 provided for in Section 1990.2 of Title 21 of the Oklahoma Statutes;

8 209. Tampering with security equipment, as provided for in
9 Section 1993 of Title 21 of the Oklahoma Statutes;

10 210. Sex offender engaging in ice cream truck vending, as
11 provided for in Section 2100.1 of Title 21 of the Oklahoma Statutes;

12 211. Protective order violation, second or subsequent offense,
13 as provided for in subsection A of Section 60.6 of Title 22 of the
14 Oklahoma Statutes;

15 212. Protective order violation resulting in physical injury,
16 as provided for in subsection B of Section 60.6 of Title 22 of the
17 Oklahoma Statutes;

18 213. Disposal of seized liquor by officer, as provided for in
19 Section 1263 of Title 22 of the Oklahoma Statutes;

20 214. False affidavits, as provided for in Section 1264 of Title
21 22 of the Oklahoma Statutes;

22 215. Interfering with voting machine, as provided for in
23 Section 9-118 of Title 26 of the Oklahoma Statutes;

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1 216. Voting illegally, as provided for in Section 16-102 of
2 Title 26 of the Oklahoma Statutes;

3 217. Removing ballot from or carrying ballot into polling
4 place, as provided for in Section 16-102.1 of Title 26 of the
5 Oklahoma Statutes;

6 218. False application for an absentee ballot, as provided for
7 in Section 16-102.2 of Title 26 of the Oklahoma Statutes;

8 219. False affidavit in voting registration, as provided for in
9 Section 16-103 of Title 26 of the Oklahoma Statutes;

10 220. Causing unqualified persons to be invalidly registered, as
11 provided for in Section 16-103.1 of Title 26 of the Oklahoma
12 Statutes;

13 221. False notarization of absentee ballot, as provided for in
14 Section 16-104 of Title 26 of the Oklahoma Statutes;

15 222. Perpetrate fraud or theft to affect election, as provided
16 for in Section 16-105 of Title 26 of the Oklahoma Statutes;

17 223. Bribes to influence votes, as provided for in Section 16-
18 106 of Title 26 of the Oklahoma Statutes;

19 224. Offer bribe to withdraw as candidate, as provided for in
20 Section 16-107 of Title 26 of the Oklahoma Statutes;

21 225. Solicit or accept bribe for withdrawal of candidacy, as
22 provided for in Section 16-108 of Title 26 of the Oklahoma Statutes;

23 226. Prevent person from registering to vote or voting, as
24 provided for in Section 16-109 of Title 26 of the Oklahoma Statutes;

1 227. Printing or possession of ballots illegally, as provided
2 for in Section 16-120 of Title 26 of the Oklahoma Statutes;

3 228. Violation of the Oklahoma Pollutant Discharge Elimination
4 System Act, as provided for in subsection G of Section 2-6-206 of
5 Title 27A of the Oklahoma Statutes;

6 229. Falsely state information to the Department of
7 Environmental Quality, as provided for in Section 2-7-109 of Title
8 27A of the Oklahoma Statutes;

9 230. Falsify information on permit application for Oklahoma
10 Solid Waste Management Act, as provided for in Section 2-10-302 of
11 Title 27A of the Oklahoma Statutes;

12 231. Violation of use of solid waste disposal sites, as
13 provided for in Section 2-10-801 of Title 27A of the Oklahoma
14 Statutes;

15 232. Filing false sale with Insurance Commissioner, as provided
16 for in Section 311.1 of Title 36 of the Oklahoma Statutes;

17 233. Selling insurance with revoked or suspended license, as
18 provided for in subsection A of Section 1435.26 of Title 36 of the
19 Oklahoma Statutes;

20 234. Aiding or conspiring with a person whose insurance license
21 is revoked or suspended, as provided for in subsection B of Section
22 1435.26 of Title 36 of the Oklahoma Statutes;

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1 235. False statements, reports, or filings with intent to
2 deceive Insurance Commissioner, as provided for in subsection E of
3 Section 1643 of Title 36 of the Oklahoma Statutes;

4 236. Violation of the Viatical Settlements Act of 2008, value
5 from Five Hundred Dollars (\$500.00) to Two Thousand Five Hundred
6 Dollars (\$2,500.00), as provided for in subsection F of Section
7 4055.14 of Title 36 of the Oklahoma Statutes;

8 237. Violation of prepaid funeral provisions, as provided for
9 in Section 6130 of Title 36 of the Oklahoma Statutes;

10 238. Out-of-state retailer shipping alcoholic beverages into
11 state, as provided for in Section 3-101 of Title 37A of the Oklahoma
12 Statutes;

13 239. Permit invitee under twenty-one (21) to possess or consume
14 alcohol, as provided for in subsection A of Section 6-101 of Title
15 37A of the Oklahoma Statutes;

16 240. Permit invitee under twenty-one (21) to possess or consume
17 alcohol resulting in great bodily injury or death, as provided for
18 in subsection C of Section 6-101 of Title 37A of the Oklahoma
19 Statutes;

20 241. Sale of alcoholic beverages outside of authorized day or
21 hours, as provided for in Section 6-123 of Title 37A of the Oklahoma
22 Statutes;

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1 242. Disclosing confidential information concerning violation
2 of Employment Security Act of 1980, as provided for in Section 4-508
3 of Title 40 of the Oklahoma Statutes;

4 243. Hiring armed guards without permit, as provided for in
5 Section 169 of Title 40 of the Oklahoma Statutes;

6 244. Causing employee death by commanding to enter steam
7 boiler, as provided for in Section 183 of Title 40 of the Oklahoma
8 Statutes;

9 245. False statement about lien by contractor, as provided for
10 in Section 142.4 of Title 42 of the Oklahoma Statutes;

11 246. Mechanics liens/embezzlement, valued from Two Thousand
12 Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars
13 (\$15,000.00), as provided for in Section 142.6 of Title 42 of the
14 Oklahoma Statutes;

15 247. Marrying prohibited persons, as provided for in Section 14
16 of Title 43 of the Oklahoma Statutes;

17 248. Bigamy and remarriage, as provided for in Section 123 of
18 Title 43 of the Oklahoma Statutes;

19 249. Mistreatment of mental health patient, as provided for in
20 Section 2-219 of Title 43A of the Oklahoma Statutes;

21 250. Violation of opioid substitution treatment program, as
22 provided for in Section 3-601 of Title 43A of the Oklahoma Statutes;

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1 251. Coerce another to execute a declaration of revocation of an
2 advanced directive, as provided for in subsection D of Section 11-
3 113 of Title 43A of the Oklahoma Statutes;

4 252. Unauthorized use of implement of husbandry, as provided
5 for in subsection B of Section 4-102 of Title 47 of the Oklahoma
6 Statutes;

7 253. Receive, possess, or conceal implement of husbandry, as
8 provided for in subsection B of Section 4-103 of Title 47 of the
9 Oklahoma Statutes;

10 254. Removed, falsified, or unauthorized identification, as
11 provided for in subsection A of Section 4-107 of Title 47 of the
12 Oklahoma Statutes;

13 255. Buy, receive, possess, or sell motor vehicle with VIN
14 removed or defaced with intent to conceal, as provided for in
15 subsection C of Section 4-107 of Title 47 of the Oklahoma Statutes;

16 256. Destroying, removing, altering, covering, or
17 counterfeiting trim tag plates, as provided for in Section 4-107A of
18 Title 47 of the Oklahoma Statutes;

19 257. Misuse of manufactured home certificate of title, as
20 provided for in subsection B of Section 4-110 of Title 47 of the
21 Oklahoma Statutes;

22 258. Alter manufactured home certificate of title, as provided
23 for in subsection B of Section 4-110 of Title 47 of the Oklahoma
24 Statutes;

1 259. Remove receipt with intent to misrepresent payment of tax
2 or fees, as provided for in subsection B of Section 4-110 of Title
3 47 of the Oklahoma Statutes;

4 260. Purchase registration receipt on assigned certificate of
5 title, as provided for in subsection B of Section 4-110 of Title 47
6 of the Oklahoma Statutes;

7 261. Misuse of forged, counterfeit, or suspended driver
8 license, as provided for in Section 6-301 of Title 47 of the
9 Oklahoma Statutes;

10 262. Perjury through false affidavit, as provided for in
11 Section 6-302 of Title 47 of the Oklahoma Statutes;

12 263. Interference with traffic control device resulting in
13 injury or death, as provided for in subsection B of Section 11-207
14 of Title 47 of the Oklahoma Statutes;

15 264. Buy, sell, or dispose vehicle with altered VIN, chop shop,
16 as provided for in subsection C of Section 1503 of Title 47 of the
17 Oklahoma Statutes;

18 265. Attempt to violate chop shop laws, as provided for in
19 subsection D of Section 1503 of Title 47 of the Oklahoma Statutes;

20 266. Perjury before the Corporation Commission, as provided for
21 in Section 108 of Title 52 of the Oklahoma Statutes;

22 267. Delay probation duties of the Corporation Commission with
23 use or attempted use of firearms, as provided for in Section 114 of
24 Title 52 of the Oklahoma Statutes;

1 268. Conspiracy to violate Oklahoma Oil and Gas Conservation
2 Act, as provided for in Section 115 of Title 52 of the Oklahoma
3 Statutes;

4 269. Corruption of Corporation Commission, as provided for in
5 Section 117 of Title 52 of the Oklahoma Statutes;

6 270. Misappropriation of gas, as provided for in Section 235 of
7 Title 52 of the Oklahoma Statutes;

8 271. Falsification of application for emergency relief, as
9 provided for in Section 26.18 of Title 56 of the Oklahoma Statutes;

10 272. Medicaid fraud, as provided for in Section 1005 of Title
11 56 of the Oklahoma Statutes;

12 273. Fraudulently obtaining or receiving assistance, value of
13 Five Thousand Dollars (\$5,000.00) or more, as provided for in
14 Section 1005.1 of Title 56 of the Oklahoma Statutes;

15 274. Carry contraband into jail or prison, as provided for in
16 subsection B of Section 21 of Title 57 of the Oklahoma Statutes;

17 275. Possess cell phone in jail or prison, as provided for in
18 subsection E of Section 21 of Title 57 of the Oklahoma Statutes;

19 276. Jail employee receiving compensation from inmate, value of
20 Five Hundred Dollars (\$500.00) or more, as provided for in Section
21 22 of Title 57 of the Oklahoma Statutes;

22 277. Use of convict labor on private property, as provided for
23 in Section 222 of Title 57 of the Oklahoma Statutes;

24

1 278. Failure to comply with Mary Rippy Violent Crime Offenders
2 Registration Act, as provided for in Section 599 of Title 57 of the
3 Oklahoma Statutes;

4 279. Practicing dentistry without a license, as provided for in
5 subsection B of Section 328.49 of Title 59 of the Oklahoma Statutes;

6 280. Giving false information to obtain license, as provided
7 for in subsection B of Section 328.49 of Title 59 of the Oklahoma
8 Statutes;

9 281. Impersonating a pharmacist, as provided for in Section
10 353.17A of Title 59 of the Oklahoma Statutes;

11 282. Alteration of prescription or unlawful dispensing of
12 drugs, second violation, as provided for in Section 353.24 of Title
13 59 of the Oklahoma Statutes;

14 283. False representation in procuring license under the
15 Oklahoma Pharmacy Act, as provided for in subsection B of Section
16 353.25 of Title 59 of the Oklahoma Statutes;

17 284. Cremation without license and permit, as provided for in
18 Section 396.33 of Title 59 of the Oklahoma Statutes;

19 285. Practicing medicine without a license, as provided for in
20 Section 491 of Title 59 of the Oklahoma Statutes;

21 286. Violation of the Oklahoma Osteopathic Medicine Act, as
22 provided for in Section 638 of Title 59 of the Oklahoma Statutes;

23 287. Acting as building inspector without a license, as
24 provided for in Section 1044 of Title 59 of the Oklahoma Statutes;

1 288. Affidavit as to undertaking, as provided for in Section
2 1322 of Title 59 of the Oklahoma Statutes;

3 289. Bail jumping, as provided for in Section 1335 of Title 59
4 of the Oklahoma Statutes;

5 290. False declaration of ownership in pawn shop, value of One
6 Thousand Dollars (\$1,000.00) or more, if property is firearms, or
7 was acquired through robbery or burglary, as provided for in
8 subsection C of Section 1512 of Title 59 of the Oklahoma Statutes;

9 291. Violation of Oklahoma Security Guard and Private
10 Investigator Act, as provided for in subsection B of Section 1750.11
11 of Title 59 of the Oklahoma Statutes;

12 292. Collusion among bidders, as provided for in Section 115 of
13 Title 61 of the Oklahoma Statutes;

14 293. Disclosure of terms of bids, as provided for in Section
15 116 of Title 61 of the Oklahoma Statutes;

16 294. Use of facsimile signature or seal with intent to defraud,
17 as provided for in Section 604 of Title 62 of the Oklahoma Statutes;

18 295. False or illegal voucher by public official, as provided
19 for in Section 81 of Title 62 of the Oklahoma Statutes;

20 296. Distribution of controlled substance, possession with
21 intent, Schedule III, IV, and V drugs, as provided for in subsection
22 A of Section 2-401 of Title 63 of the Oklahoma Statutes;

23 297. Distribution of counterfeit controlled substance,
24 possession with intent, Schedule III, IV, and V drugs, as provided

1 for in subsection A of Section 2-401 of Title 63 of the Oklahoma
2 Statutes;

3 298. Robbery of controlled dangerous substance, as provided for
4 in subsection B of Section 2-403 of Title 63 of the Oklahoma
5 Statutes;

6 299. Distribute or dispense controlled substance without
7 required order form, as provided for in subsection A of Section 2-
8 404 of Title 63 of the Oklahoma Statutes;

9 300. Manufacture, distribute, or dispense controlled substance
10 not authorized by registration, as provided for in subsection A of
11 Section 2-404 of Title 63 of the Oklahoma Statutes;

12 301. Omit, remove, alter, or obliterate symbol required on
13 controlled substance, as provided for in subsection A of Section 2-
14 404 of Title 63 of the Oklahoma Statutes;

15 302. Refuse or fail to make, keep, or furnish required
16 information, as provided for in subsection A of Section 2-404 of
17 Title 63 of the Oklahoma Statutes;

18 303. Refuse entry or inspection of premises with respect to
19 controlled substance, as provided for in subsection A of Section 2-
20 404 of Title 63 of the Oklahoma Statutes;

21 304. Maintain place for keeping or selling controlled
22 substance, as provided for in subsection A of Section 2-404 of Title
23 63 of the Oklahoma Statutes;

24

1 305. Sell, transfer, or provide money transmitter equipment to
2 unlicensed person, second or subsequent offense, as provided for in
3 subsection A of Section 2-503.1d of Title 63 of the Oklahoma
4 Statutes;

5 306. Responsibility of permit holders, as provided for in
6 subsection A of Section 124.8 of Title 63 of the Oklahoma Statutes;

7 307. Using explosive agent to kill, injure, or intimidate or to
8 damage property, as provided for in subsection B of Section 124.8 of
9 Title 63 of the Oklahoma Statutes;

10 308. Purchase or sell body parts for transplantation, as
11 provided for in Section 2200.16A of Title 63 of the Oklahoma
12 Statutes;

13 309. Falsification, forgery, concealment, defacement, or
14 obliteration of document or gift, as provided for in Section
15 2200.17A of Title 63 of the Oklahoma Statutes;

16 310. Unlawful possession of vessel or motor, as provided for in
17 Section 4209 of Title 63 of the Oklahoma Statutes;

18 311. Receive, possess, sell, or dispose of stolen vehicle, as
19 provided for in Section 4209.1 of Title 63 of the Oklahoma Statutes;

20 312. Remove or alter ID number of vessel, as provided for in
21 subsection B of Section 4209.2 of Title 63 of the Oklahoma Statutes;

22 313. Buy, receive, possess or dispose of vessel with false ID
23 number with intent to conceal, as provided for in subsection D of
24 Section 4209.2 of Title 63 of the Oklahoma Statutes;

1 314. False statement in application for certificate of title
2 for stolen vehicle, as provided for in Section 4209.3 of Title 63 of
3 the Oklahoma Statutes;

4 315. Alteration or forging of vessel certificate of title, as
5 provided for in Section 4209.4 of Title 63 of the Oklahoma Statutes;

6 316. Possess vessel with altered ID number, as provided for in
7 subsection C of Section 4253 of Title 63 of the Oklahoma Statutes;

8 317. Destroying or falsifying checks to the Land Office, as
9 provided for in Section 1026 of Title 64 of the Oklahoma Statutes;

10 318. Prospecting on public lands without permit, as provided
11 for in Section 1094 of Title 64 of the Oklahoma Statutes;

12 319. Business for profit by transportation department member,
13 as provided for in subsection B of Section 304 of Title 66 of the
14 Oklahoma Statutes;

15 320. Business for profit by transportation department member,
16 as provided for in subsection B of Section 324 of Title 66 of the
17 Oklahoma Statutes;

18 321. Failure to comply with request for county records, as
19 provided for in Section 83 of Title 67 of the Oklahoma Statutes;

20 322. Refusal to file tax return with intent to defraud, as
21 provided for in Section 240.1 of Title 68 of the Oklahoma Statutes;

22 323. Filing false sales tax report, as provided for in Section
23 241 of Title 68 of the Oklahoma Statutes;

24

1 324. Possession of controlled dangerous substances without tax
2 stamp, as provided for in Section 450.8 of Title 68 of the Oklahoma
3 Statutes;

4 325. Remove tax stamp with intent to reuse, as provided for in
5 Section 450.9 of Title 68 of the Oklahoma Statutes;

6 326. Making false oath to report required by Cotton
7 Manufacturers Act, as provided for in Section 2003 of Title 68 of
8 the Oklahoma Statutes;

9 327. File false income tax return with intent to defraud, as
10 provided for in Section 2376 of Title 68 of the Oklahoma Statutes;

11 328. Fraudulent tax receipt by county treasurer, as provided
12 for in Section 2920 of Title 68 of the Oklahoma Statutes;

13 329. False or fraudulent lists of taxable property, as provided
14 for in Section 2945 of Title 68 of the Oklahoma Statutes;

15 330. False application under Oklahoma Quality Jobs Program Act,
16 as provided for in Section 3609 of Title 68 of the Oklahoma
17 Statutes;

18 331. False application under Former Military Facility
19 Development Act, as provided for in Section 3807 of Title 68 of the
20 Oklahoma Statutes;

21 332. False application under Oklahoma Specialized Quality
22 Investment Act, as provided for in Section 4109 of Title 68 of the
23 Oklahoma Statutes;

24

1 333. False application under Oklahoma Quality Investment Act,
2 as provided for in Section 4209 of Title 68 of the Oklahoma
3 Statutes;

4 334. Conflict of interest by transportation commission, as
5 provided for in Section 310 of Title 69 of the Oklahoma Statutes;

6 335. Conflict of interest by Oklahoma Turnpike Authority member,
7 as provided for in Section 1705 of Title 69 of the Oklahoma
8 Statutes;

9 336. Violation of Oklahoma Highway Code of 1968, as provided
10 for in Section 1802 of Title 69 of the Oklahoma Statutes;

11 337. Conflict of interest in Oklahoma Educational Television
12 Authority member, as provided for in Section 23-106 of Title 70 of
13 the Oklahoma Statutes;

14 338. Alter or destroy audit records by Board of Regents, as
15 provided for in subsection E of Section 3909 of Title 70 of the
16 Oklahoma Statutes;

17 339. Authority to receive gifts, funds, as provided for in
18 subsection B of Section 4306 of Title 70 of the Oklahoma Statutes;

19 340. Make takeover offer which is not effective under Oklahoma
20 Take-over Disclosure Act of 1985, as provided for in subsection A of
21 Section 453 of Title 71 of the Oklahoma Statutes;

22 341. Fraudulent, deceptive, or manipulative acts in takeover
23 offer, as provided for in Section 455 of Title 71 of the Oklahoma
24 Statutes;

1 342. Violation of Oklahoma Take-over Disclosure Act of 1985, as
2 provided for in Section 460 of Title 71 of the Oklahoma Statutes;

3 343. Conflict of interest by Oklahoma Capitol Improvement
4 Authority member, as provided for in Section 162 of Title 73 of the
5 Oklahoma Statutes;

6 344. Fraud in obtaining certification as a minority business,
7 as provided for in Section 85.45h of Title 74 of the Oklahoma
8 Statutes;

9 345. False statement for small business surety bond guarantee,
10 as provided for in Section 85.47h of Title 74 of the Oklahoma
11 Statutes;

12 346. Forge or alter criminal history record, as provided for in
13 subsection D of Section 150.9 of Title 74 of the Oklahoma Statutes;

14 347. Making or receiving kickback, as provided for in Section
15 3404 of Title 74 of the Oklahoma Statutes;

16 348. Pooling of bridge or highway contracts, as provided for in
17 Section 101 of Title 79 of the Oklahoma Statutes;

18 349. Business for profit by Water Resources Board member, as
19 provided for in Section 1086.3 of Title 82 of the Oklahoma Statutes;

20 350. Conflict of interest by water district official or
21 employee, as provided for in Section 1281 of Title 82 of the
22 Oklahoma Statutes;

23

24

1 351. Falsely executes a written declaration as a witness to a
2 will, as provided for in paragraph 6 of Section 55 of Title 84 of
3 the Oklahoma Statutes; and

4 352. False statement and misrepresentation, as provided for in
5 Section 6 of Title 85A of the Oklahoma Statutes.

6 B. Any person convicted of a Class D1 criminal offense shall be
7 punished by imprisonment in the custody of the Department of
8 Corrections for a term not more than five (5) years or a fine not to
9 exceed Two Hundred Fifty Dollars (\$250.00), or by both such fine and
10 imprisonment.

11 C. 1. Every person who, having been previously convicted of a
12 nonviolent felony offense, commits a Class D1 criminal offense shall
13 be punished by imprisonment in the custody of the Department of
14 Corrections for a term not more than five (5) years or a fine not to
15 exceed Two Hundred Fifty Dollars (\$250.00), or by both such fine and
16 imprisonment.

17 2. Every person who, having been convicted of two (2) or more
18 nonviolent felony offenses and/or one (1) violent offense, commits a
19 Class D1 criminal offense shall be punished by imprisonment in the
20 custody of the Department of Corrections for a term not more than
21 five (5) years or a fine not to exceed Two Hundred Fifty Dollars
22 (\$250.00), or by both such fine and imprisonment.

23 D. All Class D1 criminal offenses shall have a maximum
24 allowable fine of Two Hundred Fifty Dollars (\$250.00).

1 SECTION 19. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 200 of Title 21, unless there is
3 created a duplication in numbering, reads as follows:

4 A. Upon the effective date of this act, Class D2 shall include
5 the following criminal offenses:

6 1. Attempt to escape from penitentiary, as provided for in
7 Section 434 of this title;

8 2. Attempt to escape from prison, not a penitentiary, as
9 provided for in Section 436 of this title;

10 3. Escape from arrest or detention for a felony, as provided
11 for in subsection C of Section 444 of this title;

12 4. Aggravated assault and battery upon emergency medical
13 technician, as provided for in Section 650.5 of this title;

14 5. Omitting to provide for a child, as provided for in Section
15 852 of this title;

16 6. Harboring an endangered runaway child, second or subsequent
17 offense, as provided for in Section 856.2 of this title;

18 7. Discharging a stun gun, tear gas, mace, or other against
19 officer, as provided for in Section 1272.3 of this title;

20 8. Possession of sawed-off shotgun, as provided for in Section
21 1289.18 of this title;

22 9. Transmit threatening letter, as provided for in Section 1304
23 of this title;

24

- 1 10. Abortion without license, as provided for in Section 1-731
2 of Title 63 of the Oklahoma Statutes;
- 3 11. Abortion after first trimester, as provided for in Section
4 1-731 of Title 63 of the Oklahoma Statutes;
- 5 12. Self-induced abortion, as provided for in Section 1-733 of
6 Title 63 of the Oklahoma Statutes;
- 7 13. Violate Oklahoma Unborn Child Protection from Dismemberment
8 Abortion Act, as provided for in Section 1-737.9 of Title 63 of the
9 Oklahoma Statutes;
- 10 14. Violation of Unborn Child Pain Awareness/Prevention Act, as
11 provided for in Section 1-738.14 of Title 63 of the Oklahoma
12 Statutes;
- 13 15. Knowingly perform abortion on unemancipated minor, as
14 provided for in Section 1-740.4b of Title 63 of the Oklahoma
15 Statutes;
- 16 16. Make fraudulent statement to obtain abortion for a minor,
17 as provided for in Section 1-740.4b of Title 63 of the Oklahoma
18 Statutes;
- 19 17. Violation of the Pain-Capable Unborn Child Protection Act,
20 as provided for in Section 1-745.7 of Title 63 of the Oklahoma
21 Statutes;
- 22 18. Violation of the Heartbeat Informed Consent Act, as
23 provided for in Section 1-746.7 of Title 63 of the Oklahoma
24 Statutes;

1 19. Abortion on minor less than fourteen (14) years of age or
2 failure to submit tissue, as provided for in Section 1-749 of Title
3 63 of the Oklahoma Statutes;

4 20. Distribution of imitation controlled substance, second
5 offense, as provided for in Section 2-401 of Title 63 of the
6 Oklahoma Statutes; and

7 21. Assist another in purchase of pseudoephedrine products,
8 second or subsequent offense, as provided for in Section 2-701 of
9 Title 63 of the Oklahoma Statutes.

10 B. Any person convicted of a Class D2 criminal offense shall be
11 punished by imprisonment in the custody of the Department of
12 Corrections for a term not more than two (2) years or a fine not to
13 exceed Two Hundred Dollars (\$200.00), or by both such fine and
14 imprisonment.

15 C. 1. Every person who, having been previously convicted of a
16 nonviolent felony offense, commits a Class C1 criminal offense shall
17 be punished by imprisonment in the custody of the Department of
18 Corrections for a term not more than two (2) years or a fine not to
19 exceed Two Hundred Dollars (\$200.00), or by both such fine and
20 imprisonment.

21 2. Every person who, having been convicted of two (2) or more
22 nonviolent felony offenses and/or one (1) violent offense, commits a
23 Class D2 criminal offense shall be punished by imprisonment in the
24 custody of the Department of Corrections for a term not more than

1 two (2) years or a fine not to exceed Two Hundred Dollars (\$200.00),
2 or by both such fine and imprisonment.

3 D. All Class D2 criminal offenses shall have a maximum
4 allowable fine of Two Hundred Dollars (\$200.00).

5 SECTION 20. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 20P of Title 21, unless there is
7 created a duplication in numbering, reads as follows:

8 A. Upon the effective date of this act, Class D3 shall include
9 the following criminal offenses:

10 1. Violation of the Oklahoma Agricultural Code, as provided for
11 in Section 2-18 of Title 2 of the Oklahoma Statutes;

12 2. Violation of the Oklahoma Farm Animal, Crop, and Research
13 Facilities Protection Act, as provided for in Section 5-105 of Title
14 2 of the Oklahoma Statutes;

15 3. Removing tag from diseased animal, as provided for in
16 Section 6-94 of Title 2 of the Oklahoma Statutes;

17 4. Moving quarantined livestock, in the amount of One Thousand
18 Dollars (\$1,000.00) or more, as provided for in Section 6-125 of
19 Title 2 of the Oklahoma Statutes;

20 5. Ship or transport of livestock without health certification
21 or permit, as provided for in Section 6-151 of Title 2 of the
22 Oklahoma Statutes;

23

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- 1 6. Ship or transport of livestock which originated from a
2 quarantined area, as provided for in Section 6-151 of Title 2 of the
3 Oklahoma Statutes;
- 4 7. Unlawful transport of livestock, as provided for in Section
5 6-155 of Title 2 of the Oklahoma Statutes;
- 6 8. Slaughter of animals not in compliance with the Oklahoma
7 Meat Inspection Act, as provided for in Section 6-190 of Title 2 of
8 the Oklahoma Statutes;
- 9 9. Unauthorized labeling of meat products, as provided for in
10 Section 6-191 of Title 2 of the Oklahoma Statutes;
- 11 10. Selling horsemeat for human consumption, as provided for in
12 Section 6-192 of Title 2 of the Oklahoma Statutes;
- 13 11. Bribing or accepting bribe by meat inspector, as provided
14 for in Section 6-194 of Title 2 of the Oklahoma Statutes;
- 15 12. Selling or transporting carcasses not intended for human
16 consumption, as provided for in Section 6-197 of Title 2 of the
17 Oklahoma Statutes;
- 18 13. Failing to register as a meat broker, as provided for in
19 Section 6-199 of Title 2 of the Oklahoma Statutes;
- 20 14. Selling or transporting dead, dying, or disabled animals, as
21 provided for in Section 6-200 of Title 2 of the Oklahoma Statutes;
- 22 15. Violation of Oklahoma Meat Inspection Act, as provided for
23 in Section 6-207 of Title 2 of the Oklahoma Statutes;

24

1 16. Selling poultry products with false label, as provided for
2 in Section 6-258 of Title 2 of the Oklahoma Statutes;

3 17. Violation of the Oklahoma Poultry Products Inspection Act,
4 as provided for in Section 6-259 of Title 2 of the Oklahoma
5 Statutes;

6 18. Processing poultry not in compliance with the Oklahoma
7 Poultry Products Inspection Act, as provided for in Section 6-260 of
8 Title 2 of the Oklahoma Statutes;

9 19. Buy, sell, or transport poultry carcasses not intended for
10 use as human food, as provided for in Section 6-261 of Title 2 of
11 the Oklahoma Statutes;

12 20. Interfere with poultry products inspector, as provided for
13 in Section 6-262 of Title 2 of the Oklahoma Statutes;

14 21. Violating regulations regarding the storage of poultry
15 products, as provided for in Section 6-264 of Title 2 of the
16 Oklahoma Statutes;

17 22. Release of feral swine upon public lands, as provided for
18 in Section 6-611 of Title 2 of the Oklahoma Statutes;

19 23. Misrepresentation of goods, as provided for in Section 9-37
20 of Title 2 of the Oklahoma Statutes;

21 24. Conduct livestock auction without bond, as provided for in
22 Section 9-132 of Title 2 of the Oklahoma Statutes;

23

24

1 25. Sale or advertisement of agricultural products with
2 improper description, as provided for in Section 11-2 of Title 2 of
3 the Oklahoma Statutes;

4 26. Violation of any provision of the Oklahoma Scrap Metal
5 Dealers Act, third offense, as provided for in subsection A of
6 Section 11-94 of Title 2 of the Oklahoma Statutes;

7 27. Knowingly providing false information in violation of the
8 Oklahoma Scrap Metal Dealers Act, as provided for in subsection C of
9 Section 11-94 of Title 2 of the Oklahoma Statutes;

10 28. Purchasing or selling burnt copper material or copper wire,
11 second or subsequent offense, as provided for in subsection D of
12 Section 11-94 of Title 2 of the Oklahoma Statutes;

13 29. Interfere with, molest, assault, or impede the progress of
14 forest rangers or firefighters, as provided for in Section 16-6 of
15 Title 2 of the Oklahoma Statutes;

16 30. Removal of timber from state lands, as provided for in
17 Section 16-59 of Title 2 of the Oklahoma Statutes;

18 31. Cut down, injure, or destroy trees, as provided for in
19 Section 16-60 of Title 2 of the Oklahoma Statutes;

20 32. Fictitious, false, or fraudulent offer, agreement, or
21 contract for timber, as provided for in Section 16-63 of Title 2 of
22 the Oklahoma Statutes;

23 33. False identification used in sale of timber, as provided
24 for in Section 16-66 of Title 2 of the Oklahoma Statutes;

1 34. Install nonconforming fuel tank on aircraft, as provided
2 for in subsection A of Section 281 of Title 3 of the Oklahoma
3 Statutes;

4 35. Possess aircraft with nonconforming fuel tank on aircraft,
5 as provided for in subsection B of Section 281 of Title 3 of the
6 Oklahoma Statutes;

7 36. Testify falsely under oath before the Oklahoma Horse Racing
8 Commission, as provided for in subsection C of Section 203.6 of
9 Title 3A of the Oklahoma Statutes;

10 37. Multiple violations of Amusement and Carnival Games Act, as
11 provided for in subsection A of Section 504 of Title 3A of the
12 Oklahoma Statutes;

13 38. Stray Animal Act violation, as provided for in Section
14 85.11 of Title 4 of the Oklahoma Statutes;

15 39. Willful political contributions by banks, as provided for
16 in subsection B of Section 808 of Title 6 of the Oklahoma Statutes;

17 40. Unlawful use of special assessment funds, as provided for
18 in Section 39-113 of Title 11 of the Oklahoma Statutes;

19 41. False affidavit as to value of real estate, as provided for
20 in Section 65 of Title 12 of the Oklahoma Statutes;

21 42. Swearing falsely in making an affidavit in forma pauperis,
22 as provided for in Section 923 of Title 12 of the Oklahoma Statutes;

23 43. Maintaining bucket shop dealing in commodity futures, as
24 provided for in Section 567 of Title 15 of the Oklahoma Statutes;

1 44. Violation of the control of Rural Electric Cooperative Act,
2 as provided in Section 158.59 of Title 17 of the Oklahoma Statutes;

3 45. Violation of restricting, acquisition, control, or merger of
4 Domestic Public Utilities Act, as provided for in Section 191.11 of
5 Title 17 of the Oklahoma Statutes;

6 46. Violation of the Savings and Loans Association Act-In-State
7 Savings Institutions, as provided for in Section 381.73 of Title 18
8 of the Oklahoma Statutes;

9 47. Election officer or commissioner refuses to perform duties,
10 as provided for in Section 28 of Title 19 of the Oklahoma Statutes;

11 48. Bribery to influence voter, as provided for in Section 29
12 of Title 19 of the Oklahoma Statutes;

13 49. Bribery to influence voter, as provided for in Section 92
14 of Title 19 of the Oklahoma Statutes;

15 50. Violation of responsibilities by county treasurer, as
16 provided for in Section 112 of Title 19 of the Oklahoma Statutes;

17 51. Use of bank in county in which treasurer or commissioner
18 has interest, as provided for in Section 123 of Title 19 of the
19 Oklahoma Statutes;

20 52. Candidate contribution violation, as provided for in
21 Section 187.1 of Title 21 of the Oklahoma Statutes;

22 53. Contributions by corporation, as provided for in Section
23 187.2 of Title 21 of the Oklahoma Statutes;

24

1 54. Acceptance of gratuity or reward for appointment or
2 exercise of office, as provided for in Section 275 of Title 21 of
3 the Oklahoma Statutes;

4 55. Entry into restricted area, as provided for in Section 282
5 of Title 21 of the Oklahoma Statutes;

6 56. Altering draft bill, as provided for in Section 306 of
7 Title 21 of the Oklahoma Statutes;

8 57. Altering engrossed copy of bill, as provided for in Section
9 307 of Title 21 of the Oklahoma Statutes;

10 58. Coercion of state employee by public official, as provided
11 for in Section 360 of Title 21 of the Oklahoma Statutes;

12 59. Mutilate, defile, treat with indignity, or destroy the
13 United States flag, as provided for in Section 372 of Title 21 of
14 the Oklahoma Statutes;

15 60. Jurors, referees, arbitrators, umpires, or assessors
16 receiving bribes, as provided for in Section 384 of Title 21 of the
17 Oklahoma Statutes;

18 61. Receiving bribe for athletic contest, as provided for in
19 Section 400 of Title 21 of the Oklahoma Statutes;

20 62. Assisting prisoner to escape, as provided for in Section
21 437 of Title 21 of the Oklahoma Statutes;

22 63. Carry into prison things to aid escape, as provided for in
23 Section 438 of Title 21 of the Oklahoma Statutes;

24

1 64. Removing electronic monitoring device, as provided for in
2 subsection D of Section 444 of Title 21 of the Oklahoma Statutes;

3 65. Offering false evidence, as provided for in Section 451 of
4 Title 21 of the Oklahoma Statutes;

5 66. Violation of child custody order, as provided for in
6 Section 567A of Title 21 of the Oklahoma Statutes;

7 67. Communicate false information on missing child, as provided
8 for in subsection B of Section 589 of Title 21 of the Oklahoma
9 Statutes;

10 68. Fail to maintain public financial or business records, as
11 provided for in Section 590 of Title 21 of the Oklahoma Statutes;

12 69. Partial-birth abortion, as provided for in Section 684 of
13 Title 21 of the Oklahoma Statutes;

14 70. Aiding attempted suicide, as provided for in Section 815 of
15 Title 21 of the Oklahoma Statutes;

16 71. Contributing to the delinquency of a minor, second or
17 subsequent offense, as provided for in subsection B of Section 856
18 of this title;

19 72. Receiving money to aid person from arrest, as provided for
20 in Section 950 of Title 21 of the Oklahoma Statutes;

21 73. Betting on races, as provided for in subsection A of
22 Section 991 of Title 21 of the Oklahoma Statutes;

23 74. Preparing or drawing lottery, as provided for in Section
24 1053 of Title 21 of the Oklahoma Statutes;

1 75. Setting up lottery selling plan, as provided for in Section
2 1066 of Title 21 of the Oklahoma Statutes;

3 76. Injunction, as provided for in Section 1067 of Title 21 of
4 the Oklahoma Statutes;

5 77. Pawnbroker refusing to exhibit stolen goods, as provided
6 for in Section 1092 of Title 21 of the Oklahoma Statutes;

7 78. Interference with places of burial, as provided for in
8 Section 1163 of Title 21 of the Oklahoma Statutes;

9 79. Buying or selling human skeletal remains, as provided for
10 in Section 1168.1 of Title 21 of the Oklahoma Statutes;

11 80. Knowingly disturbing human skeletal remains, as provided
12 for in subsection C of Section 1168.4 of Title 21 of the Oklahoma
13 Statutes;

14 81. Disturbing burial ground with intent to obtain human
15 skeletal remains, as provided for in subsection D of Section 1168.4
16 of Title 21 of the Oklahoma Statutes;

17 82. Burning a cross, as provided for in Section 1174 of Title
18 21 of the Oklahoma Statutes;

19 83. Unlawful use of police radio, as provided for in Section
20 1214 of Title 21 of the Oklahoma Statutes;

21 84. Organize groups advocating or encouraging overthrow of the
22 government of the United States or of Oklahoma, as provided for in
23 Section 1267.1 of Title 21 of the Oklahoma Statutes;

24

1 85. Carry of use of slung-shot, as provided for in Section 1282
2 of Title 21 of the Oklahoma Statutes;

3 86. Unlawful delivery of goods valued from One Thousand Dollars
4 (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as
5 provided for in Section 1416 of Title 21 of the Oklahoma Statutes;

6 87. Possess burglary tools by convicted burglar, as provided
7 for in Section 1442 of Title 21 of the Oklahoma Statutes;

8 88. Embezzlement of property valued from One Thousand Dollars
9 (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as
10 provided for in subsection B of Section 1451 of Title 21 of the
11 Oklahoma Statutes;

12 89. Attempted extortion, as provided for in subsection B of
13 Section 1483 of Title 21 of the Oklahoma Statutes;

14 90. Defrauding hotel, inn, or restaurant, value One Thousand
15 Dollars (\$1,000.00) or more, as provided for in Section 1503 of
16 Title 21 of the Oklahoma Statutes;

17 91. Mock auction, as provided for in Section 1506 of Title 21
18 of the Oklahoma Statutes;

19 92. Receiving money or property by impersonating another, value
20 from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred
21 Dollars (\$2,500.00), as provided for in Section 1532 of Title 21 of
22 the Oklahoma Statutes;

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24

1 93. False impersonation of public official or law enforcement
2 officer, as provided for in subsection B of Section 1533 of Title 21
3 of the Oklahoma Statutes;

4 94. Falsely asserting authority of the law, as provided for in
5 subsection C of Section 1533 of Title 21 of the Oklahoma Statutes;

6 95. Intimidating public official or law enforcement officer, as
7 provided for in subsection D of Section 1533 of Title 21 of the
8 Oklahoma Statutes;

9 96. False impersonation of judge, magistrate, court clerk,
10 notary public, or juror, as provided for in subsection E of Section
11 1533 of Title 21 of the Oklahoma Statutes;

12 97. False pretense, bogus check, or con game, value from One
13 Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars
14 (\$2,500.00), as provided for in subsection A of Section 1541.2 of
15 Title 21 of the Oklahoma Statutes;

16 98. Two or more bogus checks, value from Two Thousand Dollars
17 (\$2,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as
18 provided for in subsection A of Section 1541.3 of Title 21 of the
19 Oklahoma Statutes;

20 99. Obtaining money, property, or signature under false
21 pretenses, as provided for in subsection A of Section 1542 of Title
22 21 of the Oklahoma Statutes;

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1 100. Obtaining property by false retail sales receipt or label,
2 as provided for in subsection B of Section 1542 of Title 21 of the
3 Oklahoma Statutes;

4 101. Obtaining contribution for charity by false pretenses, as
5 provided for in Section 1543 of Title 21 of the Oklahoma Statutes;

6 102. Receive money, goods, or services from forged or revoked
7 credit card, as provided for in Section 1550.32 of Title 21 of the
8 Oklahoma Statutes;

9 103. Forgery II or Forgery III, value from One Thousand Dollars
10 (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as
11 provided for in subsection A of Section 1577 of Title 21 of the
12 Oklahoma Statutes;

13 104. Possession of forged evidence of debt, value from One
14 Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars
15 (\$2,500.00), as provided for in subsection A of Section 1578 of
16 Title 21 of the Oklahoma Statutes;

17 105. Possession of other forged instrument, value from One
18 Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars
19 (\$2,500.00), as provided for in subsection A of Section 1579 of
20 Title 21 of the Oklahoma Statutes;

21 106. Uttering forged instruments, value from One Thousand
22 Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars
23 (\$2,500.00), as provided for in subsection A of Section 1592 of
24 Title 21 of the Oklahoma Statutes;

1 107. Fraud on insurance company, as provided for in Section
2 1662 of Title 21 of the Oklahoma Statutes;

3 108. Larceny of lost property, value from One Thousand Dollars
4 (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as
5 provided for in Section 1702 of Title 21 of the Oklahoma Statutes;

6 109. Grand larceny, value from One Thousand Dollars (\$1,000.00)
7 to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in
8 subsection A of Section 1705 of Title 21 of the Oklahoma Statutes;

9 110. Larceny of written instrument, as provided for in Section
10 1709 of Title 21 of the Oklahoma Statutes;

11 111. Receive, possess, or conceal stolen property, value from
12 One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred
13 Dollars (\$2,500.00), as provided for in subsection A of Section 1713
14 of Title 21 of the Oklahoma Statutes;

15 112. Bringing stolen property into state, valued from One
16 Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars
17 (\$2,500.00), as provided for in Section 1715 of Title 21 of the
18 Oklahoma Statutes;

19 113. Larceny of domestic animals, as provided for in subsection
20 B of Section 1716 of Title 21 of the Oklahoma Statutes;

21 114. Larceny of dogs, as provided for in Section 1718 of Title
22 21 of the Oklahoma Statutes;

23 115. Larceny of merchandise from retailer, valued from One
24 Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars

1 (\$2,500.00), as provided for in subsection A of Section 1731 of
2 Title 21 of the Oklahoma Statutes;

3 116. Larceny of trade secrets, value from One Thousand Dollars
4 (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as
5 provided for in Section 1732 of Title 21 of the Oklahoma Statutes;

6 117. Injury to highway, as provided for in Section 1753 of
7 Title 21 of the Oklahoma Statutes;

8 118. Defaces, steals, or possesses road sign or marker and
9 results in personal injury or death, as provided for in Section
10 1753.8 of Title 21 of the Oklahoma Statutes;

11 119. Injure or destroy turnpike gate, as provided for in
12 Section 1755 of Title 21 of the Oklahoma Statutes;

13 120. Malicious injury or destruction of property, valued One
14 Thousand Dollars (\$1,000.00) or more, as provided for in subsection
15 A of Section 1760 of Title 21 of the Oklahoma Statutes;

16 121. Malicious injury or destruction of property, two (2) or
17 more prior convictions regardless of amount, as provided for in
18 subsection A of Section 1760 of Title 21 of the Oklahoma Statutes;

19 122. Defacing or injuring house of worship, as provided for in
20 Section 1765 of Title 21 of the Oklahoma Statutes;

21 123. Maliciously injuring written instrument, valued from One
22 Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars
23 (\$2,500.00), as provided for in Section 1779 of Title 21 of the
24 Oklahoma Statutes;

1 124. Injuring works or literature or art in public place, as
2 provided for in Section 1785 of Title 21 of the Oklahoma Statutes;

3 125. Injuring pipes or wire, as provided for in Section 1786 of
4 Title 21 of the Oklahoma Statutes;

5 126. Damaging fences used for production or containment of
6 animals, second or subsequent offense, as provided for in Section
7 1791 of Title 21 of the Oklahoma Statutes;

8 127. Willful trespass with intent to willfully damage, destroy,
9 vandalize, deface, tamper with, impede, or inhibit, as provided for
10 in subsection A of Section 1792 of this title;

11 128. Trespass and damage to critical infrastructure facility,
12 as provided for in subsection B of Section 1792 of Title 21 of the
13 Oklahoma Statutes;

14 129. Removal or disposal of mortgaged property, value from One
15 Thousand Dollars (\$1,000.00) or more, as provided for in Section
16 1834 of Title 21 of the Oklahoma Statutes;

17 130. Telephone solicitor falls to give name or affiliation,
18 third or subsequent offense, as provided for in subsection A of
19 Section 1861 of Title 21 of the Oklahoma Statutes;

20 131. Violation of Oklahoma Solicitation of Charitable
21 Contributions Act, third or subsequent offense, as provided for in
22 subsection B of Section 1861 of Title 21 of the Oklahoma Statutes;

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1 132. Using telecommunication device with intent to defraud,
2 value more than One Thousand Dollars (\$1,000.00), as provided for in
3 subsection B of Section 1871 of Title 21 of the Oklahoma Statutes;

4 133. Using a cloned cellular device to facilitate the
5 commission of a felony, as provided for in subsection C of Section
6 1871 of Title 21 of the Oklahoma Statutes;

7 134. Possessing five (5) or more unlawful telecommunication
8 devices, as provided for in subsection B of Section 1872 of Title 21
9 of the Oklahoma Statutes;

10 135. Possessing instrument capable of intercepting electronic
11 serial number with intent to clone, as provided for in subsection C
12 of Section 1872 of Title 21 of the Oklahoma Statutes;

13 136. Selling unlawful telecommunication device, as provided for
14 in subsection A of Section 1873 of Title 21 of the Oklahoma
15 Statutes;

16 137. Manufacturing unlawful telecommunication device, as
17 provided for in subsection A of Section 1874 of Title 21 of the
18 Oklahoma Statutes;

19 138. Proceeds derived from violation of state statute, value in
20 the amount of Two Thousand Five Hundred Dollars (\$2,500.00) to Ten
21 Thousand Dollars (\$10,000.00), as provided for in subsection G of
22 Section 2001 of Title 21 of the Oklahoma Statutes;

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1 139. Filing unjustified protective order, second or subsequent
2 offense, as provided for in subsection H of Section 60.4 of Title 22
3 of the Oklahoma Statutes;

4 140. Bail jumping, as provided for in Section 1110 of Title 22
5 of the Oklahoma Statutes;

6 141. Violation of the Oklahoma Pollutant Discharge Elimination
7 System Act, as provided for in subsection G of Section 2-6-206 of
8 Title 27A of the Oklahoma Statutes;

9 142. Initiative petition fraud, as provided for in Section 23
10 of Title 34 of the Oklahoma Statutes;

11 143. Violation of the Subsidiaries Insurers Act, as provided
12 for in subsection D of Section 1643 of Title 36 of the Oklahoma
13 Statutes;

14 144. False statements concerning death or disability of society
15 member to produce benefit, as provided for in subsection B of
16 Section 2737.1 of Title 36 of the Oklahoma Statutes;

17 145. Violation of the Viatical Settlements Act of 2008, valued
18 at Five Hundred Dollars (\$500.00) or less, as provided for in
19 subsection F of Section 4055.14 of Title 36 of the Oklahoma
20 Statutes;

21 146. Sale or furnish alcohol to a person under twenty-one (21)
22 years of age, after two (2) or more previous convictions, as
23 provided for in subsection A of Section 6-101 of Title 37A of the
24 Oklahoma Statutes;

1 147. Furnish alcohol to insane, mentally deficient, or
2 intoxicated person, after two (2) or more previous convictions, as
3 provided for in subsection A of Section 6-101 of Title 37A of the
4 Oklahoma Statutes;

5 148. Operating a whiskey still, as provided for in Section 6-
6 115 of Title 37A of the Oklahoma Statutes;

7 149. Filing fraudulent tax returns under the Oklahoma Alcoholic
8 Beverage Control Act, as provided for in Section 6-116 of Title 37A
9 of the Oklahoma Statutes;

10 150. Failure to possess required license under the Oklahoma
11 Alcoholic Beverage Control Act, second or subsequent offense, as
12 provided for in Section 6-117 of Title 37A of the Oklahoma Statutes;

13 151. Use, purchase, sell, or possess powdered alcohol, third or
14 subsequent offense, as provided for in Section 6-129 of Title 37A of
15 the Oklahoma Statutes;

16 152. Permitting employee to enter steam boiler, as provided for
17 in Section 181 of Title 40 of the Oklahoma Statutes;

18 153. Mechanics liens or embezzlement, valued from One Thousand
19 Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars
20 (\$2,500.00), as provided for in Section 153 of Title 42 of the
21 Oklahoma Statutes;

22 154. Assault on a National Guard member, as provided for in
23 Section 210 of Title 44 of the Oklahoma Statutes;

24

1 155. Unauthorized use of a vehicle, as provided for in
2 subsection A of Section 4-102 of Title 47 of the Oklahoma Statutes;

3 156. Receive, possess, or conceal a stolen vehicle, as provided
4 for in subsection A of Section 4-103 of Title 47 of the Oklahoma
5 Statutes;

6 157. New motor vehicle broker, second or subsequent offense, as
7 provided for in Section 579.1 of Title 47 of the Oklahoma Statutes;

8 158. Conspiracy to violate chop shop laws, as provided for in
9 subsection E of Section 1503 of Title 47 of the Oklahoma Statutes;

10 159. Solicitation to violate chop shop laws, as provided for in
11 subsection F of Section 1503 of Title 47 of the Oklahoma Statutes;

12 160. Aiding or abetting chop shop violation, as provided for in
13 subsection G of Section 1503 of Title 47 of the Oklahoma Statutes;

14 161. Accessory to violation of chop shop laws, as provided for
15 in subsection H of Section 1503 of Title 47 of the Oklahoma
16 Statutes;

17 162. Misuse of names obtained from the Department of Human
18 Services, as provided for in subsection E of Section 183 of Title 56
19 of the Oklahoma Statutes;

20 163. False representation in obtaining assistance, valued at
21 more than Five Hundred Dollars (\$500.00), as provided for in Section
22 185 of Title 56 of the Oklahoma Statutes;

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1 164. False representation in obtaining food stamps valued at
2 more than Five Hundred Dollars (\$500.00), as provided for in
3 subsection B of Section 243 of Title 56 of the Oklahoma Statutes;

4 165. Trafficking in food stamps valued at more than One Hundred
5 Dollars (\$100.00), as provided for in subsection B of Section 243 of
6 Title 56 of the Oklahoma Statutes;

7 166. Escape from detainer for capital offense, as provided for
8 in Section 13 of Title 57 of the Oklahoma Statutes;

9 167. False reports or statements by a certified public
10 accountant, as provided for in Section 15.26 of Title 59 of the
11 Oklahoma Statutes;

12 168. Practicing dental hygiene without a license, second or
13 subsequent offense, as provided for in subsection B of Section
14 328.49 of Title 59 of the Oklahoma Statutes;

15 169. Violation of Bail Enforcement and Licensing Act, as
16 provided for in subsection B of Section 1350.2 of Title 59 of the
17 Oklahoma Statutes;

18 170. Violation of Bail Enforcement and Licensing Act while
19 possessing firearm or weapon, as provided for in subsection C of
20 Section 1350.2 of Title 59 of the Oklahoma Statutes;

21 171. Unlicensed bail enforcer, as provided for in Section
22 1350.4 of Title 59 of the Oklahoma Statutes;

23 172. Impersonation of an officer by bail enforcer, as provided
24 for in Section 1350.12 of Title 59 of the Oklahoma Statutes;

1 173. Duty to mark vehicles and clothing with "bail enforcer",
2 display badge; use of sirens and red or blue lights prohibited, as
3 provided for in Section 1350.16 of Title 59 of the Oklahoma
4 Statutes;

5 174. Unlawful dealing in precious metals and gems, subsequent
6 convictions of a willful violation of this act, as provided for in
7 Section 1529 of Title 59 of the Oklahoma Statutes;

8 175. Conflict of interest in the Public Competitive Bidding Act
9 of 1974, as provided for in Section 114 of Title 61 of the Oklahoma
10 Statutes;

11 176. Interfere with inspection of State Treasurer's Office, as
12 provided for in subsection D of Section 89.11 of Title 62 of the
13 Oklahoma Statutes;

14 177. Birth, death, or stillborn certificates, as provided for
15 in Section 1-324.1 of Title 63 of the Oklahoma Statutes;

16 178. Intentional, knowing, or reckless violation of provision
17 by fraudulent use of an abortion-inducing drug, as provided for in
18 Section 1-757.10 of Title 63 of the Oklahoma Statutes;

19 179. Failure to keep controlled dangerous substances records
20 and inventories, as provided for in Section 2-307 of Title 63 of the
21 Oklahoma Statutes;

22 180. Steroid prescription without valid purpose, as provided
23 for in Section 2-312.1 of Title 63 of the Oklahoma Statutes;

24

1 181. Tamper with prescription label, as provided for in Section
2 2-314 of Title 63 of the Oklahoma Statutes;

3 182. Delivering paraphernalia to person under eighteen (18)
4 years of age, as provided for in subsection D of Section 2-405 of
5 Title 63 of the Oklahoma Statutes;

6 183. Conceal, deface, or alter advance directive of another, as
7 provided for in subsection C of Section 3101.11 of Title 63 of the
8 Oklahoma Statutes;

9 184. Falsify or forge advance directive of another, as provided
10 for in subsection D of Section 3101.11 of Title 63 of the Oklahoma
11 Statutes;

12 185. Require advance directive, as provided for in subsection E
13 of Section 3101.11 of Title 63 of the Oklahoma Statutes;

14 186. Induce another to execute advance directive, as provided
15 for in subsection F of Section 3101.11 of Title 63 of the Oklahoma
16 Statutes;

17 187. Possess outboard motor with serial number removed, as
18 provided for in subsection B of Section 4009.1 of Title 63 of the
19 Oklahoma Statutes;

20 188. Possess outboard motor with counterfeit serial number, as
21 provided for in subsection B of Section 4009.1 of Title 63 of the
22 Oklahoma Statutes;

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1 189. Conspiracy to violate Vessel and Motor Chop Shop, Stolen
2 and Altered Property Act, as provided for in subsection E of Section
3 4253 of Title 63 of the Oklahoma Statutes;

4 190. Solicitation to violate Vessel and Motor Chop Shop, Stolen
5 and Altered Property Act, as provided for in subsection F of Section
6 4253 of Title 63 of the Oklahoma Statutes;

7 191. Aiding and abetting violation of the Vessel and Motor Chop
8 Shop, Stolen and Altered Property Act, as provided for in subsection
9 G of Section 4253 of Title 63 of the Oklahoma Statutes;

10 192. Accessory after the fact to violation of the Vessel and
11 Motor Chop Shop, Stolen and Altered Property Act, as provided for in
12 subsection H of Section 4253 of Title 63 of the Oklahoma Statutes;

13 193. False statements or affidavits, as provided for in Section
14 1017 of Title 64 of the Oklahoma Statutes;

15 194. Injury to or wrongful possession of public land, as
16 provided for in Section 1018 of Title 64 of the Oklahoma Statutes;

17 195. Improper endorsement of checks to land office, as provided
18 for in Section 1029 of Title 64 of the Oklahoma Statutes;

19 196. Sale of cigarettes to person under legal age, as provided
20 for in subsection A of Section 317.1 of Title 68 of the Oklahoma
21 Statutes;

22 197. Dealing in contraband cigarettes, second or subsequent
23 offense, as provided for in subsection G of Section 349.1 of Title
24 68 of the Oklahoma Statutes;

1 198. Dealing in contraband tobacco products, second or
2 subsequent offense, as provided for in Section 426 of Title 68 of
3 the Oklahoma Statutes;

4 199. Sales by vendor without valid tax permit, second or
5 subsequent offense, as provided for in subsection G of Section 1364
6 of Title 68 of the Oklahoma Statutes;

7 200. False affidavit to purchase retail fireworks license, as
8 provided for in Section 1625 of Title 68 of the Oklahoma Statutes;

9 201. Conflict of interest involving the Board of Equalization,
10 as provided for in subsection G of Section 2861 of Title 68 of the
11 Oklahoma Statutes;

12 202. False application under the Small Employer Quality Jobs
13 Incentive Act, as provided for in Section 3908 of Title 68 of the
14 Oklahoma Statutes;

15 203. Damage or remove traffic control device, as provided for
16 in subsection B of Section 1213 of Title 69 of the Oklahoma
17 Statutes;

18 204. Falsify Teacher's Retirement System record, as provided
19 for in Section 17-110 of Title 70 of the Oklahoma Statutes;

20 205. Violation of the Uniform Athlete Agents Act, second or
21 subsequent offense, as provided for in section 821.94 of Title 70 of
22 the Oklahoma Statutes;

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1 206. Offer interest in unregistered subdivided land, as
2 provided for in subsection A of Section 621 of Title 71 of the
3 Oklahoma Statutes;

4 207. Offer subdivided land in violation of code, as provided
5 for in subsection B of Section 621 of Title 71 of the Oklahoma
6 Statutes;

7 208. Deliver public offering statement less than forty-eight
8 (48) hours prior to sale, as provided for in subsection A of Section
9 626 of Title 71 of the Oklahoma Statutes;

10 209. Acting as agent without real estate license, as provided
11 for in subsection A of Section 631 of Title 71 of the Oklahoma
12 Statutes;

13 210. Employ device, scheme, or artifice to defraud, as provided
14 for in Section 641 of Title 71 of the Oklahoma Statutes;

15 211. Make untrue statement of material fact, as provided for in
16 Section 641 of Title 71 of the Oklahoma Statutes;

17 212. Engage in fraud or deceit, as provided for in Section 641
18 of Title 71 of the Oklahoma Statutes;

19 213. Advertise untrue statement, as provided for in subsection
20 A of Section 653 of Title 71 of the Oklahoma Statutes;

21 214. Advertise using statement which differs from the
22 registration application, as provided for in subsection A of Section
23 653 of Title 71 of the Oklahoma Statutes;

24

1 215. Filing false document under Oklahoma Subdivided Land Sales
2 Code, as provided for in Section 654 of Title 71 of the Oklahoma
3 Statutes;

4 216. Impersonating member or veteran of the Armed Forces by
5 wearing medals, as provided for in subsections B and C of Section 6-
6 1 of Title 72 of the Oklahoma Statutes;

7 217. State Auditor and Inspector making false report, as
8 provided for in Section 217 of Title 74 of the Oklahoma Statutes;

9 218. Illegal profit by water conservancy district official, as
10 provided for in Section 674 of Title 82 of the Oklahoma Statutes;
11 and

12 219. Provide false information to secure self-insurance permit,
13 as provided for in Section 38 of Title 85A.

14 B. Any person convicted of a Class D3 criminal offense shall be
15 punished by imprisonment in the custody of the Department of
16 Corrections for a term nor more than two (2) years or a fine not to
17 exceed One Hundred Dollars (\$100.00), or by both such fine and
18 imprisonment.

19 C. 1. Every person who, having been previously convicted of a
20 nonviolent felony offense, commits a Class D3 criminal offense shall
21 be punished by imprisonment in the custody of the Department of
22 Corrections for a term not more than two (2) years or a fine not to
23 exceed One Hundred Dollars (\$100.00), or by both such fine and
24 imprisonment.

1 2. Every person who, having been convicted of two (2) or more
2 nonviolent felony offenses and/or one (1) violent offense, commits a
3 Class D3 criminal offense shall be punished by imprisonment in the
4 custody of the Department of Corrections for a term not more than
5 two (2) years or a fine not to exceed One Hundred Dollars (\$100.00),
6 or by both such fine and imprisonment.

7 D. All Class D3 criminal offenses shall have a maximum
8 allowable fine of One Hundred Dollars (\$100.00).

9 SECTION 21. AMENDATORY 2 O.S. 2021, Section 2-18, is
10 amended to read as follows:

11 Section 2-18. A. After notice and opportunity for a hearing in
12 accordance with the Administrative Procedures Act, if the State
13 Board of Agriculture finds any person in violation of the Oklahoma
14 Agricultural Code or any rule promulgated or order issued pursuant
15 thereto, the Board shall have the authority to assess an
16 administrative penalty of not less than One Hundred Dollars
17 (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for
18 each violation. Each animal, each action, or each day a violation
19 continues may constitute a separate and distinct violation.

20 B. The Board may appoint administrative law judges to conduct
21 the hearings. Hearings shall be held at a location within the
22 region in which the alleged violator resides or the violation
23 occurred, or the central offices of the State Board of Agriculture
24 in Oklahoma City, Oklahoma.

1 C. Any person who fails to comply with the provisions of the
2 Oklahoma Agricultural Code or rules promulgated by the Board shall
3 be deemed guilty of a misdemeanor unless a violation of the Oklahoma
4 Agricultural Code or rules promulgated thereto is specifically
5 identified with a penalty or as a Class D3 felony in the individual
6 articles of the Oklahoma Agricultural Code and shall be punished in
7 accordance with the provisions of Section 20 of this act.

8 D. Nothing in the Oklahoma Agricultural Code shall preclude the
9 Board from seeking penalties in district court in the maximum amount
10 allowed by law. The assessment of penalties in an administrative
11 enforcement proceeding shall not prevent the subsequent assessment
12 by a court of the maximum civil or criminal penalties for violations
13 of the Oklahoma Agricultural Code and rules promulgated pursuant
14 thereto.

15 E. Any person assessed an administrative or civil penalty may be
16 required to pay, in addition to the penalty amount and interest
17 thereon, attorney fees and costs associated with the collection of
18 the penalties.

19 SECTION 22. AMENDATORY 2 O.S. 2021, Section 5-106, is
20 amended to read as follows:

21 Section 5-106. A. A person convicted of any of the offenses
22 defined in subsections A and B of Section ~~3~~ 5-105 of this ~~act~~ title
23 shall be guilty of a Class D3 felony and, upon conviction, shall be
24 punished by a ~~fine not to exceed Ten Thousand Dollars (\$10,000.00)~~

1 ~~or by imprisonment for a term not to exceed three (3) years, or both~~
2 in accordance with the provisions of Section 20 of this act.

3 B. Any person violating subsection C of Section ~~3~~ 5-105 of this
4 act shall be guilty of a misdemeanor.

5 SECTION 23. AMENDATORY 2 O.S. 2021, Section 6-94, is
6 amended to read as follows:

7 Section 6-94. A. The owner of exposed animals or reactors
8 shall present the animals for branding or tagging within fifteen
9 (15) days after receiving notice of reaction or exposure. The
10 failure of an owner to comply with the requirements of this
11 subsection shall be deemed a misdemeanor.

12 B. The removal of any permanent mark or brand, including
13 official identification, from any animal with a reportable disease
14 or those classified as diseased in a herd being depopulated, without
15 prior authorization from the State Veterinarian, shall be deemed a
16 Class D3 felony and upon conviction, shall be punished in accordance
17 with the provisions of Section 20 of this act.

18 SECTION 24. AMENDATORY 2 O.S. 2021, Section 6-125, is
19 amended to read as follows:

20 Section 6-125. It shall be unlawful and a misdemeanor for any
21 person to remove, change the location of, or to bring into or to
22 take out of any place or area that has been quarantined, any
23 livestock covered by the order of quarantine or to violate any of
24 the conditions of the quarantine. If the aggregate value of the

1 quarantined livestock is in excess of One Thousand Dollars
2 (\$1,000.00), then the person shall, upon conviction, be guilty of a
3 Class D3 felony and upon conviction, shall be punished in accordance
4 with the provisions of Section 20 of this act.

5 SECTION 25. AMENDATORY 2 O.S. 2021, Section 6-155, is
6 amended to read as follows:

7 Section 6-155. Any person violating the provisions of
8 subsections (a) and (b) of Section 6-151 of this title relating to
9 the importation and transportation of livestock, is guilty of a
10 Class D felony and subject to a maximum punishment of two (2) years
11 in prison or a Two Thousand Dollar (\$2,000.00) fine, or both shall
12 be punished in accordance with the provisions of Section 20 of this
13 act. Any person violating any of the other provisions of this
14 section, relating to the importation and transportation of
15 livestock, is guilty of a misdemeanor and subject to a maximum
16 punishment of six (6) months in the county jail or a Five Hundred
17 Dollar (\$500.00) fine, or both. Each animal brought into the state
18 in violation of any of the provisions of this section shall
19 constitute a separate and distinct violation.

20 SECTION 26. AMENDATORY 2 O.S. 2021, Section 6-190, is
21 amended to read as follows:

22 Section 6-190. A. No person, firm or corporation shall, with
23 respect to any cattle, bison, sheep, swine, goats, horses, mules or
24

1 other equines, or any carcasses, parts of carcasses, meat or meat
2 food products of any such animals:

3 ~~(a)~~ 1. Slaughter any such animals or prepare any such articles
4 which are capable of use as human food at any establishment
5 preparing such articles for intrastate commerce, except in
6 compliance with the requirements of this act;

7 ~~(b)~~ 2. Slaughter or handle in connection with slaughter any
8 such animals in any manner not in accordance with Section 6-183 of
9 this title;

10 ~~(c)~~ 3. Sell, transport, offer for sale or transportation, or
11 receive for transportation, in intrastate commerce~~;~~:

12 ~~(1)~~ a. any such articles which ~~(A)~~ are capable of use
13 as human food~~;~~ and ~~(B)~~ are adulterated or misbranded
14 at the time of such sale, transportation, offer for
15 sale or transportation, or receipt for transportation;
16 or

17 ~~(2)~~ b. any articles required to be inspected under
18 Sections 6-181 through 6-196 of this title unless they
19 have been so inspected and passed; and

20 ~~(d)~~ 4. Do, with respect to any such articles which are capable
21 of use as human food, any act while they are being transported in
22 intrastate commerce or held for sale after such transportation,
23 which is intended to cause or has the effect of causing such
24 articles to be adulterated or misbranded.

1 B. Any person violating the provisions of this section,
2 Sections 6-191 or 6-192 of this title shall be guilty of a Class D3
3 felony and upon conviction, shall be punished in accordance with the
4 provisions of Section 20 of this act.

5 SECTION 27. AMENDATORY 2 O.S. 2021, Section 6-194, is
6 amended to read as follows:

7 Section 6-194. Any person, firm, or corporation, or any agent
8 or employee of any person, firm, or corporation, who shall give,
9 pay, or offer, directly or indirectly, to any inspector, deputy
10 inspector, chief inspector, or any other officer or employee of this
11 state authorized to perform any of the duties prescribed by this act
12 or by the rules of the Board, any money or other thing of value,
13 with intent to influence said inspector, deputy inspector, chief
14 inspector, or other officer or employee of this state in the
15 discharge of any duty herein provided for, shall be deemed guilty of
16 a Class D3 felony, upon conviction thereof, and shall be punished ~~by~~
17 ~~a fine not less than Five Thousand Dollars (\$5,000.00) nor more than~~
18 ~~Ten Thousand Dollars (\$10,000.00) and by imprisonment not less than~~
19 ~~one (1) year nor more than three (3) years;~~ in accordance with the
20 provisions of Section 20 of this act. ~~and any~~ Any inspector, deputy
21 inspector, chief inspector, or other officer or employee of this
22 state authorized to perform any of the duties prescribed by this act
23 who shall accept any money, gift, or other thing of value from any
24 person, firm, or corporation, or officers, agents, or employees

1 thereof, given with intent to influence his official action, or who
2 shall receive or accept from any person, firm, or corporation
3 engaged in intrastate commerce any gift, money, or other thing of
4 value given with any purpose or intent whatsoever, shall be deemed
5 guilty of a Class D3 felony and upon conviction, shall be punished
6 in accordance with the provisions of Section 20 of this act and
7 shall, upon conviction thereof, be summarily discharged from office
8 and shall be ~~punished by a fine not less than One Thousand Dollars~~
9 ~~(\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00) and by~~
10 ~~imprisonment not less than one (1) year nor more than three (3)~~
11 ~~years.~~

12 SECTION 28. AMENDATORY 2 O.S. 2021, Section 6-207, is
13 amended to read as follows:

14 Section 6-207. ~~(a)~~ A. Any person, firm, or corporation who
15 violates any provision of the Oklahoma Meat Inspection Act for which
16 no other criminal penalty is provided by this act shall be guilty of
17 a Class D3 felony and upon conviction, shall be punished in
18 accordance with the provisions of Section 20 of this act. ~~upon~~
19 ~~conviction be subject to imprisonment for not more than one (1)~~
20 ~~year, or a fine of not more than One Thousand Dollars (\$1,000.00),~~
21 ~~or both such imprisonment and fine; but if.~~ If such violation
22 involves intent to defraud, or any distribution or attempted
23 distribution of an article that is adulterated (except as defined in
24 subparagraph (8) of paragraph (j) of Section 6-182 of this title),

1 such person, firm, or corporation shall be subject to imprisonment
2 for not more than three (3) years, or a fine of not more than Ten
3 Thousand Dollars (\$10,000.00), or both; provided, that no person,
4 firm, or corporation shall be subject to penalties under this
5 section for receiving for transportation any article or animal in
6 violation of this act if such receipt was made in good faith, unless
7 such person, firm, or corporation refuses to furnish on request of a
8 representative of the Board the name and address of the person from
9 whom he received such article or animal, and copies of all
10 documents, if any there be, pertaining to the delivery of the
11 article or animal to him.

12 ~~(b)~~ B. Nothing in ~~this act~~ Section 6-181 et seq. of this title
13 shall be construed as requiring the Board to report for prosecution,
14 or for the institution of legal action or injunction proceedings,
15 minor violations of ~~this act~~ Section 6-181 et seq. of this title
16 whenever it believes that the public interest will be adequately
17 served by a suitable written notice of warning.

18 SECTION 29. AMENDATORY 2 O.S. 2021, Section 6-262, is
19 amended to read as follows:

20 Section 6-262. A. Any person who violates the provisions of
21 this section or Sections 6-258, 6-259, 6-260, 6-261 or 6-264 of this
22 title shall be fined not more than One Thousand Dollars (\$1,000.00)
23 or imprisoned not more than one (1) year, or both; but if such
24 violation involves intent to defraud, or any distribution or

1 attempted distribution of an article that is adulterated, except as
2 defined in subparagraph (h) of paragraph 11 of Section 6-254 of this
3 title, such person shall be guilty of a Class D3 felony and upon
4 conviction, shall be punished in accordance with Section 20 of this
5 act or and fined not more than Ten Thousand Dollars (\$10,000.00) or
6 imprisoned not more than three (3) years or both. When construing
7 or enforcing the provisions of said sections, the act, omission, or
8 failure of any person acting for or employed by any individual,
9 partnership, corporation, or association within the scope of his
10 employment or office shall in every case be deemed the act,
11 omission, or failure of such individual, partnership, corporation,
12 or association, as well as of such person.

13 B. No carrier shall be subject to the penalties of ~~this act~~
14 Section 6-251 et seq. of this title, other than the penalties for
15 violation of Section 6-261 of this title, by reason of his receipt,
16 carriage, holding, or delivery, in the usual course of business, as
17 a carrier of poultry or poultry products, owned by another person
18 unless the carrier has knowledge, or is in possession of facts which
19 would cause a reasonable person to believe that such poultry or
20 poultry products were not inspected or marked in accordance with the
21 provisions of ~~this act~~ Section 6-251 et seq. of this title or were
22 otherwise not eligible for transportation under ~~this act~~ Section 6-
23 251 et seq. of this title or unless the carrier refuses to furnish
24 on request of a representative of the Board the name and address of

1 the person from whom he received such poultry or poultry products,
2 and copies of all documents, if any there be, pertaining to the
3 delivery of the poultry or poultry products to such carrier.

4 C. Any person who interferes by any act with an inspector in
5 the performance of his official duties shall be guilty of a
6 misdemeanor.

7 SECTION 30. AMENDATORY 2 O.S. 2021, Section 6-611, is
8 amended to read as follows:

9 Section 6-611. A. No person shall intentionally or knowingly
10 release or engage in, sponsor, instigate, assist, or profit from the
11 release of any hog, boar, swine, or pig to live in a wild or feral
12 state upon public or private lands, except for:

13 1. Release into a licensed sporting facility pursuant to the
14 Feral Swine Control Act; or

15 2. When utilizing the Judas pig tagging system, release onto
16 the same private land on which a feral hog was trapped or caught.

17 In order to come under the release authorization of this paragraph,
18 the release must occur within twenty-four (24) hours of the capture
19 of the hog.

20 B. No person shall knowingly or intentionally violate the
21 importation, testing, permitting, licensing, and transportation
22 requirements contained in the Feral Swine Control Act and rules
23 promulgated thereto.

24

1 C. Any person violating the provisions of this section ~~is~~ shall
2 be guilty of a Class D3 felony and subject to a maximum punishment
3 of two (2) years in prison, a fine of Two Thousand Dollars
4 (\$2,000.00), or both fine and imprisonment upon conviction, shall be
5 punished in accordance with Section 20 of this act.

6 SECTION 31. AMENDATORY 2 O.S. 2021, Section 9-34, is
7 amended to read as follows:

8 Section 9-34. A. It shall be a felony for any warehouseman,
9 employee, or manager of a public warehouse to knowingly:

10 1. Issue or receive a fraudulent warehouse receipt regarding,
11 but not limited to, commodities that are not actually stored at the
12 time of issuing the receipt, issuing any warehouse receipt or scale
13 ticket that is in any respect fraudulent in its character, either as
14 to its date or to the quantity, quality, or inspected grade of the
15 commodities, or who shall remove any commodities from store, except
16 to preserve the commodities from fire or other damage without the
17 return and cancellation of all outstanding receipts that may have
18 been issued to represent the commodities; or

19 2. Issue a delayed pricing contract, deferred payment contract,
20 or any other records for sales of commodities in a fraudulent manner
21 without the full knowledge and consent of the producer.

22 A violation of this section shall, upon conviction, be guilty of
23 a Class D1 felony punishable in accordance with the provisions of
24 Section 18 of this act by a fine of not more than Ten Thousand

1 ~~Dollars (\$10,000.00) or by imprisonment in the State Penitentiary~~
2 ~~for not more than ten (10) years or by both such fine and~~
3 ~~imprisonment.~~

4 B. The State Board of Agriculture, upon application from the
5 warehouseman, may approve the prepositioning of commodity stocks in
6 state-chartered or federally licensed terminal warehouses in order
7 to free storage space for new harvest commodities. The period for
8 such action shall not exceed sixty (60) days prior to anticipated
9 beginning of harvest for the commodity nor can they be out of
10 position more than one hundred eighty (180) days. The Board may
11 extend the time period an additional one hundred eighty (180) days
12 as specified by rules promulgated by the Board.

13 SECTION 32. AMENDATORY 2 O.S. 2021, Section 9-35, is
14 amended to read as follows:

15 Section 9-35. Any warehouseman, manager, or other employee of a
16 public warehouse, who issues or aids in issuing a warehouse receipt
17 for any commodities, without knowing that the commodities have
18 actually been placed in a public warehouse, who delivers any
19 commodities from a public warehouse without the surrender and
20 cancellation of the warehouse receipt, or who fails to mark the
21 depositor's receipt "Cancelled" on the delivery of the commodities,
22 shall, upon conviction, be guilty of a Class D1 felony. ~~The fine~~
23 ~~for a violation of this section shall not be more than Ten Thousand~~
24 ~~Dollars (\$10,000.00), or by imprisonment in the State Penitentiary~~

1 ~~for a term of not more than twenty (20) years punishable in~~
2 ~~accordance with the provisions of Section 18 of this act, or by both~~
3 ~~such fine and imprisonment.~~

4 SECTION 33. AMENDATORY 2 O.S. 2021, Section 9-36, is
5 amended to read as follows:

6 Section 9-36. No public warehouse shall be designated as
7 chartered or operated under the provisions of the Public Warehouse
8 and Commodity Indemnity Act and no name or description conveying the
9 impression that it is chartered or operated shall be used unless the
10 public warehouse is chartered. Any person who misrepresents,
11 forges, alters, counterfeits, simulates, or falsely represents the
12 charter required by the Public Warehouse and Commodity Indemnity
13 Act, or who issues, utters, or assists or attempts to issue or
14 utter, a false or fraudulent receipt for any commodities, shall be,
15 upon conviction, guilty of a Class D1 felony. ~~The fine for a~~
16 ~~violation of this section shall not be more than Ten Thousand~~
17 ~~Dollars (\$10,000.00), or by imprisonment in the State Penitentiary~~
18 ~~for a term of not more than twenty (20) years, or by both such fine~~
19 ~~and imprisonment punishable in accordance with the provisions of~~
20 Section 18 of this act.

21 SECTION 34. AMENDATORY 2 O.S. 2021, Section 9-37, is
22 amended to read as follows:

23 Section 9-37. Any person who deposits or attempts to deposit in
24 a public warehouse any commodities upon which a lien or mortgage

1 exists, without notifying the manager of the public warehouse, and
2 any person who, in order to procure any warehouse receipt, knowingly
3 makes any false statement of material fact shall, upon conviction,
4 be guilty of a Class D3 felony punished in accordance with Section
5 20 of this act. ~~The fine for a violation of this section shall not~~
6 ~~be more than Ten Thousand Dollars (\$10,000.00), or by imprisonment~~
7 ~~in the State Penitentiary for a period of not more than two (2)~~
8 ~~years, or by both such fine and imprisonment.~~

9 SECTION 35. AMENDATORY 2 O.S. 2021, Section 9-132, is
10 amended to read as follows:

11 Section 9-132. A. Except as provided by subsection C of this
12 section, no person shall operate, conduct, or maintain a livestock
13 auction market unless the person holds a livestock auction market
14 license issued by the State Board of Agriculture and has:

15 1. Executed a corporate surety bond pursuant to the provisions
16 of this section. The bond shall be conditioned upon the prompt and
17 faithful accounting for all livestock received, handled, or sold,
18 and the remittance of the proceeds from any sale, purchase, or
19 exchange of any livestock to the consignor;

20 2. Opened a certificate of deposit account or a money market
21 savings account. For a certificate of deposit account or a money
22 market savings account to be eligible pursuant to the provisions of
23 this section:

24

- 1 a. the account shall be opened at a federally insured
2 financial depository,
3 b. an officer of the financial depository shall
4 specifically acknowledge and guarantee the deposit of
5 the funds required by subsection B of this section
6 until otherwise released pursuant to this subsection,
7 c. the person operating, conducting, or maintaining a
8 livestock auction market may only withdraw funds
9 deposited in a certificate of deposit account or a
10 money market savings account sixty (60) days after
11 the person has permanently ceased operations of the
12 livestock auction market unless the person presents to
13 the financial institution a written authorization for
14 release of funds by the Oklahoma Department of
15 Agriculture, Food, and Forestry; or

16 3. Provided other financial instruments allowable for livestock
17 markets by the Federal Packers and Stockyards Act of 1921, as
18 amended.

19 B. 1. The corporate surety bond or account required by
20 subsection A of this section for any person operating, conducting,
21 or maintaining a livestock auction market shall be in accordance
22 with the provisions of the Federal Packers and Stockyards Act of
23 1921, as amended, but shall not be less than Twenty-five Thousand
24 Dollars (\$25,000.00) for any person conducting less than twenty-five

1 sales in any license year, or no single sale exceeds gross sales of
2 Twenty-five Thousand Dollars (\$25,000.00).

3 2. For all other sales, the corporate surety bond or account
4 required by subsection A of this section for any person operating,
5 conducting, or maintaining a livestock auction market that does not
6 meet the criteria in paragraph 1 of this subsection shall be in
7 accordance with the provisions of the Federal Packers and Stockyards
8 Act of 1921, as amended, but shall not be less than Fifty Thousand
9 Dollars (\$50,000.00) unless the Department approves a lesser amount
10 pursuant to rules promulgated by the State Board of Agriculture.

11 C. The corporate surety bond or account required by subsection
12 A of this section shall not be required of any person who has
13 executed and maintained a corporate surety bond or account pursuant
14 to the provisions of subsection B of this section to secure the
15 performance of obligations under the provisions of the Federal
16 Packers and Stockyards Act of 1921, as amended.

17 D. The Commissioner of Agriculture is authorized to be
18 designated as trustee for any corporate surety bond, certificate of
19 deposit account, money market savings account, or any other
20 financial instruments allowable for livestock markets by the Federal
21 Packers and Stockyards Act of 1921, as amended.

22 E. 1. Any corporate surety company issuing a bond to any
23 person as specified by subsection A or C of this section for
24 operating, conducting, or maintaining a livestock auction market

1 shall notify the Board in writing not less than thirty (30) days
2 prior to the cancellation or nonrenewal of the bond.

3 2. The Board shall provide for the publication of notice to the
4 public of the nonrenewal or cancellation of the bond for a livestock
5 auction market upon any notification that the bond of the livestock
6 auction market has been nonrenewed or canceled and no new bond has
7 been obtained.

8 3. No person shall knowingly operate, conduct, or maintain a
9 livestock auction market without having a bond as specified by this
10 section. Any person convicted of violating the provisions of this
11 paragraph shall be guilty of a Class D3 felony, and upon conviction
12 shall be punished in accordance with Section 20 of this act.

13 F. All records relating to the prompt and faithful accounting
14 for all livestock received, handled, or sold and the remittance of
15 the proceeds from any sale, purchase, or exchange of any livestock
16 to the consignor shall be in accordance with the provisions of the
17 Federal Packers and Stockyards Act of 1921, as amended. The Board
18 shall audit such records at least once a year. Any violation of the
19 standards of the Federal Packers and Stockyards Act may result in
20 the suspension of the livestock auction market license.

21 G. Except as provided by this section, any person found to be
22 in violation of the provisions of this section, upon conviction,
23 shall be guilty of a misdemeanor.

24

1 SECTION 36. AMENDATORY 2 O.S. 2021, Section 11-2, is
2 amended to read as follows:

3 Section 11-2. A. It shall be unlawful to sell, offer for sale,
4 or advertise any agricultural product using any word, figure,
5 number, or term which pertains to grade, quality, condition,
6 quantity, or size, including No. 1, Fancy, Choice, Select, A, Large,
7 Size A, or any other word, figure, number, or term which in any
8 manner implies or suggests that the product involved has been
9 officially graded unless the product has actually been officially
10 graded, sized, or measured under state or federal regulations or
11 sized or measured in accordance with the requirements of the State
12 Board of Agriculture or federal regulations.

13 B. Any person convicted of violating the provisions of this
14 section shall be guilty of a Class D3 felony, and upon conviction
15 shall be punished in accordance with Section 20 of this act.

16 SECTION 37. AMENDATORY 2 O.S. 2021, Section 11-10, is
17 amended to read as follows:

18 Section 11-10 A. 1. Except for necessary repairs to anhydrous
19 ammonia equipment conducted by a registered distributor, supplier,
20 dealer, or the owner of the equipment or designee of the owner, it
21 shall be unlawful for any person to tamper with or attempt to tamper
22 with any anhydrous ammonia pipeline, equipment, container, or
23 storage device.
24

1 2. Any person violating this provision shall, upon conviction
2 thereof, be guilty of a Class D1 felony punishable ~~by imprisonment~~
3 ~~in the State Penitentiary for a term not exceeding five (5) years,~~
4 ~~by a fine of not more than Five Thousand Dollars (\$5,000.00), or~~
5 ~~both such fine and imprisonment~~ in accordance with the provisions of
6 Section 18 of this act.

7 B. Theft or attempted theft of any amount of anhydrous ammonia
8 shall be a Class D1 felony punishable, upon conviction thereof, ~~by~~
9 ~~imprisonment for not less than two (2) years nor more than ten (10)~~
10 ~~years in the State Penitentiary, by a fine not exceeding Twenty-five~~
11 ~~Thousand Dollars (\$25,000.00), or by both such fine and imprisonment~~
12 in accordance with the provisions of Section 18 of this act.

13 C. Any person who commits or attempts theft of anhydrous
14 ammonia or who unlawfully tampers with or attempts to unlawfully
15 tamper with any anhydrous ammonia pipeline, equipment, container, or
16 storage device, and as a result of unlawful conduct is injured shall
17 be barred from commencing any civil action against the following
18 persons:

19 1. Any owners of anhydrous ammonia or anhydrous ammonia
20 pipeline, equipment, containers, or storage devices;

21 2. Any persons responsible for the installation, repair, or
22 operation of anhydrous ammonia pipeline, equipment, containers, or
23 storage devices;

24

1 3. Any person lawfully selling, transporting, transferring, or
2 delivering anhydrous ammonia or anhydrous ammonia equipment,
3 containers, or storage devices;

4 4. Any persons purchasing or storing anhydrous ammonia for
5 agricultural purposes; or

6 5. Any persons operating anhydrous ammonia equipment or
7 pipeline or using anhydrous ammonia for agricultural purposes.

8 D. For purposes of this section, "tampering" means any
9 unauthorized adjustment, opening, removal, transfer, alteration,
10 change, or interference with any part of the anhydrous ammonia
11 pipeline, equipment, container, or storage device.

12 SECTION 38. AMENDATORY 2 O.S. 2021, Section 16-6, is
13 amended to read as follows:

14 Section 16-6. Any person or persons acting in concert who
15 knowingly and willfully interfere with, molest, or assault forest
16 rangers or firefighters in the performance of their duties, or who
17 knowingly and willfully obstruct, interfere with, or impede the
18 progress of forest rangers or firefighters to reach the destination
19 of a fire, or who damage or destroy any vehicles or equipment used
20 to reach or extinguish a fire shall be guilty of a Class D3 felony
21 and upon conviction, shall be punished in accordance with Section 20
22 of this act.

23 SECTION 39. AMENDATORY 2 O.S. 2021, Section 16-25, is
24 amended to read as follows:

1 Section 16-25. A. It is unlawful for any person to carelessly
2 or willfully burn or cause to be burned or to set fire to or cause
3 any fire to be set to any forest, grass, crops, rangeland, or other
4 wild lands not owned by, duly authorized by the owner or manager, or
5 in the lawful possession of, the person setting the fire or burning
6 the lands or causing the fire to be burned.

7 B. Any person who carelessly violates this section is guilty of
8 a misdemeanor punishable by a fine of not more than Five Hundred
9 Dollars (\$500.00), by imprisonment for not more than one (1) year,
10 or both. Any person who willfully violates this section is guilty
11 of a Class D1 felony punishable ~~by a fine of not more than Five~~
12 ~~Thousand Dollars (\$5,000.00), by imprisonment for not more than~~
13 ~~three (3) years or by both~~ in accordance with the provisions of
14 Section 18 of this act.

15 C. Any person who carelessly or willfully burns, causes to be
16 burned, sets fire to, or causes fire to be set to, any forest,
17 grass, croplands, or woodlands not owned by, duly authorized by the
18 owner or manager, or in lawful possession of, shall be liable in a
19 civil action to any person injured or damaged by a fire to the
20 amount of the injury or damages.

21 SECTION 40. AMENDATORY 2 O.S. 2021, Section 16-28.1, is
22 amended to read as follows:

23 Section 16-28.1. A. It is unlawful for any person either
24 willfully or carelessly to burn, cause to be burned, to set fire to,

1 or cause fire to be set to any forest, grass, croplands, rangeland,
2 or other wild lands, by an owner of such property, except under the
3 following circumstances:

4 1. In protection areas, notification to burn shall be made by
5 the owner to the local office or local representative of the
6 Forestry Division at least four (4) hours in advance and verbal or
7 written approval obtained. In addition to the notification
8 requirements of this paragraph, any owner conducting a limited
9 liability burn in a protected area shall comply with the provisions
10 of Section 16-28.2 of ~~Title 2 of the Oklahoma Statutes~~ this title;
11 or

12 2. Outside protection areas, in order for prescribed or
13 controlled burning to be lawful, an owner shall take reasonable
14 precaution against the spreading of fire to other lands by providing
15 adequate firelines, manpower, and ~~fire fighting~~ firefighting
16 equipment for the control of the fire, shall watch over the fire
17 until it is extinguished and shall not permit fire to escape to
18 adjoining land.

19 B. Nothing in this section shall relieve the person from the
20 obligation to confine the fire to the owner's, agent's, or tenant's
21 land.

22 C. The Oklahoma Forestry Code shall not apply to trimming or
23 cutting of trees by public or private utilities for the purpose of
24

1 eliminating interference with utility lines, poles, or other utility
2 equipment.

3 D. 1. Except as otherwise provided by Section 16-28.2 of this
4 title, any person:

5 a. who, whether by accident, neglect or intent, causes or
6 allows damage or injury to occur to any ranch,
7 buildings, improvements, hay, grass, crops, fencings,
8 timber, marsh, or other property of another person by
9 any fire described and conducted pursuant to this
10 section, shall be civilly responsible for such damage
11 or injury so caused pursuant to Section 16-30 of ~~Title~~
12 ~~2 of the Oklahoma Statutes~~ this title, and

13 b. who carelessly violates this section is guilty of a
14 misdemeanor punishable by a fine of not more than Five
15 Hundred Dollars (\$500.00), by imprisonment for not
16 more than one (1) year, or both.

17 2. In addition to civil liability, any person who willfully
18 violates this section is guilty of a Class D1 felony punishable ~~by a~~
19 ~~fine of not more than One Thousand Dollars (\$1,000.00), by~~
20 ~~imprisonment for not more than three (3) years or by both~~ in
21 accordance with the provisions of Section 18 of this act.

22 E. Fire set under the provisions of this section shall not be
23 allowed to spread beyond the control of the person setting the fire
24 and shall be subdued and extinguished.

1 SECTION 41. AMENDATORY 2 O.S. 2021, Section 16-34, is
2 amended to read as follows:

3 Section 16-34. A. Any person possessing any incendiary device
4 as defined by subsection B of this section with the intent to use
5 the device for the purpose of burning or setting fire to any forest,
6 grass, crops, or woodlands that the person possessing that device is
7 not the owner of nor in possession of lawfully, as under a lease,
8 shall be guilty of a Class D1 felony punishable ~~by a fine of not~~
9 ~~more than One Thousand Dollars (\$1,000.00), by imprisonment for not~~
10 ~~more than three (3) years~~ in accordance with the provisions of
11 Section 18 of this act, or by both.

12 B. The term "incendiary device" as used in this section
13 includes, but is not limited to, any "slow match" which is any
14 device contrived to accomplish the delayed ignition of a match or
15 matches or other flammable material by the use of a cigarette, rope,
16 or candle to which the match or matches are attached, or a
17 magnifying glass focused to intensify heat on flammable material and
18 cause a fire to start at a subsequent time, or any chemicals,
19 chemically treated paper or material, or other combustible material
20 arranged or designed to make possible its use as a delayed firing
21 device.

22 SECTION 42. AMENDATORY 2 O.S. 2021, Section 16-59, is
23 amended to read as follows:

24

1 Section 16-59. No timber or other timber products shall be
2 removed from any lands owned by the State of Oklahoma, except for
3 public utilities and improvements, and no officer, employee, or any
4 other person employed by the State of Oklahoma shall authorize the
5 removal, except upon written approval of the Director of Forestry.
6 In carrying out the duties of this section, the Director is
7 authorized to delegate authority to persons qualified to act in the
8 Director's behalf.

9 Any person violating this section shall be guilty of a Class D3
10 felony and upon conviction be punished, ~~for the first offense by a~~
11 ~~fine not exceeding One Thousand Dollars (\$1,000.00), by imprisonment~~
12 ~~in the State Penitentiary for not exceeding one (1) year, or by both~~
13 in accordance with the provisions of Section 20 of this act. For
14 any subsequent offense, the person shall be punished ~~by a fine not~~
15 ~~exceeding Five Thousand Dollars (\$5,000.00), by imprisonment in the~~
16 ~~State Penitentiary for not exceeding three (3) years, or both in~~
17 accordance with the provisions of Section 20 of this act.

18 SECTION 43. AMENDATORY 2 O.S. 2021, Section 16-60, is
19 amended to read as follows:

20 Section 16-60. A. 1. Any person who intentionally, willfully,
21 maliciously, or unlawfully enters upon the lands of another to cut
22 down, injure, remove, or destroy any timber valued at more than Two
23 Hundred Dollars (\$200.00), without the permission of the owner or
24 the owner's representative shall be guilty, upon conviction, of a

1 ~~Class D3 felony, punishable by the imposition of a fine of not more~~
2 ~~than Ten Thousand Dollars (\$10,000.00), by imprisonment in the State~~
3 ~~Penitentiary for not more than five (5) years, or both in accordance~~
4 ~~with the provisions of Section 20 of this act.~~

5 2. Any person who intentionally, willfully, maliciously, or
6 unlawfully enters upon the lands of another to cut down, injure,
7 remove, or destroy any timber valued at Two Hundred Dollars
8 (\$200.00) or less, without the permission of the owner or the
9 owner's representative shall be guilty, upon conviction, of a
10 misdemeanor, punishable by the imposition of a fine of not more than
11 One Thousand Dollars (\$1,000.00) or imprisonment in the county jail
12 for not more than thirty (30) days.

13 3. The necessary trimming and removal of timber to permit the
14 construction, repair, maintenance, cleanup, and operations of
15 pipelines and utility lines and appurtenances of public utilities,
16 public service corporations, and to aid registered land surveyors
17 and professional engineers in the performance of their professional
18 services, and municipalities, and pipeline companies, or lawful
19 operators and product purchasers of oil and gas shall not be deemed
20 a willful and intentional cutting down, injuring, removing, or
21 destroying of timber.

22 4. The necessary trimming and removal of timber for boundary
23 line maintenance, for the construction, maintenance, and repair of
24 streets, roads, and highways or for the control and regulation of

1 traffic by the state and its political subdivisions or registered
2 land surveyors and professional engineers shall not be deemed a
3 willful and intentional cutting down, injuring, removing, or
4 destroying of timber.

5 B. In addition to the punishment prescribed in subsection A of
6 this section, the person is liable in damages pursuant to Section 72
7 of Title 23 of the Oklahoma Statutes for the damage or injury done
8 to the timber, the damages to be recovered in a civil action by the
9 owner of the property or the public officer having charge of the
10 property.

11 SECTION 44. AMENDATORY 2 O.S. 2021, Section 16-63, is
12 amended to read as follows:

13 Section 16-63. A. It shall be unlawful for any person
14 willingly, knowingly, or fraudulently to represent, make, issue,
15 deliver, use or submit, or to participate in representing, making,
16 issuing, delivering, using, or submitting any fictitious, false or
17 fraudulent offer, agreement, contract, or other instrument
18 concerning:

19 1. The sale of timber or the right to cut or harvest or remove
20 timber from a site or from real property not owned or leased by that
21 person; or

22 2. The sale of timber or the right to cut or harvest or remove
23 timber that is not owned by that person.

24

1 B. It shall be unlawful for a timber owner to, knowingly or
2 with intent to defraud, fail to pay in a timely manner the
3 applicable owners the full price of all the purchased timber.

4 1. A timber owner acts with intent to defraud if the timber
5 owner disperses, uses, or diverts money with the intent to deprive
6 an owner of the purchase money.

7 2. Unless otherwise agreed to in writing, a timber owner is
8 presumed to have acted with intent to defraud if the timber owner
9 does not pay all applicable owners for the purchase price of the
10 timber not later than forty-five (45) calendar days after the date
11 the timber owner collects money for the timber.

12 C. Any person convicted of violating the provisions of this
13 section shall be guilty of:

14 1. A Class D3 felony if the timber to be sold or right to cut
15 or harvest the timber pursuant to subsection A of this section is
16 valued at more than Two Hundred Dollars (\$200.00). Upon conviction
17 the person shall be ~~subject to the imposition of a fine of not more~~
18 ~~than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the~~
19 ~~State Penitentiary for not more than five (5) years, or to both~~
20 punished in accordance with the provisions of Section 20 of this
21 act; or

22 2. A misdemeanor if the timber to be sold or right to cut or
23 harvest the timber pursuant to subsection A of this section is
24 valued at Two Hundred Dollars (\$200.00) or less. Upon conviction

1 the person shall be subject to the imposition of a fine of not more
2 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
3 county jail not to exceed one (1) year, or to both.

4 SECTION 45. AMENDATORY 2 O.S. 2021, Section 16-66, is
5 amended to read as follows:

6 Section 16-66. Any person selling timber who uses false or
7 altered identification or a false declaration of ownership, pursuant
8 to the provisions of Section 16-65 of this title, upon conviction,
9 shall be guilty of:

10 1. A Class D3 felony if the timber to be sold by use of a false
11 or altered identification or false declaration of ownership is
12 valued at more than Two Hundred Dollars (\$200.00). Upon conviction,
13 a person shall be ~~subject to the imposition of a fine of not more~~
14 ~~than Ten Thousand Dollars (\$10,000.00), imprisonment in the State~~
15 ~~Penitentiary for not more than five (5) years, or both~~ punished in
16 accordance with the provisions of Section 20 of this act; or

17 2. A misdemeanor if the timber to be sold by use of a false or
18 altered identification or false declaration of ownership is valued
19 at Two Hundred Dollars (\$200.00) or less. Upon conviction, a person
20 shall be subject to the imposition of a fine of not more than One
21 Thousand Dollars (\$1,000.00), imprisonment in the county jail not to
22 exceed one (1) year, or both.

23 SECTION 46. AMENDATORY 3 O.S. 2021, Section 258, is
24 amended to read as follows:

1 Section 258. A. It is unlawful for any person in this state to
2 operate an aircraft that is not registered with the Federal Aviation
3 Administration Office of Aircraft Registry or with a foreign country
4 which has ratified and is subject to the Convention on the
5 International Recognition of Rights in Aircraft, 4 U.S.T. 1830.
6 Provided, however, no person charged with violating this subsection
7 shall be convicted of the charge if he or she produces in court or
8 the office of the arresting officer proof of registration that was
9 valid at the time of arrest.

10 B. It is a violation of this section for any person or
11 corporate entity to knowingly supply false information to any
12 governmental entity in regard to ownership of an aircraft in or
13 operated in this state.

14 C. It is a violation of this section for any person to give a
15 wrong description in any application for the registration of any
16 aircraft in this state for the purpose of concealing or hiding the
17 identity of such aircraft.

18 D. This section does not apply to any aircraft registration or
19 information supplied by a governmental entity in the course and
20 scope of performing its lawful duties.

21 E. A conviction for a violation of this section shall be a
22 Class D1 felony punishable in accordance with the provisions of
23 Section 18 of this act.

24

1 SECTION 47. AMENDATORY 3 O.S. 2021, Section 259, is
2 amended to read as follows:

3 Section 259. A. Any person or persons who shall destroy,
4 remove, cover, alter or deface, or cause to be destroyed, removed,
5 covered, altered or defaced, the United States registration number
6 assigned by the Federal Aviation Administration or manufacturer's
7 serial number of any aircraft in this state, without first giving
8 notice of such act to the Federal Aviation Administration, upon such
9 form as the Federal Aviation Administration may prescribe, shall be
10 deemed guilty of a Class D1 felony, and upon conviction thereof
11 shall be punished by ~~imprisonment in the State Penitentiary for a~~
12 ~~term of not less than one (1) year nor more than five (5) years~~ in
13 accordance with the provisions of Section 18 of this act.

14 B. A person who removes a manufacturer's identification number
15 plate or decal from an aircraft or affixes to an aircraft a
16 manufacturer's identification number plate or decal not authorized
17 by law for use on said aircraft with intent to conceal or
18 misrepresent the identity of the aircraft or its owner shall, upon
19 conviction, be guilty of a Class D1 felony punishable in accordance
20 with the provisions of Section 18 of this act.

21 C. A person who buys, receives, possesses, sells or disposes of
22 an aircraft, knowing that the identification number of the aircraft
23 has been removed or falsified, shall, upon conviction, be guilty of
24 a misdemeanor.

1 D. A person who buys, receives, possesses, sells or disposes of
2 an aircraft, with knowledge that the identification number of the
3 aircraft has been removed or falsified and with intent to conceal or
4 misrepresent the identity of the aircraft, shall, upon conviction,
5 be guilty of a Class D1 felony punishable in accordance with the
6 provisions of Section 18 of this act.

7 E. As used in this section:

8 1. "Identification number" includes an identifying number or
9 serial number placed on an aircraft by its manufacturer or by
10 authority of the Federal Aviation Administration or in accordance
11 with the laws of another country;

12 2. "Remove" includes deface, cover and destroy; and

13 3. "Falsify" includes alter and forge.

14 F. An identification number may be placed on an aircraft by its
15 manufacturer in the regular course of business or placed or restored
16 on an aircraft by authority of the Federal Aviation Administration
17 without violating this section; an identification number so placed
18 or restored is not falsified.

19 SECTION 48. AMENDATORY 3 O.S. 2021, Section 301, is
20 amended to read as follows:

21 Section 301. A. It is unlawful and punishable as provided in
22 subsection D of this section for any person to operate an aircraft
23 within this state who:

24

1 1. Has a blood or breath alcohol concentration, as defined in
2 Section 305 of this title, of four-hundredths (0.04) or more within
3 two (2) hours after the arrest of such person; or

4 2. Is under the influence of any intoxicant.

5 B. The fact that any person charged with a violation of this
6 section is or has been lawfully entitled to use an intoxicant shall
7 not constitute a defense against any charge of violating this
8 section.

9 C. As used in Sections 301 through 308 of this title:

10 1. "Intoxicant" means:

11 a. any beverage containing alcohol,

12 b. any controlled dangerous substance as defined in the
13 Uniform Controlled Dangerous Substances Act, Section
14 2-101 et seq. of Title 63 of the Oklahoma Statutes,

15 c. any substance which is capable of being ingested,
16 inhaled, injected or absorbed into the human body and
17 is capable of adversely affecting the central nervous
18 system, vision, hearing or other sensory or motor
19 functions of the human body, and

20 d. any combination of alcohol, controlled dangerous
21 substances, and substances capable of being ingested,
22 inhaled, injected or absorbed into the human body and
23 capable of adversely affecting the central nervous
24

1 system, vision, hearing or other sensory or motor
2 functions of the human body; and

3 2. "Operate" means manipulating any of the levers, the starting
4 mechanism, the brakes or other mechanism or device of an aircraft,
5 setting in motion any aircraft, or piloting any aircraft.

6 D. Every person who is convicted of a violation of the
7 provisions of this section shall be deemed guilty of a misdemeanor
8 for the first offense and shall be punished by imprisonment in jail
9 for not less than ten (10) days nor more than one (1) year, and a
10 fine of not more than One Thousand Dollars (\$1,000.00). Any person
11 who within ten (10) years after a previous conviction of a violation
12 of this section is convicted of a second or subsequent offense
13 pursuant to the provisions of this section or has a prior conviction
14 within ten (10) years prior to the conviction pursuant to the
15 provisions of this section, in a municipal criminal court of record
16 for the violation of a municipal ordinance prohibiting the offense
17 provided for in subsection A of this section shall be guilty of a
18 Class D1 felony and shall be ~~sentenced to the custody of the~~
19 ~~Department of Corrections for not less than one (1) year and not to~~
20 ~~exceed five (5) years, and a fine of not to exceed Two Thousand Five~~
21 ~~Hundred Dollars (\$2,500.00)~~ punished in accordance with the
22 provisions of Section 18 of this act; provided, such fine shall be
23 in addition to other punishment provided by law and shall not be
24 imposed in lieu of other punishment. When a sentence of

1 incarceration is imposed, the person shall be processed through the
2 Lexington Assessment and Reception Center or at a place determined
3 by the Director of the Department of Corrections. If the person is
4 evaluated to be receptive to treatment and not deemed by the
5 Department of Corrections to be a security risk, the person shall be
6 assigned to the Department of Mental Health and Substance Abuse
7 Services for substance abuse treatment. The inmate shall be
8 required to reimburse the Department of Mental Health and Substance
9 Abuse Services for all or part of the actual cost incurred for
10 treatment of the inmate while the inmate was assigned to the
11 Department of Mental Health and Substance Abuse Services, if at the
12 time the sentence of incarceration was imposed, the court determined
13 that the convicted person has the ability to pay for all or part of
14 the cost of treatment. The court shall determine the amount of
15 reimbursement the convicted person shall pay. While assigned to
16 such a Department of Mental Health and Substance Abuse Services
17 treatment program the inmate shall comply with the rules and
18 regulations as agreed upon by the Department of Mental Health and
19 Substance Abuse Services and the Department of Corrections. Any
20 infraction of said rules may result in the inmate's reassignment to
21 a correctional facility of the Department of Corrections. Upon
22 successful completion of the treatment program the person shall be
23 properly reassigned by the Department of Corrections for the
24 completion of the sentence imposed by the court. Prior to discharge

1 from the treatment facility, the treatment facility shall forward to
2 the Department of Corrections a report and discharge summary
3 including arrangements and recommendations for further disposition
4 and follow-up treatment. If the person is evaluated not to be
5 receptive to treatment or is evaluated to be a security risk, the
6 inmate shall be assigned to a state correctional facility according
7 to normal Department of Corrections classification procedures. In
8 the event a felony conviction does not result in a sentence of
9 incarceration as provided for in this subsection, the person shall
10 be required to serve not less than ten (10) days of community
11 service, or to undergo in-patient rehabilitation or treatment in a
12 public or private facility with at least minimum security for a
13 period of not less than forty-eight (48) consecutive hours,
14 notwithstanding the provisions of Sections 991a, 991a-2 and 996.3 of
15 Title 22 of the Oklahoma Statutes.

16 E. Any person who is found guilty of a violation of the
17 provisions of this section may be referred, prior to sentencing, to
18 an alcoholism evaluation facility designated by the Department of
19 Mental Health and Substance Abuse Services for the purpose of
20 evaluating the receptivity to treatment and prognosis of the person.
21 The court shall order the person to reimburse the facility for the
22 evaluation in an amount not to exceed Seventy-five Dollars (\$75.00).
23 The facility shall, within seventy-two (72) hours, submit a written
24

1 report to the court for the purpose of assisting the court in its
2 final sentencing determination.

3 SECTION 49. AMENDATORY 3 O.S. 2021, Section 281, is
4 amended to read as follows:

5 Section 281. A. It is unlawful for any person, firm,
6 corporation, or association to install or equip on any aircraft, or
7 install in the wings or fuselage of the aircraft, any fuel tank,
8 bladder, drum, or other container which will hold fuel, if such fuel
9 tank, bladder, drum, or other container does not conform to federal
10 aviation regulations or has not been approved by the Federal
11 Aviation Administration by inspection or special permit. Any person
12 convicted of violating this subsection shall be guilty of a Class D3
13 felony, punishable in accordance with the provisions of Section 20
14 of this act.

15 B. It is unlawful for any person to knowingly possess any
16 aircraft which has been equipped with, or had installed in its wings
17 or fuselage, any fuel tank, bladder, drum, or other container which
18 will hold fuel if such fuel tank, bladder, drum, or other container
19 does not conform to federal aviation regulations or has not been
20 approved by the Federal Aviation Administration by inspection or
21 special permit. Any person convicted of violating this subsection
22 shall be guilty of a Class D3 felony, punishable in accordance with
23 the provisions of Section 20 of this act.

24

1 C. A copy of the Federal Aviation Administration Approval Form
2 337, or special permit pertaining to such installations, shall be
3 carried on board the aircraft at all times. Any person convicted of
4 violating this subsection shall be guilty of a misdemeanor. No
5 person charged with violating this subsection shall be convicted of
6 the charge if he or she produces in court or the office of the
7 arresting officer a copy of the required documentation either valid
8 at the time of arrest or acquired within thirty (30) days after the
9 arrest.

10 D. The provisions of this section shall apply to any pipes,
11 hoses, or auxiliary pumps which when present in the aircraft could
12 be used to introduce fuel into the primary fuel system of the
13 aircraft from such tanks, bladders, drums, or containers.

14 SECTION 50. AMENDATORY 3 O.S. 2021, Section 321, is
15 amended to read as follows:

16 Section 321. A. A person not entitled to possession of an
17 aircraft who, without the consent of the owner and with intent to
18 deprive the owner, temporarily or otherwise, of the aircraft or its
19 possession, takes, uses or flies the aircraft, upon conviction,
20 shall be guilty of a Class D1 felony punishable in accordance in
21 with the provisions of Section 18 of this act.

22 B. A person who, with intent and without right to do so,
23 injures or tampers with any aircraft or in any other manner damages
24 any part or portion of ~~said~~ the aircraft or any accessories,

1 appurtenances or attachments thereto, upon conviction, shall be
2 guilty of a misdemeanor.

3 C. A person who, without right to do so and with intent to
4 commit a crime, climbs into or upon an aircraft whether it is in
5 motion or at rest, manipulates any of the levers, starting
6 mechanism, brakes or other mechanism or device of an aircraft while
7 the same is at rest and unattended, or sets in motion any aircraft
8 while the same is at rest and unattended, upon conviction, shall be
9 guilty of a misdemeanor.

10 SECTION 51. AMENDATORY 3A O.S. 2021, Section 203.6, is
11 amended to read as follows:

12 Section 203.6. A. The Commission, its executive director, or
13 the stewards may issue subpoenas for the attendance of witnesses or
14 the production of any records, books, memoranda, documents, or other
15 papers or things, to enable any of them to effectually discharge its
16 or his duties, and may administer oaths or affirmations as necessary
17 in connection therewith.

18 B. Any person subpoenaed who fails to appear at the time and
19 place specified in answer to the subpoena and to bring any papers or
20 things specified in the subpoena, or who upon such appearance,
21 refuses to testify or produce such records or things, upon
22 conviction, is guilty of a misdemeanor.

23 C. Any person who testifies falsely under oath in any
24 proceeding before, or any investigation by, the Commission, its

1 executive director, or the stewards, upon conviction, shall be
2 guilty of a Class D3 felony and shall be punished in ~~the same manner~~
3 ~~prescribed for the punishment of perjury~~ accordance with the
4 provisions of Section 20 of this act.

5 SECTION 52. AMENDATORY 3A O.S. 2021, Section 205, is
6 amended to read as follows:

7 Section 205. A. No person shall conduct a horse race where the
8 public is charged any type of fee for admission, parking, or to race
9 a horse without a valid organization license issued pursuant to the
10 provisions of the Oklahoma Horse Racing Act.

11 B. Any person violating the provision of this section, upon
12 conviction, shall be guilty of a Class D3 felony and shall be ~~fin~~
13 ~~not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for~~
14 ~~a period of not more than ten (10) years or both said fine and~~
15 ~~imprisonment~~ punished in accordance with the provisions of Section
16 20 of this act.

17 SECTION 53. AMENDATORY 3A O.S. 2021, Section 208.4, is
18 amended to read as follows:

19 Section 208.4. A. Any person holding a race or race meeting at
20 which pari-mutuel or non-pari-mutuel wagering is conducted without a
21 valid organization license issued pursuant to the provisions of the
22 Oklahoma Horse Racing Act, upon conviction, shall be guilty of a
23 Class D1 felony and shall be ~~fin~~
24 ~~Dollars (\$10,000.00) or be imprisoned for a period of not more than~~

1 ~~ten (10) years or both said fine and imprisonment~~ punished in
2 accordance with the provisions of Section 18 of this act.

3 B. No organization licensee shall knowingly permit any minor to
4 be a patron of the pari-mutuel system of wagering conducted by the
5 organization licensee. Any person convicted of violating any
6 provision of this subsection shall be guilty of a misdemeanor.

7 SECTION 54. AMENDATORY 3A O.S. 2021, Section 208.6, is
8 amended to read as follows:

9 Section 208.6. A. No person shall knowingly enter or cause to
10 be entered for competition any horse under any other name than its
11 true name, or out of its proper class, for any purse, prize,
12 premium, stake, or sweepstakes offered to the winner of a contest of
13 speed at any race meeting held by an organization licensee.

14 B. The name of any horse, for the purpose of entry for
15 competition in any contest of speed, shall be the name under which
16 the horse has been registered and has publicly performed.

17 C. Any person convicted of violating the provisions of this
18 section shall be guilty of a Class D1 felony and shall be ~~fin~~~~ed not~~
19 ~~more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for a~~
20 ~~period of not more than ten (10) years or both said fine and~~
21 ~~imprisonment~~ punished in accordance with the provisions of Section
22 18 of this act.

23 SECTION 55. AMENDATORY 3A O.S. 2021, Section 208.7, is
24 amended to read as follows:

1 Section 208.7. A. It shall be unlawful for any person to:

2 1. Use or conspire to use any battery, buzzer, electrical or
3 mechanical device, or other device other than the ordinary whip for
4 the purpose of stimulating or depressing a horse or affecting its
5 speed at any time; or

6 2. Sponge the nostrils or windpipe of a horse for the purpose
7 of stimulating or depressing a horse or affecting its speed at any
8 time; or

9 3. Have in the possession of the person, within the confines of
10 a racetrack, stables, sheds, buildings, or grounds where horses are
11 kept which are eligible to race over a racetrack of any organization
12 licensee, any device other than the ordinary whip which may or can
13 be used for the purpose of stimulating or depressing a horse or
14 affecting its speed at any time; or

15 4. Have in the possession of the person with the intent to
16 sell, give away, or exchange any such devices.

17 B. Possession of such devices by anyone within the confines of
18 a racetrack, stables, sheds, buildings, or grounds where horses are
19 kept which are eligible to race over the racetracks of any
20 organization licensee shall be prima facie evidence of intention to
21 use such devices.

22 C. Any person who violates the provisions of this section, upon
23 conviction, shall be guilty of a Class D1 felony and shall be ~~fin~~
24 ~~not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for~~

1 ~~a period of not more than ten (10) years or both said fine and~~
2 ~~imprisonment~~ punished in accordance with the provisions of Section
3 18 of this act. The Commission shall suspend or revoke the license
4 of any person convicted of violating the provisions of this section.

5 SECTION 56. AMENDATORY 3A O.S. 2021, Section 208.8, is
6 amended to read as follows:

7 Section 208.8. A. It shall be unlawful for any person to
8 directly or indirectly engage or to conspire with or aid, assist, or
9 abet any other person in the commission of any corrupt act or
10 practice, including but not limited to:

11 1. The giving, offering, promising, accepting, soliciting or
12 receiving, directly or indirectly, of any gratuity or bribe in any
13 form to any person having duties in relation to any race or race
14 horse or to any trainer, jockey, starter, assistant starter,
15 gatekeeper or agent or to any other person having charge of, or
16 access to, any race horse; or

17 2. The passing or attempting to pass or the cashing or
18 attempting to cash of any altered or fraudulent pari-mutuel ticket;
19 or

20 3. The unauthorized sale or the attempt to make an unauthorized
21 sale of any racetrack admission ticket.

22 B. Any person who is convicted of violating the provisions of
23 subsection A of this section shall be guilty of a Class D1 felony
24 and shall be ~~fined not more than Ten Thousand Dollars (\$10,000.00)~~

1 ~~or be imprisoned for a period of not more than ten (10) years or~~
2 ~~both said fine and imprisonment~~ punished in accordance with the
3 provisions of Section 18 of this act.

4 C. If any person who is convicted of violating the provisions
5 of subsection A of this section is licensed pursuant to the
6 provisions of the Oklahoma Horse Racing Act, Section 200 et seq. of
7 this title, the Commission shall suspend or revoke the organization
8 or occupation license of the person in addition to the penalty and
9 fine imposed in subsection B of this section.

10 SECTION 57. AMENDATORY 3A O.S. 2021, Section 208.9, is
11 amended to read as follows:

12 Section 208.9. No person shall directly or indirectly, for any
13 type of compensation including but not limited to fees, dues, or
14 donations, accept anything of value from another to be transmitted
15 or delivered for wager in any pari-mutuel system of wagering on
16 horse races or collect a wager in any pari-mutuel system of wagering
17 on horse races. Nothing in this section prohibits wagering
18 transactions authorized pursuant to the provisions of the Oklahoma
19 Horse Racing Act. Any person that violates the provisions of this
20 section, upon conviction, shall be guilty of a Class D1 felony and
21 shall be ~~fined not more than Ten Thousand Dollars (\$10,000.00) or be~~
22 ~~imprisoned for a period of not more than ten (10) years or both said~~
23 ~~fine and imprisonment~~ punished in accordance with the provisions of
24 Section 18 of this act.

1 SECTION 58. AMENDATORY 3A O.S. 2021, Section 208.10, is
2 amended to read as follows:

3 Section 208.10. It shall be unlawful for any person to falsify,
4 conceal, or cover up by any trick, scheme, or device a material
5 fact, or make any false, fictitious, or fraudulent statements or
6 representations, or make or use any false writing or document
7 knowing the same to contain any false, fictitious, or fraudulent
8 statement or entry regarding the prior racing record, pedigree,
9 identity or ownership of a registered animal in any matter related
10 to the breeding, buying, selling, or racing of such animal. Whoever
11 violates any provision of this section shall be guilty of a Class D1
12 ~~felony and fined not more than Ten Thousand Dollars (\$10,000.00) or~~
13 ~~imprisoned for not more than ten (10) years, or be both so fined and~~
14 ~~imprisoned~~ punished in accordance with the provisions of Section 18
15 of this act.

16 SECTION 59. AMENDATORY 3A O.S. 2011, Section 208.11, is
17 amended to read as follows:

18 Section 208.11. A. Except as provided in subsection B of this
19 section, the Oklahoma Horse Racing Commission is hereby authorized
20 to determine by rule which drugs and medications, if any, may be
21 administered to a horse prior to or during a horse race and to
22 determine by rule the conditions under which such drugs and
23 medications may be used or administered.

24

1 B. All horses participating in a horse race may be administered
2 Furosemide prior to a horse race as authorized by the rules of the
3 Oklahoma Horse Racing Commission.

4 C. The administration of any drug or medication to a horse
5 prior to or during a horse race which is not permitted by rule of
6 the Commission is prohibited.

7 D. Any person who violates the provisions of this section or
8 who knowingly enters in a race a horse to which any drug or
9 medication has been administered in violation of this section shall
10 be guilty, upon conviction, of a Class D1 felony and shall be ~~fin~~
11 ~~not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for~~
12 ~~a period of not more than ten (10) years, or by both said fine and~~
13 ~~imprisonment~~ punished in accordance with the provisions of Section
14 18 of this act. The Commission shall suspend or revoke the license
15 of any such guilty party.

16 SECTION 60. AMENDATORY 3A O.S. 2021, Section 504, is
17 amended to read as follows:

18 Section 504. A. Multiple count violations of subsection A or B
19 of Section 502 of this title, or violations resulting in a loss of
20 money or other valuable consideration, in which ~~said~~ the loss
21 exceeds Five Hundred Dollars (\$500.00), shall constitute a Class D3
22 felony, and shall be punishable pursuant to ~~subsection B of Section~~
23 ~~505 of this title~~ the provisions of Section 20 of this act.

24

1 B. Any person serving in a managerial or supervisory capacity
2 for any fair, exposition, or any other event open to the public,
3 paid admission or free, who knowingly or intentionally promotes or
4 allows the operation of any amusement or carnival game in violation
5 of ~~this act~~ Section 501 et seq. of this title, upon conviction,
6 shall be guilty of a misdemeanor.

7 C. Any person who manufactures or distributes amusement or
8 carnival games of the type described in Section 502 of this title,
9 upon conviction, shall be guilty of a misdemeanor punishable
10 pursuant to ~~subsection A of~~ Section 505 of this title, with said
11 games to be confiscated as contraband.

12 D. Any person charged with law enforcement responsibilities or
13 legal compliance inspections of amusement or carnival games, and who
14 knowingly and intentionally allows or who knowingly and
15 intentionally fails to prevent the operation of any amusement or
16 carnival game violating the Amusement and Carnival Games Act, upon
17 conviction, shall be guilty of omission of duty and/or guilty of a
18 misdemeanor punishable pursuant to ~~subsection A of~~ Section 505 of
19 this title.

20 SECTION 61. AMENDATORY 3A O.S. 2021, Section 505, is
21 amended to read as follows:

22 Section 505. ~~A.~~ Any person convicted of violating any
23 provision of the Amusement and Carnival Games Act, with the
24 exception of subsection A of Section 504 of this title, shall be

1 guilty of a misdemeanor punishable by not more than two hundred
2 twenty (220) days of community service, or by the imposition of a
3 fine of not more than Two Thousand Dollars (\$2,000.00), or by both
4 such fine and community service.

5 ~~B. Any person convicted of violating subsection A of Section~~
6 ~~504 of this title shall be guilty of a felony punishable by~~
7 ~~imprisonment in the State Penitentiary for not less than two (2)~~
8 ~~years, or more than five (5) years, or by the imposition of a fine~~
9 ~~of not more than Five Thousand Dollars (\$5,000.00), or by both such~~
10 ~~imprisonment and fine.~~

11 SECTION 62. AMENDATORY 3A O.S. 2021, Section 727, is
12 amended to read as follows:

13 Section 727. A. Any person who, with intent to defraud,
14 falsely makes, alters, forges, utters, passes, or counterfeits a
15 state lottery ticket shall, upon conviction, be ~~punished by a fine~~
16 ~~not to exceed Fifty Thousand Dollars (\$50,000.00), by imprisonment~~
17 ~~for not longer than five (5) years, or by both such fine and~~
18 ~~imprisonment~~ guilty of a Class D1 felony punishable in accordance
19 with the provisions of Section 18 of this act.

20 B. Any person who influences or attempts to influence the
21 winning of a prize through the use of coercion, fraud, deception, or
22 tampering with lottery equipment or materials shall, upon
23 conviction, be ~~punished by a fine not to exceed Fifty Thousand~~
24 ~~Dollars (\$50,000.00), by imprisonment for not longer than five (5)~~

1 ~~years, or by both such fine and imprisonment~~ guilty of a Class D1
2 felony punishable in accordance with the provisions of Section 18 of
3 this act.

4 SECTION 63. AMENDATORY 4 O.S. 2021, Section 42.4, is
5 amended to read as follows:

6 Section 42.4. A. It is unlawful for the owner of any dog that
7 previously has:

8 1. When unprovoked inflicted bites on any person or severely
9 injured any person either on public or private property; or

10 2. When unprovoked created an imminent threat of injury or
11 death to any person,

12 to permit such dog to run at large or aggressively bite or attack
13 any person while such person is lawfully upon public or private

14 property. Upon conviction, the violator shall be guilty of a
15 misdemeanor punishable by imprisonment in the county jail for not

16 more than one (1) year, or by imposition of a fine not to exceed
17 Five Thousand Dollars (\$5,000.00), or by both such fine and

18 imprisonment. In addition, the owner shall be liable for damages as
19 provided in Section 42.1 of Title 4 of the Oklahoma Statutes.

20 B. The owner of any dangerous dog as defined by Section 44 of
21 Title 4 of the Oklahoma Statutes, or any dog that is described in
22 subsection A of this section, that attacks any person causing the
23 death of such person shall, upon conviction, be guilty of a Class D1
24 ~~felony punishable by imprisonment in the custody of the Department~~

1 ~~of Corrections for not more than five (5) years, or by the~~
2 ~~imposition of a fine not to exceed Twenty five Thousand Dollars~~
3 ~~(\$25,000.00), or by both such fine and imprisonment in accordance~~
4 ~~with the provisions of Section 18 of this act .~~

5 C. It is unlawful for any person to release any dog upon a law
6 enforcement officer while the officer is in the performance of
7 official duties. Upon conviction, the violator shall be guilty of a
8 Class D1 felony punishable ~~by imprisonment in the custody of the~~
9 ~~Department of Corrections for not more than five (5) years, or~~
10 ~~imprisonment in the county jail for not more than one (1) year, or~~
11 ~~by imposition of a fine not exceeding Five Thousand Dollars~~
12 ~~(\$5,000.00), or by both such fine and imprisonment in accordance~~
13 ~~with the provisions of Section 18 of this act.~~

14 D. It shall be an affirmative defense to a prosecution pursuant
15 to subsection A or B of this section that the injury or death was
16 sustained by a person who, at the time, was committing a willful
17 criminal act upon the premises of the owner of the dog or was
18 assaulting the owner of the dog.

19 SECTION 64. AMENDATORY 4 O.S. 2021, Section 85.11, is
20 amended to read as follows:

21 Section 85.11. If any person unlawfully takes up or conceals an
22 stray, or fails to comply with the provisions of ~~this act~~ Section
23 85.1 et seq. of this title, such person so offending shall be guilty
24 of the Class D3 felony of larceny of domestic animals and shall be

1 punished according to the provisions of Section ~~1716 of Title 21 of~~
2 ~~the Oklahoma Statutes~~ 20 of this act.

3 SECTION 65. AMENDATORY 4 O.S. 2021, Section 268, is
4 amended to read as follows:

5 Section 268. A. Any person who shall with intent to defraud,
6 brand or misbrand, mark or mismark any neat domestic animal, not his
7 own; or shall intentionally brand over a previous brand or shall cut
8 out or obliterate a previous mark or brand on any neat domestic
9 animal, not his own, shall be guilty of a Class C2 felony and upon
10 conviction thereof shall be punished ~~by imprisonment in the State~~
11 ~~Penitentiary for a term not less than three (3) years nor more than~~
12 ~~ten (10) years or by imprisonment in the county jail for one (1)~~
13 ~~year or by a fine not less than Five Hundred Dollars (\$500.00) nor~~
14 ~~more than One Thousand Dollars (\$1,000.00)~~ in accordance with the
15 provisions of Section 17 of this act.

16 B. For purposes of this section:

17 1. "Domestic animal" means cattle, equinae, sheep, goat, hog,
18 poultry and exotic livestock; and

19 2. "Exotic livestock" means commercially raised exotic
20 livestock including animals of the families bovidae, cervidae and
21 antilocapridae or birds of the ratite group.

22 SECTION 66. AMENDATORY 6 O.S. 2021, Section 808, is
23 amended to read as follows:

24

1 Section 808. A. ~~Prohibition against political expenditures.~~

2 It is unlawful for any bank to make a contribution or expenditure in
3 connection with any election to any political office, or in
4 connection with any primary election or political convention or
5 caucus held to select candidates for any political office, or for
6 any candidate, political committee, or for any other person to
7 accept or receive any contribution prohibited by this section
8 ~~(Section 808A).~~

9 B. ~~Penalties.~~ Every bank which makes any contribution or
10 expenditure in violation of this section ~~(Section 808A)~~ shall be
11 fined not more than Five Thousand Dollars (\$5,000.00); and every
12 officer or director of any bank who consents to any such
13 contribution or expenditure by the bank, and any person who accepts
14 or receives any such contribution, shall be ~~fined not more than One~~
15 ~~Thousand Dollars (\$1,000.00) or imprisoned not more than one (1)~~
16 ~~year, or both; and if the violation was willful shall be fined not~~
17 ~~more than Ten Thousand Dollars (\$10,000.00) or imprisoned not more~~
18 ~~than two (2) years, or both~~ guilty of a Class D3 felony and upon
19 conviction, shall punished in accordance with the provisions of
20 Section 20 of this act.

21 SECTION 67. AMENDATORY 6 O.S. 2021, Section 809, is
22 amended to read as follows:

23 Section 809. A. Except as provided in Section 411 of this
24 title, no bank, banker or bank official shall give preference to any

1 depositor, borrower, or creditor by pledging the assets of the bank
2 as collateral security. No bank, banker or bank official shall sell
3 or transfer any of the assets of any insolvent bank in consideration
4 of any deposit in such bank. Any officer, director or employee of
5 any bank who violates any provision of this section shall be guilty
6 of a Class D1 felony and upon conviction thereof shall be punished
7 ~~by a fine of not less than One Hundred Dollars (\$100.00), nor more~~
8 ~~than One Thousand Dollars (\$1,000.00), or by imprisonment in the~~
9 ~~State Penitentiary for not less than one (1) year, nor more than~~
10 ~~five (5) years, or by both such fine and imprisonment~~ in accordance
11 with the provisions of Section 18 of this act.

12 B. No attachment, injunction, execution or other recordation
13 which constitutes a lien under the laws of this state upon the
14 property of a bank created, organized or existing under or by virtue
15 of the laws of this state, shall be issued against such a bank or
16 its property before final judgment in any suit, action or proceeding
17 in any federal, state, county or municipal court. As used in this
18 subsection, "final judgment" shall mean a judgment on the merits
19 from which no appeal can be taken or the time in which to file an
20 appeal has elapsed and not merely a judgment rendered.

21 C. The Board shall have the authority, pursuant to Section 203
22 of this title, to order or seek injunction over any person, as
23 defined in Section 103 of this title, to cease and desist violating
24 any of the provisions of this section.

1 SECTION 68. AMENDATORY 6 O.S. 2021, Section 1414, is
2 amended to read as follows:

3 Section 1414. A. Any person responsible for an act or omission
4 expressly declared to be unlawful or a criminal offense by this Code
5 shall be guilty:

6 ~~(1)~~ 1. Of a misdemeanor punishable by imprisonment for a term
7 not exceeding one (1) year or a fine not exceeding Fifty Thousand
8 Dollars (\$50,000.00), or both.

9 ~~(2)~~ 2. If the act or omission was intended to defraud, of a
10 Class D1 felony punishable ~~by imprisonment not exceeding five (5)~~
11 ~~years or a fine not exceeding One Hundred Thousand Dollars~~
12 ~~(\$100,000.00), or both~~ in accordance with the provisions of Section
13 18 of this act.

14 B. An officer, director, employee, agent or attorney of a bank
15 or trust company shall be responsible for an act or omission of the
16 institution declared to be a criminal offense against this Code
17 whenever, knowing that such act or omission is unlawful, he
18 participates in authorizing, executing, ratifying or concealing such
19 act, or in authorizing or ratifying such omission or, having a duty
20 to take the required action, omits to do so.

21 A director shall be deemed to participate in any action of which
22 he has knowledge taken or omitted to be taken by the board of which
23 he is a member unless he dissents therefrom in writing and promptly
24 notifies the Commissioner of his dissent.

1 C. It shall be a criminal offense against this Code to violate
2 any lawful order of the Board or Commissioner, served upon it, or to
3 knowingly violate any lawful rule, regulation or order of the Board
4 or Commissioner.

5 The Commissioner may refer evidence concerning violations of
6 this Code or of any rule or order thereunder to the Attorney General
7 of the State of Oklahoma or to the district attorney for the county
8 where a violation occurred in order that an information or
9 indictment for such violations may be filed. The Attorney General
10 or district attorney may designate and appoint a lawyer of the
11 Department as special assistant, if available, for the purpose of
12 assisting in or conducting criminal prosecutions arising because of
13 the proceedings provided for in this section.

14 D. Unless otherwise provided in this Code, it shall be no
15 defense to a criminal prosecution hereunder that the defendant did
16 not know the facts establishing the criminal character of the act or
17 omission charged if he or she could and should have known such facts
18 in the proper performance of his or her duty.

19 E. This section shall not apply to specific offenses for which
20 criminal sanctions have been imposed in other sections of this Code.

21 SECTION 69. AMENDATORY 10 O.S. 2021, Section 404.1, is
22 amended to read as follows:

23 Section 404.1. A. On and after November 1, 2013:
24

1 1. Prior to the issuance of a permit or license, owners and
2 responsible entities making a request to establish or operate a
3 child care facility shall have:

4 a. an Oklahoma State Courts Network search conducted by
5 the Department,

6 b. a Restricted Registry search conducted by the
7 facility,

8 c. a national criminal history records search conducted
9 pursuant to paragraph 10 of this subsection,

10 d. a criminal history records and sex offender registry
11 search conducted by an authorized source, when the
12 individual has lived outside this state within the
13 last five (5) years,

14 e. a search of the Department of Corrections' files
15 maintained pursuant to the Sex Offenders Registration
16 Act and conducted by the Department of Human Services,

17 f. a search of any available child abuse and neglect
18 registry within a state the individual has resided in
19 within the last five (5) years,

20 g. a search of the nontechnical services worker abuse
21 registry maintained by the State Department of Health
22 pursuant to Section 1-1950.7 of Title 63 of the
23 Oklahoma Statutes, and
24

1 h. a search of the community services worker registry
2 maintained by the Department of Human Services
3 pursuant to Section 1025.3 of Title 56 of the Oklahoma
4 Statutes;

5 2. Prior to the employment of an individual:

6 a. an Oklahoma State Courts Network search, conducted by
7 the Department, shall be requested and received by the
8 facility; provided, however, if twenty-four (24) hours
9 ~~has~~ have passed from the time the request to the
10 Department was made, the facility may initiate
11 employment, notwithstanding the provisions of this
12 paragraph,

13 b. a Restricted Registry search shall be conducted by the
14 facility with notification of the search submitted to
15 the Department,

16 c. a national criminal history records search pursuant to
17 paragraph 10 of this subsection shall be submitted,

18 d. a criminal history records and sex offender registry
19 search conducted by an authorized source, when the
20 individual has lived outside this state within the
21 last five (5) years, shall be submitted to the
22 Department,

23 e. a search of the Department of Corrections' files
24 maintained pursuant to the Sex Offenders Registration

1 Act shall be conducted by the Department and received
2 by the facility,

3 f. a search of any available child abuse and neglect
4 registry within a state the individual has resided in
5 within the last five (5) years,

6 g. a search of the nontechnical services worker abuse
7 registry maintained by the State Department of Health
8 pursuant to Section 1-1950.7 of Title 63 of the
9 Oklahoma Statutes, and

10 h. a search of the community services worker registry
11 maintained by the Department of Human Services
12 pursuant to Section 1025.3 of Title 56 of the Oklahoma
13 Statutes;

14 3. Prior to allowing unsupervised access to children by
15 employees or individuals, including contract employees and
16 volunteers and excluding the exceptions in paragraph 8 of this
17 subsection:

18 a. Oklahoma State Courts Network search results,
19 conducted by the Department, shall be received by the
20 facility,

21 b. a Child Care Restricted Registry search shall be
22 conducted by the facility with notification of the
23 search submitted to the Department,
24

- 1 c. national criminal history records search results
2 pursuant to paragraph 10 of this subsection shall be
3 received by the facility,
- 4 d. a criminal history records and sex offender registry
5 search conducted by an authorized source, when the
6 individual has lived outside this state within the
7 last five (5) years, shall be submitted to the
8 Department,
- 9 e. a search of the Department of Corrections' files
10 maintained pursuant to the Sex Offenders Registration
11 Act shall be conducted by the Department and received
12 by the facility,
- 13 f. a search of any available child abuse and neglect
14 registry within a state the individual has resided in
15 within the last five (5) years,
- 16 g. a search of the nontechnical services worker abuse
17 registry maintained by the State Department of Health
18 pursuant to Section 1-1950.7 of Title 63 of the
19 Oklahoma Statutes, and
- 20 h. a search of the community services worker registry
21 maintained by the Department of Human Services
22 pursuant to Section 1025.3 of Title 56 of the Oklahoma
23 Statutes;
- 24

1 4. Prior to the issuance of a permit or license and prior to
2 the residence of adults who subsequently move into a facility,
3 adults living in the facility excluding the exception in paragraph 7
4 of this subsection shall have:

- 5 a. an Oklahoma State Courts Network search conducted by
6 the Department and the facility shall be in receipt of
7 the search results,
- 8 b. a Restricted Registry search conducted by the facility
9 with notification of the search submitted to the
10 Department,
- 11 c. a national criminal history records search conducted
12 pursuant to paragraph 10 of this subsection,
- 13 d. a criminal history records and sex offender registry
14 search conducted by an authorized source, when the
15 individual has lived outside this state within the
16 last five (5) years,
- 17 e. a search of the Department of Corrections' files
18 maintained pursuant to the Sex Offenders Registration
19 Act conducted by the Department and received by the
20 facility,
- 21 f. a search of any available child abuse and neglect
22 registry within a state the individual has resided in
23 within the last five (5) years,

1 g. a search of the nontechnical services worker abuse
2 registry maintained by the State Department of Health
3 pursuant to Section 1-1950.7 of Title 63 of the
4 Oklahoma Statutes, and

5 h. a search of the community services worker registry
6 maintained by the Department of Human Services
7 pursuant to Section 1025.3 of Title 56 of the Oklahoma
8 Statutes;

9 5. Children who reside in the facility and turn eighteen (18)
10 years of age excluding the exception in paragraph 7 of this
11 subsection shall have:

12 a. an Oklahoma State Courts Network search conducted by
13 the Department,

14 b. a Restricted Registry search conducted by the facility
15 with notification of the search submitted to the
16 Department,

17 c. a national criminal history records search conducted
18 pursuant to paragraph 10 of this subsection, and

19 d. a search of the Department of Corrections' files
20 pursuant to the Sex Offenders Registration Act
21 conducted by the Department and received by the
22 facility;

23 6. Prior to review of or access to fingerprint results, owners,
24 responsible entities, directors, and other individuals who have

1 review of or access to fingerprint results shall have a national
2 criminal history records search pursuant to paragraph 10 of this
3 subsection;

4 7. Provisions specified in paragraphs 4 and 5 of this
5 subsection shall not apply to residents who are receiving services
6 from a residential child care facility;

7 8. A national criminal history records search pursuant to
8 paragraph 10 of this subsection shall not be required for volunteers
9 who transport children on an irregular basis when a release is
10 signed by the parent or legal guardian noting ~~their~~ his or her
11 understanding that the volunteer does not have a completed national
12 criminal history records search. The provisions in paragraph 3 of
13 this subsection shall not be required for specialized service
14 professionals who are not employed by the program and have
15 unsupervised access to a child when a release is signed by the
16 parent or legal guardian noting his or her understanding of this
17 exception. These exceptions shall not preclude the Department from
18 requesting a national fingerprint or an Oklahoma State Bureau of
19 Investigation name-based criminal history records search or
20 investigating criminal, abusive, or harmful behavior of such
21 individuals, if warranted;

22 9. A national criminal history records search pursuant to
23 paragraph 10 of this subsection shall be required on or before
24 November 1, 2016, for existing owners, responsible entities,

1 employees, individuals with unsupervised access to children, and
2 adults living in the facility, as of November 1, 2013, unless
3 paragraph 6 of this subsection applies;

4 10. The Department shall require a national criminal history
5 records search based upon submission of fingerprints that shall:

6 a. be conducted by the Oklahoma State Bureau of
7 Investigation and the Federal Bureau of Investigation
8 pursuant to Section 150.9 of Title 74 of the Oklahoma
9 Statutes and the federal National Child Protection Act
10 and the federal Volunteers for Children Act with the
11 Department as the authorized agency,

12 b. be submitted and have results received between the
13 Department and the Oklahoma State Bureau of
14 Investigation through secure electronic transmissions,

15 c. include Oklahoma State Bureau of Investigation ~~rap~~
16 ~~back~~ Rap Back, requiring the Oklahoma State Bureau of
17 Investigation to immediately notify the Department
18 upon receipt of subsequent criminal history activity,
19 and

20 d. be paid by the individual or the facility;

21 11. The Director of the Department, or designee, shall
22 promulgate rules that may authorize an exception to the
23 fingerprinting requirements for individuals who have a severe
24

1 physical condition which precludes such individuals from being
2 fingerprinted;

3 12. The Director of the Department, or designee, shall
4 promulgate rules that ensure individuals obtain a criminal history
5 records search, not to include the re-submission of fingerprints,
6 not less than once during each five (5) year period;

7 13. Any individual who refuses to consent to the criminal
8 background check or knowingly makes a materially-false statement in
9 connection with such criminal background check shall be ineligible
10 for ownership of, employment of or residence in a child care
11 facility; and

12 14. The Office of Juvenile Affairs shall require national
13 criminal history records searches, as defined by Section 150.9 of
14 Title 74 of the Oklahoma Statutes, which shall be provided by the
15 Oklahoma State Bureau of Investigation for the purpose of obtaining
16 the national criminal history records search, including Rap Back
17 notification of and through direct request by the Office of Juvenile
18 Affairs on behalf of any:

19 a. operator or responsible entity making a request to
20 establish or operate a secure detention center,
21 municipal juvenile facility, community intervention
22 center or secure facility licensed or certified by the
23 Office of Juvenile Affairs,

24

- 1 b. employee or applicant of a secure detention center,
2 municipal juvenile facility, community intervention
3 center or secure facility licensed or certified by the
4 Office of Juvenile Affairs, or
- 5 c. persons allowed unsupervised access to children,
6 including contract employees or volunteers, of a
7 secure detention center, municipal juvenile facility,
8 community intervention center or secure facility
9 licensed or certified by the Office of Juvenile
10 Affairs.

11 B.

- 12 1. a. On and after September 1, 1998:

13 (1) any child-placing agency contracting with a
14 person for foster family home services or in any
15 manner for services for the care and supervision
16 of children shall also, prior to executing a
17 contract, complete:

18 (a) a foster parent eligibility assessment for
19 the foster care provider except as otherwise
20 provided by divisions (2) and (4) of this
21 subparagraph, and

22 (b) a national criminal history records search
23 based upon submission of fingerprints for
24 any adult residing in the foster family home

1 through the Department of Human Services
2 pursuant to the provisions of Section 1-7-
3 106 of Title 10A of the Oklahoma Statutes,
4 except as otherwise provided by divisions
5 (2) and (4) of this subparagraph,

6 (2) the child-placing agency may place a child
7 pending completion of the national criminal
8 history records search if the foster care
9 provider and every adult residing in the foster
10 family home has resided in this state for at
11 least five (5) years immediately preceding such
12 placement,

13 (3) a national criminal history records search based
14 upon submission of fingerprints to the Oklahoma
15 State Bureau of Investigation shall also be
16 completed for any adult who subsequently moves
17 into the foster family home,

18 (4) provided, however, the Director of Human Services
19 or the Director of the Office of Juvenile
20 Affairs, or a designee, may authorize an
21 exception to the fingerprinting requirement for a
22 person residing in the home who has a severe
23 physical condition which precludes such person's
24 being fingerprinted, and

1 (5) any child care facility contracting with any
2 person for foster family home services shall
3 request the Office of Juvenile Affairs to conduct
4 a juvenile justice information system review,
5 pursuant to the provisions of Sections 2-7-905
6 and 2-7-308 of Title 10A of the Oklahoma
7 Statutes, for any child over the age of thirteen
8 (13) years residing in the foster family home,
9 other than a foster child, or who subsequently
10 moves into the foster family home. As a
11 condition of contract, the child care facility
12 shall obtain the consent of the parent or legal
13 guardian of the child for such review.

14 b. The provisions of this paragraph shall not apply to
15 foster care providers having a contract or contracting
16 with a child-placing agency, the Department of Human
17 Services or the Office of Juvenile Affairs prior to
18 September 1, 1998. Such existing foster care
19 providers shall comply with the provisions of this
20 section, until otherwise provided by rules of the
21 Department or by law.

22 2. a.

23 (1) On and after September 1, 1998, except as
24 otherwise provided in divisions (2) and (4) of

1 this subparagraph, prior to contracting with a
2 foster family home for placement of any child who
3 is in the custody of the Department of Human
4 Services or the Office of Juvenile Affairs, each
5 Department shall complete a foster parent
6 eligibility assessment, pursuant to the
7 provisions of the Oklahoma Child Care Facilities
8 Licensing Act, for such foster family applicant.
9 In addition, except as otherwise provided by
10 divisions (2) and (4) of this subparagraph, the
11 Department shall complete a national criminal
12 history records search based upon submission of
13 fingerprints for any adult residing in such
14 foster family home.

15 (2) The Department of Human Services and Office of
16 Juvenile Affairs may place a child pending
17 completion of the national criminal history
18 records search if the foster care provider and
19 every adult residing in the foster family home
20 has resided in this state for at least five (5)
21 years immediately preceding such placement.

22 (3) A national criminal history records search based
23 upon submission of fingerprints conducted by the
24 Oklahoma State Bureau of Investigation shall also

1 be completed for any adult who subsequently moves
2 into the foster family home.

3 (4) The Director of Human Services or the Director of
4 the Office of Juvenile Affairs or their designee
5 may authorize an exception to the fingerprinting
6 requirement for any person residing in the home
7 who has a severe physical condition which
8 precludes such person's being fingerprinted.

9 b. The provisions of this paragraph shall not apply to
10 foster care providers having a contract or contracting
11 with a child-placing agency, the Department of Human
12 Services or the Office of Juvenile Affairs prior to
13 September 1, 1998. Such existing foster care
14 providers shall comply with the provisions of this
15 section, until otherwise provided by rules of the
16 Department or by law.

17 3. The Department of Human Services or the Office of Juvenile
18 Affairs shall provide for a juvenile justice information system
19 review pursuant to Section 2-7-308 of Title 10A of the Oklahoma
20 Statutes for any child over the age of thirteen (13) years residing
21 in a foster family home, other than the foster child, or who
22 subsequently moves into the foster family home.

23 C. The Department or the Board of Juvenile Affairs shall
24 promulgate rules to identify circumstances when a criminal history

1 records search or foster parent eligibility assessment for an
2 applicant or contractor, or any person over the age of thirteen (13)
3 years residing in a private residence in which a child care facility
4 is located, shall be expanded beyond the records search conducted by
5 the Oklahoma State Bureau of Investigation or as otherwise provided
6 pursuant to this section.

7 D. Except as otherwise provided by the Oklahoma Children's Code
8 and subsection F of this section, a conviction for a crime shall not
9 be an absolute bar to employment, but shall be considered in
10 relation to specific employment duties and responsibilities.

11 E. 1. Information received pursuant to this section by an
12 owner, administrator, or responsible entity of a child care
13 facility, shall be maintained in a confidential manner pursuant to
14 applicable state and federal laws.

15 2. The information, along with any other information relevant
16 to the ability of the individual to perform tasks that require
17 direct contact with children, may be released to another child care
18 facility in response to a request from the child care facility that
19 is considering employing or contracting with the individual unless
20 deemed confidential by state and federal laws.

21 3. Requirements for confidentiality and recordkeeping with
22 regard to the information shall be the same for the child care
23 facility receiving the information in response to a request as those
24

1 provided for in paragraph 1 of this subsection for the child care
2 facility releasing such information.

3 4. Information received by any facility certified by the Office
4 of Juvenile Affairs may be released to another facility certified by
5 the Office if an individual is being considered for employment or
6 contract, along with any other relevant information, unless the
7 information is deemed confidential by state or federal law. Any
8 information received by the Office shall be maintained in a
9 confidential manner pursuant to applicable state and federal law.

10 F. 1. It shall be unlawful for individuals who are required to
11 register pursuant to the Sex Offenders Registration Act to work with
12 or provide services to children or to reside in a child care
13 facility and for any employer who offers or provides services to
14 children to knowingly and willfully employ or contract with, or
15 allow continued employment of or contracting with, individuals who
16 are required to register pursuant to the Sex Offenders Registration
17 Act. Individuals required to register pursuant to the Sex Offenders
18 Registration Act who violate any provision of Section 401 et seq. of
19 this title shall, upon conviction, be guilty of a Class D1 felony
20 ~~punishable by incarceration in a correctional facility for a period~~
21 ~~of not more than five (5) years and a fine of not more than Five~~
22 ~~Thousand Dollars (\$5,000.00) or both such fine and imprisonment in~~
23 accordance with the provisions of Section 18 of this act.

24

1 2. It shall be unlawful for an individual who is the
2 perpetrator of a substantiated finding by the Department of heinous
3 and shocking abuse by a person responsible for a child's health,
4 safety, or welfare, as those terms are defined in Section 1-1-105 of
5 Title 10A of the Oklahoma Statutes, to work with or provide services
6 to children or to reside in a child care facility and for any
7 employer who offers or provides services to children to knowingly
8 and willfully employ or contract with, or allow continued employment
9 of or contracting with such individual.

10 3. Upon a determination by the Department of any violation of
11 the provisions of this section, the violator shall be subject to and
12 the Department may pursue:

- 13 a. an emergency order,
- 14 b. license revocation or denial,
- 15 c. injunctive proceedings,
- 16 d. an administrative penalty not to exceed Ten Thousand
17 Dollars (\$10,000.00), and
- 18 e. referral for criminal proceedings.

19 4. In addition to the penalties specified by this section, the
20 violator may be liable for civil damages.

21 SECTION 70. AMENDATORY 10A O.S. 2021, Section 1-2-101,
22 is amended to read as follows:

23
24

1 Section 1-2-101. A. 1. The Department of Human Services shall
2 establish a statewide centralized hotline for the reporting of child
3 abuse or neglect to the Department.

4 2. The Department shall provide hotline-specific training
5 including, but not limited to, interviewing skills, customer service
6 skills, narrative writing, necessary computer systems, making case
7 determinations, and identifying priority situations.

8 3. The Department is authorized to contract with third parties
9 in order to train hotline workers.

10 4. The Department shall develop a system to track the number of
11 calls received, and of that number:

- 12 a. the number of calls screened out,
- 13 b. the number of referrals assigned,
- 14 c. the number of calls received by persons unwilling to
15 disclose basic personal information including, but not
16 limited to, first and last name, and
- 17 d. the number of calls in which the allegations were
18 later found to be unsubstantiated or ruled out.

19 5. The Department shall electronically record each referral
20 received by the hotline and establish a secure means of retaining
21 the recordings for twelve (12) months. The recordings shall be
22 confidential and subject to disclosure only if a court orders the
23 disclosure of the referral. The Department shall redact any
24

1 information identifying the reporting party unless otherwise ordered
2 by the court.

3 B. 1. Every person having reason to believe that a child under
4 the age of eighteen (18) years is a victim of abuse or neglect shall
5 report the matter immediately to the Department of Human Services.
6 Reports shall be made to the hotline provided for in subsection A of
7 this section. Any allegation of abuse or neglect reported in any
8 manner to a county office shall immediately be referred to the
9 hotline by the Department. Provided, however, that in actions for
10 custody by abandonment, provided for in Section 2-117 of Title 30 of
11 the Oklahoma Statutes, there shall be no reporting requirement.

12 2. a. Every school employee having reason to believe that a
13 student under the age of eighteen (18) years is a
14 victim of abuse or neglect shall report the matter
15 immediately to the Department of Human Services and
16 local law enforcement. Reports to the Department
17 shall be made to the hotline provided for in
18 subsection A of this section. Any allegation of abuse
19 or neglect reported in any manner to a county office
20 shall immediately be referred to the hotline by the
21 Department. Provided, however, that in actions for
22 custody by abandonment, provided for in Section 2-117
23 of Title 30 of the Oklahoma Statutes, there shall be
24 no reporting requirement.

1 b. Every school employee having reason to believe that a
2 student age eighteen (18) years or older is a victim
3 of abuse or neglect shall report the matter
4 immediately to local law enforcement.

5 c. In reports required by subparagraph a or b of this
6 paragraph, local law enforcement shall keep
7 confidential and redact any information identifying
8 the reporting school employee unless otherwise ordered
9 by the court. A school employee with knowledge of a
10 report required by subparagraph a or b of this
11 paragraph shall not disclose information identifying
12 the reporting school employee unless otherwise ordered
13 by the court or as part of an investigation by local
14 law enforcement or the Department.

15 3. Every physician, surgeon, or other health care professional
16 including doctors of medicine, licensed osteopathic physicians,
17 residents and interns, or any other health care professional or
18 midwife involved in the prenatal care of expectant mothers or the
19 delivery or care of infants shall promptly report to the Department
20 instances in which an infant tests positive for alcohol or a
21 controlled dangerous substance. This shall include infants who are
22 diagnosed with Neonatal Abstinence Syndrome or Fetal Alcohol
23 Spectrum Disorder.

1 4. No privilege or contract shall relieve any person from the
2 requirement of reporting pursuant to this section.

3 5. The reporting obligations under this section are individual,
4 and no employer, supervisor, administrator, governing body or entity
5 shall interfere with the reporting obligations of any employee or
6 other person or in any manner discriminate or retaliate against the
7 employee or other person who in good faith reports suspected child
8 abuse or neglect, or who provides testimony in any proceeding
9 involving child abuse or neglect. Any employer, supervisor,
10 administrator, governing body or entity who discharges,
11 discriminates or retaliates against the employee or other person
12 shall be liable for damages, costs and attorney fees. If a child
13 who is the subject of the report or other child is harmed by the
14 discharge, discrimination or retaliation described in this
15 paragraph, the party harmed may file an action to recover damages,
16 costs and attorney fees.

17 6. Every physician, surgeon, other health care professional or
18 midwife making a report of abuse or neglect as required by this
19 subsection or examining a child to determine the likelihood of abuse
20 or neglect and every hospital or related institution in which the
21 child was examined or treated shall provide, upon request, copies of
22 the results of the examination or copies of the examination on which
23 the report was based and any other clinical notes, x-rays,
24 photographs, and other previous or current records relevant to the

1 case to law enforcement officers conducting a criminal investigation
2 into the case and to employees of the Department of Human Services
3 conducting an investigation of alleged abuse or neglect in the case.

4 C. Any person who knowingly and willfully fails to promptly
5 report suspected child abuse or neglect or who interferes with the
6 prompt reporting of suspected child abuse or neglect may be reported
7 to local law enforcement for criminal investigation and, upon
8 conviction thereof, shall be guilty of a misdemeanor. Any person
9 with prolonged knowledge of ongoing child abuse or neglect who
10 knowingly and willfully fails to promptly report such knowledge may
11 be reported to local law enforcement for criminal investigation and,
12 upon conviction thereof, shall be guilty of a Class D1 felony
13 punishable in accordance with the provisions of Section 18 of this
14 act. For the purposes of this paragraph, "prolonged knowledge"
15 shall mean knowledge of at least six (6) months of child abuse or
16 neglect.

17 D. 1. Any person who knowingly and willfully makes a false
18 report pursuant to the provisions of this section or a report that
19 the person knows lacks factual foundation may be reported to local
20 law enforcement for criminal investigation and, upon conviction
21 thereof, shall be guilty of a misdemeanor.

22 2. If a court determines that an accusation of child abuse or
23 neglect made during a child custody proceeding is false and the
24 person making the accusation knew it to be false at the time the

1 accusation was made, the court may impose a fine, not to exceed Five
2 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred
3 in recovering the sanctions, against the person making the
4 accusation. The remedy provided by this paragraph is in addition to
5 paragraph 1 of this subsection or to any other remedy provided by
6 law.

7 E. Nothing contained in this section shall be construed to
8 exempt or prohibit any person from reporting any suspected child
9 abuse or neglect pursuant to subsection B of this section.

10 SECTION 71. AMENDATORY 11 O.S. 2021, Section 39-113, is
11 amended to read as follows:

12 Section 39-113. A. All money received by the city from any
13 special assessment or assessment within a district shall be held in
14 a special fund and used to:

15 1. Pay the cost of the improvement for which the assessment was
16 made;

17 2. Reimburse the city for any work performed or cost incurred
18 by the city in constructing the improvement; or

19 3. Pay the interest and principal due on any outstanding
20 negotiable bonds, including replenishment of debt service reserves,
21 reimbursements to bond insurers or other providers of credit
22 enhancement, and other payments required in connection with bonds
23 issued to pay for improvements.

24

1 B. Any person who uses money in a district fund other than as
2 provided in this section is guilty of a Class D3 felony and shall be
3 ~~punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or~~
4 ~~by imprisonment in the State Penitentiary for not more than two (2)~~
5 ~~years, or by both such fine and imprisonment, in the discretion of~~
6 ~~the court~~ in accordance with the provisions of Section 20 of this
7 act.

8 SECTION 72. AMENDATORY 12 O.S. 2021, Section 65, is
9 amended to read as follows:

10 Section 65. Any person willfully making a false affidavit as to
11 the value of any such real estate shall be guilty of ~~perjury~~ a Class
12 D3 felony and punished ~~accordingly~~ according to the provisions of
13 Section 20 of this act. Any officer administering or accepting such
14 affidavit knowing it to be false, shall be guilty of ~~the~~ a Class D3
15 felony ~~of subornation of perjury~~ and punished ~~accordingly~~ in
16 accordance with the provisions of Section 20 of this act.

17 SECTION 73. AMENDATORY 12 O.S. 2021, Section 923, is
18 amended to read as follows:

19 Section 923. Any person willfully swearing falsely in making
20 the affidavit aforesaid, shall, on conviction, be adjudged guilty of
21 ~~the~~ a Class D3 felony ~~of perjury~~, and punished ~~as the law prescribes~~
22 in accordance with the provisions of Section 20 of this act.

23 SECTION 74. AMENDATORY 13 O.S. 2021, Section 176.3, is
24 amended to read as follows:

1 Section 176.3. Except as otherwise specifically provided in
2 this act, any person is guilty of a Class D1 felony and upon
3 conviction shall be punished ~~by a fine of not less than Five~~
4 ~~Thousand Dollars (\$5,000.00), or by imprisonment of not more than~~
5 ~~five (5) years~~ in accordance with the provisions of Section 18 of
6 this act, or by both who:

7 1. Willfully intercepts, endeavors to intercept or procures any
8 other person to intercept or endeavor to intercept any wire, oral or
9 electronic communication;

10 2. Willfully uses, endeavors to use or procures any other
11 person to use or endeavor to use any electronic, mechanical or other
12 device to intercept any oral communication;

13 3. Willfully discloses or endeavors to disclose to any other
14 person the contents of any wire, oral or electronic communication,
15 knowing or having reason to know that the information was obtained
16 in violation of the provisions of the Security of Communications
17 Act;

18 4. Willfully uses or endeavors to use the contents of any wire,
19 oral or electronic communication, knowing or having reason to know
20 that the information was obtained in violation of the provisions of
21 the Security of Communications Act;

22 5. Willfully and maliciously, without legal authority, removes,
23 injures or obstructs any telephone or telegraph line, or any part or
24

1 appurtenances or apparatus connected thereto, or severs any wires
2 thereof;

3 6. Sends through the mail or sends or carries any electronic,
4 mechanical or other device with the intention of rendering the
5 device primarily useful for the purpose of the illegal interception
6 of wire, oral or electronic communications in violation of the
7 provisions of the Security of Communications Act;

8 7. Manufactures, assembles, possesses or sells any electronic,
9 mechanical or other device with the intention of rendering the
10 device primarily useful for the purpose of the illegal interception
11 of wire, oral or electronic communications in violation of the
12 provisions of the Security of Communications Act; or

13 8. Willfully uses any communication facility in committing or
14 in causing or facilitating the commission of any act or acts
15 constituting one or more of the felonies enumerated in Section 176.7
16 of this title. Each separate use of a communication facility to
17 cause or facilitate such a felony shall be a separate offense.
18 Venue for any violation of this section shall lie in the same county
19 as venue for the underlying felony enumerated in Section 176.7 of
20 this title.

21 SECTION 75. AMENDATORY 15 O.S. 2021, Section 567, is
22 amended to read as follows:

23 Section 567. A. Any person, either as agent or principal, who
24 enters into or assists in making any contracts of sale of the sort

1 of character denounced by Section 564 of this title for the future
2 delivery of cotton, grain, stocks or other commodities, or who
3 maintains or operates a bucket shop as that term is defined in
4 Section 565 of this title, shall be guilty of a Class D3 felony, and
5 upon conviction thereof shall ~~be fined in a sum not to exceed One~~
6 ~~Thousand Dollars (\$1,000.00), or be imprisoned in the State~~
7 ~~Penitentiary not exceeding two (2) years, and any punished in~~
8 accordance with the provisions of Section 20 of this act.

9 B. Any person who shall be guilty of a second offense under
10 this statute in addition to the penalty above prescribed may, upon
11 conviction, be both fined and imprisoned in the discretion of the
12 court, and if a corporation, it shall be liable to forfeiture of all
13 its rights and privileges as such, and the continuance of such
14 establishment after the first conviction shall be deemed a second
15 offense. It shall be the duty of the Attorney General to institute
16 proceedings for the forfeiture of the charter of any corporation
17 making itself liable to such forfeiture under the provisions of this
18 act.

19 SECTION 76. AMENDATORY 15 O.S. 2021, Section 767, is
20 amended to read as follows:

21 Section 767. A. It shall be unlawful for any person to
22 advertise or conduct a closing out sale unless a license is first
23 obtained to conduct such sale. Any applicant for a closing out sale
24 license shall file an application in writing and under oath with the

1 clerk of the district court, on an application form prescribed by
2 the Attorney General. The application form shall contain the
3 following information, and such other information as the Attorney
4 General may require:

5 1. The name and address of the owner of the goods, wares, or
6 merchandise to be sold;

7 2. A description of the place of business where the sale is to
8 be held;

9 3. The name and address of the person holding or conducting the
10 sale;

11 4. The nature of the occupancy of the place where the sale is
12 to be held, whether by lease or otherwise, and the effective date of
13 termination of the occupancy;

14 5. A full and complete statement of the facts regarding the
15 proposed sale, including the reason the sale is being conducted, the
16 manner in which the sale will be conducted, and the commencement and
17 termination date of the sale; and

18 6. A complete and detailed inventory of the goods, wares, and
19 merchandise to be offered at the sale as disclosed by the records of
20 the applicant or a statement of both the cost and retail value of
21 the inventory of goods, wares, and merchandise to be offered at the
22 sale, based on the physical inventory used for the most recent
23 federal income tax returns adjusted for sales, purchases, and
24 markdowns of the applicant. Adjustments for sales, purchases, and

1 markdowns shall be shown on a monthly basis to the date of the
2 application.

3 B. Each application shall be accompanied by an affidavit signed
4 by the applicant attesting to the facts in the application.

5 C. A fee of Twenty-five Dollars (\$25.00) shall be charged by
6 the clerk of the district court for the issuance of a license.

7 D. Any person making a false statement in the application, upon
8 conviction, shall be guilty of a Class D1 felony punishable in
9 accordance with the provisions of Section 18 of this act.

10 SECTION 77. AMENDATORY 17 O.S. 2021, Section 6.1, is
11 amended to read as follows:

12 Section 6.1. A. Any person who has been determined by the
13 Commission to have violated any provision of any rule, regulation or
14 order issued pursuant to the provisions of the Commission related to
15 pipeline safety shall be liable for a civil penalty of not more than
16 Two Hundred Thousand Dollars (\$200,000.00) for each day that the
17 violation continues. The maximum civil penalty shall not exceed
18 Two Million Dollars (\$2,000,000.00) for any related series of
19 violations.

20 B. The amount of the penalty shall be assessed by the
21 Commission pursuant to the provisions of subsection A of this
22 section, after notice and hearing. In determining the amount of the
23 penalty, the Commission shall include but not be limited to
24 consideration of the nature, circumstances and gravity of the

1 violation and, with respect to the person found to have committed
2 the violation, the degree of culpability, the effect on ability of
3 the person to continue to do business, and any show of good faith in
4 attempting to achieve compliance with the provisions of the rules
5 and regulations of the Commission.

6 All penalties collected pursuant to the provisions of this
7 section shall be deposited into the Pipeline Enforcement Fund.

8 C. Any person who willfully and knowingly injures or destroys,
9 or attempts to injure or destroy, any pipeline transportation
10 system, upon conviction, shall be guilty of a Class C2 felony and
11 shall be ~~subject for each offense to a fine of not more than Twenty-~~
12 ~~five Thousand Dollars (\$25,000.00) or imprisonment for a term not to~~
13 ~~exceed fifteen (15) years or both such fine and imprisonment~~
14 punished in accordance with the provisions of Section 17 of this
15 act.

16 SECTION 78. AMENDATORY 17 O.S. 2021, Section 16, is
17 amended to read as follows:

18 Section 16. Any person who shall conceal, destroy, or mutilate
19 or attempt to conceal, destroy, or mutilate any records, books, or
20 files of any corporation transacting business in this state for the
21 purpose of defeating, hindering or delaying any investigation,
22 prosecution or suit at law or equity, or any cause of action in any
23 vested rights of any citizen of this state, shall be deemed guilty
24 of a Class D1 felony, and upon conviction thereof shall be punished

1 ~~by imprisonment in the State Penitentiary for not less than one (1)~~
2 ~~year nor more than five (5) years~~ in accordance with the provisions
3 of Section 18 of this act.

4 SECTION 79. AMENDATORY 17 O.S. 2021, Section 158.59, is
5 amended to read as follows:

6 Section 158.59. A. Any person who willfully and knowingly does
7 or causes to be done any act, matter or thing prohibited or declared
8 to be unlawful by this act, or who willfully and knowingly omits or
9 fails to do any act, matter or thing required by this act to be
10 done, or willfully and knowingly causes such omission or failure,
11 shall, upon conviction thereof, be guilty of a Class D3 felony
12 punishable in accordance with the provisions of Section 20 of this
13 act or by a fine of not more than Five Thousand Dollars (\$5,000.00)
14 ~~or by imprisonment for not more than two (2) years, or both such~~
15 ~~fine and imprisonment.~~ In addition, such violation shall be
16 punished upon conviction thereof by a fine not exceeding ~~Five~~
17 ~~Hundred Dollars (\$500.00)~~ One Hundred Dollars (\$100.00) for each day
18 during which such offense occurs.

19 B. Any person who willfully and knowingly violates any rule,
20 regulation, restriction, condition or order made or imposed by the
21 Corporation Commission under authority of this act, shall, in
22 addition to any other penalties provided by law, be punished upon
23 conviction thereof by a fine not exceeding ~~Five Hundred Dollars~~

24

1 ~~(\$500.00)~~ One Hundred Dollars (\$100.00) for each day during which
2 such offense occurs.

3 SECTION 80. AMENDATORY 17 O.S. 2021, Section 191.11, is
4 amended to read as follows:

5 Section 191.11. A. Any person who willfully and knowingly does
6 or causes to be done any act, matter or thing prohibited or declared
7 to be unlawful by this act, or who willfully and knowingly omits or
8 fails to do any act, matter or thing required by this act to be
9 done, or willfully and knowingly causes such omission or failure,
10 shall, upon conviction thereof, be guilty of a Class D3 felony
11 punishable by a fine of not more than Five Thousand Dollars
12 ~~(\$5,000.00)~~ or by imprisonment for not more than two (2) years, or
13 ~~both~~ in accordance with the provisions of Section 20 of this act.

14 In addition, such violation shall be punished upon conviction
15 thereof by a fine not exceeding ~~Five Hundred Dollars (\$500.00)~~ One
16 Hundred Dollars (\$100.00) for each day during which such offense
17 occurs.

18 B. Any person who willfully and knowingly violates any rule,
19 regulation, restriction, condition or order made or imposed by the
20 Corporation Commission under authority of this act, shall, in
21 addition to any other penalties provided by law, be punished upon
22 conviction thereof by a fine not exceeding ~~Five Hundred Dollars~~
23 ~~(\$500.00)~~ One Hundred Dollars (\$100.00) for each day during which
24 such offense occurs.

1 SECTION 81. AMENDATORY 18 O.S. 2021, Section 381.73, is
2 amended to read as follows:

3 Section 381.73. A. An out-of-state savings institution, upon
4 approval by the State Banking Commissioner, may acquire direct or
5 indirect control of an unlimited number of in-state savings
6 associations for operation as in-state savings institutions, and may
7 acquire any such institutions' parent Oklahoma holding company. Any
8 acquisition made pursuant to the provisions of this section may
9 include assets and liabilities of the in-state savings institution
10 or its parent Oklahoma holding company and all branches and
11 facilities thereof.

12 B. 1. No in-state savings institution which becomes a
13 subsidiary of an out-of-state savings institution under any
14 extraordinary acquisition provisions of federal law, or which is
15 otherwise controlled by an out-of-state savings institution, shall
16 be permitted to acquire direct or indirect ownership or control of,
17 or to convert to a branch, any additional in-state savings
18 institution or to establish additional branches or facilities,
19 except as otherwise provided for in this section.

20 2. No out-of-state savings institution may directly or
21 indirectly acquire control of an in-state savings institution or its
22 parent Oklahoma holding company except as otherwise permitted by
23 this section.

24

1 C. No acquisition provided for in this section shall be
2 permitted unless the approval of the Commissioner required pursuant
3 to subsection A of this section:

4 1. Includes, for all acquisitions, a finding that:

5 a. the in-state savings institution sought to be acquired
6 or all of the savings institution subsidiaries of the
7 parent Oklahoma holding company sought to be acquired
8 have either been in existence and continuous operation
9 for more than five (5) years, and

10 b. notice of intent to acquire has been published in a
11 newspaper of general paid circulation in the county or
12 counties where the in-state savings institution to be
13 acquired is located and that a notice of intent to
14 acquire has been mailed by certified mail with return
15 receipt requested to each person owning stock in the
16 in-state savings institution to be acquired or in its
17 parent Oklahoma holding company or, if the in-state
18 savings institution to be acquired is a mutual
19 association, notice has been given as in the case of a
20 proceeding under Section 381.61 of this title;

21 2. Includes, for any acquisition of a majority of the voting
22 shares of a stock association or of its parent Oklahoma holding
23 company, or for any acquisition of a mutual association by merger or
24 purchase and assumption transaction with another in-state savings

1 association, a finding that the acquisition has been approved by the
2 board of directors and a majority of the stockholders of or holders
3 of voting rights in the in-state savings institution or of its
4 parent Oklahoma holding company, as applicable;

5 3. Subjects the acquisition to any conditions, restrictions,
6 and requirements that would be applicable to such an acquisition by
7 an in-state savings institution of an out-of-state savings
8 institution in the state where the out-of-state savings institution
9 has its main office, if such state has enacted and implemented
10 legislation authorizing the acquisition by an in-state savings
11 institution of out-of-state savings institutions located in that
12 state, but that would not be applicable to acquisitions in that
13 state by an out-of-state savings institution all of whose savings
14 institution subsidiaries are located in that state; and

15 4. Except when the additional acquisition is of an in-state
16 savings institution whose stock is held as stock acquired in the
17 course of realizing upon a security interest which secured a debt
18 previously contracted in good faith prior to the original
19 acquisition by the out-of-state savings institution, prohibits
20 additional branching and further acquisitions by an in-state savings
21 institution which is a subsidiary of an out-of-state savings
22 institution unless and until the earlier of:

23 a. such time as the Commissioner determines that the
24 state in which the out-of-state savings institution

1 has its main office has enacted and implemented
2 legislation authorizing in-state savings institutions
3 to acquire savings institutions in that state on a
4 reciprocal basis, or

5 b. the expiration of a four-year period commencing on the
6 date of acquisition by the out-of-state savings
7 institution.

8 D. Any in-state savings institution or its parent Oklahoma
9 holding company which becomes a subsidiary of an out-of-state
10 financial institution under the extraordinary acquisition provisions
11 of federal law, or which is otherwise deemed to be controlled by an
12 out-of-state financial institution, may acquire direct or indirect
13 ownership or control of any additional in-state financial
14 institution or its parent Oklahoma holding company, establish
15 additional branches or facilities, or convert the existing
16 controlled in-state savings institution to branches of another in-
17 state savings institution:

18 1. If the Commissioner has determined that the principal place
19 of business of the out-of-state savings institution has enacted and
20 implemented reciprocal acquisition legislation within the purview of
21 this section; or

22 2. Upon the expiration of a four-year period commencing on the
23 date of acquisition by the out-of-state savings institution.

24

1 E. All limitations and restrictions of this act applicable to
2 in-state savings institutions shall apply to an in-state savings
3 institution which becomes a direct or indirect subsidiary of an out-
4 of-state savings institution and to the out-of-state savings
5 institution. The provisions of this subsection shall not be
6 construed to prohibit the acquisition by an out-of-state savings
7 institution of all or substantially all of the shares of an in-state
8 savings institution organized solely for the purpose of facilitating
9 the acquisition of a savings institution which has been in existence
10 and continuous operation as a savings institution for more than five
11 (5) years, if the acquisition has otherwise been approved pursuant
12 to this subsection. Nor shall the provisions of this subsection be
13 construed to prohibit an out-of-state savings institution which
14 acquires an in-state savings institution under this section from
15 additional acquisitions under this section, if such acquisition
16 would otherwise be permitted.

17 F. Any out-of-state savings institution which controls an in-
18 state savings institution shall be subject to the laws of this state
19 and the rules of its agencies relating to the acquisition,
20 ownership, and operation of in-state savings institutions. The
21 Commissioner shall make such rules including the imposition of
22 reasonable application and administration fees as it finds necessary
23 to implement the provisions of this act.

24

1 G. The Commissioner may enter into cooperative agreements with
2 other regulatory agencies to facilitate the regulation of savings
3 institutions doing business in this state. If such agreements
4 result in the payment of fees, however calculated, by any other
5 regulatory agency to the Oklahoma State Banking Department for
6 examination activities conducted by Department personnel, whether
7 such examination activity is conducted inside or outside this state,
8 such fees shall be deposited in the Bank Examination Revolving Fund
9 established in Section 211.2 of Title 6 of the Oklahoma Statutes.
10 If such agreements result in the payment of fees, however
11 calculated, by the Department to any other bank supervisory agency
12 for examination activities conducted by such other regulatory
13 agency, whether such examination activity is conducted inside or
14 outside this state, such fees shall be paid by the Department from
15 the Bank Examination Revolving Fund established by Section 211.2 of
16 Title 6 of the Oklahoma Statutes. The Commissioner may accept
17 reports of examinations and other records from such other agencies
18 in lieu of the Commissioner conducting examinations of in-state
19 savings institutions controlled by out-of-state savings
20 institutions. The Commissioner may take any action jointly with
21 other regulatory agencies having concurrent jurisdiction over
22 savings institutions doing business in this state or may take such
23 actions independently in order to carry out its responsibilities.

24

1 H. The Commissioner shall have the power to enforce the
2 prohibitions provided for in subsection B of this section by
3 requiring divestiture and through the imposition of fines and
4 penalties, the issuance of cease and desist orders, and such other
5 remedies as are provided by law.

6 I. Any organization which intentionally and willfully violates
7 any provision of this section, upon conviction, shall be fined not
8 less than Five Hundred Dollars (\$500.00) nor more than Five Thousand
9 Dollars (\$5,000.00) for each day during which the violation
10 continues. Any individual who intentionally and willfully
11 participates in a violation of any provision of this section, upon
12 conviction, shall be ~~fined not more than Ten Thousand Dollars~~
13 ~~(\$10,000.00) or imprisoned not more than one (1) year, or both such~~
14 ~~fine and imprisonment~~ guilty of a Class D3 felony punishable in
15 accordance with the provisions of Section 20 of this act and.

16 J. Any final order of the Commissioner pursuant to this section
17 shall be appealable pursuant to Section 207 of Title 6 of the
18 Oklahoma Statutes.

19 SECTION 82. AMENDATORY 18 O.S. 2021, Section 411, is
20 amended to read as follows:

21 Section 411. Thirty (30) days after the passage and approval of
22 this bill, all chambers of commerce, commercial clubs, or any such
23 associations organized and doing business in this state as is
24 commonly done by such associations shall make a report to their

1 entire membership, setting forth and itemizing their receipts and
2 disbursements for the year ending at the date of the passage and
3 approval of this bill, and shall thereafter make a like report each
4 year ending June 30th.

5 Every committee or individual who solicits or receives any funds
6 from the public for such associations herein named shall make a full
7 itemized report of all receipts and disbursements thereof. The
8 report shall be filed with the city clerk where the committee or
9 person soliciting such fund resides, or where the funds were
10 collected; provided, that any person or committee who diverts the
11 funds so collected from the purposes for which they were solicited
12 or collected shall be guilty of a Class D1 felony and ~~on~~ upon
13 conviction ~~therefor~~ shall be punished ~~by confinement in the State~~
14 ~~Penitentiary for a term of not less than one (1) year nor more than~~
15 ~~five (5) years~~ in accordance with the provisions of Section 18 of
16 this act.

17 SECTION 83. AMENDATORY 18 O.S. 2021, Section 553.3, is
18 amended to read as follows:

19 Section 553.3. Any violation of the provisions of Sections
20 553.1 and 553.2 of this title shall constitute a Class D1 felony and
21 any person guilty thereof shall, upon conviction, ~~be fined not more~~
22 ~~than Ten Thousand Dollars (\$10,000.00) and may be confined in the~~
23 ~~State Penitentiary for a period of not to exceed ten (10) years, or~~
24 ~~by both such fine and imprisonment~~ punished in accordance with the

1 provisions of Section 18 of this act. Any such prohibited
2 communication by any agent or servant of a corporation shall subject
3 such corporation to the fine above specified in addition to whatever
4 penalty is imposed upon such agent or servant. Any corporation may
5 be enjoined in the manner provided in Section 12, Chapter 70, Title
6 21, Page 193, Oklahoma Session Laws 1955, when any of the conditions
7 herein set forth are found to exist with respect to a violation of
8 ~~this act~~ Section 553.1 et seq. of this title, or it may be subject
9 to the cancellation therein specified.

10 SECTION 84. AMENDATORY 19 O.S. 2021, Section 28, is
11 amended to read as follows:

12 Section 28. Any election officer who shall be appointed, or
13 commissioner, under the provisions of ~~this act~~ Section 11 et seq. of
14 this title or the laws of Oklahoma, and who shall knowingly and
15 willfully fail or refuse to perform required duties shall be guilty
16 of a Class D3 felony punishable in accordance with the provisions of
17 Section 20 of this act.

18 SECTION 85. AMENDATORY 19 O.S. 2021, Section 29, is
19 amended to read as follows:

20 Section 29. Any person or corporation offering money or other
21 thing of value, either directly or indirectly, for the purpose of
22 influencing any voter for or against any proposition in such
23 election shall be guilty of ~~the~~ a Class D3 felony ~~of bribery~~
24

1 punishable in accordance with the provisions of Section 20 of this
2 act.

3 SECTION 86. AMENDATORY 19 O.S. 2021, Section 91, is
4 amended to read as follows:

5 Section 91. Any election officer who shall be appointed or
6 commissioned under the provisions of ~~this article~~ Section 71 et seq.
7 of this title or the laws of Oklahoma, and who shall knowingly and
8 willfully fail or refuse to perform required duties, shall be guilty
9 of a Class D1 felony punishable in accordance with the provisions of
10 Section 18 of this act.

11 SECTION 87. AMENDATORY 19 O.S. 2021, Section 92, is
12 amended to read as follows:

13 Section 92. Any person or corporation offering money or other
14 thing of value, either directly or indirectly, for the purpose of
15 influencing any voter for or against any competing city, town or
16 place in such election shall be guilty of ~~the~~ a Class D3 felony of
17 bribery and upon conviction, shall be punished in accordance with
18 the provisions of Section 20 of this act.

19 SECTION 88. AMENDATORY 19 O.S. 2021, Section 112, is
20 amended to read as follows:

21 Section 112. Any county treasurer violating any of the
22 provisions of this act shall be guilty of a Class D3 felony and upon
23 conviction shall be punished ~~by confinement in the State~~
24 ~~Penitentiary for a term not less than one (1) year nor more than~~

1 ~~four (4) years~~ in accordance with the provisions of Section 20 of
2 this act.

3 SECTION 89. AMENDATORY 19 O.S. 2021, Section 641, is
4 amended to read as follows:

5 Section 641. If any county treasurer or other officer or person
6 charged with the collection, receipt, safekeeping, transfer or
7 disbursement of the public money, or any part thereof, belonging to
8 the state or to any county, precinct, district, city, town or school
9 district of the state shall convert to the officer's or person's own
10 use or to the use of any other person, body corporate or other
11 association, in any way whatever, any of such public money, or any
12 other funds, property, bonds, securities, assets or effects of any
13 kind received, controlled or held by such officer or person by
14 virtue of such office or public trust for safekeeping, transfer or
15 disbursement, or in any other way or manner, or for any other
16 purpose; or shall use the same by way of investment in any kind of
17 security, stocks, loan property, land or merchandise, or in any
18 other manner or form whatever; or shall loan the same, with or
19 without interest, to any person, firm or corporation, except when
20 authorized by law; or if any person shall advise, aid, or in any
21 manner knowingly participate in such act, such county treasurer, or
22 other officer or person shall be guilty of an embezzlement, a Class
23 C2 felony. Upon conviction thereof, such county treasurer or other
24 officer or person shall be punished ~~as provided in subsection C of~~

1 ~~Section 1451 of Title 21 of the Oklahoma Statutes~~ in accordance with
2 the provisions of Section 17 of this act.

3 SECTION 90. AMENDATORY 19 O.S. 2021, Section 686, is
4 amended to read as follows:

5 Section 686. Any official or employee thereof or any member or
6 employee of any county board or county commission who shall fail,
7 neglect or refuse to comply with the requirements of Section 682 of
8 this title, or any other provision of ~~this act~~ Section 681 et seq.
9 of this title, shall forfeit and pay to the use of the county the
10 sum of Ten Dollars (\$10.00) per day for each and every day that he
11 or she shall so fail, neglect or refuse to comply with the
12 requirements of ~~said act~~ Section 681 et seq. of this title, and
13 shall forfeit and be removed from office; and, any such official who
14 shall issue, sign, attest or utter any false or illegal voucher
15 against any monies deposited, as ~~in this act~~ provided in Section 681
16 et seq. of this title, shall be liable to the county on his or her
17 official bond for a sum double in amount of any such illegal or
18 fraudulent voucher, and shall be guilty of a Class D1 felony and
19 upon conviction thereof shall be punished ~~by a fine in a sum of not~~
20 ~~less than One Hundred Dollars (\$100.00) nor more than One Thousand~~
21 ~~Dollars (\$1,000.00) and by imprisonment in the State Penitentiary~~
22 ~~for a term of not less than one (1) year nor more than five (5)~~
23 ~~years~~ in accordance with the provisions of Section 18 of this act.

24

1 SECTION 91. AMENDATORY 21 O.S. 2021, Section 53, is
2 amended to read as follows:

3 Section 53. Every woman who, having been convicted of
4 endeavoring to conceal the birth of an issue of her body, which, if
5 born alive, would be a bastard, or the death of any such issue under
6 the age of two (2) years, subsequently to such conviction endeavors
7 to conceal any such birth or death of issue of her body, shall be
8 guilty of a Class B4 felony punishable by imprisonment in the State
9 Penitentiary not exceeding five (5) years and not less than two (2)
10 years and shall be punished in accordance with the provisions of
11 Section 13 of this act.

12 SECTION 92. AMENDATORY 21 O.S. 2021, Section 175, is
13 amended to read as follows:

14 Section 175. Except in cases where a different punishment is
15 prescribed by law, an accessory to a felony is punishable as
16 follows:

17 1. If the underlying offense is a felony punishable by
18 imprisonment in the ~~penitentiary~~ custody of the Department of
19 Corrections for four (4) years or more, the person guilty of being
20 an accessory shall be subject to imprisonment in the ~~penitentiary~~
21 custody of the Department of Corrections for a term not exceeding
22 one-half (1/2) of the longest term prescribed upon a conviction for
23 the underlying offense;

24

1 2. If the underlying offense is a felony punishable by
2 imprisonment in the ~~penitentiary~~ custody of the Department of
3 Corrections for any time less than four (4) years, the person guilty
4 of being an accessory shall be subject to imprisonment in a county
5 jail for not more than one (1) year;

6 3. If the underlying offense be punishable by a fine only, the
7 person guilty of being an accessory shall be subject to a fine not
8 exceeding one-half (1/2) of the largest amount of money which may be
9 imposed as a fine upon a conviction of the underlying offense;

10 4. If the underlying offense be punishable by both imprisonment
11 and a fine, the offender convicted of being an accessory shall be
12 subject to both imprisonment and fine, not exceeding one-half (1/2)
13 of the longest term of imprisonment and one-half (1/2) of the
14 largest fine which may be imposed upon a conviction of the
15 underlying offense; and

16 5. If the underlying offense be murder in the first degree, the
17 accessory thereto shall be guilty of a Class A2 felony and shall be
18 punished by imprisonment for not less than five (5) years nor more
19 than forty-five (45) years. If the underlying offense be murder in
20 the second degree, the accessory thereto shall be guilty of a Class
21 B1 felony and shall be punished by ~~imprisonment for not less than~~
22 ~~five (5) years nor more than twenty-five (25) years~~ in accordance
23 with the provisions of Section 10 of this act.

1 SECTION 93. AMENDATORY 21 O.S. 2021, Section 187.1, is
2 amended to read as follows:

3 Section 187.1. A. No person may contribute more than:

4 1. The limits set forth in the Rules of the Ethics Commission
5 to a political party committee or political action committee;

6 2. The limits set forth in the Rules of the Ethics Commission
7 to a candidate committee for a candidate for state office; or

8 3. The limits set forth in the Rules of the Ethics Commission
9 to a campaign committee for a candidate for municipal office or to a
10 campaign committee for a candidate for county office or to a
11 municipal or county political committee.

12 B. No candidate, candidate committee, or other committee shall
13 knowingly accept contributions in excess of the amounts provided
14 herein.

15 C. These restrictions shall not apply to a committee supporting
16 or opposing a state question or local question or to a candidate
17 making a contribution of his or her own funds to his or her own
18 campaign.

19 D. It shall be prohibited for a campaign contribution to be
20 made to a particular candidate or committee through an intermediary
21 or conduit for the purpose of:

22 1. Evading requirements of effective Rules of the Ethics
23 Commission promulgated pursuant to Article XXIX of the Oklahoma
24

1 Constitution or laws relating to the reporting of contributions and
2 expenditures; or

3 2. Exceeding the contribution limitations imposed by subsection
4 A of this section.

5 Any person making a contribution in violation of this subsection
6 or serving as an intermediary or conduit for such a contribution,
7 upon conviction, shall be subject to the penalties prescribed in
8 subsections E and F of this section.

9 E. Any person who knowingly and willfully violates any
10 provision of this section where the aggregate amount contributed
11 exceeds the contribution limitation specified in subsection A of
12 this section by Five Thousand Dollars (\$5,000.00) or more, upon
13 conviction, shall be guilty of a Class D3 felony punishable ~~by a~~
14 ~~fine of up to four times the amount exceeding the contribution~~
15 ~~limitation or by imprisonment in the State Penitentiary for up to~~
16 ~~one (1) year, or by both such fine and imprisonment~~ in accordance
17 with the provisions of Section 20 of this act.

18 F. Any person who knowingly and willfully violates any
19 provision of this section where the aggregate amount contributed is
20 less than Five Thousand Dollars (\$5,000.00) in excess of the
21 contribution limitation specified in subsection A of this section,
22 upon conviction, shall be guilty of a misdemeanor punishable by a
23 fine of not more than three times the amount exceeding the
24 contribution limitation or One Thousand Dollars (\$1,000.00),

1 whichever is greater, or by imprisonment in the county jail for up
2 to one (1) year, or by both such fine and imprisonment.

3 G. No lobbyist or lobbyist principal as defined in the Rules of
4 the Ethics Commission shall make or promise to make a contribution
5 to, or solicit or promise to solicit a contribution for a member of
6 the Oklahoma Legislature or a candidate for a state legislative
7 office during any regular legislative session, beginning the first
8 Monday in February, through its adjournment, and for five (5)
9 calendar days following sine die adjournment. A member of the
10 Oklahoma Legislature or a candidate for a state legislative office
11 shall not intentionally solicit or accept a contribution from a
12 lobbyist or lobbyist principal as defined in the Rules of the Ethics
13 Commission during any regular legislative session and for five (5)
14 calendar days after sine die adjournment. For the purposes of this
15 subsection, a candidate shall mean any person who has filed a
16 statement of organization for a state legislative office pursuant to
17 the Rules of the Ethics Commission.

18 H. Any person who knowingly and willfully violates any
19 provision of subsection G of this section, upon conviction, shall be
20 guilty of a misdemeanor punishable by a fine of not more than One
21 Thousand Dollars (\$1,000.00), or by imprisonment in the county jail
22 for up to one (1) year, or by both such fine and imprisonment.

23 SECTION 94. AMENDATORY 21 O.S. 2021, Section 187.2, is
24 amended to read as follows:

1 Section 187.2. A. 1. No corporation or labor union may make a
2 contribution to a political party, a political action committee or a
3 candidate committee, and no political party committee, political
4 action committee or candidate committee may accept a contribution
5 from a corporation or labor union, except as permitted by law or the
6 Rules of the Ethics Commission.

7 2. No limited liability company that has one or more
8 incorporated members may make a contribution to a political party
9 committee, a political action committee or a candidate committee,
10 except as permitted by law or the Rules of the Ethics Commission.

11 3. No partnership that has one or more incorporated partners
12 may make a contribution to a political party committee, a political
13 action committee or a candidate committee, except as permitted by
14 law or the Rules of the Ethics Commission.

15 B. No candidate, candidate committee, political party
16 committee, political action committee or other committee shall
17 knowingly accept contributions given in violation of the provisions
18 of subsection A of this section.

19 C. The provisions of this section shall not apply to a bank,
20 savings and loan association or credit union loaning money to a
21 candidate in connection with his or her own campaign which is to be
22 repaid with interest at a rate comparable to that of loans for
23 equivalent amounts for other purposes.

24

1 D. Any person who knowingly and willfully violates any
2 provision of this section where the aggregate amount contributed
3 exceeds Five Thousand Dollars (\$5,000.00), upon conviction, shall be
4 guilty of a Class D3 felony punishable ~~by a fine of up to four times~~
5 ~~the amount of the prohibited contribution or by imprisonment in the~~
6 ~~State Penitentiary for up to one (1) year, or by both such fine and~~
7 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
8 act.

9 E. Any person who knowingly and willfully violates any
10 provision of this section where the aggregate amount contributed is
11 Five Thousand Dollars (\$5,000.00) or less, upon conviction, shall be
12 guilty of a misdemeanor punishable by a fine of not more than three
13 times the amount of the prohibited contribution or One Thousand
14 Dollars (\$1,000.00), whichever is greater, or by imprisonment in the
15 county jail for up to one (1) year, or by both such fine and
16 imprisonment.

17 SECTION 95. AMENDATORY 21 O.S. 2021, Section 265, is
18 amended to read as follows:

19 Section 265. Any person who gives or offers any bribe to any
20 executive officer, with intent to influence ~~him in respect to~~ any
21 act, decision, vote, opinion, or other proceedings of such officer,
22 shall be guilty of a Class C2 felony punishable ~~by imprisonment in~~
23 ~~the State Penitentiary, not exceeding ten (10) years, or by a fine~~

24

1 ~~not exceeding Five Thousand Dollars (\$5,000.00); or both in~~
2 accordance with the provisions of Section 17 of this act.

3 SECTION 96. AMENDATORY 21 O.S. 2021, Section 266, is
4 amended to read as follows:

5 Section 266. Any executive officer or person elected or
6 appointed to executive office who asks, receives or agrees to
7 receive any bribe upon any agreement or understanding that his or
8 her vote, opinion or action upon any matter then pending, or which
9 may by law be brought before him or her in his or her official
10 capacity, shall be influenced thereby, shall be guilty of a Class C2
11 felony punishable by imprisonment in the State Penitentiary not
12 exceeding ten (10) years, or by a fine not exceeding Five Thousand
13 Dollars (\$5,000.00), or both in accordance with the provisions of
14 Section 17 of this act; and in addition thereto, any such person
15 forfeits office and is forever disqualified from holding any public
16 office under the laws of the state.

17 SECTION 97. AMENDATORY 21 O.S. 2021, Section 275, is
18 amended to read as follows:

19 Section 275. Any public officer who, for any gratuity or
20 reward, appoints another person to a public office, or permits
21 another person to exercise, perform or discharge any of the
22 prerogatives or duties of his or her office, shall be guilty of a
23 Class D3 felony punishable by ~~imprisonment in the county jail not~~
24 ~~less than six (6) months nor more than two (2) years, and by a fine~~

1 ~~of not less than Two Hundred Dollars (\$200.00) or more than One~~
2 ~~Thousand Dollars (\$1,000.00)~~ in accordance with the provisions of
3 Section 20 of this act; and in addition thereto the public officer
4 forfeits office.

5 SECTION 98. AMENDATORY 21 O.S. 2021, Section 282, is
6 amended to read as follows:

7 Section 282. A. It shall be unlawful for any person or group
8 of persons to:

9 1. Willfully and knowingly enter or remain in any posted,
10 cordoned off, or otherwise restricted area of a building or grounds
11 where the Governor, any member of the immediate family of the
12 Governor, the Lieutenant Governor, or other state official being
13 provided protection by the Department of Public Safety is or will be
14 temporarily visiting;

15 2. Willfully and knowingly enter or remain in any posted,
16 cordoned off, or otherwise restricted area of a building or grounds
17 the use of which is restricted in conjunction with an event
18 designated as a special event of national or state significance;

19 3. Willfully and knowingly, enter with the intent to impede or
20 to disrupt the orderly conduct of government business or official
21 functions in or within close proximity to any building or grounds,
22 as described in paragraph 1 or 2 of this subsection, or to engage in
23 disorderly or disruptive conduct in or within close proximity to any
24 building or grounds, as described in paragraph 1 or 2 of this

1 subsection, which results in the impeding or disruption of the
2 orderly conduct of government business or official functions;

3 4. Willfully and knowingly obstruct or to impede ingress or
4 egress to or from any building or grounds, as described in paragraph
5 1 or 2 of this subsection; or

6 5. Willfully and knowingly engage in any act or acts of
7 physical violence against any person or property in any building or
8 grounds, as described in paragraph 1 or 2 of this subsection.

9 B. Violation of this section and attempts or conspiracies to
10 commit such violations shall be a Class C2 felony and, upon
11 conviction, be punishable by:

12 1. ~~A fine of One Thousand Dollars (\$1,000.00) or imprisonment~~
13 ~~for not more than ten (10) years with the Department of Corrections,~~
14 ~~or by both fine and imprisonment~~ in accordance with the provisions
15 of Section 17 of this act, if:

16 a. the person, during and in relation to the offense,
17 uses or carries a deadly or dangerous weapon or
18 firearm, or

19 b. the offense results in great bodily injury, as defined
20 by Section 646 of Title 21 of the Oklahoma Statutes,
21 to any other person; or

22 2. A In any other case, the violation shall be a misdemeanor,
23 punishable by a fine of Five Hundred Dollars (\$500.00) or

24

1 imprisonment in the county jail for not more than one (1) year, or
2 by both fine and imprisonment, ~~in any other case.~~

3 C. Violation of this section, and attempts or conspiracies to
4 commit such violations, shall be prosecuted by the district attorney
5 in the district court having jurisdiction of the place where the
6 offense occurred.

7 D. As used in this section, the term "other person for whom the
8 Oklahoma Highway Patrol Division of the Department of Public Safety
9 is charged with providing protection" means any person the Oklahoma
10 Highway Patrol - Executive Security Division is authorized to
11 protect pursuant to Section 2-101 or Section 2-105.3a of Title 47 of
12 the Oklahoma Statutes when the person has not declined protection.

13 SECTION 99. AMENDATORY 21 O.S. 2021, Section 301, is
14 amended to read as follows:

15 Section 301. Any person who willfully and by force or fraud
16 prevents the State Legislature or either of the houses composing it,
17 or any of the members thereof, from meeting or organizing shall be
18 guilty of a Class C2 felony punishable ~~by imprisonment in the State~~
19 ~~Penitentiary not less than five (5) years nor more than ten (10)~~
20 ~~years, or by a fine of not less than Five Hundred Dollars (\$500.00)~~
21 ~~nor more than Two Thousand Dollars (\$2,000.00), or both in~~
22 accordance with the provisions of Section 17 of this act.

23 SECTION 100. AMENDATORY 21 O.S. 2021, Section 303, is
24 amended to read as follows:

1 Section 303. Every person who willfully and by force or fraud
2 compels or attempts to compel the State Legislature, or either of
3 the houses composing it, to adjourn or disperse shall be guilty of a
4 Class C2 felony punishable by imprisonment in the State Penitentiary
5 ~~not less than five (5) years nor more than ten (10) years, or by a~~
6 ~~fine of not less than Five Hundred Dollars (\$500.00), nor more than~~
7 ~~Two Thousand Dollars (\$2,000.00), or both~~ in accordance with the
8 provisions of Section 17 of this act.

9 SECTION 101. AMENDATORY 21 O.S. 2021, Section 305, is
10 amended to read as follows:

11 Section 305. Any person who willfully compels or attempts to
12 compel either of the houses composing the Legislature to pass, amend
13 or reject any bill or resolution, or to grant or refuse any
14 petition, or to perform or omit to perform any other official act,
15 shall be guilty of a Class C2 felony punishable by imprisonment in
16 ~~the State Penitentiary not less than five (5) years nor more than~~
17 ~~ten (10) years, or by a fine of not less than Five Hundred Dollars~~
18 ~~(\$500.00) nor more than Two Thousand Dollars (\$2,000.00), or both~~ in
19 accordance with the provisions of Section 17 of this act.

20 SECTION 102. AMENDATORY 21 O.S. 2021, Section 306, is
21 amended to read as follows:

22 Section 306. Any person who fraudulently alters the draft of
23 any bill or resolution which has been presented to either of the
24 houses composing the Legislature, to be passed or adopted, with

1 intent to procure it to be passed or adopted by either house, or
2 certified by the presiding officer of either house, in language
3 different from that intended by such house, shall be guilty of a
4 Class D3 felony punishable in accordance with the provisions of
5 Section 20 of this act.

6 SECTION 103. AMENDATORY 21 O.S. 2021, Section 307, is
7 amended to read as follows:

8 Section 307. Any person who fraudulently alters the engrossed
9 copy or enrollment of any bill which has been passed by the
10 Legislature, with intent to procure it to be approved by the
11 Governor or certified by the Secretary of State, or printed or
12 published by the printer of the statutes in language different from
13 that in which it was passed by the Legislature, shall be guilty of a
14 Class D3 felony punishable in accordance with the provisions of
15 Section 20 of this act.

16 SECTION 104. AMENDATORY 21 O.S. 2021, Section 308, is
17 amended to read as follows:

18 Section 308. Any person who gives or offers to give a bribe to
19 any member of the Legislature, or attempts directly or indirectly,
20 by menace, deceit, suppression of truth or any other corrupt means,
21 to influence a member in giving or withholding his vote, or in not
22 attending the house of which he is a member, or any committee
23 thereof, shall be guilty of a Class C2 felony punishable by
24 ~~imprisonment in the State Penitentiary not exceeding ten (10) years,~~

1 ~~or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or~~
2 ~~both~~ in accordance with the provisions of Section 17 of this act.

3 SECTION 105. AMENDATORY 21 O.S. 2021, Section 309, is
4 amended to read as follows:

5 Section 309. Any member of either of the houses composing the
6 Legislature, who asks, receives or agrees to receive any bribe upon
7 any understanding that his official vote, opinion, judgment or
8 action shall be influenced thereby, or shall be given in any manner
9 or upon any particular side of any question or matter upon which he
10 may be required to act in his official capacity, or who gives, or
11 offers or promises to give any official vote in consideration that
12 another member of the Legislature shall give any such vote, either
13 upon the same or another question, is guilty of a Class C2 felony
14 punishable ~~by imprisonment in the State Penitentiary not exceeding~~
15 ~~ten (10) years, or by a fine not exceeding Five Thousand Dollars~~
16 ~~(\$5,000.00), or both~~ in accordance with the provisions of Section 17
17 of this act.

18 SECTION 106. AMENDATORY 21 O.S. 2021, Section 322, is
19 amended to read as follows:

20 Section 322. Any member of the Legislature who shall violate
21 the provisions of Section 321 of this title shall be guilty of a
22 Class D1 felony, and upon conviction shall be ~~fined in any sum not~~
23 ~~less than One Hundred Dollars (\$100.00) nor to exceed One Thousand~~
24 ~~Dollars (\$1,000.00), and be sentenced to the State Penitentiary for~~

1 ~~a term not less than one (1) year nor to exceed five (5) years and~~
2 punished in accordance with the provisions of Section 18 of this act
3 and, in addition thereto, the member shall forfeit office.

4 SECTION 107. AMENDATORY 21 O.S. 2021, Section 334, is
5 amended to read as follows:

6 Section 334. No person may retain or employ a lobbyist, as
7 defined in Section 4249 of Title 74 of the Oklahoma Statutes, for
8 compensation contingent in whole or in part on the passage or defeat
9 of any official action or the approval or veto of any legislation,
10 issuance of an executive order or approval or denial of a pardon or
11 parole by the Governor. No lobbyist may accept any employment or
12 render any service for compensation contingent on the passage or
13 defeat of any legislation or the approval or veto of any legislation
14 by the Governor. Any person convicted of violating the provisions
15 of this section shall be guilty of a Class D1 felony punishable ~~by a~~
16 ~~fine of not more than One Thousand Dollars (\$1,000.00) or by~~
17 ~~imprisonment in the State Penitentiary not exceeding two (2) years~~
18 in accordance with the provisions of Section 18 of this act or by
19 both such fine and imprisonment.

20 SECTION 108. AMENDATORY 21 O.S. 2021, Section 341, is
21 amended to read as follows:

22 Section 341. Every public officer of the state or any county,
23 city, town, or member or officer of the Legislature, and every
24 deputy or clerk of any such officer and every other person receiving

1 any money or other thing of value on behalf of or for account of
2 this state or any department of the government of this state or any
3 bureau or fund created by law and in which this state or the people
4 thereof, are directly or indirectly interested, who either:

5 First: Receives, directly or indirectly, any interest, profit
6 or perquisites, arising from the use or loan of public funds in the
7 officer's or person's hands or money to be raised through an agency
8 for state, city, town, district, or county purposes; or

9 Second: Knowingly keeps any false account, or makes any false
10 entry or erasure in any account of or relating to any moneys so
11 received by him, on behalf of the state, city, town, district or
12 county, or the people thereof, or in which they are interested; or

13 Third: Fraudulently alters, falsifies, cancels, destroys or
14 obliterates any such account, shall, upon conviction, thereof, be
15 deemed guilty of a Class B3 felony and shall be punished ~~by a fine~~
16 ~~of not to exceed Five Hundred Dollars (\$500.00), and by imprisonment~~
17 ~~in the State Penitentiary for a term of not less than one (1) year~~
18 ~~nor more than twenty (20) years~~ in accordance with the provisions of
19 Section 12 of this act and, in addition thereto, the person shall be
20 disqualified to hold office in this state, and the court shall issue
21 an order of such forfeiture, and should appeal be taken from the
22 judgment of the court, the defendant may, in the discretion of the
23 court, stand suspended from such office until such cause is finally
24 determined.

1 SECTION 109. AMENDATORY 21 O.S. 2021, Section 349, is
2 amended to read as follows:

3 Section 349. Any person who willfully burns, destroys, or
4 injures any public buildings or improvements in this state shall be
5 guilty of a Class B3 felony, ~~punishable by imprisonment in the State~~
6 ~~Penitentiary not exceeding twenty-five (25) years~~ and shall be
7 punished in accordance with the provision of Section 12 of this act.

8 SECTION 110. AMENDATORY 21 O.S. 2021, Section 350, is
9 amended to read as follows:

10 Section 350. Any person who enters any fort, magazine, arsenal,
11 armory, arsenal yard or encampment and seizes or takes away any
12 arms, ammunition, military stores or supplies belonging to the
13 people of this state, and every person who enters any such place
14 with intent so to do, shall be guilty of a Class C2 felony
15 ~~punishable by imprisonment in the State Penitentiary not exceeding~~
16 ~~ten (10) years~~ and shall be punished in accordance with the
17 provisions of Section 17 of this act.

18 SECTION 111. AMENDATORY 21 O.S. 2021, Section 357, is
19 amended to read as follows:

20 Section 357. Any member of any public body, such as is
21 specified in Section 355 of this title, who shall be a party to any
22 such contract or purchase therein declared unlawful, or who shall
23 receive any money, warrant, certificate, or other consideration
24 thereunder, or who shall vote for or assent to any such contract or

1 purchase, shall be guilty of a Class D1 felony punishable ~~by a fine~~
2 ~~of not less than Fifty Dollars (\$50.00), and imprisonment in the~~
3 ~~county jail not less than thirty (30) days, or by a fine of not more~~
4 ~~than Five Hundred Dollars (\$500.00), with imprisonment in the State~~
5 ~~Penitentiary not exceeding five (5) years~~ in accordance with the
6 provisions of Section 18 of this act.

7 SECTION 112. AMENDATORY 21 O.S. 2021, Section 359, is
8 amended to read as follows:

9 Section 359. A. Any person, firm, corporation, association or
10 agency found guilty of violating subsection A of Section 358 of this
11 title shall be guilty of a Class D1 felony punishable ~~by a fine not~~
12 ~~exceeding Ten Thousand Dollars (\$10,000.00), or by imprisonment in~~
13 ~~the custody of the Department of Corrections for a term not~~
14 ~~exceeding two (2) years, or by both such fine and imprisonment~~ in
15 accordance with the provisions of Section 18.

16 B. Any person found guilty of violating subsection B of Section
17 358 of this title shall be guilty of a misdemeanor punishable by a
18 fine not exceeding One Thousand Dollars (\$1,000.00), or by
19 imprisonment in the county jail for a term not exceeding one (1)
20 year, or by both such fine and imprisonment.

21 SECTION 113. AMENDATORY 21 O.S. 2021, Section 360, is
22 amended to read as follows:

23 Section 360. No public employee or public official, as defined
24 in Section 304 of Title 51 of the Oklahoma Statutes, shall directly

1 or indirectly coerce, attempt to coerce, command, advise or direct
2 any state employee to pay, lend or contribute any part of his or her
3 salary or compensation, time, effort or anything else of value to
4 any party, committee, organization, agency or person for political
5 purposes. No public employee or official shall retaliate against
6 any employee for exercising his or her rights or for not
7 participating in permitted political activities as provided in
8 Ethics Commission Rule 10-1-4. Any person convicted of willfully
9 violating the provisions of this section shall be guilty of a Class
10 D3 felony and shall be punished ~~by the imposition of a fine of not~~
11 ~~more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for~~
12 ~~not longer than two (2) years, or by both said fine and imprisonment~~
13 in accordance with the provisions of Section 20 of this act.

14 SECTION 114. AMENDATORY 21 O.S. 2021, Section 373, is
15 amended to read as follows:

16 Section 373. Any person, corporation or company violating any
17 provision of Section 372 of this title, upon conviction thereof,
18 shall be ~~punished by a fine not exceeding Three Thousand Dollars~~
19 ~~(\$3,000.00), or by imprisonment for not more than three (3) years,~~
20 ~~or both, in the discretion of the court~~ guilty of a Class D3 felony
21 punishable in accordance with the provisions of Section 20 of this
22 act.

23 SECTION 115. AMENDATORY 21 O.S. 2021, Section 374, is
24 amended to read as follows:

1 Section 374. Any person in this state, who shall carry or cause
2 to be carried, or publicly display any red flag or other emblem or
3 banner, indicating disloyalty to the Government of the United States
4 or a belief in anarchy or other political doctrines or beliefs,
5 whose objects are either the disruption or destruction of organized
6 government, or the defiance of the laws of the United States or of
7 the State of Oklahoma, shall be deemed guilty of a Class C2 felony,
8 and upon conviction shall be punished ~~by imprisonment in the~~
9 ~~Penitentiary of the State of Oklahoma for a term not exceeding ten~~
10 ~~(10) years, or by a fine not exceeding One Thousand Dollars~~
11 ~~(\$1,000.00) or by both such imprisonment and fine~~ in accordance with
12 the provisions of Section 17 of this act.

13 SECTION 116. AMENDATORY 21 O.S. 2021, Section 380, is
14 amended to read as follows:

15 Section 380. A. Any fiduciary who, with a corrupt intent and
16 without the consent of his beneficiary, intentionally or knowingly
17 solicits, accepts, or agrees to accept any bribe from another person
18 with the agreement or understanding that the bribe as defined by law
19 will influence the conduct of the fiduciary in relation to the
20 affairs of his beneficiary, upon conviction, is guilty of a Class C2
21 felony punishable ~~by imprisonment in a state correctional~~
22 ~~institution for a term not more than ten (10) years, or by a fine~~
23 ~~not to exceed Five Thousand Dollars (\$5,000.00) or an amount fixed~~
24 ~~by the court not to exceed twice the value of the benefit gained~~

1 ~~from the bribe, or by both said imprisonment and fine~~ in accordance
2 with the provisions of Section 17 of this act.

3 B. Any person who offers, confers, or agrees to confer any
4 bribe the acceptance of which is an offense pursuant to the
5 provisions of subsection A of this section, upon conviction, is
6 guilty of a Class C2 felony punishable ~~by imprisonment in a state~~
7 ~~correctional institution for a term not more than ten (10) years, or~~
8 ~~by a fine not to exceed Five Thousand Dollars (\$5,000.00), or both~~
9 in accordance with the provisions of Section 17 of this act.

10 C. As used in subsection A of this section:

11 1. "Beneficiary" means any person for whom a fiduciary is
12 acting;

13 2. "Fiduciary" means:

14 a. an agent or employee, or

15 b. a trustee, guardian, custodian, administrator,
16 executor, conservator, receiver, or similar fiduciary,
17 or

18 c. a lawyer, physician, accountant, appraiser, or other
19 professional advisor, or

20 d. an officer, director, partner, manager, or other
21 participant in the direction of the affairs of a
22 corporation or association.

23 SECTION 117. AMENDATORY 21 O.S. 2021, Section 380.1, is
24 amended to read as follows:

1 Section 380.1. A person commits the offense of commercial
2 bribery involving an insured depository institution or credit union
3 when the person gives, offers, promises, confers or agrees to confer
4 any benefit to any employee, agent or fiduciary without the consent
5 of the employer or principal and with intent to influence such
6 person's conduct in relation to the affairs of the employer or
7 principal.

8 Any person convicted of commercial bribery involving an insured
9 depository institution shall be guilty of a misdemeanor punishable
10 by imprisonment in the county jail for a term not more than one (1)
11 year; or, if there was intent to defraud, the violator, upon
12 conviction, shall be guilty of a Class C2 felony punishable by
13 ~~imprisonment in the Department of Corrections for a term not more~~
14 ~~than ten (10) years~~ and shall be punished in accordance with the
15 provisions of Section 17 of this act.

16 SECTION 118. AMENDATORY 21 O.S. 2021, Section 382, is
17 amended to read as follows:

18 Section 382. Every executive, legislative, county, municipal,
19 judicial, or other public officer, or any employee of the State of
20 Oklahoma or any political subdivision thereof, including peace
21 officers and any other law enforcement officer, or any person
22 assuming to act as such officer, who corruptly accepts or requests a
23 gift or gratuity, or a promise to make a gift, or a promise to do an
24 act beneficial to such officer, or that judgment shall be given in

1 any particular manner, or upon a particular side of any question,
2 cause or proceeding, which is or may be by law brought before him in
3 his official capacity, or as a consideration for any speech, work,
4 or service in connection therewith, or that in such capacity he
5 shall make any particular nomination or appointment, shall forfeit
6 his office, be forever disqualified to hold any public office,
7 trust, or appointment under the laws of this state, and be guilty of
8 a Class C2 felony punishable ~~by imprisonment in the State~~
9 ~~Penitentiary not exceeding ten (10) years, or by a fine not~~
10 ~~exceeding Five Thousand Dollars (\$5,000.00) and imprisonment in jail~~
11 ~~not exceeding one (1) year~~ in accordance with the provisions of
12 Section 17 of this act.

13 SECTION 119. AMENDATORY 21 O.S. 2021, Section 383, is
14 amended to read as follows:

15 Section 383. Any person who gives or offers to give a bribe to
16 any judicial officer, juror, referee, arbitrator, umpire or
17 assessor, or to any person who may be authorized by law or agreement
18 of parties interested to hear or determine any question or
19 controversy, with intent to influence his vote, opinion or decision
20 upon any matter or question which is or may be brought before him
21 for decision, is guilty of a Class C2 felony punishable ~~by~~
22 ~~imprisonment in the State Penitentiary not exceeding ten (10) years,~~
23 ~~or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or~~
24 ~~both~~ in accordance with the provisions of Section 17 of this act.

1 SECTION 120. AMENDATORY 21 O.S. 2021, Section 384, is
2 amended to read as follows:

3 Section 384. Any juror, referee, arbitrator, umpire or
4 assessor, and every person authorized by law to hear or determine
5 any question or controversy, who asks, receives, or agrees to
6 receive, any bribe upon any agreement or understanding that his
7 vote, opinion or decision upon any matter or question which is or
8 may be brought before him for decision, shall be thereby influenced,
9 shall be guilty of a Class D3 felony and upon conviction shall be
10 punished in accordance with the provisions of Section 20 of this
11 act.

12 SECTION 121. AMENDATORY 21 O.S. 2021, Section 388, is
13 amended to read as follows:

14 Section 388. Every person who attempts to influence a juror, or
15 any person summoned or drawn as a juror, or chosen as arbitrator or
16 appointed a referee, in respect to his or her verdict, or decision
17 of any cause or matter pending, or about to be brought before him or
18 her, either:

19 1. By means of any communication oral or written had with him
20 or her, except in the regular course of proceedings upon the trial
21 of the cause;

22 2. By means of any book, paper, or instrument, exhibited
23 otherwise than in the regular course of proceedings, upon the trial
24 of the cause;

1 3. By means of any threat or intimidation; or

2 4. By means of any assurance or promise of any pecuniary or
3 other advantage,

4 is guilty of a Class C2 felony punishable ~~by a fine not to exceed~~
5 ~~Five Thousand Dollars (\$5,000.00) or by imprisonment in the State~~
6 ~~Penitentiary not to exceed ten (10) years, or by both such fine and~~
7 ~~imprisonment~~ in accordance with the provisions of Section 17 of this
8 act.

9 SECTION 122. AMENDATORY 21 O.S. 2021, Section 399, is
10 amended to read as follows:

11 Section 399. Whoever corruptly gives, offers or promises any
12 gift, gratuity or thing of value to any player, participant, coach,
13 referee, umpire, official or any other person having authority in
14 connection with the conducting of any amateur or professional
15 athletic contest with the intent to influence the action, conduct,
16 judgment, or decision of any such person in, or in connection with,
17 such contest, or as a consideration for such person acting, playing
18 or performing his functions in any such contest, in any manner
19 calculated to affect the result thereof, or in consideration of such
20 person failing to participate or engage in such contest, shall be
21 deemed guilty of bribery, and upon conviction shall be guilty of a
22 Class D1 felony punishable ~~by imprisonment in the State Penitentiary~~
23 ~~for not to exceed five (5) years; or by a fine of not to exceed~~
24 ~~Three Thousand Dollars (\$3,000.00) and imprisonment in the county~~

1 ~~jail for not to exceed one (1) year~~ in accordance with the
2 provisions of Section 18 of this act.

3 SECTION 123. AMENDATORY 21 O.S. 2021, Section 400, is
4 amended to read as follows:

5 Section 400. Every player, participant, coach, umpire, referee
6 or other person having or exercising authority in connection with
7 the conducting of any amateur or professional athletic contest, who
8 corruptly accepts or requests a gift or gratuity or a promise of any
9 such gift or gratuity, or any other thing of value, or the
10 performance of an act beneficial to any such person in consideration
11 of such person performing any act or making any judgment or
12 decision, or in consideration of such person playing or making
13 decisions or judgments or conducting such athletic contest, in a
14 manner intended or calculated to affect or change the result of such
15 athletic contest, or in consideration of such person failing to
16 participate or engage in any such contest, shall be deemed guilty of
17 a Class D3 felony and upon conviction shall be punished ~~by~~
18 ~~imprisonment in the State Penitentiary for not to exceed one (1)~~
19 ~~year or by a fine of not to exceed Three Thousand Dollars~~
20 ~~(\$3,000.00) or imprisonment in the county jail for not to exceed one~~
21 ~~(1) year or by both such fine and imprisonment~~ in accordance with
22 the provisions of Section 20 of this act,.

23 SECTION 124. AMENDATORY 21 O.S. 2021, Section 421, is
24 amended to read as follows:

1 Section 421. A. If two or more persons conspire, either:

2 1. To commit any crime; or

3 2. Falsely and maliciously to indict another for any crime, or
4 to procure another to be charged or arrested for any crime; or

5 3. Falsely to move or maintain any suit, action or proceeding;
6 or

7 4. To cheat and defraud any person of any property by any means
8 which are in themselves criminal, or by any means which, if
9 executed, would amount to a cheat or to obtaining money or property
10 by false pretenses; or

11 5. To commit any act injurious to the public health, to public
12 morals, or to trade or commerce, or for the perversion or
13 obstruction of justice or the due administration of the laws,
14 they are guilty of a conspiracy.

15 B. Except in cases where a different punishment is prescribed
16 by law the punishment for conspiracy shall be a misdemeanor unless
17 the conspiracy is to commit a felony.

18 C. Conspiracy to commit a felony shall be a Class C2 felony and
19 ~~is punishable shall be punished by payment of a fine not exceeding~~
20 ~~Five Thousand Dollars (\$5,000.00), or by imprisonment in the State~~
21 ~~Penitentiary for a period not exceeding ten (10) years, or by both~~
22 ~~such fine and imprisonment~~ in accordance with the provisions of
23 Section 17 of this act.

1 SECTION 125. AMENDATORY 21 O.S. 2021, Section 422, is
2 amended to read as follows:

3 Section 422. If two or more persons, being out of this state,
4 conspire to commit any act against the peace of this state, the
5 commission or attempted commission of which, within this state,
6 would be treason against the state, they shall be guilty of a Class
7 C2 felony punishable by imprisonment in the State Penitentiary not
8 exceeding ten (10) years and shall be punished in accordance with
9 the provisions of Section 17 of this act.

10 SECTION 126. AMENDATORY 21 O.S. 2021, Section 424, is
11 amended to read as follows:

12 Section 424. If two or more persons conspire either to commit
13 any offense against the State of Oklahoma, any county, school
14 district, municipality or subdivision thereof, or to defraud the
15 State of Oklahoma, any county, school district, municipality or
16 subdivision thereof, in any manner or for any purpose, and if one or
17 more of such parties do any act to effect the object of the
18 conspiracy, all the parties to such conspiracy shall be guilty of a
19 Class C2 felony punishable by a fine of not more than Twenty-five
20 Thousand Dollars (\$25,000.00) or imprisonment for not more than ten
21 (10) years or by both such fine and imprisonment accordance with the
22 provisions of Section 17 of this act.

23 SECTION 127. AMENDATORY 21 O.S. 2021, Section 425, is
24 amended to read as follows:

1 Section 425. A. Any person who engages in a pattern of
2 criminal offenses in two or more counties in this state or who
3 attempts or conspires with others to engage in a pattern of criminal
4 offenses shall, upon conviction, be guilty of a Class D1 felony
5 ~~punishable by imprisonment in the Department of Corrections for a~~
6 ~~term not exceeding two (2) years, or imprisonment in the county jail~~
7 ~~for a term not exceeding one (1) year, or by a fine in an amount not~~
8 ~~more than Twenty five Thousand Dollars (\$25,000.00), or by both such~~
9 ~~fine and imprisonment~~ in accordance with the provisions of Section
10 18 of this act. Such punishment shall be in addition to any penalty
11 imposed for any offense involved in the pattern of criminal
12 offenses. Double jeopardy shall attach upon conviction.

13 B. For purposes of this act, "pattern of criminal offenses"
14 means:

15 1. Two or more criminal offenses are committed that are part of
16 the same plan, scheme, or adventure; or

17 2. A sequence of two or more of the same criminal offenses are
18 committed and are not separated by an interval of more than thirty
19 (30) days between the first and second offense, the second and
20 third, and so on; or

21 3. Two or more criminal offenses are committed, each proceeding
22 from or having as an antecedent element a single prior incident or
23 pattern of fraud, robbery, burglary, theft, identity theft, receipt
24 of stolen property, false personation, false pretenses, obtaining

1 property by trick or deception, taking a credit or debit card
2 without consent, or the making, transferring or receiving of a false
3 or fraudulent identification card.

4 C. Jurisdiction and venue for a pattern of criminal offenses
5 occurring in multiple counties in this state shall be determined as
6 provided in Section 1 of this act.

7 SECTION 128. AMENDATORY 21 O.S. 2021, Section 434, is
8 amended to read as follows:

9 Section 434. Every prisoner confined in the penitentiary for a
10 term less than for life, who attempts by force or fraud, although
11 unsuccessfully, to escape from such prison, shall be guilty of a
12 Class D2 felony punishable in accordance with the provisions of
13 Section 19 of this act.

14 SECTION 129. AMENDATORY 21 O.S. 2021, Section 436, is
15 amended to read as follows:

16 Section 436. Any prisoner confined in any other prison than the
17 penitentiary, who attempts by force or fraud, although
18 unsuccessfully, to escape therefrom, is guilty of a Class D2 felony
19 punishable by imprisonment in a county jail not exceeding one (1)
20 year in accordance with the provisions of Section 19 of this act, to
21 commence from the expiration of the original term of his or her
22 imprisonment.

23 SECTION 130. AMENDATORY 21 O.S. 2021, Section 437, is
24 amended to read as follows:

1 Section 437. Any person who willfully by any means whatever,
2 assists any prisoner confined in any prison to escape therefrom, is
3 punishable as follows:

4 1. If such prisoner was confined upon a charge or conviction of
5 a felony, such person shall be guilty of a Class C1 felony
6 ~~punishable by imprisonment in the State Penitentiary not exceeding~~
7 ~~ten (10) years~~ and shall be punished in accordance with the
8 provisions of Section 16 of this act.

9 2. If such prisoner was confined otherwise than upon a charge
10 or conviction of a felony, ~~by imprisonment in the county jail not~~
11 ~~exceeding one (1) year, or by fine, not exceeding Five Hundred~~
12 ~~Dollars (\$500.00), or both~~ such person shall be guilty of a Class D3
13 felony punishable in accordance with the provisions of Section 20 of
14 this act.

15 SECTION 131. AMENDATORY 21 O.S. 2021, Section 438, is
16 amended to read as follows:

17 Section 438. Any person who carries or sends into any prison
18 anything useful to aid any prisoner in making his escape, with
19 intent thereby to facilitate the escape of any prisoner confined
20 therein, is punishable as follows:

21 1. If such prisoner was confined upon any charge or conviction
22 of felony, ~~by imprisonment in the State Penitentiary not exceeding~~
23 ~~ten (10) years~~ the person shall be guilty of a Class C1 felony and
24

1 shall be punished in accordance with the provisions of Section 17 of
2 this act.

3 2. If such prisoner was confined otherwise than upon a charge
4 or conviction of felony, ~~by imprisonment in the county jail not~~
5 ~~exceeding one (1) year, or by a fine of Five Hundred Dollars~~
6 ~~(\$500.00), or both~~ such person shall be guilty of a Class D3 felony
7 punishable in accordance with the provisions of Section 20 of this
8 act.

9 SECTION 132. AMENDATORY 21 O.S. 2021, Section 440, is
10 amended to read as follows:

11 Section 440. A. Any person who shall knowingly feed, lodge,
12 clothe, arm, equip in whole or in part, harbor, aid, assist or
13 conceal in any manner any person guilty of any felony, or outlaw, or
14 fugitive from justice, or any person seeking to escape arrest for
15 any felony committed within this state or any other state or
16 territory, shall be guilty of a Class C1 felony ~~punishable by~~
17 ~~imprisonment in the custody of the Department of Corrections for a~~
18 ~~period not exceeding ten (10) years~~ and shall be punished in
19 accordance with the provisions of Section 16 of this act.

20 B. It shall be unlawful for any person who has reason to
21 believe that a sex offender is in violation of the registration
22 requirements of the Sex Offenders Registration Act and who has the
23 intent to assist the sex offender in eluding arrest, to do any of
24 the following:

1 1. Withhold information from, or fail to notify, a law
2 enforcement agency about the noncompliance of the sex offender with
3 the registration requirements of the Sex Offenders Registration Act,
4 and, if known, the whereabouts of the offender;

5 2. Harbor, attempt to harbor, or assist another person in
6 harboring or attempting to harbor, the sex offender;

7 3. Conceal, or attempt to conceal, or assist another person in
8 concealing or attempting to conceal, the sex offender; or

9 4. Provide information to a law enforcement agency regarding
10 the sex offender that the person knows to be false information.

11 C. Any person convicted of violating the provisions of
12 subsection B of this section shall be guilty of a misdemeanor
13 punishable by a fine ~~of~~ not less than Five Hundred Dollars
14 (\$500.00), or by imprisonment in the county jail for a term not to
15 exceed one (1) year, or by both such fine and imprisonment.

16 SECTION 133. AMENDATORY 21 O.S. 2021, Section 443, is
17 amended to read as follows:

18 Section 443. A. Any person having been imprisoned in a county
19 or city jail awaiting charges on a felony offense or prisoner
20 awaiting trial or having been sentenced on a felony charge to the
21 custody of the Department of Corrections or any other prisoner
22 having been lawfully detained who escapes from a county or city
23 jail, either while actually confined therein, while permitted to be
24 at large as a trusty, or while awaiting transportation to a

1 Department of Corrections facility for execution of sentence, shall
2 be guilty of a Class D1 felony punishable ~~by imprisonment of not~~
3 ~~less than one (1) year nor more than seven (7) years~~ in accordance
4 with the provisions of Section 18 of this act.

5 B. Any person who is an inmate in the custody of the Department
6 of Corrections who escapes from said custody, either while actually
7 confined in a correctional facility, while assigned to an
8 alternative to incarceration authorized by law, while assigned to
9 the Preparole Conditional Supervision Program as authorized by
10 Section 365 of Title 57 of the Oklahoma Statutes or while permitted
11 to be at large as a trusty, shall be guilty of a Class D1 felony
12 punishable ~~by imprisonment of not less than two (2) years nor more~~
13 ~~than seven (7) years~~ in accordance with the provisions of Section 18
14 of this act.

15 C. For the purposes of this section, an inmate assigned to an
16 alternative to incarceration authorized by law or to the Preparole
17 Conditional Supervision Program shall be considered to have escaped
18 if the inmate cannot be located within a twenty-four hour period or
19 if he or she fails to report to a correctional facility or
20 institution, as directed. This includes any person escaping by
21 absconding from an electronic monitoring device or absconding after
22 removing an electronic monitoring device from their body.

23 D. For the purposes of this section, if the individual who
24 escapes has felony convictions for offenses other than the offense

1 for which the person was serving imprisonment at the time of the
2 escape, those previous felony convictions may be used for
3 enhancement of punishment pursuant to the provisions of Section 434
4 of this title. The fact that any such convictions may have been
5 used to enhance punishment in the sentence for the offense for which
6 the person was imprisoned at the time of the escape shall not
7 prevent such convictions from being used to enhance punishment for
8 the escape.

9 E. Any juvenile or youthful offender lawfully placed in a
10 juvenile detention facility or secure juvenile facility, other than
11 a community intervention center, who escapes from the facility while
12 actually confined therein, who escapes while escorted by a
13 transportation officer, or who escapes while permitted to be on an
14 authorized pass or work program outside the facility shall be guilty
15 of a Class D1 felony punishable ~~by imprisonment for not less than~~
16 ~~one (1) year nor more than three (3) years~~ in accordance with the
17 provisions of Section 18 of this act. For purposes of this
18 subsection:

19 1. A juvenile or youthful offender permitted to be on an
20 authorized pass or work program shall be considered to have escaped
21 if the juvenile or youthful offender cannot be located within a
22 twenty-four-hour period or if the juvenile or youthful offender
23 fails to report to the facility at the specified time, and shall
24 include any juvenile or youthful offender escaping by absconding

1 from an electronic monitoring device or absconding after removing an
2 electronic monitoring device from the body of the juvenile or
3 youthful offender; and

4 2. "Escape" means a juvenile or youthful offender in lawful
5 custody who has absented himself or herself without official
6 permission from a facility or secure placement, during transport to
7 or from such facility, or failure to return from a pass issued by a
8 facility.

9 SECTION 134. AMENDATORY 21 O.S. 2021, Section 444, is
10 amended to read as follows:

11 Section 444. A. It is unlawful for any person, after being
12 lawfully arrested or detained by a peace officer, to escape or
13 attempt to escape from such peace officer.

14 B. Any person who escapes or attempts to escape after being
15 lawfully arrested or detained for custody for a misdemeanor offense
16 shall be guilty of a misdemeanor.

17 C. Any person who escapes or attempts to escape after being
18 lawfully arrested or detained for custody for a felony offense shall
19 be guilty of a Class D2 felony and upon conviction shall be punished
20 in accordance with provisions of Section 19 of this act.

21 D. It is unlawful for any person admitted to bail or released
22 on recognizance, bond, or undertaking for appearance before any
23 magistrate or court of the State of Oklahoma, and required as a
24 condition of such release from detention to wear any electronic

1 monitoring device on the body of the person to remove such device
2 without authorization from the court. For purposes of this
3 subsection, any person charged with a misdemeanor offense who
4 removes such device without authorization from the court shall be
5 guilty of a misdemeanor and any person charged with a felony offense
6 who removes such device without authorization from the court shall
7 be guilty of a Class D3 felony and upon conviction shall be punished
8 in accordance with provisions of Section 20 of this act.

9 SECTION 135. AMENDATORY 21 O.S. 2021, Section 445, is
10 amended to read as follows:

11 Section 445. Any person who willfully gains unauthorized entry
12 into any state penal institution, jail, any place where prisoners
13 are located, or the penal institution grounds, upon conviction,
14 shall be guilty of a Class D1 felony punishable by imprisonment in
15 ~~the State Penitentiary for not less than one (1) year nor more than~~
16 ~~five (5) years, or by the imposition of a fine of not less than Five~~
17 ~~Hundred Dollars (\$500.00) or more than One Thousand Dollars~~
18 ~~(\$1,000.00), or by both such fine and imprisonment~~ in accordance
19 with the provisions of Section 18 of this act.

20 SECTION 136. AMENDATORY 21 O.S. 2021, Section 446, is
21 amended to read as follows:

22 Section 446. A. It shall be unlawful for any person to
23 transport, move, or attempt to transport in the State of Oklahoma
24 any alien knowing or in reckless disregard of the fact that the

1 alien has come to, entered, or remained in the United States in
2 violation of law, in furtherance of the illegal presence of the
3 alien in the United States.

4 B. It shall be unlawful for any person to conceal, harbor, or
5 shelter from detection any alien in any place within the State of
6 Oklahoma, including any building or means of transportation, knowing
7 or in reckless disregard of the fact that the alien has come to,
8 entered, or remained in the United States in violation of law.

9 C. It shall be unlawful for any person to intentionally
10 destroy, hide, alter, abscond with or keep documentation, including
11 birth certificates, visas, passports, green cards or other documents
12 utilized in the regular course of business to either verify or
13 legally extend an individual's legal status within the United States
14 for the purpose of trafficking a person in violation of Section 748
15 of this title.

16 D. Nothing in this section shall be construed so as to prohibit
17 or restrict the provision of any state or local public benefit
18 described in 8 U.S.C., Section 1621(b), or regulated public health
19 services provided by a private charity using private funds.

20 E. Any person violating the provisions of subsections A, B or C
21 of this section shall, upon conviction, be guilty of a Class B2
22 felony ~~punishable by imprisonment in the custody of the Department~~
23 ~~of Corrections for not less than one (1) year, or by a fine of not~~
24 ~~less than One Thousand Dollars (\$1,000.00), or by both such fine and~~

1 ~~imprisonment~~ and shall be punished in accordance with the provisions
2 of Section 11 of this act.

3 SECTION 137. AMENDATORY 21 O.S. 2021, Section 451, is
4 amended to read as follows:

5 Section 451. Any person who, upon any trial, proceedings,
6 inquiry or investigation whatever, authorized by law, offers in
7 evidence, as genuine, any book, paper, document, record, or other
8 instrument in writing, knowing the same to have been forged, or
9 fraudulently altered, shall be guilty of a Class D3 felony and upon
10 conviction shall be punished in ~~the same manner as the forging or~~
11 ~~false alteration of such instrument is made punishable by the~~
12 ~~provisions of this title~~ accordance with provisions of Section 20 of
13 this act.

14 SECTION 138. AMENDATORY 21 O.S. 2021, Section 453, is
15 amended to read as follows:

16 Section 453. Any person guilty of falsely preparing any book,
17 paper, record, instrument in writing, or other matter or thing, with
18 intent to produce it, or allow it to be produced as genuine upon any
19 trial, proceeding or inquiry whatever, authorized by law, shall be
20 guilty of a Class D1 felony punishable in accordance with the
21 provisions of Section 18 of this act.

22 SECTION 139. AMENDATORY 21 O.S. 2021, Section 455, is
23 amended to read as follows:

24

1 Section 455. A. Every person who willfully prevents or
2 attempts to prevent any person from giving testimony or producing
3 any record, document or other object, who has been duly summoned or
4 subpoenaed or endorsed on the criminal information or juvenile
5 petition as a witness, or who makes a report of abuse or neglect
6 pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes or
7 Section 10-104 of Title 43A of the Oklahoma Statutes, or who is a
8 witness to any reported crime, or threatens or procures physical or
9 mental harm through force or fear with the intent to prevent any
10 witness from appearing in court to give his or her testimony or
11 produce any record, document or other object, or to alter his or her
12 testimony is, upon conviction, guilty of a Class C1 felony
13 ~~punishable by not less than one (1) year nor more than ten (10)~~
14 ~~years in the custody of the Department of Corrections~~ and shall be
15 punished in accordance with the provisions of Section 16 of this
16 act.

17 B. Every person who threatens physical harm through force or
18 fear or causes or procures physical harm to be done to any person or
19 harasses any person or causes a person to be harassed because of
20 testimony given by such person in any civil or criminal trial or
21 proceeding, or who makes a report of abuse or neglect pursuant to
22 Section 1-2-101 of Title 10A of the Oklahoma Statutes or Section 10-
23 104 of Title 43A of the Oklahoma Statutes, is, upon conviction,
24 guilty of a Class C1 felony ~~punishable by not less than one (1) year~~

1 ~~nor more than ten (10) years in the custody of the Department of~~
2 ~~Corrections and shall be punished in accordance with the provisions~~
3 ~~of Section 16 of this act.~~

4 SECTION 140. AMENDATORY 21 O.S. 2021, Section 456, is
5 amended to read as follows:

6 Section 456. Any person who gives or offers or promises to give
7 to any witness or person about to be called as a witness in any
8 matter whatever, including contests before United States land
9 officers or townsite commissioners, any bribe upon any understanding
10 or agreement that the testimony of such witness shall be influenced,
11 or who attempts by any other means fraudulently to induce any
12 witness to give false testimony shall be guilty of a Class D1 felony
13 punishable in accordance with the provisions of Section 18 of this
14 act, but if the offer, promise, or bribe is in any way to induce the
15 witness to swear falsely, then it shall be held to be subornation of
16 perjury.

17 SECTION 141. AMENDATORY 21 O.S. 2021, Section 461, is
18 amended to read as follows:

19 Section 461. Any clerk, register or other officer having the
20 custody of any record, maps or book, or of any paper or proceeding
21 of any court of justice, filed or deposited in any public office,
22 who is guilty of stealing, willfully destroying, mutilating,
23 defacing, altering or falsifying or unlawfully removing or secreting
24 such record, map, book, paper or proceeding, or who permits any

1 other person so to do, shall be guilty of a Class D1 felony
2 punishable ~~by imprisonment in the State Penitentiary not exceeding~~
3 ~~five (5) years~~ in accordance with the provisions of Section 18 of
4 this act, and in addition thereto, such person shall forfeit office.

5 SECTION 142. AMENDATORY 21 O.S. 2021, Section 462, is
6 amended to read as follows:

7 Section 462. Any person not an officer such as is mentioned in
8 Section 461 of this title, who is guilty of any of the acts
9 specified in that section shall be guilty of a Class D1 felony,
10 punishable ~~by imprisonment in the State Penitentiary not exceeding~~
11 ~~five (5) years, or in a county jail not exceeding one (1) year, or~~
12 ~~by a fine not exceeding Five Hundred Dollars (\$500.00), or by both~~
13 ~~such fine and imprisonment~~ in accordance with the provisions of
14 Section 18 of this act.

15 SECTION 143. AMENDATORY 21 O.S. 2021, Section 463, is
16 amended to read as follows:

17 Section 463. Any person who knowingly procures or offers any
18 false or forged instrument to be filed, registered, or recorded in
19 any public office within this state, which instrument, if genuine,
20 might be filed or registered or recorded under any law of this state
21 or of the United States, shall be guilty of a Class D1 felony
22 punishable in accordance with the provisions of Section 18 of this
23 act.

24

1 SECTION 144. AMENDATORY 21 O.S. 2021, Section 500, is
2 amended to read as follows:

3 Section 500. Perjury is a Class C1 felony ~~punishable by~~
4 ~~imprisonment in the State Penitentiary as follows:~~

5 ~~1. When committed on the trial of an indictment for felony, by~~
6 ~~imprisonment not less than two (2) years nor more than twenty (20)~~
7 ~~years;~~

8 ~~2. When committed on any other trial proceeding in a court of~~
9 ~~justice, by imprisonment for not less than one (1) year nor more~~
10 ~~than ten (10) years; and~~

11 ~~3. In all other cases by imprisonment not more than five (5)~~
12 ~~years~~ which shall be punished in accordance with the provisions of
13 Section 16 of this act.

14 SECTION 145. AMENDATORY 21 O.S. 2021, Section 505, is
15 amended to read as follows:

16 Section 505. Any person guilty of subornation of perjury ~~is~~
17 ~~punishable in the same manner as he would be if personally~~ shall,
18 upon conviction, be guilty of the perjury so procured a Class D1
19 felony and shall be punished in accordance with the provisions of
20 Section 18 of this act.

21 SECTION 146. AMENDATORY 21 O.S. 2021, Section 521, is
22 amended to read as follows:

23 Section 521. Any person who by force or fraud rescues or
24 attempts to rescue, or aids another person in rescuing or in

1 attempting to rescue any prisoner from any officer or other person
2 having him in lawful custody, is punishable as follows:

3 1. If such prisoner was in custody upon a charge or conviction
4 of felony, such person shall be guilty of a Class B1 felony by
5 ~~imprisonment in the State Penitentiary for not less than ten (10)~~
6 ~~years~~ and shall be punished in accordance with the provisions of
7 Section 10 of this act; or

8 2. If such prisoner was in custody otherwise than upon a charge
9 or conviction of a felony, by imprisonment in a county jail not
10 exceeding one (1) year, or by fine not exceeding Five Hundred
11 Dollars (\$500.00), or by both such fine and imprisonment.

12 SECTION 147. AMENDATORY 21 O.S. 2021, Section 531, is
13 amended to read as follows:

14 Section 531. Any sheriff, coroner, clerk of a court, constable
15 or other ministerial officer, and every deputy or subordinate of any
16 ministerial officer who mutilates, destroys, conceals, erases,
17 obliterates or falsifies any record or paper appertaining to his
18 office shall be guilty of a Class D1 felony punishable in accordance
19 with the provisions of Section 18 of this act.

20 SECTION 148. AMENDATORY 21 O.S. 2021, Section 532, is
21 amended to read as follows:

22 Section 532. Any sheriff, coroner, clerk of a court, constable
23 or other ministerial officer and any deputy or subordinate of any
24 ministerial officer, who either:

1 1. Willfully or carelessly allows any person lawfully held by
2 him in custody to escape or go at large, except as may be permitted
3 by law; or

4 2. Receives any gratuity or reward, or any security or promise
5 of one, to procure, assist, connive at or permit any prisoner in his
6 custody to escape, whether such escape is attempted or not; or

7 3. Commits any unlawful act tending to hinder justice,
8 shall, upon conviction, be guilty of a Class B2 felony and shall be
9 punished in accordance with Section 11 of this act.

10 SECTION 149. AMENDATORY 21 O.S. 2021, Section 539, is
11 amended to read as follows:

12 Section 539. Any person who, after proclamation issued by the
13 Governor declaring any county to be in a state of insurrection,
14 resists or aids in resisting the execution of process in the county
15 declared to be in a state of insurrection, or who aids or attempts
16 the rescue or escape of another from lawful custody or confinement,
17 or who resists or aids in resisting a force ordered out by the
18 government to quell or suppress an insurrection, shall be guilty of
19 a Class B3 felony ~~punishable by imprisonment in the State~~
20 ~~Penitentiary for not less than two (2) years~~ and shall be punished
21 in accordance with the provisions of Section 12 of this act.

22 SECTION 150. AMENDATORY 21 O.S. 2021, Section 540A, is
23 amended to read as follows:

24

1 Section 540A. A. Any operator of a motor vehicle who has
2 received a visual and audible signal, a red light and a siren from a
3 peace officer driving a motor vehicle showing the same to be an
4 official police, sheriff, highway patrol or state game ranger
5 vehicle directing the operator to bring the vehicle to a stop and
6 who willfully increases the speed or extinguishes the lights of the
7 vehicle in an attempt to elude such peace officer, or willfully
8 attempts in any other manner to elude the peace officer, or who does
9 elude such peace officer, is guilty of a misdemeanor. The peace
10 officer, while attempting to stop a violator of this section, may
11 communicate a request for the assistance of other peace officers
12 from any office, department or agency. Any peace officer within
13 this state having knowledge of such request is authorized to render
14 such assistance in stopping the violator and may effect an arrest
15 under this section upon probable cause. Violation of this
16 subsection shall constitute a misdemeanor and shall be punishable by
17 not more than one (1) year imprisonment in the county jail or by a
18 fine ~~of~~ not less than One Hundred Dollars (\$100.00) nor more than
19 Two Thousand Dollars (\$2,000.00) or by both such fine and
20 imprisonment. A second or subsequent violation of this subsection
21 shall be punishable by not more than one (1) year in the county jail
22 or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor
23 more than Five Thousand Dollars (\$5,000.00) or both such fine and
24 imprisonment.

1 B. Any person who violates the provisions of subsection A of
2 this section in such manner as to endanger any other person shall be
3 deemed guilty of a Class C2 felony punishable ~~by imprisonment in the~~
4 ~~State Penitentiary for a term of not less than one (1) year nor more~~
5 ~~than five (5) years, or by a fine of not less than One Thousand~~
6 ~~Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00),~~
7 ~~or by both such fine and imprisonment~~ in accordance with the
8 provisions of Section 17 of this act.

9 C. 1. Any person who causes an accident, while eluding or
10 attempting to elude an officer, resulting in great bodily injury to
11 any other person while driving or operating a motor vehicle within
12 this state and who is in violation of the provisions of subsection A
13 of this section may be charged with a violation of the provisions of
14 this subsection. Any person who is convicted of a violation of the
15 provisions of this subsection shall be deemed guilty of a Class C1
16 ~~felony punishable by imprisonment in a state correctional~~
17 ~~institution for not less than one (1) year and not more than five~~
18 ~~(5) years, and a fine of not more than Five Thousand Dollars~~
19 ~~(\$5,000.00)~~ in accordance with the provisions of Section 16 of this
20 act.

21 2. As used in this subsection, "great bodily injury" means
22 bodily injury which creates a substantial risk of death or which
23 causes serious, permanent disfigurement or protracted loss or
24 impairment of the function of any bodily member or organ.

1 SECTION 151. AMENDATORY 21 O.S. 2021, Section 540B, is
2 amended to read as follows:

3 Section 540B. A peace officer may set up one or more roadblocks
4 to apprehend any person riding upon or within a motor vehicle
5 traveling upon a highway, street, turnpike, or area accessible to
6 motoring public, when the officer has probable cause to believe such
7 person is committing or has committed:

- 8 1. A violation of Section 540A of this title;
- 9 2. Escape from the lawful custody of any peace officer;
- 10 3. A felony under the laws of this state or the laws of any
11 other jurisdiction.

12 A roadblock is defined as a barricade, sign, standing motor
13 vehicle, or similar obstacle temporarily placed upon or adjacent to
14 a public street, highway, turnpike or area accessible to the
15 motoring public, with one or more peace officers in attendance
16 thereof directing each operator of approaching motor vehicles to
17 stop or proceed.

18 Any operator of a motor vehicle approaching such roadblock has a
19 duty to stop at the roadblock unless directed otherwise by a peace
20 officer in attendance thereof and the willful violation hereof shall
21 constitute a separate offense from any other offense committed. Any
22 person who willfully attempts to avoid such roadblock or in any
23 manner willfully fails to stop at such roadblock or who willfully
24 passes by or through such roadblock without receiving permission

1 from a peace officer in attendance thereto is guilty of a Class C2
2 felony and shall be punished ~~by imprisonment in the State~~
3 ~~Penitentiary for not less than one (1) year, nor more than five (5)~~
4 ~~years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00),~~
5 ~~or by both such fine and imprisonment~~ in accordance with the
6 provisions of Section 17 of this act.

7 SECTION 152. AMENDATORY 21 O.S. 2021, Section 540C, is
8 amended to read as follows:

9 Section 540C. A. It shall be unlawful for any person to
10 willfully fortify an access point into any dwelling, structure,
11 building or other place where a felony offense prohibited by the
12 Uniform Controlled Dangerous Substances Act is being committed, or
13 attempted, and the fortification is for the purpose of preventing or
14 delaying entry or access by a law enforcement officer, or to harm or
15 injure a law enforcement officer in the performance of official
16 duties.

17 B. For purposes of this section, "fortify an access point"
18 means to willfully construct, install, position, use or hold any
19 material or device designed to injure a person upon entry or to
20 strengthen, defend, restrict or obstruct any door, window or other
21 opening into a dwelling, structure, building or other place to any
22 extent beyond the security provided by a commercial alarm system,
23 lock or deadbolt, or a combination of alarm, lock or deadbolt.

24

1 C. Any person violating the provisions of this section shall,
2 upon conviction, be guilty of a Class D1 felony punishable by
3 ~~imprisonment in the custody of the Department of Corrections for a~~
4 ~~term of not more than five (5) years, or by a fine in an amount not~~
5 ~~exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine~~
6 ~~and imprisonment~~ in accordance with the provisions of Section 18.

7 SECTION 153. AMENDATORY 21 O.S. 2021, Section 543, is
8 amended to read as follows:

9 Section 543. Any person who, having knowledge of the actual
10 commission of a crime or violation of statute, takes any money or
11 property of another, or any gratuity or reward, or any engagement or
12 promise therefor, upon any agreement or understanding, expressed or
13 implied, to compound or conceal such crime, or violation of statute,
14 or to abstain from any prosecution therefor, or to withhold any
15 evidence thereof, is punishable as follows:

16 1. By imprisonment for a Class D1 felony ~~in the State~~
17 ~~Penitentiary not exceeding five (5) years, or in a county jail not~~
18 ~~exceeding one (1) year~~ punishable in accordance with the provisions
19 of Section 18 of this act, if the crime compounded is one punishable
20 either by death or by imprisonment in the custody of the Department
21 of Corrections ~~State Penitentiary~~ for life;

22 2. By imprisonment for a felony in the ~~State Penitentiary~~
23 custody of the Department of Corrections not exceeding three (3)
24 years, or in a county jail not exceeding six (6) months, if the

1 crime compounded was punishable by imprisonment in the State
2 Penitentiary custody of the Department of Corrections for any other
3 term than for life; or

4 3. By imprisonment in a county jail not exceeding one (1) year,
5 or by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or
6 by both such fine and imprisonment, if the crime or violation of
7 statute compounded is a crime punishable by imprisonment in a county
8 jail, or by fine, or is a misdemeanor, or violation of statute for
9 which a pecuniary or other penalty or forfeiture is prescribed.

10 SECTION 154. AMENDATORY 21 O.S. 2021, Section 567A, is
11 amended to read as follows:

12 Section 567A. A. Any parent or other person who violates an
13 order of any court of this state granting the custody of a child
14 under the age of eighteen (18) years to any person, agency,
15 institution, or other facility, with the intent to deprive the
16 lawful custodian of the custody of the child, shall be guilty of a
17 Class D3 felony and upon conviction, shall be punished in accordance
18 with provisions of Section 20 of this act. ~~The fine for a violation~~
19 ~~of this subsection shall not exceed Five Thousand Dollars~~
20 ~~(\$5,000.00).~~

21 B. The offender shall have an affirmative defense if the
22 offender reasonably believes that the act was necessary to preserve
23 the child from physical, mental, or emotional danger to the child's
24

1 welfare and the offender notifies the local law enforcement agency
2 nearest to the location where the custodian of the child resides.

3 C. If a child is removed from the custody of the child's lawful
4 custodian pursuant to the provisions of this section any law
5 enforcement officer may take the child into custody without a court
6 order and, unless there is a specific court order directing a law
7 enforcement officer to take the child into custody and release or
8 return the child to a lawful custodian, the child shall be held in
9 emergency or protective custody pursuant to the provisions of
10 Section 1-4-201 of Title 10A of the Oklahoma Statutes.

11 SECTION 155. AMENDATORY 21 O.S. 2021, Section 578, is
12 amended to read as follows:

13 Section 578. Any person who fraudulently produces an infant,
14 falsely pretending it to have been born of any parent whose child
15 would be entitled to inherit any real estate or to receive a share
16 of any personal estate, with intent to intercept the inheritance of
17 any such real estate, or the distribution of any such personal
18 estate, from any person lawfully entitled thereto, shall be guilty
19 of a Class C2 felony punishable by imprisonment in the State
20 Penitentiary not exceeding ten (10) years and shall be punished in
21 accordance with the provisions of Section 17 of this act.

22 SECTION 156. AMENDATORY 21 O.S. 2021, Section 579, is
23 amended to read as follows:

24

1 Section 579. Any person to whom an infant has been confided for
2 nursing, education, or any other person, who, with intent to deceive
3 any parent or guardian of such child, substitutes or produces to
4 such parent or guardian another child in the place of the one so
5 confided shall be guilty of a Class D1 felony punishable ~~by~~
6 ~~imprisonment in the State Penitentiary not exceeding seven (7) years~~
7 in accordance with the provisions of Section 18 of this act.

8 SECTION 157. AMENDATORY 21 O.S. 2021, Section 588, is
9 amended to read as follows:

10 Section 588. If any person, firm or corporation shall knowingly
11 and willfully, by means of any device whatsoever, records or
12 attempts to record the proceedings of any grand or petit jury in any
13 court of the State of Oklahoma while such jury is deliberating or
14 voting or listens to or observes, or attempts to listen to or
15 observe, the proceedings of any grand or petit jury of which he is
16 not a member in any court of the State of Oklahoma while such jury
17 is deliberating or voting shall be guilty of a Class D1 felony ~~and~~
18 ~~shall be fined not more than One Thousand Dollars (\$1,000.00) or~~
19 ~~imprisoned not more than two (2) years, or both~~ punished in
20 accordance with the provisions of Section 18 of this act. Provided,
21 however, that nothing in this section shall be construed to prohibit
22 the taking of notes by a grand juror in any court of the State of
23 Oklahoma in connection with and solely for the purpose of assisting
24 him in the performance of his duties as such juror.

1 SECTION 158. AMENDATORY 21 O.S. 2021, Section 589, is
2 amended to read as follows:

3 Section 589. A. It shall be unlawful to willfully, knowingly
4 and without probable cause make a false report to any person of any
5 crime or circumstances indicating the possibility of crime having
6 been committed, including the unlawful taking of personal property,
7 which report causes or encourages the exercise of police action or
8 investigation. Any person convicted of violating the provisions of
9 this subsection shall be guilty of a misdemeanor punishable by
10 imprisonment in the county jail for not more than ninety (90) days,
11 or by a fine of not more than Five Hundred Dollars (\$500.00), or by
12 both such fine and imprisonment.

13 B. It shall be unlawful to willfully, knowingly, and without
14 probable cause communicate false information concerning a missing
15 child to a law enforcement agency that causes or encourages the
16 activation of an AMBER alert warning system. Any person convicted
17 of violating the provisions of this subsection shall be guilty of a
18 Class D3 felony punishable by imprisonment in the county jail for
19 not more than one (1) year or by a fine of not less than One
20 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment
21 in accordance with the provisions of Section 20 of this act.

22 SECTION 159. AMENDATORY 21 O.S. 2021, Section 590, is
23 amended to read as follows:

24

1 Section 590. A. Every state governmental entity shall, for a
2 period of two (2) years, maintain accurate and complete records, as
3 defined in Section 203 of Title 67 of the Oklahoma Statutes,
4 reflecting all financial and business transactions, which records
5 shall include support documentation for each transaction. No such
6 records shall be disposed of for three (3) years thereafter, except
7 upon a unanimous vote of the members of the Archives and Records
8 Commission pursuant to Section 306 of Title 67 of the Oklahoma
9 Statutes, or upon a majority vote of the members of the Commission
10 for records more than five (5) years old. The disposition of such
11 records shall be in accordance with the provisions of Sections 305
12 through 317 of Title 67 of the Oklahoma Statutes, provided all state
13 or federal audits have been completed, unless such audits request
14 such records to be maintained for some given period of time.

15 B. Any person who willfully violates the provisions of this
16 section shall be guilty of a Class D3 felony punishable by
17 ~~imprisonment in the State Penitentiary for a period of not more than~~
18 ~~three (3) years or by a fine of not more than Five Thousand Dollars~~
19 ~~(\$5,000.00), or by both such fine and imprisonment~~ in accordance
20 with the provisions of Section 20 of this act. Any person convicted
21 of any such violation who holds any elective or appointive public
22 office shall also be subject to immediate removal from office.

23 SECTION 160. AMENDATORY 21 O.S. 2021, Section 644, is
24 amended to read as follows:

1 Section 644. A. Assault shall be punishable by imprisonment in
2 a county jail not exceeding thirty (30) days, or by a fine ~~of~~ not
3 more than Five Hundred Dollars (\$500.00), or by both such fine and
4 imprisonment.

5 B. Assault and battery shall be punishable by imprisonment in a
6 county jail not exceeding ninety (90) days, or by a fine ~~of~~ not more
7 than One Thousand Dollars (\$1,000.00), or by both such fine and
8 imprisonment.

9 C. Any person who commits any assault and battery against a
10 current or former intimate partner or a family or household member
11 as defined by Section 60.1 of Title 22 of the Oklahoma Statutes
12 shall be guilty of domestic abuse. Upon conviction, the defendant
13 shall be punished by imprisonment in the county jail for not more
14 than one (1) year, or by a fine not exceeding Five Thousand Dollars
15 (\$5,000.00), or by both such fine and imprisonment. Upon conviction
16 for a second or subsequent offense, the person shall be guilty of a
17 Class B5 felony and shall be punished by imprisonment in the custody
18 of the Department of Corrections for not more than four (4) years,
19 or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by
20 both such fine and imprisonment. The provisions of Section 51.1 of
21 this title shall apply to any second or subsequent offense.

22 D. 1. Any person who, with intent to do bodily harm and
23 without justifiable or excusable cause, commits any assault,
24 battery, or assault and battery upon an intimate partner or a family

1 or household member as defined by Section 60.1 of Title 22 of the
2 Oklahoma Statutes with any sharp or dangerous weapon, upon
3 conviction, is guilty of domestic assault or domestic assault and
4 battery with a dangerous weapon which shall be a Class B3 felony and
5 punishable by imprisonment in the custody of the Department of
6 Corrections not exceeding ten (10) years, or by imprisonment in a
7 county jail not exceeding one (1) year. The provisions of Section
8 51.1 of this title shall apply to any second or subsequent
9 conviction for a violation of this paragraph.

10 2. Any person who, without such cause, shoots an intimate
11 partner or a family or household member as defined by Section 60.1
12 of Title 22 of the Oklahoma Statutes by means of any deadly weapon
13 that is likely to produce death shall, upon conviction, be guilty of
14 domestic assault and battery with a deadly weapon which shall be a
15 Class A3 felony punishable by imprisonment in the custody of the
16 Department of Corrections not exceeding life. The provisions of
17 Section 51.1 of this title shall apply to any second or subsequent
18 conviction for a violation of this paragraph.

19 E. Any person convicted of domestic abuse committed against a
20 pregnant woman with knowledge of the pregnancy shall be guilty of a
21 misdemeanor, punishable by imprisonment in the county jail for not
22 more than one (1) year.

23 Any person convicted of a second or subsequent offense of
24 domestic abuse against a pregnant woman with knowledge of the

1 pregnancy shall be guilty of a Class A3 felony, punishable by
2 imprisonment in the custody of the Department of Corrections for not
3 less than ten (10) years.

4 Any person convicted of domestic abuse committed against a
5 pregnant woman with knowledge of the pregnancy and a miscarriage
6 occurs or injury to the unborn child occurs shall be guilty of a
7 Class A1 felony, punishable by imprisonment in the custody of the
8 Department of Corrections for not less than twenty (20) years.

9 F. Any person convicted of domestic abuse as defined in
10 subsection C of this section that results in great bodily injury to
11 the victim shall be guilty of a Class B3 felony and shall be
12 punished by imprisonment in the custody of the Department of
13 Corrections for not more than ten (10) years, or by imprisonment in
14 the county jail for not more than one (1) year. The provisions of
15 Section 51.1 of this title shall apply to any second or subsequent
16 conviction of a violation of this subsection.

17 G. Any person convicted of domestic abuse as defined in
18 subsection C of this section that was committed in the presence of a
19 child shall be punished by imprisonment in the county jail for not
20 less than six (6) months nor more than one (1) year, or by a fine
21 not exceeding Five Thousand Dollars (\$5,000.00), or by both such
22 fine and imprisonment. Any person convicted of a second or
23 subsequent domestic abuse as defined in subsection C of this section
24 that was committed in the presence of a child shall be guilty of a

1 Class B5 felony and shall be punished by imprisonment in the custody
2 of the Department of Corrections for not less than one (1) year nor
3 more than five (5) years, or by a fine not exceeding Seven Thousand
4 Dollars (\$7,000.00), or by both such fine and imprisonment. The
5 provisions of Section 51.1 of this title shall apply to any second
6 or subsequent offense. For every conviction of a domestic abuse
7 crime in violation of any provision of this section committed
8 against an intimate partner or a family or household member as
9 defined by Section 60.1 of Title 22 of the Oklahoma Statutes, the
10 court shall:

11 1. Specifically order as a condition of a suspended or deferred
12 sentence that a defendant participate in counseling or undergo
13 treatment to bring about the cessation of domestic abuse as
14 specified in paragraph 2 of this subsection;

15 2. a. The court shall require the defendant to complete an
16 assessment and follow the recommendations of a
17 batterers' intervention program certified by the
18 Attorney General. If the defendant is ordered to
19 participate in a batterers' intervention program, the
20 order shall require the defendant to attend the
21 program for a minimum of fifty-two (52) weeks,
22 complete the program, and be evaluated before and
23 after attendance of the program by program staff.
24 Three unexcused absences in succession or seven

1 unexcused absences in a period of fifty-two (52) weeks
2 from any court-ordered batterers' intervention program
3 shall be prima facie evidence of the violation of the
4 conditions of probation for the district attorney to
5 seek acceleration or revocation of any probation
6 entered by the court.

7 b. A program for anger management, couples counseling, or
8 family and marital counseling shall not solely qualify
9 for the counseling or treatment requirement for
10 domestic abuse pursuant to this subsection. The
11 counseling may be ordered in addition to counseling
12 specifically for the treatment of domestic abuse or
13 per evaluation as set forth below. If, after
14 sufficient evaluation and attendance at required
15 counseling sessions, the domestic violence treatment
16 program or licensed professional determines that the
17 defendant does not evaluate as a perpetrator of
18 domestic violence or does evaluate as a perpetrator of
19 domestic violence and should complete other programs
20 of treatment simultaneously or prior to domestic
21 violence treatment, including but not limited to
22 programs related to the mental health, apparent
23 substance or alcohol abuse or inability or refusal to
24 manage anger, the defendant shall be ordered to

1 complete the counseling as per the recommendations of
2 the domestic violence treatment program or licensed
3 professional;

- 4 3. a. The court shall set a review hearing no more than one
5 hundred twenty (120) days after the defendant is
6 ordered to participate in a domestic abuse counseling
7 program or undergo treatment for domestic abuse to
8 assure the attendance and compliance of the defendant
9 with the provisions of this subsection and the
10 domestic abuse counseling or treatment requirements.
11 The court may suspend sentencing of the defendant
12 until the defendant has presented proof to the court
13 of enrollment in a program of treatment for domestic
14 abuse by an individual licensed practitioner or a
15 domestic abuse treatment program certified by the
16 Attorney General and attendance at weekly sessions of
17 such program. Such proof shall be presented to the
18 court by the defendant no later than one hundred
19 twenty (120) days after the defendant is ordered to
20 such counseling or treatment. At such time, the court
21 may complete sentencing, beginning the period of the
22 sentence from the date that proof of enrollment is
23 presented to the court, and schedule reviews as
24 required by subparagraphs a and b of this paragraph

1 and paragraphs 4 and 5 of this subsection. Three
2 unexcused absences in succession or seven unexcused
3 absences in a period of fifty-two (52) weeks from any
4 court-ordered domestic abuse counseling or treatment
5 program shall be prima facie evidence of the violation
6 of the conditions of probation for the district
7 attorney to seek acceleration or revocation of any
8 probation entered by the court.

9 b. The court shall set a second review hearing after the
10 completion of the counseling or treatment to assure
11 the attendance and compliance of the defendant with
12 the provisions of this subsection and the domestic
13 abuse counseling or treatment requirements. The court
14 shall retain continuing jurisdiction over the
15 defendant during the course of ordered counseling
16 through the final review hearing;

17 4. The court may set subsequent or other review hearings as the
18 court determines necessary to assure the defendant attends and fully
19 complies with the provisions of this subsection and the domestic
20 abuse counseling or treatment requirements;

21 5. At any review hearing, if the defendant is not
22 satisfactorily attending individual counseling or a domestic abuse
23 counseling or treatment program or is not in compliance with any
24 domestic abuse counseling or treatment requirements, the court may

1 order the defendant to further or continue counseling, treatment, or
2 other necessary services. The court may revoke all or any part of a
3 suspended sentence, deferred sentence, or probation pursuant to
4 Section 991b of Title 22 of the Oklahoma Statutes and subject the
5 defendant to any or all remaining portions of the original sentence;

6 6. At the first review hearing, the court shall require the
7 defendant to appear in court. Thereafter, for any subsequent review
8 hearings, the court may accept a report on the progress of the
9 defendant from individual counseling, domestic abuse counseling, or
10 the treatment program. There shall be no requirement for the victim
11 to attend review hearings; and

12 7. If funding is available, a referee may be appointed and
13 assigned by the presiding judge of the district court to hear
14 designated cases set for review under this subsection. Reasonable
15 compensation for the referees shall be fixed by the presiding judge.
16 The referee shall meet the requirements and perform all duties in
17 the same manner and procedure as set forth in Sections 1-8-103 and
18 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees
19 appointed in juvenile proceedings.

20 The defendant may be required to pay all or part of the cost of
21 the counseling or treatment, in the discretion of the court.

22 H. As used in subsection G of this section, "in the presence of
23 a child" means in the physical presence of a child; or having
24 knowledge that a child is present and may see or hear an act of

1 domestic violence. For the purposes of subsections C and G of this
2 section, "child" may be any child whether or not related to the
3 victim or the defendant.

4 I. For the purposes of subsections C and G of this section, any
5 conviction for assault and battery against an intimate partner or a
6 family or household member as defined by Section 60.1 of Title 22 of
7 the Oklahoma Statutes shall constitute a sufficient basis for a
8 felony charge:

9 1. If that conviction is rendered in any state, county or
10 parish court of record of this or any other state; or

11 2. If that conviction is rendered in any municipal court of
12 record of this or any other state for which any jail time was
13 served; provided, no conviction in a municipal court of record
14 entered prior to November 1, 1997, shall constitute a prior
15 conviction for purposes of a felony charge.

16 J. Any person who commits any assault and battery with intent
17 to cause great bodily harm by strangulation or attempted
18 strangulation against an intimate partner or a family or household
19 member as defined by Section 60.1 of Title 22 of the Oklahoma
20 Statutes shall, upon conviction, be guilty of domestic abuse by
21 strangulation, a Class B5 felony, and shall be punished by
22 ~~imprisonment in the custody of the Department of Corrections for a~~
23 ~~period of not less than one (1) year nor more than three (3) years,~~
24 ~~or by a fine of not more than Three Thousand Dollars (\$3,000.00), or~~

1 ~~by both such fine and imprisonment~~ in accordance with the provisions
2 of Section 14 of this act. Upon a second or subsequent conviction
3 for a violation of this section, the defendant shall, upon
4 conviction, be guilty of a Class B3 felony and shall be punished by
5 ~~imprisonment in the custody of the Department of Corrections for a~~
6 ~~period of not less than three (3) years nor more than ten (10) years~~
7 ~~or by a fine of not more than Twenty Thousand Dollars (\$20,000.00),~~
8 ~~or by both such fine and imprisonment~~ in accordance with the
9 provisions of Section 12 of this act. ~~The provisions of Section~~
10 ~~51.1 of this title shall apply to any second or subsequent~~
11 ~~conviction of a violation of this subsection.~~ As used in this
12 subsection, "strangulation" means any form of asphyxia; including,
13 but not limited to, asphyxia characterized by closure of the blood
14 vessels or air passages of the neck as a result of external pressure
15 on the neck or the closure of the nostrils or mouth as a result of
16 external pressure on the head.

17 K. Any district court of this state and any judge thereof shall
18 be immune from any liability or prosecution for issuing an order
19 that requires a defendant to:

20 1. Attend a treatment program for domestic abusers certified by
21 the Attorney General;

22 2. Attend counseling or treatment services ordered as part of
23 any suspended or deferred sentence or probation; and
24

1 3. Attend, complete, and be evaluated before and after
2 attendance by a treatment program for domestic abusers, certified by
3 the Attorney General.

4 L. There shall be no charge of fees or costs to any victim of
5 domestic violence, stalking, or sexual assault in connection with
6 the prosecution of a domestic violence, stalking, or sexual assault
7 offense in this state.

8 M. In the course of prosecuting any charge of domestic abuse,
9 stalking, harassment, rape, or violation of a protective order, the
10 prosecutor shall provide the court, prior to sentencing or any plea
11 agreement, a local history and any other available history of past
12 convictions of the defendant within the last ten (10) years relating
13 to domestic abuse, stalking, harassment, rape, violation of a
14 protective order, or any other violent misdemeanor or felony
15 convictions.

16 N. Any plea of guilty or finding of guilt for a violation of
17 subsection C, F, G, I or J of this section shall constitute a
18 conviction of the offense for the purpose of this act or any other
19 criminal statute under which the existence of a prior conviction is
20 relevant for a period of ten (10) years following the completion of
21 any court imposed probationary term; provided, the person has not,
22 in the meantime, been convicted of a misdemeanor involving moral
23 turpitude or a felony.

1 O. For purposes of subsection F of this section, "great bodily
2 injury" means bone fracture, protracted and obvious disfigurement,
3 protracted loss or impairment of the function of a body part, organ
4 or mental faculty, or substantial risk of death.

5 P. Any pleas of guilty or nolo contendere or finding of guilt
6 to a violation of any provision of this section shall constitute a
7 conviction of the offense for the purpose of any subsection of this
8 section under which the existence of a prior conviction is relevant
9 for a period of ten (10) years following the completion of any
10 sentence or court imposed probationary term.

11 SECTION 161. AMENDATORY 21 O.S. 2021, Section 644.1, is
12 amended to read as follows:

13 Section 644.1. A. Any person who commits domestic abuse, as
14 defined by subsection C of Section 644 of this title, and has a
15 prior pattern of physical abuse shall, upon conviction, be guilty of
16 a Class B3 felony, upon conviction, punishable ~~by imprisonment in~~
17 ~~the custody of the Department of Corrections for a term of not more~~
18 ~~than ten (10) years or by a fine not exceeding Five Thousand Dollars~~
19 ~~(\$5,000.00) or by both such fine and imprisonment~~ in accordance with
20 the provisions of Section 12 of this act.

21 B. For purposes of this section, "prior pattern of physical
22 abuse" means two or more separate incidences, including the current
23 incident, occurring on different days and each incident relates to
24 an act constituting assault and battery or domestic abuse committed

1 by the defendant against a current or former spouse, a present
2 spouse of a former spouse, parents, a foster parent, a child, a
3 person otherwise related by blood or marriage, a person with whom
4 the defendant is in a dating relationship, an individual with whom
5 the defendant has had a child, a person who formerly lived in the
6 same household as the defendant, a person living in the same
7 household as the defendant, a current intimate partner or former
8 intimate partner, or any combination of such persons, where proof of
9 each incident prior to the present incident is established by the
10 sworn testimony of a third party who was a witness to the alleged
11 physical abuse or by other admissible direct evidence that is
12 independent of the testimony of the victim.

13 SECTION 162. AMENDATORY 21 O.S. 2021, Section 645, is
14 amended to read as follows:

15 Section 645. Every person who, with intent to do bodily harm
16 and without justifiable or excusable cause, commits any assault,
17 battery, or assault and battery upon the person of another with any
18 sharp or dangerous weapon, or who, without such cause, shoots at
19 another, with any kind of firearm, air gun, conductive energy weapon
20 or other means whatever, with intent to injure any person, although
21 without the intent to kill such person or to commit any felony, upon
22 conviction is guilty of a Class B3 felony ~~punishable by imprisonment~~
23 ~~in the State Penitentiary not exceeding ten (10) years, or by~~
24 ~~imprisonment in a county jail not exceeding one (1) year~~ and shall

1 be punished in accordance with the provisions of Section 12 of this
2 act.

3 SECTION 163. AMENDATORY 21 O.S. 2021, Section 647, is
4 amended to read as follows:

5 Section 647. ~~Aggravated~~ Any person convicted of aggravated
6 assault and battery shall be guilty of a Class B5 felony and shall
7 be punished by imprisonment in the State Penitentiary not exceeding
8 five (5) years, or by imprisonment in a county jail not exceeding
9 one (1) year, or by a fine of not more than Five Hundred Dollars
10 (\$500.00), or both such fine and imprisonment in accordance with the
11 provisions of Section 14 of this act.

12 SECTION 164. AMENDATORY 21 O.S. 2021, Section 649, is
13 amended to read as follows:

14 Section 649. A. Every person who, without justifiable or
15 excusable cause, knowingly commits any assault upon the person of a
16 police officer, sheriff, deputy sheriff, highway patrolman,
17 corrections personnel, or state peace officer employed or duly
18 appointed by any state governmental agency to enforce state laws
19 while the officer is in the performance of his or her duties is
20 punishable by imprisonment in the county jail not exceeding six (6)
21 months, or by a fine not exceeding Five Hundred Dollars (\$500.00),
22 or by both such fine and imprisonment.

23 B. Every person who, without justifiable or excusable cause
24 knowingly commits battery or assault and battery upon the person of

1 a police officer, sheriff, deputy sheriff, highway patrolman,
2 corrections personnel, or other state peace officer employed or duly
3 appointed by any state governmental agency to enforce state laws
4 while the officer is in the performance of his or her duties, upon
5 conviction, shall be guilty of a Class B5 felony ~~punishable by~~
6 ~~imprisonment in the custody of the Department of Corrections of not~~
7 ~~more than five (5) years or county jail for a period not to exceed~~
8 ~~one (1) year, or by a fine not exceeding Five Hundred Dollars~~
9 ~~(\$500.00), or by both such fine and imprisonment~~ and shall be
10 punished in accordance with the provisions of Section 14 of this
11 act.

12 C. As used in this section and in Section 650 of this title,
13 "corrections personnel" means any person, employed or duly appointed
14 by the state or by a political subdivision, who has direct contact
15 with inmates of a jail or state correctional facility, and includes
16 but is not limited to, Department of Corrections personnel in job
17 classifications requiring direct contact with inmates, persons
18 providing vocational-technical training to inmates, education
19 personnel who have direct contact with inmates because of education
20 programs for inmates, and persons employed or duly appointed by
21 county or municipal jails to supervise inmates or to provide medical
22 treatment or meals to inmates of jails.

23 D. For the purposes of this section, assault and battery upon
24 law officers includes any attempt to reach for or gain control of

1 the firearm of any police officer, sheriff, deputy sheriff, highway
2 patrol, corrections personnel as defined in Section 649 of this
3 title, or any peace officer employed by any state or federal
4 governmental agency to enforce state laws.

5 E. For purposes of this section, if an officer is off duty and
6 the nature of the assault or assault and battery relates back to, or
7 in any manner or circumstances has to do with, his or her official
8 position as a law enforcement officer then it shall fall within the
9 meaning of "in the performance of his or her duties" as an officer.

10 F. This section shall not supersede any other act or acts, but
11 shall be cumulative thereto.

12 SECTION 165. AMENDATORY 21 O.S. 2021, Section 649.1, is
13 amended to read as follows:

14 Section 649.1. A. No person shall willfully strike, torment,
15 administer a nonpoisonous desensitizing substance to, or otherwise
16 mistreat a police dog or police horse owned, or the service of which
17 is employed, by a law enforcement agency of the state or a political
18 subdivision of the state.

19 B. No person shall willfully interfere with the lawful
20 performance of any police dog or police horse.

21 C. Except as provided in subsection D of this section, any
22 person convicted of violating any of the provisions of this section
23 shall be guilty of a ~~misdemeanor, punishable~~ Class B6 felony and
24 shall be punished ~~by the imposition of a fine not exceeding Five~~

1 ~~Hundred Dollars (\$500.00), or by imprisonment in the county jail not~~
2 ~~exceeding one (1) year, or by both such fine and imprisonment in~~
3 ~~accordance with the provisions of Section 15 of this act.~~ In
4 addition, the person shall be ordered to pay restitution, which
5 shall be paid to the law enforcement agency or political subdivision
6 of the state which employed the service of the police dog or horse.

7 D. Any person who knowingly and willfully and without lawful
8 cause or justification violates the provisions of this section,
9 during the commission of a misdemeanor or felony, shall be guilty of
10 a Class B5 felony, punishable ~~by the imposition of a fine not~~
11 ~~exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in~~
12 ~~the custody of the Department of Corrections not exceeding two (2)~~
13 ~~years, or by both such fine and imprisonment in accordance with the~~
14 ~~provisions of Section 14 of this act.~~ In addition, the person shall
15 be ordered to pay restitution, which shall be paid to the law
16 enforcement agency or political subdivision of the state which
17 employed the service of the police dog or horse.

18 SECTION 166. AMENDATORY 21 O.S. 2021, Section 649.2, is
19 amended to read as follows:

20 Section 649.2. A. No person shall willfully kill; beat;
21 torture; injure so as to disfigure or disable; administer poison to;
22 set a booby trap device for the purpose of injury so as to
23 disfigure, disable or kill; or pay or agree to pay bounty for
24 purposes of injury so as to disfigure, disable or kill any police

1 dog or police horse owned, or the service of which is employed, by a
2 law enforcement agency of the state or a political subdivision of
3 the state.

4 B. Except as provided in subsection C of this section, any
5 person convicted of violating the provisions of this section is
6 guilty of a misdemeanor punishable by the imposition of a fine not
7 exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in
8 the county jail not exceeding one (1) year, or by both such fine and
9 imprisonment. In addition, the person shall be ordered to pay
10 restitution, which shall be paid to the law enforcement agency or
11 political subdivision of the state which employed the service of the
12 police dog or horse.

13 C. Any person who knowingly and willfully and without lawful
14 cause or justification violates the provisions of this section,
15 during the commission of a misdemeanor or felony, shall be guilty of
16 a Class B5 felony, ~~punishable by the imposition of a fine not~~
17 ~~exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in~~
18 ~~the custody of the Department of Corrections not exceeding five (5)~~
19 ~~years~~ in accordance with the provisions of Section 14 of this act,
20 or by both such fine and imprisonment. In addition, the person
21 shall be ordered to pay restitution, which shall be paid to the law
22 enforcement agency or political subdivision of the state which
23 employed the service of the police dog or horse.

24 D. The provisions of this section shall not apply:

1 1. To a peace officer or veterinarian who terminates the life
2 of a police dog or a police horse for the purpose of relieving the
3 dog or horse of undue pain or suffering; or

4 2. If a police dog is off duty and is running loose without
5 supervision of a police officer and gets run over by a motor vehicle
6 or is perceived to be a threat to the public.

7 SECTION 167. AMENDATORY 21 O.S. 2021, Section 649.3, is
8 amended to read as follows:

9 Section 649.3. A. No person shall willfully harm, including
10 torture, torment, beat, mutilate, injure, disable, or otherwise
11 mistreat or kill a service animal that is used for the benefit of
12 any handicapped person in the state.

13 B. No person including, but not limited to, any municipality or
14 political subdivision of the state, shall willfully interfere with
15 the lawful performance of any service animal used for the benefit of
16 any handicapped person in the state.

17 C. Except as provided in subsection D of this section, any
18 person convicted of violating any of the provisions of this section
19 shall be guilty of a misdemeanor, punishable by the imposition of a
20 fine not exceeding One Thousand Dollars (\$1,000.00), or by
21 imprisonment in the county jail not exceeding one (1) year, or by
22 both such fine and imprisonment.

23 D. Any person who knowingly and willfully and without lawful
24 cause or justification violates the provisions of this section,

1 during the commission of a misdemeanor or felony, shall be guilty of
2 a Class B6 felony, punishable ~~by the imposition of a fine not~~
3 ~~exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in~~
4 ~~the Department of Corrections not exceeding two (2) years, or by~~
5 ~~both such fine and imprisonment~~ in accordance with the provisions of
6 Section 15 of this act.

7 E. Any person who encourages, permits or allows an animal owned
8 or kept by such person to fight, injure, disable or kill a service
9 animal used for the benefit of any handicapped person in this state,
10 or to interfere with a service animal in any place where the service
11 animal resides or is performing, shall, upon conviction, be guilty
12 of a misdemeanor punishable as provided in subsection C of this
13 section. In addition to the penalty imposed, the court shall order
14 the violator to make restitution to the owner of the service animal
15 for actual costs and expenses incurred as a direct result of any
16 injury, disability or death caused to the service animal, including
17 but not limited to costs of replacing and training any new service
18 animal when a service animal is killed, disabled or unable to
19 perform due to injury. For purpose of this subsection, when a
20 person informs the owner of an animal that the animal is a threat
21 and requests the owner to control or contain the animal and the
22 owner disregards the request, the owner shall be deemed to have
23 encouraged, permitted or allowed any resulting injury to or
24 interference with a service animal.

1 F. Notwithstanding any ordinance in effect as of the effective
2 date of this act, no municipality or political subdivision of the
3 state, or any official thereof, may enact or enforce any ordinance
4 or rule that requires any registration or licensing fee for any
5 service animal as defined in this section that is used for the
6 purpose of guiding or assisting a disabled person who has a sensory,
7 mental, or physical impairment. Any official violating the
8 provisions of this paragraph shall be guilty of a misdemeanor
9 punishable by a fine ~~of~~ not less than Fifty Dollars (\$50.00).

10 G. As used in this section, "service animal" means an animal
11 that is trained for the purpose of guiding or assisting a disabled
12 person who has a sensory, mental, or physical impairment.

13 SECTION 168. AMENDATORY 21 O.S. 2021, Section 650, is
14 amended to read as follows:

15 Section 650. A. Every person who, without justifiable or
16 excusable cause, knowingly commits any aggravated assault and
17 battery upon the person of a police officer, sheriff, deputy sheriff
18 or highway patrolman, corrections personnel as defined in Section
19 649 of this title, or any state peace officer employed by any state
20 or federal governmental agency to enforce state laws, while the
21 officer is in the performance of his or her duties shall upon
22 conviction thereof be guilty of a Class A3 felony, which shall be
23 punishable by imprisonment in the custody of the Department of
24

1 Corrections for not more than life or by a fine not exceeding One
2 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

3 B. Every person who, without justifiable or excusable cause,
4 commits any aggravated assault and battery upon a person that the
5 violator knows or should reasonably know is a police officer,
6 sheriff, deputy sheriff or highway patrolman, corrections personnel
7 as defined in Section 649 of this title, or any state peace officer
8 employed by any state or federal governmental agency to enforce
9 state laws, that results in maiming as defined in Section 751 of
10 this title, while the officer is in the performance of his or her
11 duties shall, upon conviction, be guilty of a Class A2 felony
12 punishable by imprisonment in the custody of the Department of
13 Corrections of not less than five (5) years nor more than life or by
14 a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both
15 such fine and imprisonment.

16 C. For purposes of this section, aggravated assault and battery
17 upon law officers, includes the physical contact with and in attempt
18 to gain control of the firearm of any police officer, sheriff,
19 deputy sheriff, highway patrolman, corrections personnel as defined
20 in Section 649 of this title, or any peace officer employed by any
21 state or federal governmental agency to enforce state laws.

22 D. This section shall not supersede any other act or acts, but
23 shall be cumulative thereto.

24

1 SECTION 169. AMENDATORY 21 O.S. 2021, Section 650.2, is
2 amended to read as follows:

3 Section 650.2. A. Every person in the custody of the Oklahoma
4 Department of Corrections who, without justifiable or excusable
5 cause, knowingly commits any assault, battery or assault and battery
6 upon the person of a Department of Corrections employee while said
7 employee is in the performance of his or her duties shall, upon
8 conviction thereof, be guilty of a Class B6 felony and shall be
9 punished in accordance with the provisions of Section 15 of this
10 act.

11 B. Every person incarcerated in an institution operated by a
12 private prison contractor, pursuant to Section 561, 563.1 or 563.2
13 of Title 57 of the Oklahoma Statutes, who, without justifiable or
14 excusable cause, knowingly commits any assault, battery or assault
15 and battery upon the person of an employee of the contractor while
16 said employee is in the performance of duties shall, upon conviction
17 thereof, be guilty of a Class B6 felony and shall be punished in
18 accordance with the provisions of Section 15 of this act.

19 C. Every person in the custody of the Department of Human
20 Services who, without justifiable or excusable cause, knowingly
21 commits any aggravated assault and battery upon the person of a
22 Department of Human Services employee, or a person contracting with
23 the Department to provide services, while the employee or contractor
24 is in the performance of his or her duties shall, upon conviction

1 thereof, be guilty of a Class B5 felony and shall be punished in
2 accordance with the provisions of Section 14 of this act.

3 D. Every person in the custody of the Office of Juvenile
4 Affairs who, without justifiable or excusable cause, knowingly
5 commits any assault, battery or assault and battery upon the person
6 of an Office of Juvenile Affairs employee while said employee is in
7 the performance of his or her duties shall, upon conviction thereof,
8 be guilty of a Class B6 felony and shall be punished in accordance
9 with the provisions of Section 15 of this act.

10 E. Every person in the custody of the Office of Juvenile
11 Affairs who, without justifiable or excusable cause, knowingly
12 commits any battery or assault and battery resulting in bodily
13 injury to any employee of the Office of Juvenile Affairs or employee
14 of any residential facility while said employee is in the
15 performance of duties of employment shall, upon conviction thereof,
16 be guilty of a Class B5 felony and shall be punished in accordance
17 with the provisions of Section 14 of this act. ~~The fine for a~~
18 ~~violation of this subsection shall not be less than Five Hundred~~
19 ~~Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),~~
20 ~~which may be imposed whether or not a period of incarceration is~~
21 ~~imposed.~~

22 SECTION 170. AMENDATORY 21 O.S. 2021, Section 650.4, is
23 amended to read as follows:

24

1 Section 650.4. A. Every person who, without justifiable or
2 excusable cause and with intent to do bodily harm, commits any
3 assault, battery or assault and battery upon the person of a medical
4 care provider who is performing medical care duties, upon
5 conviction, is guilty of a Class B6 felony ~~punishable by~~
6 ~~imprisonment in the custody of the Department of Corrections for a~~
7 ~~term not exceeding two (2) years~~ and shall be punished in accordance
8 with the provisions of Section 15 of this act, ~~or by a fine not~~
9 ~~exceeding One Thousand Dollars (\$1,000.00), or by both such fine and~~
10 ~~imprisonment.~~

11 B. As used in this section, "medical care provider" means
12 doctors, residents, interns, nurses, nurses' aides, ambulance
13 attendants and operators, paramedics, emergency medical technicians,
14 laboratory technicians, radiologic technologists, physical
15 therapists, physician assistants, chaplains, volunteers,
16 pharmacists, nursing students, medical students and members of a
17 hospital security force.

18 SECTION 171. AMENDATORY 21 O.S. 2021, Section 650.5, is
19 amended to read as follows:

20 Section 650.5. A. Every person who, without justifiable or
21 excusable cause and with intent to do bodily harm, commits any
22 aggravated assault and battery or any assault with a firearm or
23 other deadly weapon upon the person of a medical care provider, upon
24 conviction, is guilty of a Class D2 felony punishable ~~by~~

1 ~~imprisonment in the custody of the Department of Corrections for a~~
2 ~~term not less than two (2) years nor more than five (5) years in~~
3 ~~accordance with the provisions of Section 19 of this act, or by a~~
4 ~~fine not to exceed One Thousand Dollars (\$1,000.00), or by both such~~
5 ~~fine and imprisonment.~~

6 B. As used in this section, "medical care provider" means
7 doctors, residents, interns, nurses, nurses' aides, ambulance
8 attendants and operators, paramedics, emergency medical technicians,
9 laboratory technicians, radiologic technologists, physical
10 therapists, physician assistants, chaplains, volunteers,
11 pharmacists, nursing students, medical students and members of a
12 hospital security force.

13 SECTION 172. AMENDATORY 21 O.S. 2021, Section 650.6, is
14 amended to read as follows:

15 Section 650.6. A. Every person who commits any assault upon
16 any officer of a state district or appellate court, or the Workers'
17 Compensation Court, including but not limited to judges, bailiffs,
18 court reporters, court clerks or deputy court clerks, or upon any
19 witnesses or juror, because of said person's service in such
20 capacity or within six (6) months of said person's service in such
21 capacity, shall be guilty of a misdemeanor punishable by
22 imprisonment in the county jail for not more than one (1) year, by a
23 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
24 imprisonment and fine.

1 B. Every person who commits any battery or assault and battery
2 upon any officer of a state district or appellate court, or the
3 Workers' Compensation Court, including but not limited to judges,
4 bailiffs, court reporters, court clerks or deputy court clerks, or
5 upon any witnesses or juror, because of said person's service in
6 such capacity or within six (6) months of said person's service in
7 such capacity, shall be guilty of a Class B6 felony punishable by
8 ~~imprisonment in the custody of the Department of Corrections for not~~
9 ~~more than five (5) years and shall be punished in accordance with~~
10 ~~the provisions of Section 15 of this act, by a fine of not more than~~
11 ~~Five Thousand Dollars (\$5,000.00), or by both such imprisonment and~~
12 ~~fine.~~

13 C. Every person who knowingly commits any assault, battery or
14 assault and battery upon a process server licensed in this state
15 while the person is in the performance of his or her duties shall,
16 upon conviction, be guilty of a misdemeanor punishable by
17 imprisonment in the county jail for not more than one (1) year, by a
18 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
19 imprisonment and fine.

20 SECTION 173. AMENDATORY 21 O.S. 2021, Section 650.7, is
21 amended to read as follows:

22 Section 650.7. A. As used in this section, "school employee"
23 means a teacher, principal, or any duly appointed person employed by
24 a school system or employees of a firm contracting with a school

1 system for any purpose, including any personnel not directly related
2 to the teaching process and school board members during school board
3 meetings.

4 B. Any person who, without justifiable or excusable cause,
5 commits any assault, battery, or assault and battery upon the person
6 of a school employee while such employee is in the performance of
7 any duties as a school employee or upon any student while such
8 student is participating in any school activity or attending classes
9 on school property during school hours shall, upon conviction, be
10 guilty of a misdemeanor. The convicted person shall be punished by
11 a term of imprisonment in the county jail for a period not exceeding
12 one (1) year, or by a fine not exceeding Two Thousand Dollars
13 (\$2,000.00), or by both such fine and imprisonment.

14 C. Any person who, without justifiable or excusable cause,
15 commits any aggravated battery or aggravated assault and battery
16 upon the person of a school employee while such employee is in the
17 performance of any duties as a school employee shall, upon
18 conviction, be guilty of a Class B5 felony ~~punishable by a term of~~
19 ~~imprisonment in the State Penitentiary for a period not exceeding~~
20 ~~two (2) years~~ and shall be punished in accordance with the
21 provisions of Section 14 of this act, ~~or by a fine not exceeding~~
22 ~~Five Thousand Dollars (\$5,000.00), or by both such fine and~~
23 ~~imprisonment.~~

24

1 D. Every school site shall post in a prominent place a notice
2 having the following or similar language: "FELONY CHARGES MAY BE
3 FILED AGAINST ANY PERSON(S) COMMITTING AN AGGRAVATED ASSAULT OR
4 BATTERY UPON ANY SCHOOL EMPLOYEE."

5 E. For purposes of this section, "assault" shall be defined by
6 Section 641 of Title 21 of the Oklahoma Statutes, "battery" shall be
7 defined by Section 642 of Title 21 of the Oklahoma Statutes, and
8 "aggravated assault and battery" shall be defined by Section 646 of
9 Title 21 of the Oklahoma Statutes.

10 SECTION 174. AMENDATORY 21 O.S. 2021, Section 650.8, is
11 amended to read as follows:

12 Section 650.8. A. Every person who, without justifiable or
13 excusable cause, knowingly commits any assault, battery or assault
14 and battery upon the person of an employee of a facility maintained
15 by the Office of Juvenile Affairs, a facility maintained by a
16 private contractor pursuant to a contract with the Office of
17 Juvenile Affairs primarily for delinquent children, a juvenile
18 detention center, or a juvenile bureau, while the employee is in the
19 performance of his duties, shall upon conviction thereof be guilty
20 of a Class B6 felony and shall be punished in accordance with the
21 provisions of Section 15 of this act.

22 B. This section shall not supersede any other act or acts, but
23 shall be cumulative thereto.

24

1 SECTION 175. AMENDATORY 21 O.S. 2021, Section 650.9, is
2 amended to read as follows:

3 Section 650.9. Every person in the custody of the state, a
4 county or city or a contractor of the state, a county or a city who
5 throws, transfers or in any manner places feces, urine, semen,
6 saliva or blood upon the person of an employee of the state, a
7 county or a city or an employee of a contractor of the state, a
8 county or a city shall, upon conviction thereof, be guilty of a
9 Class B6 felony and shall be punished in accordance with the
10 provisions of Section 15 of this act.

11 SECTION 176. AMENDATORY 21 O.S. 2021, Section 650.11, is
12 amended to read as follows:

13 Section 650.11. A. Medical battery is a Class B6 felony, ~~upon~~
14 ~~conviction, punishable by imprisonment in the county jail for a term~~
15 ~~of not more than one (1) year, or imprisonment in the custody of the~~
16 ~~Department of Corrections for a term of not more than four (4)~~
17 ~~years.~~ Any person convicted of medical battery shall be punished
18 in accordance with the provisions of Section 15 of this act ~~and a~~
19 ~~fine in an amount not more than Five Thousand Dollars (\$5,000.00).~~
20 In addition, the defendant shall be ordered to make restitution to
21 the victim in an amount as determined by the court.

22 B. For purposes of this section, "medical battery" means:

23 1. The defendant has been found guilty of practicing dentistry,
24 medicine, osteopathic medicine, or surgery, without a license or

1 authority as prohibited by the provisions of the State Dental Act,
2 the Oklahoma Allopathic Medical and Surgical Licensure and
3 Supervision Act, or the Oklahoma Osteopathic Medicine Act;

4 2. The treatment, or course of treatment, practiced in
5 violation of the provisions of the State Dental Act, the Oklahoma
6 Allopathic Medical and Surgical Licensure and Supervision Act, or
7 the Osteopathic Medicine Act resulted in the victim having permanent
8 physical injury or disfigurement;

9 3. The victim consented to such treatment, or course of
10 treatment, under a belief that the defendant was licensed and
11 authorized to diagnose and perform the treatment; and

12 4. The defendant willfully performed the act knowing that such
13 act was prohibited pursuant to law.

14 SECTION 177. AMENDATORY 21 O.S. 2021, Section 651, is
15 amended to read as follows:

16 Section 651. Any person who, with intent to kill, administers
17 or causes or procures to be administered to another any poison which
18 is actually taken by such other person but by which death is not
19 caused shall be guilty of a Class A1 felony, punishable by
20 imprisonment in the State Penitentiary not less than ten (10) years.

21 SECTION 178. AMENDATORY 21 O.S. 2021, Section 652, is
22 amended to read as follows:

23 Section 652. A. Every person who intentionally and wrongfully
24 shoots another with or discharges any kind of firearm, with intent

1 to kill any person, including an unborn child as defined in Section
2 1-730 of Title 63 of the Oklahoma Statutes, shall, upon conviction,
3 be guilty of a Class A3 felony punishable by imprisonment in the
4 State Penitentiary not exceeding life.

5 B. Every person who uses any vehicle to facilitate the
6 intentional discharge of any kind of firearm, crossbow or other
7 weapon in conscious disregard for the safety of any other person or
8 persons, including an unborn child as defined in Section 1-730 of
9 Title 63 of the Oklahoma Statutes, shall, upon conviction, be guilty
10 of a Class A3 felony punishable by imprisonment in the custody of
11 the Department of Corrections for a term not less than two (2) years
12 nor exceeding life.

13 C. Any person who commits any assault and battery upon another,
14 including an unborn child as defined in Section 1-730 of Title 63 of
15 the Oklahoma Statutes, by means of any deadly weapon, or by such
16 other means or force as is likely to produce death, or in any manner
17 attempts to kill another, including an unborn child as defined in
18 Section 1-730 of Title 63 of the Oklahoma Statutes, or in resisting
19 the execution of any legal process, shall, upon conviction, be
20 guilty of a Class A3 felony punishable by imprisonment in the State
21 Penitentiary not exceeding life.

22 D. The provisions of this section shall not apply to:
23
24

1 1. Acts which cause the death of an unborn child if those acts
2 were committed during a legal abortion to which the pregnant woman
3 consented; or

4 2. Acts which are committed pursuant to usual and customary
5 standards of medical practice during diagnostic testing or
6 therapeutic treatment.

7 E. Under no circumstances shall the mother of the unborn child
8 be prosecuted for causing the death of the unborn child unless the
9 mother has committed a crime that caused the death of the unborn
10 child.

11 SECTION 179. AMENDATORY 21 O.S. 2021, Section 653, is
12 amended to read as follows:

13 Section 653. Any person who is guilty of an assault with intent
14 to kill any person, the punishment for which is not prescribed by
15 Section 652 of this title, shall be guilty of a Class B5 felony
16 punishable by imprisonment in the State Penitentiary for a term not
17 exceeding five (5) years, or in a county jail not exceeding one (1)
18 year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or
19 by both such fine and imprisonment.

20 SECTION 180. AMENDATORY 21 O.S. 2021, Section 662, is
21 amended to read as follows:

22 Section 662. Any person guilty of fighting any duel, although
23 no death or wound ensues, shall be guilty of a Class C1 felony
24 ~~punishable by imprisonment in the State Penitentiary not exceeding~~

1 ~~ten (10) years~~ and shall be punished in accordance with the
2 provisions of Section 16 of this act.

3 SECTION 181. AMENDATORY 21 O.S. 2021, Section 681, is
4 amended to read as follows:

5 Section 681. A. Any person who is guilty of an assault with
6 intent to commit any felony, except an assault with intent to kill,
7 the punishment for which assault is not otherwise prescribed in this
8 code, shall be guilty of a Class B5 felony punishable by
9 ~~imprisonment in the custody of the Department of Corrections not~~
10 ~~exceeding five (5) years, or in a county jail not exceeding one (1)~~
11 ~~year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or~~
12 ~~by both such fine and imprisonment~~ and shall be punished in
13 accordance with the provisions of Section 14 of this act.

14 B. Except for persons sentenced to life or life without parole,
15 any person sentenced to imprisonment for two (2) years or more for a
16 violation of subsection A of this section and the offense involved
17 sexual assault, shall be required to serve a term of post-
18 imprisonment supervision pursuant to subparagraph f of paragraph 1
19 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
20 under conditions determined by the Department of Corrections. The
21 jury shall be advised that the mandatory post-imprisonment
22 supervision shall be in addition to the actual imprisonment.

23 SECTION 182. AMENDATORY 21 O.S. 2021, Section 684, is
24 amended to read as follows:

1 Section 684. A. Any physician who knowingly performs a
2 partial-birth abortion and thereby kills a human fetus shall be
3 ~~fined Ten Thousand Dollars (\$10,000.00), or imprisoned in the State~~
4 ~~Penitentiary for a period of not more than two (2) years, or by both~~
5 ~~such fine and imprisonment~~ guilty of a Class D3 felony punished in
6 accordance with the provisions of Section 20 of this act. This
7 subsection shall not apply to a partial-birth abortion that is
8 necessary to save the life of a mother whose life is endangered by a
9 physical disorder, illness or injury.

10 B. Definitions. As used in this section:

11 1. "Partial-birth abortion" means an abortion in which the
12 person performing the abortion partially vaginally delivers a living
13 fetus before killing the fetus and completing the delivery.

14 2. "Physician" means a doctor of medicine or osteopathy legally
15 authorized to practice medicine and surgery by the state, or any
16 other individual legally authorized by the state to perform
17 abortions; provided, however, that any individual who is not a
18 physician or not otherwise legally authorized by the state to
19 perform abortions, but who nevertheless directly performs a partial-
20 birth abortion, shall be subject to the provisions of this section.

21 3. "Vaginally delivers a living fetus before killing the fetus"
22 means deliberately and intentionally delivers into the vagina a
23 living fetus or a substantial portion thereof, for the purpose of
24

1 performing a procedure the physician knows will kill the fetus, and
2 kills the fetus.

3 C. Civil Action:

4 1. The father, if married to the mother at the time she
5 receives a partial-birth abortion procedure, and if the mother has
6 not attained the age of eighteen (18) years at the time of the
7 abortion, the maternal grandparents of the fetus, may in a civil
8 action obtain appropriate relief, unless the pregnancy resulted from
9 the plaintiff's criminal conduct or the plaintiff consented to the
10 abortion.

11 2. Such relief shall include money damages for all injuries,
12 psychological and physical, occasioned by the violation of this
13 section, and statutory damages equal to three times the cost of the
14 partial-birth abortion.

15 D. Review by State Board of Medical Licensure and Supervision:

16 1. A defendant accused of an offense under this section may
17 seek a hearing before the State Board of Medical Licensure and
18 Supervision on whether the physician's conduct was necessary to save
19 the life of the mother whose life was endangered by a physical
20 disorder, illness or injury.

21 2. The findings on that issue are admissible at the trial of
22 the defendant. Upon a motion of the defendant, the court shall
23 delay the beginning of the trial for not more than thirty (30) days
24 to permit such a hearing to take place.

1 E. A woman upon whom a partial-birth abortion is performed may
2 not be prosecuted under this section or for a conspiracy to violate
3 this section.

4 SECTION 183. AMENDATORY 21 O.S. 2021, Section 701.9, is
5 amended to read as follows:

6 Section 701.9. A. A person who is convicted of or pleads
7 guilty or nolo contendere to murder in the first degree shall be
8 guilty of a Class Y felony and punished by death, by imprisonment
9 for life without parole or by imprisonment for life. A person who
10 is convicted of or pleads guilty or nolo contendere to murder in the
11 first degree, as described in subsection E of Section 701.7 of this
12 title, shall be punished by death or by life without parole and
13 absent an overwhelming amount of mitigating evidence shall not be
14 entitled to or afforded the benefit of receiving imprisonment for
15 life or deferment of the sentence.

16 B. A person who is convicted of or pleads guilty or nolo
17 contendere to murder in the second degree shall be guilty of a Class
18 A1 felony punishable by imprisonment in the custody of the
19 Department of Corrections for not less than ten (10) years nor more
20 than life.

21 SECTION 184. AMENDATORY 21 O.S. 2021, Section 701.16, is
22 amended to read as follows:

23 Section 701.16. It shall be unlawful for any person or agent of
24 that person to solicit another person or persons to cause the death

1 of a human being by the act of murder in the first degree as is
2 defined by Section 701.7 of this title. A person who is convicted,
3 pleads guilty or pleads nolo contendere to the act of solicitation
4 for murder in the first degree, except as provided in Section 701.7
5 of this title, shall be guilty of a Class A2 felony punishable by
6 imprisonment in a state penal institution for not less than five (5)
7 years nor more than life imprisonment in the State Penitentiary.

8 SECTION 185. AMENDATORY 21 O.S. 2021, Section 715, is
9 amended to read as follows:

10 Section 715. Any person guilty of manslaughter in the first
11 degree shall be guilty of a Class A2 felony punishable by
12 imprisonment in the custody of the Department of Corrections for not
13 less than four (4) years.

14 SECTION 186. AMENDATORY 21 O.S. 2021, Section 722, is
15 amended to read as follows:

16 Section 722. Any person guilty of manslaughter in the second
17 degree shall be guilty of a Class B5 felony punishable by
18 ~~imprisonment in the State Penitentiary not more than four (4) years~~
19 ~~and not less than two (2) years, or by imprisonment in a county jail~~
20 ~~not exceeding one (1) year, or by a fine not exceeding One Thousand~~
21 ~~Dollars (\$1,000.00), or both fine and imprisonment in accordance~~
22 with the provisions of Section 14 of this act.

23 SECTION 187. AMENDATORY 21 O.S. 2021, Section 741, is
24 amended to read as follows:

1 Section 741. Any person who, without lawful authority, seizes,
2 confines, inveigles, decoys, kidnaps, abducts, or carries away
3 another, with intent, either:

4 1. To cause such other person to be confined or imprisoned in
5 this state against the will of the other person; or

6 2. To cause such other person to be sent out of this state
7 against the will of the other person; or

8 3. To cause such person to be sold as a slave, or in any way
9 held to service against the will of such person,

10 shall be guilty of a Class B2 felony punishable by imprisonment in
11 the custody of the Department of Corrections for a term not
12 exceeding twenty (20) years and shall be punished in accordance with
13 the provisions of Section 11 of this act. Upon any trial for a
14 violation of this section, the consent thereto of the person
15 kidnapped or confined, shall not be a defense, unless it appears
16 satisfactorily to the jury, that such person was above the age of
17 twelve (12) years, and that such consent was not extorted by threat,
18 or by duress.

19 Except for persons sentenced to life or life without parole, on
20 and after the effective date of this act, any person sentenced to
21 imprisonment for a violation of this section and the offense
22 involved sexual abuse or sexual exploitation, shall be required to
23 serve a term of post-imprisonment supervision pursuant to
24 subparagraph f of paragraph 1 of subsection A of Section 991a of

1 Title 22 of the Oklahoma Statutes under conditions determined by the
2 Department of Corrections. The jury shall be advised that the
3 mandatory post-imprisonment supervision shall be in addition to the
4 actual imprisonment.

5 SECTION 188. AMENDATORY 21 O.S. 2021, Section 745, is
6 amended to read as follows:

7 Section 745. A. Every person who, without lawful authority,
8 forcibly seizes and confines another, or inveigles or kidnaps
9 another, for the purpose of extorting any money, property or thing
10 of value or advantage from the person so seized, confined, inveigled
11 or kidnapped, or from any other person, or in any manner threatens
12 either by written instrument, word of mouth, message, telegraph,
13 telephone, by placing an ad in a newspaper, or by messenger, demands
14 money or other thing of value, shall be guilty of a Class A1 felony,
15 and upon conviction shall suffer death or imprisonment in the State
16 Penitentiary, not less than ten (10) years.

17 B. Every person, not a principal in the kidnapping and not a
18 relative or agent authorized by a relative of a kidnapped person,
19 but who knowingly aids, assists, or participates in the disposing,
20 receiving, possession or exchanging of any moneys, property or thing
21 of value or advantage from the person so seized, confined, inveigled
22 or kidnapped, shall be guilty of a Class A2 felony, and upon
23 conviction thereof shall be punished by imprisonment in the State
24 Penitentiary, not less than five (5) years.

1 SECTION 189. AMENDATORY 21 O.S. 2021, Section 748, is
2 amended to read as follows:

3 Section 748. A. As used in Sections 748 and 748.2 of this
4 title:

5 1. "Coercion" means compelling, forcing or intimidating a
6 person to act by:

7 a. threats of harm or physical restraint against any
8 person,

9 b. any act, scheme, plan, or pattern intended to cause a
10 person to believe that performing, or failing to
11 perform, an act would result in serious physical,
12 financial, or emotional harm or distress to or
13 physical restraint against any person,

14 c. the abuse or threatened abuse of the law or legal
15 process,

16 d. knowingly destroying, concealing, removing,
17 confiscating or possessing any actual or purported
18 passport, labor or immigration document, or other
19 government identification document, including but not
20 limited to a driver license or birth certificate, of
21 another person,

22 e. facilitating or controlling a person's access to any
23 addictive or controlled substance other than for legal
24 medical purposes,

- 1 f. blackmail,
- 2 g. demanding or claiming money, goods, or any other thing
- 3 of value from or on behalf of a prostituted person
- 4 where such demand or claim arises from or is directly
- 5 related to the act of prostitution,
- 6 h. determining, dictating or setting the times at which
- 7 another person will be available to engage in an act
- 8 of prostitution with a third party,
- 9 i. determining, dictating or setting the places at which
- 10 another person will be available for solicitation of,
- 11 or to engage in, an act of prostitution with a third
- 12 party, or
- 13 j. determining, dictating or setting the places at which
- 14 another person will reside for purposes of making such
- 15 person available to engage in an act of prostitution
- 16 with a third party;

17 2. "Commercial sex" means any form of commercial sexual

18 activity such as sexually explicit performances, prostitution,

19 participation in the production of pornography, performance in a

20 strip club, or exotic dancing or display;

21 3. "Debt bondage" means the status or condition of a debtor

22 arising from a pledge by the debtor of his or her personal services

23 or of those of a person under his or her control as a security for

24 debt if the value of those services as reasonably assessed is not

1 applied toward the liquidation of the debt or the length and nature
2 of those services are not respectively limited and defined;

3 4. "Human trafficking" means modern-day slavery that includes,
4 but is not limited to, extreme exploitation and the denial of
5 freedom or liberty of an individual for purposes of deriving benefit
6 from that individual's commercial sex act or labor;

7 5. "Human trafficking for labor" means:

8 a. recruiting, enticing, harboring, maintaining,
9 transporting, providing or obtaining, by any means,
10 another person through deception, force, fraud, threat
11 or coercion or for purposes of engaging the person in
12 labor, or

13 b. benefiting, financially or by receiving anything of
14 value, from participation in a venture that has
15 engaged in an act of trafficking for labor;

16 6. "Human trafficking for commercial sex" means:

17 a. recruiting, enticing, harboring, maintaining,
18 transporting, providing or obtaining, by any means,
19 another person through deception, force, fraud, threat
20 or coercion for purposes of engaging the person in a
21 commercial sex act,

22 b. recruiting, enticing, harboring, maintaining,
23 transporting, providing, purchasing or obtaining, by
24

1 any means, a minor for purposes of engaging the minor
2 in a commercial sex act, or

3 c. benefiting, financially or by receiving anything of
4 value, from participating in a venture that has
5 engaged in an act of trafficking for commercial sex;

6 7. "Legal process" means the criminal law, the civil law, or
7 the regulatory system of the federal government, any state,
8 territory, district, commonwealth, or trust territory therein, and
9 any foreign government or subdivision thereof and includes legal
10 civil actions, criminal actions, and regulatory petitions or
11 applications;

12 8. "Minor" means an individual under eighteen (18) years of
13 age; and

14 9. "Victim" means a person against whom a violation of any
15 provision of this section has been committed.

16 B. It shall be unlawful to knowingly engage in human
17 trafficking.

18 C. Any person violating the provisions of this section shall,
19 upon conviction, be guilty of a Class A2 felony punishable by
20 imprisonment in the custody of the Department of Corrections for a
21 term of not less than five (5) years or for life, or by a fine of
22 not more than One Hundred Thousand Dollars (\$100,000.00), or by both
23 such fine and imprisonment. Any person violating the provisions of
24 this section where the victim of the offense is under eighteen (18)

1 years of age at the time of the offense shall, upon conviction, be
2 guilty of a Class A2 felony punishable by imprisonment in the
3 custody of the Department of Corrections for a term of not less than
4 fifteen (15) years or for life, or by a fine of not more than Two
5 Hundred Fifty Thousand Dollars (\$250,000.00), or by both such fine
6 and imprisonment. The court shall also order the defendant to pay
7 restitution to the victim as provided in Section 991f of Title 22 of
8 the Oklahoma Statutes. If the person is convicted of human
9 trafficking, the person shall serve eighty-five percent (85%) of the
10 sentence before being eligible for parole consideration or any
11 earned credits. The terms of imprisonment specified in this
12 subsection shall not be subject to statutory provisions for
13 suspension, deferral or probation, or state correctional institution
14 earned credits accruing from and after November 1, 1989, except for
15 the achievement earned credits authorized by subsection H of Section
16 138 of Title 57 of the Oklahoma Statutes. To qualify for such
17 achievement earned credits, such inmates must also be in compliance
18 with the standards for Class level 2 behavior, as defined in
19 subsection D of Section 138 of Title 57 of the Oklahoma Statutes.

20 D. It is an affirmative defense to prosecution for a criminal
21 offense that, during the time of the alleged commission of the
22 offense, the defendant was a victim of human trafficking.

23 E. The consent of a victim to the activity prohibited by this
24 section shall not constitute a defense.

1 F. Lack of knowledge of the age of the victim shall not
2 constitute a defense to the activity prohibited by this section with
3 respect to human trafficking of a minor.

4 SECTION 190. AMENDATORY 21 O.S. 2021, Section 752, is
5 amended to read as follows:

6 Section 752. Every person who with design to disable himself
7 from performance of any legal duty, existing or anticipated,
8 inflicts upon himself any injury whereby he is so disabled, is
9 guilty of maiming, a Class C2 felony, and shall be punished in
10 accordance with the provisions of Section 17 of this act.

11 SECTION 191. AMENDATORY 21 O.S. 2021, Section 759, is
12 amended to read as follows:

13 Section 759. Any person guilty of maiming another, as defined
14 in Section 751 of this title, shall be guilty of a Class A3 felony
15 punishable by imprisonment in the custody of the Department of
16 Corrections not exceeding life or by a fine not exceeding One
17 Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

18 SECTION 192. AMENDATORY 21 O.S. 2021, Section 760, is
19 amended to read as follows:

20 Section 760. A. Female genital mutilation shall be unlawful in
21 the State of Oklahoma. Whoever knowingly circumcises, excises, or
22 infibulates, in whole or in part, the labia majora, labia minora, or
23 clitoris of another shall, upon conviction, be guilty of a Class A2
24 felony punishable by incarceration in the custody of the Department

1 of Corrections for a term of not less than three (3) years nor more
2 than life and a fine of not more than Twenty Thousand Dollars
3 (\$20,000.00). Consent to the procedure by a minor on whom it is
4 performed or by the parent or parents of the minor is not a defense
5 to a violation of this subsection.

6 B. A surgical procedure is not a violation of subsection A of
7 this section if the procedure:

8 1. Is necessary as a recognized treatment for a known disease
9 or for purposes of cosmetic surgery to repair a defect or injury for
10 the person on whom it is performed and is performed by:

11 a. a licensed physician, or

12 b. a physician in training under the supervision of a
13 licensed physician; or

14 2. Is necessary in the assistance of childbirth or for medical
15 purposes connected with that labor or birth and is performed by:

16 a. a licensed physician,

17 b. a physician in training under the supervision of a
18 licensed physician, or

19 c. a certified nurse-midwife.

20 C. Any physician, physician in training, certified nurse-
21 midwife or any other medical professional who performs or
22 participates in a female genital mutilation procedure shall, in
23 addition to the penalties in subsection A of this section, have the
24

1 professional license or certification of the person permanently
2 revoked.

3 SECTION 193. AMENDATORY 21 O.S. 2021, Section 798, is
4 amended to read as follows:

5 Section 798. Any person guilty of robbery in the first degree
6 shall be guilty of a Class A2 felony punishable by imprisonment in
7 the State Penitentiary not less than ten (10) years.

8 SECTION 194. AMENDATORY 21 O.S. 2021, Section 799, is
9 amended to read as follows:

10 Section 799. Any person guilty of robbery in the second degree
11 shall be guilty of a Class B4 felony ~~punishable by imprisonment in~~
12 ~~the State Penitentiary not exceeding ten (10) years~~ and shall be
13 punished in accordance with the provisions of Section 13 of this
14 act.

15 SECTION 195. AMENDATORY 21 O.S. 2021, Section 800, is
16 amended to read as follows:

17 Section 800. Whenever two or more persons conjointly commit a
18 robbery or where the whole number of persons conjointly commits a
19 robbery and persons present and aiding such robbery amount to two or
20 more, each and either of such persons shall be guilty of a Class A2
21 felony punishable by imprisonment in the State Penitentiary for not
22 less than five (5) years nor more than fifty (50) years.

23 SECTION 196. AMENDATORY 21 O.S. 2021, Section 817, is
24 amended to read as follows:

1 Section 817. Any person guilty of aiding suicide shall be
2 guilty of a Class B1 felony ~~punishable by imprisonment in the State~~
3 ~~Penitentiary for not less than seven (7) years~~ and shall be punished
4 in accordance with the provisions of Section 10 of this act.

5 SECTION 197. AMENDATORY 21 O.S. 2021, Section 818, is
6 amended to read as follows:

7 Section 818. Every person guilty of aiding an attempt at
8 suicide shall be guilty of a Class D3 felony punishable ~~by~~
9 ~~imprisonment in the State Penitentiary not exceeding two (2) years,~~
10 ~~or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both~~
11 in accordance with the provisions of Section 20 of this act.

12 SECTION 198. AMENDATORY 21 O.S. 2021, Section 832, is
13 amended to read as follows:

14 Section 832. A. 1. No person shall willfully mingle any
15 poison, Schedule I through V drug pursuant to the provisions of
16 Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes,
17 or sharp object, or any other object or substance which if used in a
18 manner which is not customary or usual is harmful to human life,
19 with any food, drink, medicine, or patent or proprietary medicine
20 with intent that the same shall be taken, consumed, applied, or used
21 in any manner by any human being to his injury; and

22 2. Unless authorized by law, no person shall willfully poison
23 or place any Schedule I through V drug pursuant to the provisions of
24 Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes or

1 any other object or substance which if used in a manner which is not
2 customary or usual is harmful to human life in any spring, well, or
3 reservoir of water.

4 B. Any person convicted of violating any of the provisions of
5 this section shall be guilty of a Class B1 felony, punishable ~~by~~
6 ~~imprisonment in the State Penitentiary for not less than five (5)~~
7 ~~years, or by a fine of not less than One Thousand Dollars~~
8 ~~(\$1,000.00), or by both such fine and imprisonment~~ in accordance
9 with the provisions of Section 10 of this act.

10 SECTION 199. AMENDATORY 21 O.S. 2021, Section 843.1, is
11 amended to read as follows:

12 Section 843.1. A. 1. No caretaker or other person shall
13 abuse, commit financial neglect, neglect, commit sexual abuse, or
14 exploit any person entrusted to the care of such caretaker or other
15 person in a nursing facility or other setting, or knowingly cause,
16 secure, or permit any of these acts to be done.

17 2. For purposes of this section, the terms, "abuse", "financial
18 neglect", "neglect", "sexual abuse", and "exploit" shall have the
19 same meaning as such terms are defined and clarified in Section 10-
20 103 of Title 43A of the Oklahoma Statutes.

21 B. 1. Any person convicted of a violation of this section,
22 except as provided in paragraph 2 of this subsection, shall be
23 guilty of a Class B1 felony. The violator, upon conviction, shall
24 be punished by imprisonment in the custody of the Department of

1 Corrections for a term not to exceed ten (10) years, and by a fine
2 not exceeding Ten Thousand Dollars (\$10,000.00), or by both such
3 fine and imprisonment, and in addition, the person shall be subject
4 to the Elderly and Incapacitated Victim's Protection Act. Such
5 person's term shall further be subject to the provisions of Section
6 13.1 of this title for mandatory minimum sentencing.

7 2. Any person convicted of violating the provisions of this
8 section by committing sexual abuse shall be guilty of a Class A3
9 felony. The person convicted of sexual abuse shall be punished by
10 imprisonment in the custody of the Department of Corrections for a
11 term not to exceed fifteen (15) years, and by a fine not exceeding
12 Ten Thousand Dollars (\$10,000.00), or by both such fine and
13 imprisonment, and in addition, the person shall be subject to the
14 Elderly and Incapacitated Victim's Protection Act. Such person's
15 imprisonment term imposed pursuant to this section shall further be
16 subject to the provisions of Section 13.1 of this title for
17 mandatory minimum sentencing.

18 C. Consent shall not be a defense for any violation of this
19 section.

20 D. Except for persons sentenced to life or life without parole,
21 any person sentenced to imprisonment for two (2) years or more for a
22 violation of paragraph 2 of subsection B of this section shall be
23 required to serve a term of post-imprisonment supervision pursuant
24 to subparagraph f of paragraph 1 of subsection A of Section 991a of

1 Title 22 of the Oklahoma Statutes under conditions determined by the
2 Department of Corrections. The jury shall be advised that the
3 mandatory post-imprisonment supervision shall be in addition to the
4 actual imprisonment.

5 SECTION 200. AMENDATORY 21 O.S. 2021, Section 843.3, is
6 amended to read as follows:

7 Section 843.3. A. Any person who engages in abuse, sexual
8 abuse, or exploitation of a vulnerable adult, as defined in Section
9 10-103 of Title 43A of the Oklahoma Statutes, shall be guilty of a
10 Class D1 felony. The person, upon conviction, shall be ~~fin~~~~ed~~ ~~not~~
11 ~~more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the~~
12 ~~custody of the Department of Corrections for a term of not more than~~
13 ~~two (2) years, or both such fine and imprisonment~~ punished in
14 accordance with the provisions of Section 18 of this act.

15 B. Any person who has a responsibility to care for a vulnerable
16 adult as defined by Section 10-103 of Title 43A of the Oklahoma
17 Statutes who purposely, knowingly or recklessly neglects the
18 vulnerable adult shall be guilty of a Class D1 felony. The person,
19 upon conviction, shall be ~~fin~~~~ed~~ ~~not~~ ~~more than Ten Thousand Dollars~~
20 ~~(\$10,000.00) or be imprisoned in the custody of the Department of~~
21 ~~Corrections for a term of not more than two (2) years, or both such~~
22 ~~fine and imprisonment~~ punished in accordance with the provisions of
23 Section 18 of this act.

24

1 C. In addition the court shall consider any provision of the
2 Elderly and Incapacitated Victim's Protection Act when the victim is
3 an elderly or incapacitated person as defined by Section 991a-15 of
4 Title 22 of the Oklahoma Statutes.

5 SECTION 201. AMENDATORY 21 O.S. 2021, Section 843.4, is
6 amended to read as follows:

7 Section 843.4. A. As used in this section, "exploitation of an
8 elderly person or disabled adult" means:

9 1. Knowingly, by deception or intimidation, obtaining or using,
10 or endeavoring to obtain or use, an elderly person's or disabled
11 adult's funds, assets, or property with the intent to temporarily or
12 permanently deprive the elderly person or disabled adult of the use,
13 benefit, or possession of the funds, assets, or property, or to
14 benefit someone other than the elderly person or disabled adult, by
15 a person who:

16 a. stands in a position of trust and confidence with the
17 elderly person or disabled adult, or

18 b. has a business relationship with the elderly person or
19 disabled adult, or

20 2. Obtaining or using, endeavoring to obtain or use, or
21 conspiring with another to obtain or use an elderly person's or
22 disabled adult's funds, assets, or property with the intent to
23 temporarily or permanently deprive the elderly person or disabled
24 adult of the use, benefit, or possession of the funds, assets, or

1 property, or to benefit someone other than the elderly person or
2 disabled adult, by a person who knows or reasonably should know that
3 the elderly person or disabled adult lacks the capacity to consent.

4 B. 1. If the funds, assets, or property involved in the
5 exploitation of the elderly person or disabled adult are valued at
6 One Hundred Thousand Dollars (\$100,000.00) or more, the violator
7 ~~commits~~, upon conviction, shall be guilty of a Class B1 felony
8 ~~punishable by imprisonment in the custody of the Department of~~
9 ~~Corrections for a term not more than fifteen (15) years and by a~~
10 fine in an amount not exceeding Ten Thousand Dollars (\$10,000.00) in
11 accordance with the provisions of Section 10 of this act.

12 2. If the funds, assets, or property involved in the
13 exploitation of the elderly person or disabled adult are valued at
14 less than One Hundred Thousand Dollars (\$100,000.00), the violator
15 ~~commits~~, upon conviction, shall be guilty of a Class C2 felony
16 ~~punishable by imprisonment in the custody of the Department of~~
17 ~~Corrections for a term not more than ten (10) years and by a fine in~~
18 ~~an amount not exceeding Ten Thousand Dollars (\$10,000.00) in~~
19 accordance with the provisions of Section 17 of this act.

20 C. For purposes of this section, "elderly person" means any
21 person sixty-two (62) years of age or older.

22 SECTION 202. AMENDATORY 21 O.S. 2021, Section 843.5, is
23 amended to read as follows:

24

1 Section 843.5 A. Any person who shall willfully or maliciously
2 engage in child abuse, as defined in this section, shall, upon
3 conviction, be guilty of a Class A3 felony punishable by
4 imprisonment in the custody of the Department of Corrections not
5 exceeding life imprisonment, or by imprisonment in a county jail not
6 exceeding one (1) year, or by a fine of not less than Five Hundred
7 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
8 or both such fine and imprisonment.

9 B. Any person responsible for the health, safety or welfare of
10 a child who shall willfully or maliciously engage in enabling child
11 abuse, as defined in this section, shall, upon conviction, be guilty
12 of a Class A3 felony and shall be punished by imprisonment in the
13 custody of the Department of Corrections not exceeding life
14 imprisonment, or by imprisonment in a county jail not exceeding one
15 (1) year, or by a fine of not less than Five Hundred Dollars
16 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
17 such fine and imprisonment.

18 C. Any person responsible for the health, safety or welfare of
19 a child who shall willfully or maliciously engage in child neglect,
20 as defined in this section, shall, upon conviction, be guilty of a
21 Class B1 felony and shall be punished by imprisonment in the custody
22 of the Department of Corrections not exceeding life imprisonment, or
23 by imprisonment in a county jail not exceeding one (1) year, or by a
24 fine of not less than Five Hundred Dollars (\$500.00) nor more than

1 ~~Five Thousand Dollars (\$5,000.00), or both such fine and~~
2 ~~imprisonment~~ in accordance with the provisions of Section 10 of this
3 act.

4 D. Any parent or other person who shall willfully or
5 maliciously engage in enabling child neglect shall, upon conviction,
6 be guilty of a Class B1 felony and shall be punished by imprisonment
7 ~~in the custody of the Department of Corrections not exceeding life~~
8 ~~imprisonment, or by imprisonment in a county jail not exceeding one~~
9 ~~(1) year, or by a fine of not less than Five Hundred Dollars~~
10 ~~(\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both~~
11 ~~such fine and imprisonment~~ in accordance with the provisions of
12 Section 10 of this act.

13 E. Any person responsible for the health, safety or welfare of
14 a child who shall willfully or maliciously engage in child sexual
15 abuse, as defined in this section, shall, upon conviction, be guilty
16 of a Class A3 felony and shall be punished by imprisonment in the
17 custody of the Department of Corrections not exceeding life
18 imprisonment, or by imprisonment in a county jail not exceeding one
19 (1) year, or by a fine of not less than Five Hundred Dollars
20 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
21 such fine and imprisonment, except as provided in Section 51.1a of
22 this title or as otherwise provided in subsection F of this section
23 for a child victim under twelve (12) years of age. Except for
24 persons sentenced to life or life without parole, any person

1 sentenced to imprisonment for two (2) years or more for a violation
2 of this subsection shall be required to serve a term of post-
3 imprisonment supervision pursuant to subparagraph f of paragraph 1
4 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
5 under conditions determined by the Department of Corrections. The
6 jury shall be advised that the mandatory post-imprisonment
7 supervision shall be in addition to the actual imprisonment.

8 F. Any person who shall willfully or maliciously engage in
9 child sexual abuse, as defined in this section, to a child under
10 twelve (12) years of age shall, upon conviction, be guilty of a
11 Class A1 felony and shall be punished by imprisonment in the custody
12 of the Department of Corrections for not less than twenty-five (25)
13 years nor more than life imprisonment, and by a fine of not less
14 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
15 Dollars (\$5,000.00).

16 G. Any parent or other person who shall willfully or
17 maliciously engage in enabling child sexual abuse shall, upon
18 conviction, be guilty of a Class A3 felony and shall be punished by
19 imprisonment in the custody of the Department of Corrections not
20 exceeding life imprisonment, or by imprisonment in a county jail not
21 exceeding one (1) year, or by a fine ~~of~~ not less than Five Hundred
22 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
23 or both such fine and imprisonment.

24

1 H. Any person who shall willfully or maliciously engage in
2 child sexual exploitation, as defined in this section, shall, upon
3 conviction, be guilty of a Class A3 felony and shall be punished by
4 imprisonment in the custody of the Department of Corrections not
5 exceeding life imprisonment, or by imprisonment in a county jail not
6 exceeding one (1) year, or by a fine ~~of~~ not less than Five Hundred
7 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
8 or both such fine and imprisonment except as provided in subsection
9 I of this section for a child victim under twelve (12) years of age.
10 Except for persons sentenced to life or life without parole, any
11 person sentenced to imprisonment for two (2) years or more for a
12 violation of this subsection shall be required to serve a term of
13 post-imprisonment supervision pursuant to subparagraph f of
14 paragraph 1 of subsection A of Section 991a of Title 22 of the
15 Oklahoma Statutes under conditions determined by the Department of
16 Corrections. The jury shall be advised that the mandatory post-
17 imprisonment supervision shall be in addition to the actual
18 imprisonment.

19 I. Any person who shall willfully or maliciously engage in
20 child sexual exploitation, as defined in this section, of a child
21 under twelve (12) years of age shall, upon conviction, be guilty of
22 a Class A1 felony and shall be punished by imprisonment in the
23 custody of the Department of Corrections for not less than twenty-
24 five (25) years nor more than life imprisonment, and by a fine of

1 not less than Five Hundred Dollars (\$500.00) nor more than Five
2 Thousand Dollars (\$5,000.00).

3 J. Any person responsible for the health, safety or welfare of
4 a child who shall willfully or maliciously engage in enabling child
5 sexual exploitation, as defined in this section, shall, upon
6 conviction, be guilty of a Class A3 felony and shall be punished by
7 imprisonment in the custody of the Department of Corrections not
8 exceeding life imprisonment, or by imprisonment in a county jail not
9 exceeding one (1) year, or by a fine of not less than Five Hundred
10 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
11 or both such fine and imprisonment.

12 K. Notwithstanding any other provision of law, any person
13 convicted of forcible anal or oral sodomy, rape, rape by
14 instrumentation, or lewd molestation of a child under fourteen (14)
15 years of age subsequent to a previous conviction for any offense of
16 forcible anal or oral sodomy, rape, rape by instrumentation, or lewd
17 molestation of a child under fourteen (14) years of age shall be
18 guilty of a Class A1 felony and shall be punished by death or by
19 imprisonment for life without parole.

20 L. Provided, however, that nothing contained in this section
21 shall prohibit any parent or guardian from using reasonable and
22 ordinary force pursuant to Section 844 of this title.

23 M. Consent shall not be a defense for any violation provided
24 for in this section.

1 N. Notwithstanding the age requirements of other statutes
2 referenced within this section, this section shall apply to any
3 child under eighteen (18) years of age.

4 O. As used in this section:

5 1. "Child abuse" means:

6 a. the willful or malicious harm or threatened harm or
7 failure to protect from harm or threatened harm to the
8 health, safety or welfare of a child under eighteen
9 (18) years of age by a person responsible for a
10 child's health, safety or welfare, or

11 b. the act of willfully or maliciously injuring,
12 torturing or maiming a child under eighteen (18) years
13 of age by any person;

14 2. "Child neglect" means the willful or malicious neglect, as
15 defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of
16 a child under eighteen (18) years of age by a person responsible for
17 a child's health, safety or welfare;

18 3. "Child sexual abuse" means the willful or malicious sexual
19 abuse of a child under eighteen (18) years of age by a person
20 responsible for a child's health, safety or welfare and includes,
21 but is not limited to:

22 a. sexual intercourse,
23
24

- b. penetration of the vagina or anus, however slight, by an inanimate object or any part of the human body not amounting to sexual intercourse,
- c. sodomy,
- d. incest, or
- e. a lewd act or proposal, as defined in this section;

4. "Child sexual exploitation" means the willful or malicious sexual exploitation of a child under eighteen (18) years of age by another and includes, but is not limited to:

- a. human trafficking, as provided for in Section 748 of this title, if the offense involved child trafficking for commercial sex,
- b. trafficking in children, as provided for in Section 866 of this title, if the offense was committed for the sexual gratification of any person,
- c. procuring or causing the participation of a minor in child pornography, as provided for in Section 1021.2 of this title,
- d. purchase, procurement or possession of child pornography, as provided for in Section 1024.2 of this title,
- e. engaging in or soliciting prostitution, as provided for in Section 1029 of this title, if the offense involved child prostitution,

- 1 f. publication, distribution or participation in the
2 preparation of obscene material, as provided for in
3 Section 1040.8 of this title, if the offense involved
4 child pornography,
- 5 g. aggravated possession of child pornography, as
6 provided for in Section 1040.12a of this title,
- 7 h. sale or distribution of obscene material, as provided
8 for in Section 1040.13 of this title,
- 9 i. soliciting sexual conduct or communication with a
10 minor by use of technology, as provided for in Section
11 1043.13a of this title,
- 12 j. offering or transporting a child for purposes of
13 prostitution, as provided for in Section 1087 of this
14 title, and
- 15 k. child prostitution, as provided for in Section 1088 of
16 this title;

17 5. "Enabling child abuse" means the causing, procuring or
18 permitting of child abuse by a person responsible for a child's
19 health, safety or welfare;

20 6. "Enabling child neglect" means the causing, procuring or
21 permitting of child neglect by a person responsible for a child's
22 health, safety or welfare;

23
24

1 7. "Enabling child sexual abuse" means the causing, procuring
2 or permitting of child sexual abuse by a person responsible for a
3 child's health, safety or welfare;

4 8. "Enabling child sexual exploitation" means the causing,
5 procuring or permitting of child sexual exploitation by a person
6 responsible for a child's health, safety or welfare;

7 9. "Incest" means marrying, committing adultery or fornicating
8 with a child by a person responsible for the health, safety or
9 welfare of a child;

10 10. "Lewd act or proposal" means:

- 11 a. making any oral, written or electronic or computer-
12 generated lewd or indecent proposal to a child for the
13 child to have unlawful sexual relations or sexual
14 intercourse with any person,
- 15 b. looking upon, touching, mauling or feeling the body or
16 private parts of a child in a lewd or lascivious
17 manner or for the purpose of sexual gratification,
- 18 c. asking, inviting, enticing or persuading any child to
19 go alone with any person to a secluded, remote or
20 secret place for a lewd or lascivious purpose,
- 21 d. urinating or defecating upon a child or causing,
22 forcing or requiring a child to defecate or urinate
23 upon the body or private parts of another person for
24 the purpose of sexual gratification,

- 1 e. ejaculating upon or in the presence of a child,
2 f. causing, exposing, forcing or requiring a child to
3 look upon the body or private parts of another person
4 for the purpose of sexual gratification,
5 g. causing, forcing or requiring any child to view any
6 obscene materials, child pornography or materials
7 deemed harmful to minors as such terms are defined in
8 Sections 1024.1 and 1040.75 of this title,
9 h. causing, exposing, forcing or requiring a child to
10 look upon sexual acts performed in the presence of the
11 child for the purpose of sexual gratification, or
12 i. causing, forcing or requiring a child to touch or feel
13 the body or private parts of the child or another
14 person for the purpose of sexual gratification;

15 11. "Permit" means to authorize or allow for the care of a
16 child by an individual when the person authorizing or allowing such
17 care knows or reasonably should know that the child will be placed
18 at risk of the conduct or harm proscribed by this section;

19 12. "Person responsible for a child's health, safety or
20 welfare" for purposes of this section shall include, but not be
21 limited to:

- 22 a. the parent of the child,
23 b. the legal guardian of the child,
24 c. the custodian of the child,

- 1 d. the foster parent of the child,
- 2 e. a person eighteen (18) years of age or older with whom
- 3 the parent of the child cohabitates, who is at least
- 4 three (3) years older than the child,
- 5 f. any other person eighteen (18) years of age or older
- 6 residing in the home of the child, who is at least
- 7 three (3) years older than the child,
- 8 g. an owner, operator, agent, employee or volunteer of a
- 9 public or private residential home, institution,
- 10 facility or day treatment program, as defined in
- 11 Section 175.20 of Title 10 of the Oklahoma Statutes,
- 12 that the child attended,
- 13 h. an owner, operator, agent, employee or volunteer of a
- 14 child care facility, as defined in Section 402 of
- 15 Title 10 of the Oklahoma Statutes, that the child
- 16 attended,
- 17 i. an intimate partner of the parent of the child, as
- 18 defined in Section 60.1 of Title 22 of the Oklahoma
- 19 Statutes, or
- 20 j. a person who has voluntarily accepted responsibility
- 21 for the care or supervision of a child;

22 13. "Sexual intercourse" means the actual penetration, however

23 slight, of the vagina or anus by the penis; and

24 14. "Sodomy" means:

- 1 a. penetration, however slight, of the mouth of the child
2 by a penis,
- 3 b. penetration, however slight, of the vagina of a person
4 responsible for a child's health, safety or welfare,
5 by the mouth of a child,
- 6 c. penetration, however slight, of the mouth of the
7 person responsible for a child's health, safety or
8 welfare by the penis of the child, or
- 9 d. penetration, however slight, of the vagina of the
10 child by the mouth of the person responsible for a
11 child's health, safety or welfare.

12 SECTION 203. AMENDATORY 21 O.S. 2021, Section 849, is
13 amended to read as follows:

14 Section 849. Every person who shall attach to, or place in or
15 upon any motor vehicle or any vehicle designed or customarily used
16 to transport a person or persons or any structure designed or
17 customarily used for the occupancy of a person or persons, any
18 explosive material, thing or device with the intent of causing
19 bodily injury or death to any person shall be guilty of a Class A2
20 felony, and, upon conviction therefor, shall suffer punishment by
21 imprisonment for a period of time of not less than five (5) years,
22 or imprisonment in the State Penitentiary for life, at the
23 discretion of the court or the jury trying the same.

1 SECTION 204. AMENDATORY 21 O.S. 2021, Section 850, is
2 amended to read as follows:

3 Section 850. A. No person shall maliciously and with the
4 specific intent to intimidate or harass another person because of
5 that person's race, color, religion, ancestry, national origin or
6 disability:

7 1. Assault or batter another person;

8 2. Damage, destroy, vandalize or deface any real or personal
9 property of another person; or

10 3. Threaten, by word or act, to do any act prohibited by
11 paragraph 1 or 2 of this subsection if there is reasonable cause to
12 believe that such act will occur.

13 B. No person shall maliciously and with specific intent to
14 incite or produce, and which is likely to incite or produce,
15 imminent violence, which violence would be directed against another
16 person because of that person's race, color, religion, ancestry,
17 national origin or disability, make or transmit, cause or allow to
18 be transmitted, any telephonic, computerized, or electronic message.

19 C. No person shall maliciously and with specific intent to
20 incite or produce, and which is likely to incite or produce,
21 imminent violence, which violence would be directed against another
22 person because of that person's race, color, religion, ancestry,
23 national origin or disability, broadcast, publish, or distribute,
24

1 cause or allow to be broadcast, published or distributed, any
2 message or material.

3 D. Any person convicted of violating any provision of
4 subsections A, B or C of this section shall be guilty of a
5 misdemeanor on a first offense ~~and~~. Upon conviction of a second or
6 subsequent offense, the person shall be guilty of a Class B4 felony
7 ~~punishable by not more than ten (10) years incarceration in the~~
8 ~~custody of the Department of Corrections for a second or subsequent~~
9 ~~offense~~ and shall be punished in accordance with the provisions of
10 Section 13 of this act. The fine for a felony violation of this
11 section shall not exceed Ten Thousand Dollars (\$10,000.00).
12 Furthermore, said person shall be civilly liable for any damages
13 resulting from any violation of this section.

14 E. Upon conviction, any person guilty of a misdemeanor in
15 violation of this section shall be punishable by the imposition of a
16 fine not exceeding One Thousand Dollars (\$1,000.00), or by
17 imprisonment in the county jail for a period ~~of~~ not more than one
18 (1) year, or by both such fine and imprisonment.

19 F. The Oklahoma State Bureau of Investigation shall develop a
20 standard system for state and local law enforcement agencies to
21 report incidents of crime which are apparently directed against
22 members of racial, ethnic, religious groups or other groups
23 specified by this section. The Oklahoma State Bureau of
24 Investigation shall promulgate rules, regulations and procedures

1 necessary to develop, implement and maintain a standard system for
2 the collection and reporting of hate crime data. All state, county,
3 city and town law enforcement agencies shall submit a monthly report
4 to the Oklahoma State Bureau of Investigation on forms prescribed by
5 the Bureau. The report shall contain the number and nature of the
6 offenses committed within their respective jurisdictions, the
7 disposition of such matters and any other information the Bureau may
8 require, respecting information relating to the cause and prevention
9 of crime, recidivism, the rehabilitation of criminals and the proper
10 administration of criminal justice.

11 G. No person, partnership, company or corporation that installs
12 telephonic, computerized, or electronic message equipment shall be
13 required to monitor the use of such equipment for possible
14 violations of this section, nor shall such person, partnership,
15 company or corporation be held criminally or civilly liable for the
16 use by another person of the equipment in violation of this section,
17 unless the person, partnership, company or corporation that
18 installed the equipment had prior actual knowledge that the
19 equipment was to be used in violation of this section.

20 SECTION 205. AMENDATORY 21 O.S. 2021, Section 851, is
21 amended to read as follows:

22 Section 851. A. Any parent of any child or children under the
23 age of ten (10) years, and every person to whom such child or
24 children have been confided for nurture or education, who deserts

1 such child or children within this state, or takes such child or
2 children without this state, with the intent wholly to abandon it
3 shall be deemed guilty of a Class B4 felony and upon conviction
4 thereof shall be punished ~~by imprisonment in the State Penitentiary~~
5 ~~for any period of time not less than one (1) year nor more than ten~~
6 ~~(10) years~~ in accordance with the provisions of Section 13 of this
7 act.

8 B. It is an affirmative defense to a prosecution under this
9 section that a parent voluntarily delivered a child under the age of
10 thirty (30) days to and left the child with, or voluntarily arranged
11 for another person to deliver a child to and leave the child with, a
12 medical services provider or child rescuer as provided in Section 1-
13 2-109 of Title 10A of the Oklahoma Statutes.

14 SECTION 206. AMENDATORY 21 O.S. 2021, Section 852, is
15 amended to read as follows:

16 Section 852. A. Unless otherwise provided for by law, any
17 parent, guardian, or person having custody or control of a child as
18 defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes who
19 willfully omits, without lawful excuse, to furnish necessary food,
20 clothing, shelter, monetary child support, medical attendance,
21 payment of court-ordered day care or payment of court-ordered
22 medical insurance costs for such child which is imposed by law, upon
23 conviction, is guilty of a misdemeanor; provided, any person
24 obligated to make child support payments who willfully and without

1 lawful excuse becomes delinquent in said child support payments
2 after September 1, 1993, and such delinquent child support accrues
3 without payment by the obligor for a period of one (1) year, or
4 exceeds Five Thousand Dollars (\$5,000.00) shall, upon conviction
5 thereof, be guilty of a Class D2 felony which is punishable ~~in the~~
6 ~~same manner as any subsequent conviction pursuant to the provisions~~
7 ~~of this section~~ in accordance with the provisions of Section 19 of
8 this act. Any subsequent conviction pursuant to this section shall
9 be a Class D2 felony, punishable ~~by imprisonment for not more than~~
10 ~~four (4) years in the custody of the Department of Corrections in~~
11 accordance with the provisions of Section 19 of this act, or by the
12 imposition of a fine ~~of~~ not more than Five Thousand Dollars
13 (\$5,000.00), or by both such fine and imprisonment. As used in this
14 section, the duty to furnish medical attendance shall mean that the
15 parent or person having custody or control of a child must furnish
16 medical treatment in such manner and on such occasions as an
17 ordinarily prudent person, solicitous for the welfare of a child,
18 would provide; such parent or person having custody or control of a
19 child is not criminally liable for failure to furnish medical
20 attendance for every minor or trivial complaint with which the child
21 may be afflicted.

22 B. Any person who leaves the state to avoid providing necessary
23 food, clothing, shelter, court-ordered monetary child support, or
24 medical attendance for such child, upon conviction, shall be guilty

1 of a Class D2 felony punishable ~~by imprisonment for not more than~~
2 ~~four (4) years in the custody of the Department of Corrections in~~
3 accordance with the provisions of Section 19 of this act, or by the
4 imposition of a fine ~~of~~ not more than Five Thousand Dollars
5 (\$5,000.00), or by both such fine and imprisonment.

6 C. Nothing in this section shall be construed to mean a child
7 is endangered for the sole reason the parent, guardian or person
8 having custody or control of a child, in good faith, selects and
9 depends upon spiritual means alone through prayer, in accordance
10 with the tenets and practice of a recognized church or religious
11 denomination, for the treatment or cure of disease or remedial care
12 of such child; provided, that medical care shall be provided where
13 permanent physical damage could result to such child; and that the
14 laws, rules, and regulations relating to communicable diseases and
15 sanitary matters are not violated.

16 D. Nothing contained in this section shall prevent a court from
17 immediately assuming custody of a child and ordering whatever action
18 may be necessary, including medical treatment, to protect the health
19 or welfare of the child.

20 E. Psychiatric and psychological testing and counseling are
21 exempt from the provisions of this section.

22 F. If any parent of a child in cases in which the Department of
23 Human Services is providing services pursuant to Section 237 of
24 Title 56 of the Oklahoma Statutes is determined by the Department to

1 be willfully violating the provisions of this section, the
2 Department may refer the case to the proper district attorney for
3 prosecution. The Department shall provide assistance to the
4 district attorneys in such prosecutions. Any child support or
5 arrears payments made pursuant to this section shall be made payable
6 to the Department and paid through the Centralized Support Registry
7 pursuant to Section 413 of Title 43 of the Oklahoma Statutes.

8 G. Except for a third or subsequent conviction, all felony
9 convictions herein shall be administered under the provisions of the
10 Community Sentencing Act.

11 H. It is the duty of any parent having legal custody of a child
12 who is an alcohol-dependent person or a drug-dependent person, as
13 such terms are defined by Section 3-403 of Title 43A of the Oklahoma
14 Statutes, to provide for the treatment, as such term is defined by
15 Section 3-403 of Title 43A of the Oklahoma Statutes, of such child.
16 Any parent having legal custody of a child who is an alcohol-
17 dependent person or a drug-dependent person who without having made
18 a reasonable effort fails or willfully omits to provide for the
19 treatment of such child shall be guilty of a misdemeanor. For the
20 purpose of this subsection, the duty to provide for such treatment
21 shall mean that the parent having legal custody of a child must
22 provide for the treatment in such manner and on such occasions as an
23 ordinarily prudent person, solicitous for the welfare of a child,
24 would provide.

1 I. Venue is proper in prosecutions for violations of this
2 section in:

- 3 1. Any county where the child resides;
- 4 2. The county in which the court-ordered support was entered or
5 registered pursuant to the provisions of the Uniform Interstate
6 Family Support Act; or
- 7 3. The county in which the defendant resides.

8 SECTION 207. AMENDATORY 21 O.S. 2021, Section 852.1, is
9 amended to read as follows:

10 Section 852.1. A. A person who is the parent, guardian, or
11 person having custody or control over a child as defined in Section
12 1-1-105 of Title 10A of the Oklahoma Statutes, commits child
13 endangerment when the person:

- 14 1. Knowingly permits physical or sexual abuse of a child;
- 15 2. Knowingly permits a child to be present at a location where
16 a controlled dangerous substance is being manufactured or attempted
17 to be manufactured as defined in Section 2-101 of Title 63 of the
18 Oklahoma Statutes;
- 19 3. Knowingly permits a child to be present in a vehicle when
20 the person knows or should have known that the operator of the
21 vehicle is impaired by or is under the influence of alcohol or
22 another intoxicating substance; or
- 23 4. Is the driver, operator, or person in physical control of a
24 vehicle in violation of Section 11-902 of Title 47 of the Oklahoma

1 Statutes while transporting or having in the vehicle such child or
2 children.

3 However, it is an affirmative defense to this paragraph if the
4 person had a reasonable apprehension that any action to stop the
5 physical or sexual abuse or deny permission for the child to be in
6 the vehicle with an intoxicated person would result in substantial
7 bodily harm to the person or the child.

8 Nothing in this subsection shall prohibit the prosecution of a
9 person pursuant to the provisions of Section 11-902 or 11-904 of
10 Title 47 of the Oklahoma Statutes.

11 B. The provisions of this section shall not apply to any
12 parent, guardian or other person having custody or control of a
13 child for the sole reason that the parent, guardian or other person
14 in good faith selects and depends upon spiritual means or prayer for
15 the treatment or cure of disease or remedial care for such child.
16 This subsection shall in no way limit or modify the protections
17 afforded said child in Section 852 of this title or Section 1-4-904
18 of Title 10A of the Oklahoma Statutes.

19 C. Any person convicted of violating any provision of this
20 section shall be guilty of a Class B5 felony ~~punishable by~~
21 ~~imprisonment in the custody of the Department of Corrections for a~~
22 ~~term of not more than four (4) years, or by a fine not exceeding~~
23 ~~Five Thousand Dollars (\$5,000.00), or by both such fine and~~

24

1 ~~imprisonment~~ and shall be punished in accordance with the provisions
2 of Section 14 of this act.

3 SECTION 208. AMENDATORY 21 O.S. 2021, Section 853, is
4 amended to read as follows:

5 Section 853. Every person who shall without good cause abandon
6 his wife in destitute or necessitous circumstances and neglect and
7 refuse to maintain or provide for her, or who shall abandon his or
8 her minor child or children under the age of fifteen (15) years and
9 willfully neglect or refuse to maintain or provide for such child or
10 children, shall be deemed guilty of a Class B4 felony and, upon
11 conviction thereof, shall be punished ~~by imprisonment in the State~~
12 ~~Penitentiary for any period of time not less than one (1) year or~~
13 ~~more than ten (10) years~~ in accordance with the provisions of
14 Section 13 of this act.

15 SECTION 209. AMENDATORY 21 O.S. 2021, Section 856 is
16 amended to read as follows:

17 Section 856. A. 1. Except as otherwise specifically provided
18 by law, every person who shall knowingly or willfully cause, aid,
19 abet or encourage a minor to be, to remain, or to become a
20 delinquent child or a runaway child, upon conviction, shall, for the
21 first offense, be guilty of a misdemeanor punishable by imprisonment
22 in a county jail not to exceed one (1) year, or by a fine not to
23 exceed One Thousand Dollars (\$1,000.00), or by both such fine and
24 imprisonment.

1 2. For purposes of prosecution under this subsection, a
2 "runaway child" means an unemancipated minor who is voluntarily
3 absent from the home without a compelling reason, without the
4 consent of a custodial parent or other custodial adult and without
5 the parent or other custodial adult's knowledge as to the child's
6 whereabouts. "Compelling reason" means imminent danger from incest,
7 a life-threatening situation, or equally traumatizing circumstance.
8 A person aiding a runaway child pursuant to paragraph (4) of
9 subsection (a) of Section 5 of Title 76 of the Oklahoma Statutes or
10 aiding a child based upon a reasonable belief that the child is in
11 physical, mental or emotional danger and with notice to the
12 Department of Human Services or a local law enforcement agency of
13 the location of the child within twelve (12) hours of aiding the
14 child shall not be subject to prosecution under this section.

15 B. Every person convicted of a second or any subsequent
16 violation of this section shall be guilty of a Class D3 felony, and
17 upon conviction shall be punishable by imprisonment in the custody
18 of the Department of Corrections not to exceed three (3) years in
19 accordance with the provisions of Section 20 of this act, or by a
20 fine not exceeding Five Thousand Dollars (\$5,000.00), or by both
21 such fine and imprisonment.

22 C. Every person eighteen (18) years of age or older who shall
23 knowingly or willfully cause, aid, abet, or encourage a minor to
24 commit or participate in committing an act that would be a felony if

1 committed by an adult shall, upon conviction, be guilty of a Class
2 B5 felony punishable ~~by the maximum penalty allowed for conviction~~
3 ~~of the offense or offenses which the person caused, aided, abetted,~~
4 ~~or encouraged the minor to commit or participate in committing in~~
5 accordance with the provisions of Section 14 of this act.

6 D. Every person who shall knowingly or willfully cause, aid,
7 abet, encourage, solicit, or recruit a minor to participate, join,
8 or associate with any criminal street gang, as defined by subsection
9 F of this section, or any gang member for the purpose of committing
10 any criminal act shall, upon conviction, be guilty of a Class B5
11 felony and, upon conviction, shall be punishable by imprisonment in
12 the custody of the Department of Corrections for a term of not more
13 than five (5) years, or a fine not to exceed Five Thousand Dollars
14 (\$5,000.00), or both such fine and imprisonment in accordance with
15 the provisions of Section 14 of this act.

16 E. Every person convicted of a second or subsequent violation
17 of subsection D of this section shall be guilty of a Class B4 felony
18 and, upon conviction, shall be punishable by imprisonment in the
19 custody of the Department of Corrections for a term not less than
20 five (5) years nor more than ten (10) years, or by a fine not
21 exceeding Five Thousand Dollars (\$5,000.00), or by both such fine
22 and imprisonment in accordance with the provisions of Section 13 of
23 this act.

24

1 F. "Criminal street gang" means any ongoing organization,
2 association, or group of five or more persons that specifically
3 either promotes, sponsors, or assists in, or participates in, and
4 requires as a condition of membership or continued membership, the
5 commission of one or more of the following criminal acts:

6 1. Assault, battery, or assault and battery with a deadly
7 weapon, as defined in Section 645 of this title;

8 2. Aggravated assault and battery as defined by Section 646 of
9 this title;

10 3. Robbery by force or fear, as defined in Sections 791 through
11 797 of this title;

12 4. Robbery or attempted robbery with a dangerous weapon or
13 imitation firearm, as defined by Section 801 of this title;

14 5. Unlawful homicide or manslaughter, as defined in Sections
15 691 through 722 of this title;

16 6. The sale, possession for sale, transportation, manufacture,
17 offer for sale, or offer to manufacture controlled dangerous
18 substances, as defined in Section 2-101 et seq. of Title 63 of the
19 Oklahoma Statutes;

20 7. Trafficking in illegal drugs, as provided for in the
21 Trafficking in Illegal Drugs Act, Section 2-414 of Title 63 of the
22 Oklahoma Statutes;

23 8. Arson, as defined in Sections 1401 through 1403 of this
24 title;

1 9. The influence or intimidation of witnesses and jurors, as
2 defined in Sections 388, 455 and 545 of this title;

3 10. Theft of any vehicle, as described in Section 1720 of this
4 title;

5 11. Rape, as defined in Section 1111 of this title;

6 12. Extortion, as defined in Section 1481 of this title;

7 13. Transporting a loaded firearm in a motor vehicle, in
8 violation of Section 1289.13 of this title;

9 14. Possession of a concealed weapon, as defined by Section
10 1289.8 of this title;

11 15. Shooting or discharging a firearm, as defined by Section
12 652 of this title;

13 16. Soliciting, inducing or enticing another to commit an act
14 of prostitution, as defined by Section 1030 of this title;

15 17. Human trafficking, as defined by Section 748 of this title;
16 or

17 18. Possession of a firearm after former conviction of a
18 felony, as defined by Section 1283 of this title.

19 SECTION 210. AMENDATORY 21 O.S. 2021, Section 856.1, is
20 amended to read as follows:

21 Section 856.1. Every person who shall knowingly, intentionally
22 or willfully cause, aid, abet or encourage a minor child to:

23 1. Distribute, dispense, possess or manufacture a controlled
24 dangerous substance, as provided in the Uniform Controlled Dangerous

1 Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma
2 Statutes;

3 2. Create, distribute, or possess a counterfeit controlled
4 dangerous substance, as defined by Section 2-101 of Title 63 of the
5 Oklahoma Statutes;

6 3. Distribute any imitation controlled substance as defined by
7 Section 2-101 of Title 63 of the Oklahoma Statutes;

8 4. Conspire or participate in any scheme, plan or act for the
9 purposes of avoiding, eluding or evading arrest or detection by law
10 enforcement authorities for crimes involving controlled substances
11 as defined by Section 2-101 of Title 63 of the Oklahoma Statutes; or

12 5. Violate any penal provisions of the Uniform Controlled
13 Dangerous Substances Act,

14 shall be guilty of a Class B2 felony ~~punishable by imprisonment in~~
15 ~~the State Penitentiary for a term not more than twenty (20) years~~
16 ~~and a fine of not more than Two Hundred Thousand Dollars~~

17 ~~(\$200,000.00)~~ and shall be punished in accordance with the

18 provisions of Section 11 of this act. Said sentence shall not be

19 subject to statutory provisions for suspended sentences, or deferred
20 sentences except when the conviction is for a first offense.

21 SECTION 211. AMENDATORY 21 O.S. 2021, Section 856.2, is
22 amended to read as follows:

23 Section 856.2. It shall be unlawful for any person to knowingly
24 and willfully harbour an endangered runaway child. Any person

1 violating the provisions of this section shall, upon conviction, be
2 guilty of a misdemeanor punishable by a fine not exceeding One
3 Thousand Dollars (\$1,000.00), or by imprisonment in a county jail
4 not exceeding one (1) year, or by both such fine and imprisonment.
5 Every person convicted of a second or any subsequent violation
6 shall, upon conviction, be guilty of a Class D2 felony punishable ~~by~~
7 ~~a fine not exceeding Five Thousand Dollars (\$5,000.00), or by~~
8 ~~imprisonment not exceeding three (3) years, or by both such fine and~~
9 ~~imprisonment~~ in accordance with the provisions of Section 19 of this
10 act. For purposes of this section, an "endangered runaway child"
11 means an unemancipated minor who is voluntarily absent from the home
12 for seventy-two (72) hours or more without a compelling reason and
13 without the consent of a custodial parent or other custodial adult
14 or an unemancipated minor who is voluntarily absent from the home
15 without a compelling reason and without the consent of a custodial
16 parent or other custodial adult and the child needs medication or
17 other special services. For purposes of this section, "compelling
18 reason" shall be defined as provided in Section 856 of Title 21 of
19 the Oklahoma Statutes.

20 SECTION 212. AMENDATORY 21 O.S. 2021, Section 856.3, is
21 amended to read as follows:

22 Section 856.3. Any person who attempts or commits a gang-
23 related offense as a condition of membership in a criminal street
24 gang or while in association with any criminal street gang or gang

1 member shall be guilty of a Class B5 felony offense. Upon
2 conviction, the violator shall be punished ~~by incarceration in the~~
3 ~~custody of the Department of Corrections for a term of five (5)~~
4 ~~years~~ in accordance with the provisions of Section 14 of this act,
5 which shall be in addition to any other penalty imposed. For
6 purposes of this section, "criminal street gang" is defined by
7 subsection F of Section 856 of Title 21 of the Oklahoma Statutes and
8 "gang-related offense" means those offenses enumerated in paragraphs
9 1 through 16 of subsection F of Section 856 of ~~Title 21 of the~~
10 ~~Oklahoma Statutes~~ this title.

11 SECTION 213. AMENDATORY 21 O.S. 2021, Section 861, is
12 amended to read as follows:

13 Section 861. Every person who administers to any woman, or who
14 prescribes for any woman, or advises or procures any woman to take
15 any medicine, drug or substance, or uses or employs any instrument,
16 or other means whatever, with intent thereby to procure the
17 miscarriage of such woman, unless the same is necessary to preserve
18 her life, shall be guilty of a Class D1 felony punishable ~~by~~
19 ~~imprisonment in the State Penitentiary for not less than two (2)~~
20 ~~years nor more than five (5) years~~ in accordance with the provisions
21 of Section 18 of this act.

22 SECTION 214. AMENDATORY 21 O.S. 2021, Section 866, is
23 amended to read as follows:

24

1 Section 866. A. 1. The crime of trafficking in children is
2 defined to consist of any of the following acts or any part thereof:

3 a. the acceptance, solicitation, offer, payment or
4 transfer of any compensation, in money, property or
5 other thing of value, at any time, by any person in
6 connection with the acquisition or transfer of the
7 legal or physical custody or adoption of a minor
8 child, except as ordered by the court or except as
9 otherwise provided by Section 7505-3.2 of Title 10 of
10 the Oklahoma Statutes,

11 b. the acceptance or solicitation of any compensation, in
12 money, property or other thing of value, by any person
13 or organization for services performed, rendered or
14 purported to be performed to facilitate or assist in
15 the adoption or foster care placement of a minor
16 child, except by the Department of Human Services, a
17 child-placing agency licensed in Oklahoma pursuant to
18 the Oklahoma Child Care Facilities Licensing Act, or
19 an attorney authorized to practice law in Oklahoma.

20 The provisions of this paragraph shall not prohibit an
21 attorney licensed to practice law in another state or
22 an out-of-state licensed child-placing agency from
23 receiving compensation when working with an attorney
24 licensed in this state who is, or when working with a

1 child-placing agency licensed in this state which is,
2 providing adoption services or other services
3 necessary for placing a child in an adoptive
4 arrangement,

5 c. bringing or causing to be brought into this state or
6 sending or causing to be sent outside this state any
7 child for the purpose of placing such child in a
8 foster home or for the adoption thereof and thereafter
9 refusing to comply upon request with the Interstate
10 Compact on the Placement of Children. Provided,
11 however, that this provision shall have no application
12 to the parent or guardian of the child nor to a person
13 bringing said child into this state for the purpose of
14 adopting the child into such person's own family,

15 d. the solicitation or receipt of any money or any other
16 thing of value for expenses related to the placement
17 of a child for the purpose of an adoption by the birth
18 parent of the child who at the time of the
19 solicitation or receipt had no intent to consent to
20 eventual adoption,

21 e. the solicitation or receipt of any money or any other
22 thing of value for expenses related to the placement
23 of a child for adoption by a woman who knows she is
24

1 not pregnant but who holds herself out to be pregnant
2 and offers to place a child upon birth for adoption,
3 f. (1) the receipt of any money or any other thing of
4 value for expenses related to the placement of a
5 child for adoption by a birth parent, child-
6 placing agency or attorney who receives, from one
7 or more parties, any money or any other thing of
8 value without disclosing to each prospective
9 adoptive parent, child-placing agency, and
10 attorney the receipt of any money or any other
11 thing of value immediately upon receipt,
12 (2) the solicitation or receipt of any money or any
13 other thing of value by a birth parent, an
14 attorney or child-placing agency for expenses
15 related to the placement of a child for the
16 purpose of adoption from more than one
17 prospective adoptive family for the adoption of
18 one child. A birth parent, child-placing agency
19 or attorney shall not represent that a child is,
20 or will be, available for adoption to more than
21 one prospective adoptive family at one time,
22 g. advertising of services for compensation to assist
23 with or effect the placement of a child for adoption
24 or for care in a foster home by any person or

1 organization except by the Department of Human
2 Services, or a child-placing agency licensed in this
3 state. Nothing in this paragraph shall prohibit an
4 attorney authorized to practice law in Oklahoma from
5 the advertisement of legal services related to the
6 adoption of children, and

7 h. advertisements for and solicitation of a woman who is
8 pregnant to induce her to place her child upon birth
9 for adoption, except by a child-placing agency
10 licensed in this state or an attorney authorized to
11 practice law in Oklahoma. Nothing in this section
12 shall prohibit a person from advertising to solicit a
13 pregnant woman to consider adoptive placement with the
14 person or to locate a child for an adoptive placement
15 into the person's own home, provided that such person
16 has received a favorable preplacement home study
17 recommendation in accordance with Section 7505-5.1 of
18 Title 10 of the Oklahoma Statutes, which shall be
19 verified by the signed written statement of the person
20 or agency which performed the home study, and provided
21 that no money or other thing of value is offered as
22 part of such an inducement except as ordered by the
23 court or except as otherwise provided by Section 7505-
24 3.2 of Title 10 of the Oklahoma Statutes.

1 C. The payment or acceptance of costs and expenses listed in
2 Section 7505-3.2 of Title 10 of the Oklahoma Statutes shall not be a
3 violation of this section as long as the petitioner or birth parent
4 has complied with the applicable procedure specified in Section
5 7505-3.2 of Title 10 of the Oklahoma Statutes and such costs and
6 expenses are approved by the court.

7 D. Any person knowingly failing to file an affidavit of all
8 adoption costs and expenses before the final decree of adoption as
9 required by Sections 7505-3.2 and 7505-6.2 of Title 10 of the
10 Oklahoma Statutes shall be guilty of a misdemeanor.

11 SECTION 215. AMENDATORY 21 O.S. 2021, Section 872, is
12 amended to read as follows:

13 Section 872. Any person guilty of the crime of adultery shall
14 be guilty of a Class D1 felony and punished ~~by imprisonment in the~~
15 ~~State Penitentiary not exceeding five (5) years or by a fine not~~
16 ~~exceeding Five Hundred Dollars (\$500.00), or by both such fine and~~
17 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
18 act.

19 SECTION 216. AMENDATORY 21 O.S. 2021, Section 883, is
20 amended to read as follows:

21 Section 883. Any person guilty of bigamy shall be guilty of a
22 Class D1 felony punishable ~~by imprisonment in the State Penitentiary~~
23 ~~not exceeding five (5) years~~ in accordance with the provisions of
24 Section 18 of this act.

1 SECTION 217. AMENDATORY 21 O.S. 2021, Section 884, is
2 amended to read as follows:

3 Section 884. Any person who knowingly marries the husband or
4 wife of another, in any case in which such husband or wife would be
5 punishable according to the foregoing provisions, shall be guilty of
6 a Class D1 felony punishable by imprisonment in the State
7 Penitentiary not exceeding five (5) years, or in a county jail not
8 exceeding one (1) year, or by a fine not exceeding Five Hundred
9 Dollars (\$500.00), or by both such fine and imprisonment in
10 accordance with the provisions of Section 18 of this act.

11 SECTION 218. AMENDATORY 21 O.S. 2021, Section 885, is
12 amended to read as follows:

13 Section 885. Persons who, being within the degrees of
14 consanguinity within which marriages are by the laws of the state
15 declared incestuous and void, intermarry with each other, or commit
16 adultery or fornication with each other, shall be guilty of a Class
17 B4 felony punishable by imprisonment in the custody of the
18 Department of Corrections not exceeding ten (10) years and shall be
19 punished in accordance with the provisions of Section 13 of this
20 act. Except for persons sentenced to life or life without parole,
21 any person sentenced to imprisonment for two (2) years or more for a
22 violation of this subsection shall be required to serve a term of
23 post-imprisonment supervision pursuant to subparagraph f of
24 paragraph 1 of subsection A of Section 991a of Title 22 of the

1 Oklahoma Statutes under conditions determined by the Department of
2 Corrections. The jury shall be advised that the mandatory post-
3 imprisonment supervision shall be in addition to the actual
4 imprisonment.

5 SECTION 219. AMENDATORY 21 O.S. 2021, Section 886, is
6 amended to read as follows:

7 Section 886. Every person who is guilty of the detestable and
8 abominable crime against nature, committed with mankind or with a
9 beast, is ~~punishable by imprisonment in the custody of the~~
10 ~~Department of Corrections not exceeding ten (10) years~~ guilty of a
11 Class B4 felony and shall be punished in accordance with the
12 provisions of Section 13 of this act. Except for persons sentenced
13 to life or life without parole, any person sentenced to imprisonment
14 for two (2) years or more for a violation of this section shall be
15 required to serve a term of post-imprisonment supervision pursuant
16 to subparagraph f of paragraph 1 of subsection A of Section 991a of
17 Title 22 of the Oklahoma Statutes under conditions determined by the
18 Department of Corrections. The jury shall be advised that the
19 mandatory post-imprisonment supervision shall be in addition to the
20 actual imprisonment.

21 SECTION 220. AMENDATORY 21 O.S. 2021, Section 888, as
22 last amended by Section 2, Chapter 331, O.S.L. 2021, is amended to
23 read as follows:

24

1 Section 888. A. Any person who forces another person to engage
2 in the detestable and abominable crime against nature, pursuant to
3 Section 886 of this title, upon conviction, is guilty of a Class B1
4 felony punishable by imprisonment in the custody of the Department
5 of Corrections for a period of not more than twenty (20) years.
6 Except for persons sentenced to life or life without parole, any
7 person sentenced to imprisonment for two (2) years or more for a
8 violation of this subsection shall be required to serve a term of
9 post-imprisonment supervision pursuant to subparagraph f of
10 paragraph 1 of subsection A of Section 991a of Title 22 of the
11 Oklahoma Statutes under conditions determined by the Department of
12 Corrections. The jury shall be advised that the mandatory post-
13 imprisonment supervision shall be in addition to the actual
14 imprisonment. Any person convicted of a second violation of this
15 section, where the victim of the second offense is a person under
16 sixteen (16) years of age, shall not be eligible for probation,
17 suspended or deferred sentence. Any person convicted of a third or
18 subsequent violation of this section, where the victim of the third
19 or subsequent offense is a person under sixteen (16) years of age,
20 shall be punished by imprisonment in the custody of the Department
21 of Corrections for a term of life or life without parole, in the
22 discretion of the jury, or in case the jury fails or refuses to fix
23 punishment then the same shall be pronounced by the court. Any
24 person convicted of a violation of this subsection after having been

1 twice convicted of a violation of subsection A of Section 1114 of
2 this title, a violation of Section 1123 of this title or sexual
3 abuse of a child pursuant to Section 843.5 of this title, or of any
4 attempt to commit any of these offenses or any combination of the
5 offenses, shall be punished by imprisonment in the custody of the
6 Department of Corrections for a term of life or life without parole.

7 B. The crime of forcible sodomy shall include:

8 1. Sodomy committed by a person over eighteen (18) years of age
9 upon a person under sixteen (16) years of age;

10 2. Sodomy committed upon a person incapable through mental
11 illness or any unsoundness of mind of giving legal consent
12 regardless of the age of the person committing the crime;

13 3. Sodomy accomplished with any person by means of force,
14 violence, or threats of force or violence accompanied by apparent
15 power of execution regardless of the age of the victim or the person
16 committing the crime;

17 4. Sodomy committed by a state, county, municipal or political
18 subdivision employee or a contractor or an employee of a contractor
19 of the state, a county, a municipality or political subdivision of
20 this state upon a person who is under the legal custody, supervision
21 or authority of a state agency, a county, a municipality or a
22 political subdivision of this state, or the subcontractor or
23 employee of a subcontractor of the contractor of the state or

24

1 federal government, a county, a municipality or a political
2 subdivision of this state;

3 5. Sodomy committed upon a person who is at least sixteen (16)
4 years of age but less than twenty (20) years of age and is a student
5 of any public or private secondary school, junior high or high
6 school, or public vocational school, with a person who is eighteen
7 (18) years of age or older and is employed by the same school
8 system;

9 6. Sodomy committed upon a person who is at the time
10 unconscious of the nature of the act, and this fact should be known
11 to the accused; or

12 7. Sodomy committed upon a person where the person is
13 intoxicated by a narcotic or anesthetic agent administered by or
14 with the privity of the accused as a means of forcing the person to
15 submit.

16 SECTION 221. AMENDATORY 21 O.S. 2021, Section 891, is
17 amended to read as follows:

18 Section 891. Whoever maliciously, forcibly or fraudulently
19 takes or entices away any child under the age of sixteen (16) years,
20 with intent to detain or conceal such child from its parent,
21 guardian or other person having the lawful charge of such child or
22 to transport such child from the jurisdiction of this state or the
23 United States without the consent of the person having lawful charge
24 of such child shall, upon conviction, be guilty of a Class B4 felony

1 ~~punishable by imprisonment in the custody of the Department of~~
2 ~~Corrections not exceeding ten (10) years~~ and shall be punished in
3 accordance with the provisions of Section 13 of this act.

4 Except for persons sentenced to life or life without parole, any
5 person sentenced to imprisonment for two (2) years or more for a
6 violation of this section and the offense involved sexual abuse or
7 sexual exploitation, shall be required to serve a term of post-
8 imprisonment supervision pursuant to subparagraph f of paragraph 1
9 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
10 under conditions determined by the Department of Corrections. The
11 jury shall be advised that the mandatory post-imprisonment
12 supervision shall be in addition to the actual imprisonment.

13 SECTION 222. AMENDATORY 21 O.S. 2021, Section 941, is
14 amended to read as follows:

15 Section 941. Except as provided in the Oklahoma Charity Games
16 Act, every person who opens, or causes to be opened, or who
17 conducts, whether for hire or not, or carries on either poker,
18 roulette, craps or any banking or percentage, or any gambling game
19 played with dice, cards or any device, for money, checks, credits,
20 or any representatives of value, or who either as owner or employee,
21 whether for hire or not, deals for those engaged in any such game,
22 shall be guilty of a Class C2 felony, and upon conviction thereof,
23 shall be punished ~~by a fine of not less than Five Hundred Dollars~~
24 ~~(\$500.00), nor more than Two Thousand Dollars (\$2,000.00), and by~~

1 ~~imprisonment in the State Penitentiary for a term of not less than~~
2 ~~one (1) year nor more than ten (10) years~~ in accordance with the
3 provisions of Section 17 of this act.

4 SECTION 223. AMENDATORY 21 O.S. 2021, Section 946, is
5 amended to read as follows:

6 Section 946. Any house, room or place where any of the games
7 prohibited by Section 941 of this title are opened, conducted or
8 carried on, or where persons congregate to play at any such games is
9 a public nuisance and the keepers and managers of any such nuisance,
10 and persons aiding or assisting any such keepers or managers in
11 keeping or managing any such nuisance shall be guilty of a Class C2
12 felony and, upon conviction, shall be punished ~~by a fine of not less~~
13 ~~than Five Hundred Dollars (\$500.00) nor more than Ten Thousand~~
14 ~~Dollars (\$10,000.00) or by imprisonment in the State Penitentiary~~
15 ~~for a term of not less than one (1) year nor more than ten (10)~~
16 ~~years~~ shall be punished in accordance with the provisions of Section
17 17 of this act.

18 SECTION 224. AMENDATORY 21 O.S. 2021, Section 948, is
19 amended to read as follows:

20 Section 948. Any state, district, city, town, county or
21 township officer who shall engage or participate in, or who shall
22 assist or encourage any other person or persons in any kind of
23 illegal gambling, whether the same be by cards, dice, dominoes,
24 billiards or any game of chance or a gambling device, by betting

1 money, property or other things of value in such game of chance, or
2 gambling device, such officer shall be deemed guilty of a Class C2
3 felony, and upon conviction shall be punished ~~by a fine of not less~~
4 ~~than Five Hundred Dollars (\$500.00) nor more than Ten Thousand~~
5 ~~Dollars (\$10,000.00), or by imprisonment in the State Penitentiary~~
6 ~~for a term of not less than one (1) year nor more than ten (10)~~
7 ~~years~~ shall be punished in accordance with the provisions of Section
8 17 of this act, and such judgment of conviction shall carry with it
9 an immediate removal from office and a disqualification to hold any
10 office of profit or trust in the State of Oklahoma.

11 SECTION 225. AMENDATORY 21 O.S. 2021, Section 950, is
12 amended to read as follows:

13 Section 950. Any state, county, city, or township officer, or
14 other person who shall hold for, receive or collect any money, or
15 other valuable consideration, either for his own or the public use,
16 for and with the understanding that he will aid, exempt or otherwise
17 assist said person from arrest or conviction for a violation of any
18 of the provisions of this article, or who shall issue, deliver or
19 cause to be delivered to any person or persons, any license, permit,
20 or other privileges, giving or pretending to give, any authority or
21 right to any person or persons, to carry on, conduct, open or cause
22 to be opened, any game or games which are forbidden or prohibited by
23 any of the provisions of Sections 941 through 953 of this title
24 shall be deemed guilty of a Class D3 felony and upon conviction,

1 shall be punished in accordance with the provisions of Section 20 of
2 this act.

3 SECTION 226. AMENDATORY 21 O.S. 2021, Section 954, is
4 amended to read as follows:

5 Section 954. Any person who deals, plays or practices in the
6 State of Oklahoma, or who is in any manner accessory to the dealing,
7 playing or practicing of a swindle known as three-card monte, or any
8 other swindle or confidence game, play or practice, shall be deemed
9 guilty of a Class D1 felony and, upon conviction thereof, shall be
10 ~~punished by a fine of not less than One Thousand Dollars (\$1,000.00)~~
11 ~~nor more than Five Thousand Dollars (\$5,000.00), or by confinement~~
12 ~~in the State Penitentiary for a term of not less than one (1) year~~
13 ~~nor more than five (5) years~~ in accordance with the provisions of
14 Section 18 of this act.

15 SECTION 227. AMENDATORY 21 O.S. 2021, Section 982, is
16 amended to read as follows:

17 Section 982. A. Commercial gambling is:

18 1. Operating or receiving all or part of the earnings of a
19 gambling place;

20 2. Receiving, recording or forwarding bets or offers to bet or,
21 with intent to receive, record or forward bets or offers to bet,
22 possessing facilities to do so;

23 3. For gain, becoming a custodian of anything of value bet or
24 offered to be bet;

1 4. Conducting a lottery or with intent to conduct a lottery
2 possessing facilities to do so;

3 5. Setting up for use or collecting the proceeds of any
4 gambling device; or

5 6. Alone or with others, owning, controlling, managing or
6 financing a gambling business.

7 B. Any person found guilty of commercial gambling shall be
8 guilty of a Class C2 felony and shall be punished by imprisonment
9 ~~for not more than ten (10) years or a fine of not more than Twenty-~~
10 ~~five Thousand Dollars (\$25,000.00), or by both such fine and~~
11 ~~imprisonment~~ in accordance with the provisions of Section 17 of this
12 act.

13 SECTION 228. AMENDATORY 21 O.S. 2021, Section 986, is
14 amended to read as follows:

15 Section 986. A. Installing communication facilities for
16 gamblers is:

17 1. Installing communications facilities in a place which the
18 person who installs the facilities knows is a gambling place;

19 2. Installing communications facilities knowing that they will
20 be used principally for the purpose of transmitting information to
21 be used in making or settling bets; or

22 3. Knowing that communications facilities are being used
23 principally for the purpose of transmitting information to be used
24 in making or settling bets, allowing their continued use.

1 B. Any person not an employee of a communications public
2 utility authorized to transact business in this state by the
3 Oklahoma Corporation Commission acting within the scope of his
4 employment, violating subsection A above, who knows or has reason to
5 know said communications facilities will be used in making or
6 settling commercial gambling transactions and installs said
7 facilities with the intent to facilitate said commercial gambling
8 transactions and is found guilty thereof shall be guilty of a Class
9 D1 felony and shall be punished ~~by imprisonment for not more than~~
10 ~~five (5) years or a fine of not more than Twenty-five Thousand~~
11 ~~Dollars (\$25,000.00), or by both such fine and imprisonment in~~
12 accordance with the provisions of Section 18 of this act.

13 C. When any communications public utility providing telephone
14 communications service is notified in writing by an order of a court
15 of competent jurisdiction, acting within its jurisdiction, that any
16 facility furnished by it is being used principally for the purpose
17 of transmitting or receiving gambling information, it shall
18 discontinue or refuse the leasing, furnishing or maintaining of such
19 facility, after reasonable notice to the subscriber, but no damages,
20 penalty or forfeiture, civil or criminal, shall be found against any
21 such public utility for any act done in compliance with any such
22 court order. Nothing in this section shall be deemed to prejudice
23 the right of any person affected thereby to secure an appropriate
24 determination, as otherwise provided by law, in a court of competent

1 jurisdiction, that such facility should not be discontinued or
2 removed, or should be restored.

3 SECTION 229. AMENDATORY 21 O.S. 2021, Section 987, is
4 amended to read as follows:

5 Section 987. A. Dissemination of gambling information is the
6 transmitting or receiving, by means of any communications
7 facilities, information to be used in making or settling bets.
8 Provided that nothing herein shall prohibit a licensed radio or
9 television station or newspaper of general circulation from
10 broadcasting or disseminating to the public reports of odds or
11 results of legally staged sporting events.

12 B. Any person found guilty of disseminating gambling
13 information shall be guilty of a Class D1 felony and shall be
14 ~~punished by imprisonment for not more than five (5) years or a fine~~
15 ~~of not more than Twenty-five Thousand Dollars (\$25,000.00), or by~~
16 ~~both such fine and imprisonment~~ in accordance with the provisions of
17 Section 18 of this act.

18 SECTION 230. AMENDATORY 21 O.S. 2021, Section 991, is
19 amended to read as follows:

20 Section 991. A. Except as provided for in the Oklahoma Horse
21 Racing Act, it shall be unlawful for any person, association, or
22 corporation:

23 1. To bet or wager upon the result of any trial of speed or
24 power of endurance of animals or beasts; or

1 2. To occupy any room, shed, tenement or building, or any part
2 thereof, or to occupy any place upon any grounds with books,
3 apparatus, or paraphernalia for the purpose of recording or
4 registering bets or wagers or of selling pools, or making books or
5 mutuels upon the result of any trial of speed or power of endurance
6 of animals or beasts; or

7 3. Being the owner or lessee or occupant of any room, tent,
8 tenement, shed, booth, or building, or part thereof at any place
9 knowingly to permit the same to be used or occupied to keep,
10 exhibit, or employ any device or apparatus for the purpose of
11 recording or registering such bets or wagers or the selling or
12 making of such books, pools or mutuels, or to become the custodian
13 or depository for gain, hire or reward of any money, property or
14 thing of value, bet or wagered or to be wagered or bet upon the
15 result of any trial of speed or power of endurance of animals or
16 beasts; or

17 4. To receive, register, record, forward or purport or pretend
18 to forward to or for any racetrack within or without this state, any
19 money, thing or consideration of value offered for the purpose of
20 being bet or wagered upon the result of any trial of speed or power
21 of endurance of any animal or beast; or

22 5. To occupy any place, or building or part thereof with books,
23 papers, apparatus, or paraphernalia for the purpose of receiving or
24 pretending to receive or for recording or for registering or for

1 forwarding or pretending or attempting to forward in any manner
2 whatever, any money, thing or consideration of value, bet or wagered
3 or to be bet or wagered by any person, or to receive or offer to
4 receive any money, thing, or consideration of value bet or to be bet
5 upon the result of any trial of speed or power of endurance of any
6 animal or beast; or

7 6. To aid or assist or abet at any racetrack or other place in
8 any manner in any of the acts forbidden by this section.

9 B. Any person, association, or corporation convicted of
10 violating the provisions of paragraph 1 of subsection A of this
11 section shall ~~be fined not less than Two Hundred Dollars (\$200.00)~~
12 ~~nor more than Five Hundred Dollars (\$500.00) and be imprisoned not~~
13 ~~more than ninety (90) days~~ guilty of a Class D3 felony punishable in
14 accordance with the provisions of Section 20 of this act. Any
15 person, association, or corporation convicted of violating any
16 provision of paragraphs 2, 3, 4, 5 or 6 of subsection A of this
17 section shall be guilty of a Class C2 felony and shall be ~~fined not~~
18 ~~more than Ten Thousand Dollars (\$10,000.00),~~ or be ~~imprisoned for a~~
19 ~~period of not more than ten (10) years or both said fine and~~
20 ~~imprisonment~~ punished in accordance with the provisions of Section
21 17 of this act.

22 C. Any personal property used for the purpose of violating any
23 of the provisions of this section shall be disposed of as provided
24 for in Section 1261 of Title 22 of the Oklahoma Statutes.

1 SECTION 231. AMENDATORY 21 O.S. 2021, Section 996.3, is
2 amended to read as follows:

3 Section 996.3. A. It is unlawful for any person to use the
4 term "prize" or "gift" or other similar term in any manner that
5 would be untrue or misleading.

6 B. It is unlawful to notify any person by any means, as a part
7 of an advertising plan or program, that the person has won a prize
8 and that as a condition of receiving such prize the person must pay
9 any money or rent any goods or services.

10 C. It is unlawful to notify any person by any means that the
11 person will receive a gift and that as a condition of receiving the
12 gift the person must pay any money, or purchase, lease or rent any
13 goods or services, if any one or more of the following exists:

14 1. The shipping charge, depending on the method of shipping
15 used, exceeds:

16 a. the average cost of postage or the average charge of a
17 delivery service in the business of delivering goods
18 of like size, weight, and kind for shippers other than
19 the offeror of the gift for the geographic area in
20 which the gift is being distributed, or

21 b. the exact amount for shipping paid to an independent
22 supplier, who is in the business of shipping goods for
23 shippers other than the offeror of the gift.

24 2. The handling charge:

- 1 a. is not reasonable, or
- 2 b. exceeds the actual cost of handling, or
- 3 c. exceeds the greater of Three Dollars (\$3.00) in any
- 4 transaction or eighty percent (80%) of the actual cost
- 5 of the gift item to the offeror or its agent, or
- 6 d. in the case of a merchandise retailer, exceeds the
- 7 actual amount for handling paid to an independent
- 8 supplier, who is in the business of handling goods for
- 9 businesses other than the offeror of the gift.

10 3. Any goods or services which must be purchased or leased by
11 the offeree of the gift in order to obtain the gift could have been
12 purchased through the same marketing channel in which the gift was
13 offered for a lower price without the gift items at or proximate to
14 the time the gift was offered.

15 4. The majority of the gift offeror's sales or leases within
16 the preceding year, through the marketing channel in which the gift
17 is offered or through in-person sales at retail outlets, of the type
18 of goods or services which must be purchased or leased in order to
19 obtain the gift item was made in conjunction with the offer of a
20 gift. This paragraph does not apply to a gift offer made by a
21 retail merchant in conjunction with the sale or lease through mail
22 order of goods or services if:

- 23 a. the goods or services are of a type unlike any other
- 24 type of goods or services sold or leased by the retail

1 merchant at any time during the period beginning six
2 (6) months before and continuing six (6) months after
3 the gift offer,

4 b. the gift offer does not extend for a period more than
5 two (2) months, and

6 c. the gift offer is not untrue or misleading in any
7 manner.

8 5. The gift offeror represents that the offeree has been
9 specially selected in any manner unless the representation is true.

10 D. The provisions of subsection C of this section shall not
11 apply to the sale or purchase, or solicitation or representation in
12 connection therewith, of goods from a catalog or of books,
13 recordings, videocassettes, periodicals and similar goods through a
14 membership group or club which is regulated by the Federal Trade
15 Commission trade regulation rule concerning use of negative option
16 plans by sellers in commerce or through a contractual plan or
17 arrangement such as a continuity plan, subscription arrangement, or
18 a single sale or purchase series arrangement under which the seller
19 ships goods to a consumer who has consented in advance to receive
20 such goods and the recipient of such goods is given the opportunity,
21 after examination of the goods, to receive a full refund of charges
22 for the goods, or unused portion thereof, upon return of the goods,
23 or unused portion thereof, undamaged.

1 E. Each violation of the provisions of this section shall be an
2 unlawful practice pursuant to the provisions of the Oklahoma
3 Consumer Protection Act, Section 751 et seq. of Title 15 of the
4 Oklahoma Statutes, a Class C2 felony, and shall be punished in
5 accordance with the provisions of Section 17 of this act.

6 SECTION 232. AMENDATORY 21 O.S. 2021, Section 1021, is
7 amended to read as follows:

8 Section 1021. A. Every person who willfully and knowingly
9 either:

10 1. Lewdly exposes his or her person or genitals in any public
11 place, or in any place where there are present other persons to be
12 offended or annoyed thereby; provided, however, for purposes of this
13 section, a person alleged to have committed an act of public
14 urination shall be prosecuted pursuant to Section 22 of this title
15 unless such act was accompanied with another act that violates
16 paragraphs 2 through 4 of this subsection and shall not be subject
17 to registration under the Sex Offenders Registration Act;

18 2. Procures, counsels, or assists any person to expose such
19 person, or to make any other exhibition of such person to public
20 view or to the view of any number of persons, for the purpose of
21 sexual stimulation of the viewer;

22 3. Writes, composes, stereotypes, prints, photographs, designs,
23 copies, draws, engraves, paints, molds, cuts, or otherwise prepares,
24 publishes, sells, distributes, keeps for sale, knowingly downloads

1 on a computer, or exhibits any obscene material or child
2 pornography; or

3 4. Makes, prepares, cuts, sells, gives, loans, distributes,
4 keeps for sale, or exhibits any disc record, metal, plastic, or wax,
5 wire or tape recording, or any type of obscene material or child
6 pornography,

7 shall be guilty, upon conviction, of a Class B3 felony and shall be
8 ~~punished by the imposition of a fine of not less than Five Hundred~~
9 ~~Dollars (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00)~~
10 ~~or by imprisonment for not less than thirty (30) days nor more than~~
11 ~~ten (10) years~~ in accordance with the provisions of Section 12 of
12 this act, ~~or by both such fine and imprisonment.~~

13 B. Every person who:

14 1. Willfully solicits or aids a minor child to perform; or

15 2. Shows, exhibits, loans, or distributes to a minor child any
16 obscene material or child pornography for the purpose of inducing
17 said minor to participate in,

18 any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this
19 section shall be guilty of a Class A1 felony, upon conviction, and
20 shall be punished by imprisonment in the custody of the Department
21 of Corrections for not less than ten (10) years nor more than thirty
22 (30) years, except when the minor child is under twelve (12) years
23 of age at the time the offense is committed, and in such case the
24 person shall, upon conviction, be punished by imprisonment in the

1 custody of the Department of Corrections for not less than twenty-
2 five (25) years.

3 C. Persons convicted under this section shall not be eligible
4 for a deferred sentence.

5 D. Except for persons sentenced to life or life without parole,
6 any person sentenced to imprisonment for two (2) years or more for a
7 violation of this section shall be required to serve a term of post-
8 imprisonment supervision pursuant to subparagraph f of paragraph 1
9 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
10 under conditions determined by the Department of Corrections. The
11 jury shall be advised that the mandatory post-imprisonment
12 supervision shall be in addition to the actual imprisonment.

13 E. For purposes of this section, "downloading on a computer"
14 means electronically transferring an electronic file from one
15 computer or electronic media to another computer or electronic
16 media.

17 SECTION 233. AMENDATORY 21 O.S. 2021, Section 1021.2, is
18 amended to read as follows:

19 Section 1021.2. A. Any person who shall procure or cause the
20 participation of any minor under the age of eighteen (18) years in
21 any child pornography or who knowingly possesses, procures, or
22 manufactures, or causes to be sold or distributed any child
23 pornography shall be guilty, upon conviction, of a Class B1 felony
24 and shall be punished by imprisonment for not more than twenty (20)

1 years or by the imposition of a fine of not more than Twenty-five
2 Thousand Dollars (\$25,000.00) or by both said fine and imprisonment.
3 Persons convicted under this section shall not be eligible for a
4 deferred sentence. Except for persons sentenced to life or life
5 without parole, any person sentenced to imprisonment for two (2)
6 years or more for a violation of this subsection shall be required
7 to serve a term of post-imprisonment supervision pursuant to
8 subparagraph f of paragraph 1 of subsection A of Section 991a of
9 Title 22 of the Oklahoma Statutes under conditions determined by the
10 Department of Corrections. The jury shall be advised that the
11 mandatory post-imprisonment supervision shall be in addition to the
12 actual imprisonment.

13 B. The consent of the minor, or of the mother, father, legal
14 guardian, or custodian of the minor to the activity prohibited by
15 this section shall not constitute a defense.

16 SECTION 234. AMENDATORY 21 O.S. 2021, Section 1021.3, is
17 amended to read as follows:

18 Section 1021.3. A. Any parent, guardian or individual having
19 custody of a minor under the age of eighteen (18) years who
20 knowingly permits or consents to the participation of a minor in any
21 child pornography shall be guilty of a Class A2 felony and, upon
22 conviction, shall be imprisoned in the custody of the Department of
23 Corrections for a period of not more than twenty (20) years or a
24 fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or

1 by both such fine and imprisonment. Persons convicted under this
2 section shall not be eligible for a deferred sentence. Except for
3 persons sentenced to life or life without parole, any person
4 sentenced to imprisonment for two (2) years or more for a violation
5 of this subsection shall be required to serve a term of post-
6 imprisonment supervision pursuant to subparagraph f of paragraph 1
7 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
8 under conditions determined by the Department of Corrections. The
9 jury shall be advised that the mandatory post-imprisonment
10 supervision shall be in addition to the actual imprisonment.

11 B. The consent of the minor to the activity prohibited by this
12 section shall not constitute a defense.

13 SECTION 235. AMENDATORY 21 O.S. 2021, Section 1024.2, is
14 amended to read as follows:

15 Section 1024.2. It shall be unlawful for any person to buy,
16 procure or possess child pornography in violation of Sections 1024.1
17 through 1024.4 of this title. Such person shall, upon conviction,
18 be guilty of a Class A2 felony and shall be imprisoned for a period
19 of not more than twenty (20) years or a fine up to, but not
20 exceeding, Twenty-five Thousand Dollars (\$25,000.00), or by both
21 such fine and imprisonment.

22 SECTION 236. AMENDATORY 21 O.S. 2021, Section 1031, is
23 amended to read as follows:

24

1 Section 1031. A. Except as provided in subsection B or C of
2 this section, any person violating any of the provisions of Section
3 1028, 1029 or 1030 of this title shall be guilty of a misdemeanor
4 and, upon conviction, shall be punished by imprisonment in the
5 county jail for not less than thirty (30) days nor more than one (1)
6 year or by fines as follows: a fine of not more than Two Thousand
7 Five Hundred Dollars (\$2,500.00) upon the first conviction for
8 violation of any of such provisions, a fine of not more than Five
9 Thousand Dollars (\$5,000.00) upon the second conviction for
10 violation of any of such provisions, and a fine of not more than
11 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or
12 subsequent convictions for violation of any of such provisions, or
13 by both such imprisonment and fine. In addition, the court may
14 require a term of community service of not less than forty (40) nor
15 more than eighty (80) hours. The court in which any such conviction
16 is had shall notify the county superintendent of public health of
17 such conviction.

18 B. Any person who engages in an act of prostitution with
19 knowledge that they are infected with the human immunodeficiency
20 virus shall be guilty of a Class D1 felony punishable by
21 imprisonment in the custody of the Department of Corrections for not
22 more than five (5) years and shall be punished in accordance with
23 the provisions of Section 18 of this act.

24

1 C. Any person who engages in an act of child prostitution, as
2 defined in Section 1030 of this title, shall, upon conviction, be
3 guilty of a Class B1 felony punishable by imprisonment in the
4 custody of the Department of Corrections for not more than ten (10)
5 years and by fines as follows: a fine of not more than Five
6 Thousand Dollars (\$5,000.00) upon the first conviction, a fine of
7 not more than Ten Thousand Dollars (\$10,000.00) upon the second
8 conviction, and a fine of not more than Fifteen Thousand Dollars
9 (\$15,000.00) upon the third or subsequent convictions.

10 D. Any person violating any of the provisions of Section 1028,
11 1029 or 1030 of this title within one thousand (1,000) feet of a
12 school or church shall be guilty of a Class B1 felony and, upon
13 conviction, shall be punished by imprisonment in the custody of the
14 Department of Corrections for not more than five (5) years or by
15 fines as follows: a fine of not more than Two Thousand Five Hundred
16 Dollars (\$2,500.00) upon the first conviction for violation of any
17 of such provisions, a fine of not more than Five Thousand Dollars
18 (\$5,000.00) upon the second conviction for violation of any of such
19 provisions, and a fine of not more than Seven Thousand Five Hundred
20 Dollars (\$7,500.00) upon the third or subsequent convictions for
21 violation of any of such provisions, or by both such imprisonment
22 and fine. In addition, the court may require a term of community
23 service of not less than forty (40) nor more than eighty (80) hours.

24

1 The court in which any such conviction is had shall notify the
2 county superintendent of public health of such conviction.

3 SECTION 237. AMENDATORY 21 O.S. 2021, Section 1040.8, is
4 amended to read as follows:

5 Section 1040.8. A. No person shall knowingly photograph, act
6 in, pose for, model for, print, sell, offer for sale, give away,
7 exhibit, publish, offer to publish, or otherwise distribute,
8 display, or exhibit any book, magazine, story, pamphlet, paper,
9 writing, card, advertisement, circular, print, picture, photograph,
10 motion picture film, electronic video game or recording, image,
11 cast, slide, figure, instrument, statue, drawing, presentation, or
12 other article which is obscene material or child pornography, as
13 defined in Section 1024.1 of this title. In the case of any
14 unsolicited mailing of any of the material listed in this section,
15 the offense is deemed complete from the time such material is
16 deposited in any post office or delivered to any person with intent
17 that it shall be forwarded. Also, unless preempted by federal law,
18 no unsolicited mail which is harmful to minors pursuant to Section
19 1040.75 of this title shall be mailed to any person. The party
20 mailing the materials specified in this section may be indicted and
21 tried in any county wherein such material is deposited or delivered,
22 or in which it is received by the person to whom it is addressed.

23 B. Any person who violates any provision of this section
24 involving obscene materials, upon conviction, shall be guilty of a

1 misdemeanor and shall be punished by imprisonment in the county jail
2 for not more than one (1) year, or by a fine of not less than Two
3 Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

4 C. Any person who violates any provision of this section
5 involving child pornography, upon conviction, shall be guilty of a
6 Class B2 felony and shall be punished by ~~imprisonment in the custody~~
7 ~~of the Department of Corrections for not less than three (3) years~~
8 ~~and not more than twenty (20) years~~ in accordance with the
9 provisions of Section 11 of this act, ~~or by a fine of not less than~~
10 ~~Ten Thousand Dollars (\$10,000.00), or by both such fine and~~
11 ~~imprisonment. Any person convicted of a second or subsequent~~
12 ~~violation shall, upon conviction, be punished by imprisonment in the~~
13 ~~custody of the Department of Corrections for not less than ten (10)~~
14 ~~years and not more than thirty (30) years, or by a fine of not less~~
15 ~~than Twenty Thousand Dollars (\$20,000.00), or by both such fine and~~
16 ~~imprisonment. The violator, upon conviction, shall be required to~~
17 register as a sex offender under the Sex Offenders Registration Act.

18 SECTION 238. AMENDATORY 21 O.S. 2021, Section 1040.12a,
19 is amended to read as follows:

20 Section 1040.12a. A. Any person who, with knowledge of its
21 contents, possesses one hundred (100) or more separate materials
22 depicting child pornography shall be, upon conviction, guilty of
23 aggravated possession of child pornography, a Class A2 felony. The
24 violator shall be punished by imprisonment in the custody of the

1 Department of Corrections for a term not exceeding life imprisonment
2 and by a fine in an amount not more than Ten Thousand Dollars
3 (\$10,000.00). The violator, upon conviction, shall be required to
4 register as a sex offender under the Sex Offenders Registration Act.

5 B. For purposes of this section:

6 1. Multiple copies of the same identical material shall each be
7 counted as a separate item;

8 2. The term "material" means the same definition provided by
9 Section 1040.75 of Title 21 of the Oklahoma Statutes and, in
10 addition, includes all digital and computerized images and
11 depictions; and

12 3. The term "child pornography" means the same definition
13 provided by Section 1040.80 of Title 21 of the Oklahoma Statutes
14 and, in addition, includes sexual conduct, sexual excitement,
15 sadomasochistic abuse, and performance of material harmful to minors
16 where a minor is present or depicted as such terms are defined in
17 Section 1040.75 of Title 21 of the Oklahoma Statutes.

18 SECTION 239. AMENDATORY 21 O.S. 2021, Section 1040.13,
19 is amended to read as follows:

20 Section 1040.13. Every person who, with knowledge of its
21 contents, sends, brings, or causes to be sent or brought into this
22 state for sale or commercial distribution, or in this state
23 prepares, sells, exhibits, commercially distributes, gives away,
24 offers to give away, or has in his possession with intent to sell,

1 to commercially distribute, to exhibit, to give away, or to offer to
2 give away any obscene material or child pornography or gives
3 information stating when, where, how, or from whom, or by what means
4 obscene material or child pornography can be purchased or obtained,
5 upon conviction, is guilty of a Class B4 felony and shall be
6 ~~punished by imprisonment for not more than ten (10) years in prison~~
7 ~~or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or~~
8 ~~by both such imprisonment and fine~~ in accordance with the provisions
9 of Section 13 of this act.

10 SECTION 240. AMENDATORY 21 O.S. 2021, Section 1040.13a,
11 is amended to read as follows:

12 Section 1040.13a. A. It is unlawful for any person to
13 facilitate, encourage, offer or solicit sexual conduct with a minor,
14 or other individual the person believes to be a minor, by use of any
15 technology, or to engage in any communication for sexual or prurient
16 interest with any minor, or other individual the person believes to
17 be a minor, by use of any technology. For purposes of this
18 subsection, "by use of any technology" means the use of any
19 telephone or cell phone, computer disk (CD), digital video disk
20 (DVD), recording or sound device, CD-ROM, VHS, computer, computer
21 network or system, Internet or World Wide Web address including any
22 blog site or personal web address, e-mail address, Internet Protocol
23 address (IP), text messaging or paging device, any video, audio,
24 photographic or camera device of any computer, computer network or

1 system, cell phone, any other electrical, electronic, computer or
2 mechanical device, or any other device capable of any transmission
3 of any written or text message, audio or sound message,
4 photographic, video, movie, digital or computer-generated image, or
5 any other communication of any kind by use of an electronic device.

6 B. A person is guilty of violating the provisions of this
7 section if the person knowingly transmits any prohibited
8 communication by use of any technology defined herein, or knowingly
9 prints, publishes or reproduces by use of any technology described
10 herein any prohibited communication, or knowingly buys, sells,
11 receives, exchanges, or disseminates any prohibited communication or
12 any information, notice, statement, website, or advertisement for
13 communication with a minor or access to any name, telephone number,
14 cell phone number, e-mail address, Internet address, text message
15 address, place of residence, physical characteristics or other
16 descriptive or identifying information of a minor, or other
17 individual the person believes to be a minor.

18 C. The fact that an undercover operative or law enforcement
19 officer was involved in the detection and investigation of an
20 offense pursuant to this section shall not constitute a defense to a
21 prosecution under this section.

22 D. Any violation of the provisions of this section shall be a
23 Class B4 felony, punishable ~~by a fine in an amount not to exceed Ten~~
24 ~~Thousand Dollars (\$10,000.00), or by imprisonment in the custody of~~

1 ~~the Department of Corrections for a term of not more than ten (10)~~
2 ~~years~~ in accordance with the provisions of Section 13 of this act,
3 or by both such fine and imprisonment. For purposes of this
4 section, each communication shall constitute a separate offense.
5 Except for persons sentenced to life or life without parole, any
6 person sentenced to imprisonment for two (2) years or more for a
7 violation of this section shall be required to serve a term of post-
8 imprisonment supervision pursuant to subparagraph f of paragraph 1
9 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
10 under conditions determined by the Department of Corrections. The
11 jury shall be advised that the mandatory post-imprisonment
12 supervision shall be in addition to the actual imprisonment.

13 E. For purposes of any criminal prosecution pursuant to any
14 violation of this section, the person violating the provisions of
15 this section shall be deemed to be within the jurisdiction of this
16 state by the fact of accessing any computer, cellular phone or other
17 computer-related or satellite-operated device in this state,
18 regardless of the actual jurisdiction where the violator resides.

19 SECTION 241. AMENDATORY 21 O.S. 2021, Section 1040.13b,
20 is amended to read as follows:

21 Section 1040.13b. A. As used in this section:

22 1. "Image" includes a photograph, film, videotape, digital
23 recording or other depiction or portrayal of an object, including a
24 human body;

1 2. "Intimate parts" means the fully unclothed, partially
2 unclothed or transparently clothed genitals, pubic area or female
3 adult nipple; and

4 3. "Sexual act" means sexual intercourse including genital,
5 anal or oral sex.

6 B. A person commits nonconsensual dissemination of private
7 sexual images when he or she:

8 1. Intentionally disseminates an image of another person:

9 a. who is at least eighteen (18) years of age,

10 b. who is identifiable from the image itself or
11 information displayed in connection with the image,
12 and

13 c. who is engaged in a sexual act or whose intimate parts
14 are exposed, in whole or in part;

15 2. Disseminates the image with the intent to harass, intimidate
16 or coerce the person, or under circumstances in which a reasonable
17 person would know or understand that dissemination of the image
18 would harass, intimidate or coerce the person;

19 3. Obtains the image under circumstances in which a reasonable
20 person would know or understand that the image was to remain
21 private; and

22 4. Knows or a reasonable person should have known that the
23 person in the image has not consented to the dissemination.
24

1 C. The provisions of this section shall not apply to the
2 intentional dissemination of an image of another identifiable person
3 who is engaged in a sexual act or whose intimate parts are exposed
4 when:

5 1. The dissemination is made for the purpose of a criminal
6 investigation that is otherwise lawful;

7 2. The dissemination is for the purpose of, or in connection
8 with, the reporting of unlawful conduct;

9 3. The images involve voluntary exposure in public or
10 commercial settings; or

11 4. The dissemination serves a lawful purpose.

12 D. Nothing in this section shall be construed to impose
13 liability upon the following entities solely as a result of content
14 or information provided by another person:

15 1. An interactive computer service, as defined in 47 U.S.C.,
16 Section 230(f)(2);

17 2. A wireless service provider, as defined in Section 332(d) of
18 the Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq.,
19 Federal Communications Commission rules, and the Omnibus Budget
20 Reconciliation Act of 1993, Pub. L. No. 103-66; or

21 3. A telecommunications network or broadband provider.

22 E. A person convicted under this section is subject to the
23 forfeiture provisions in Section 1040.54 of this title.

24

1 F. Any person who violates the provisions of this section shall
2 be guilty of a misdemeanor punishable by imprisonment in a county
3 jail for not more than one (1) year or by a fine ~~of~~ not more than
4 One Thousand Dollars (\$1,000.00), or both such fine and
5 imprisonment.

6 G. Any person who violates the provisions of this section and
7 who gains or attempts to gain financially or who gains or attempts
8 to gain anything of value as a result of the nonconsensual
9 dissemination of private sexual images shall be guilty of a Class D1
10 ~~felony punishable by imprisonment in the custody of the Department~~
11 ~~of Corrections for not more than four (4) years~~ and shall be
12 punished in accordance with the provisions of Section 18 of this
13 act. A second or subsequent violation of this subsection shall be a
14 felony punishable by imprisonment in the custody of the Department
15 of Corrections for not more than ten (10) years and the offender
16 shall be required to register as a sex offender under the Sex
17 Offenders Registration Act.

18 H. The state shall not have the discretion to file a
19 misdemeanor charge, pursuant to Section 234 of Title 22 of the
20 Oklahoma Statutes, for a violation pursuant to subsection G of this
21 section.

22 I. The court shall have the authority to order the defendant to
23 remove the disseminated image should the court find it is in the
24 power of the defendant to do so.

1 SECTION 242. AMENDATORY 21 O.S. 2021, Section 1040.80,
2 is amended to read as follows:

3 Section 1040.80. A. As used in this section, the term:

4 1. "Interactive computer service provider" means any provider
5 to the public of computer access via the Internet to a computer
6 server or similar device used for the storage of graphic, video or
7 images;

8 2. "Internet" means the international computer network of both
9 federal and nonfederal interoperable packet-switched data networks;

10 3. "Controlled or owned by" with respect to a server or other
11 storage device means a server or other such device that is entirely
12 owned by the interactive computer service provider or is subject to
13 exclusive management by the interactive computer service provider by
14 agreement or otherwise; and

15 4. "Child pornography" means explicit child pornography as
16 defined in Section 1024.1 of Title 21 of the Oklahoma Statutes.

17 B. The Attorney General or a law enforcement officer who
18 receives information that an item of alleged child pornography
19 resides on a server or other storage device controlled or owned by
20 an interactive computer service provider shall:

21 1. Contact the interactive computer service provider that
22 controls or owns the server or other storage device where the item
23 of alleged child pornography is located;

24

1 2. Inform the interactive computer service provider of the
2 provisions of this section; and

3 3. Request that the interactive computer service provider
4 voluntarily comply with this section and remove the item of alleged
5 child pornography from its server or other storage device
6 expeditiously.

7 C. 1. If an interactive computer service does not voluntarily
8 remove the item of alleged child pornography in a timely manner, the
9 Attorney General or law enforcement officer shall apply for a court
10 order of authorization to remove the item of alleged child
11 pornography under this section. The obligation to remove the item
12 of alleged child pornography shall not apply to the transmitting or
13 routing of, or the intermediate, temporary storage or caching of an
14 image, information or data that is otherwise subject to this
15 section.

16 2. The application for a court order shall include:

17 a. the authority of the applicant to make such an
18 application,

19 b. the identity and qualifications of the investigative
20 or law enforcement officer or agency that, in the
21 official scope of that officer's duties or agency's
22 authority, discovered the images, information, or
23 data,

24

1 c. a particular statement of the facts relied upon by the
2 applicant, including:

3 (1) the identity of the interactive computer service,

4 (2) identification of the item of alleged child
5 pornography discovered on the server or other

6 storage device controlled or owned by an
7 interactive computer service provider,

8 (3) the particular images, information, or data to be
9 removed or to which access is to be disabled

10 identified by uniform resource locator (URL) or
11 Internet protocol (IP) address, a statement

12 certifying that such content resides on a server
13 or storage device controlled or owned by such
14 interactive computer service provider, and

15 (4) the steps taken to obtain voluntary compliance by
16 such interactive computer service provider with
17 the requirements of this act prior to filing the
18 application,

19 d. such additional testimony and documentary evidence in
20 support of the application as the judge may require,
21 and

22 e. a showing that there is probable cause to believe that
23 the child pornography items constitutes a violation of
24 this section.

1 D. The Attorney General shall notify the interactive computer
2 service provider which is identified in the court's order in
3 accordance with the provisions of this section. The Attorney
4 General shall notify an interactive computer service provider upon
5 the issuance of an order authorizing the removal of the items of
6 alleged child pornography.

- 7 1. The notice by the Attorney General shall include:
- 8 a. a copy of the application made pursuant to subsection
9 C of this section,
 - 10 b. a copy of the court order issued pursuant to
11 subsection K of this section,
 - 12 c. notification that the interactive computer service
13 shall remove the item of alleged child pornography
14 contained in the order which resides on a server or
15 other storage device controlled or owned by such
16 interactive service provider and which are accessible
17 to persons located within this state expeditiously
18 after receipt of the notification,
 - 19 d. notification of the criminal penalties for failure to
20 remove the item of child pornography,
 - 21 e. notification of the right to appeal the court's order,
22 and
 - 23 f. contact information for the Attorney General's Office.
- 24

1 2. An interactive computer service may designate an agent
2 within the state to receive notification pursuant to this section.

3 E. The interactive computer service provider has the right to
4 request a hearing before the court imposes any penalty under this
5 section.

6 F. Nothing in this section may be construed as imposing a duty
7 on an interactive computer service provider to actively monitor its
8 service or affirmatively seek evidence of illegal activity on its
9 service.

10 G. Notwithstanding any other provision of law to the contrary,
11 any interactive computer service provider that intentionally
12 violates subsection L of this section commits:

13 1. A misdemeanor for a first offense punishable by a fine of
14 One Thousand Dollars (\$1,000.00);

15 2. A misdemeanor of a high and aggravated nature for a second
16 offense punishable by a fine of Five Thousand Dollars (\$5,000.00);
17 and

18 3. A Class D1 felony for a third or subsequent offense
19 punishable ~~by a fine of Thirty Thousand Dollars (\$30,000.00) and~~
20 ~~imprisonment for a maximum of five (5) years~~ in accordance with the
21 provisions of Section 18 of this act.

22 H. The Attorney General shall have concurrent prosecutorial
23 jurisdiction with a district attorney for violation of this section.

24

1 I. The removal of the alleged item of child pornography which
2 resides on a server or other storage device, shall not, to the
3 extent possible, interfere with any request of a law enforcement
4 agency to preserve records or other evidence, which may be kept by
5 the interactive computer service provider in the normal course of
6 business.

7 J. Upon consideration of an application for authorization to
8 remove the item of alleged child pornography that resides on a
9 server or other storage device controlled or owned by an interactive
10 computer service provider as set forth in subsection C of this
11 section, the judge may enter an ex parte order, as requested or as
12 modified, authorizing the removal of the item of alleged child
13 pornography, if the court determines on the basis of the facts
14 submitted by the applicant that there is or was probable cause for
15 belief that:

16 1. The item of alleged child pornography constitutes evidence
17 of an act in violation of this section;

18 2. The investigative or law enforcement officer or agency acted
19 within the official scope of that officer's duties or agency's
20 authority, in discovering the images, information, or data and has
21 complied with the requirements of subsection I and subsection K of
22 this section;

23 3. An item of alleged child pornography resides on the server
24 or other storage device controlled or owned by the interactive

1 computer service provider and is accessible to persons located in
2 the state; and

3 4. In the case of an application, other than a renewal or
4 extension, for an order removing the item of alleged child
5 pornography which was the subject of a previous order authorizing
6 the removal or disabling of access, the application is based upon
7 new evidence or information different from and in addition to the
8 evidence or information offered to support the prior order.

9 K. Each order authorizing the removal or disabling of access to
10 an alleged item of child pornography shall contain:

11 1. The name of the judge authorized to issue the order;

12 2. A particular description of the images, information, or data
13 to be removed or access to such disabled, identified by a URL or IP
14 address, and a statement of the particular violation of the section
15 to which the images, information, or data relate;

16 3. The identity of the investigative or law enforcement officer
17 or agency who discovered the images, information, or data and the
18 identity of whoever authorized the application; and

19 4. Such additional information or instruction as the court
20 deems necessary to execute the order.

21 L. The court shall review the application and testimony, if
22 offered, and, upon a finding of probable cause, issue an order that:

23

24

1 1. An item of child pornography resides on a server or other
2 storage device controlled by the interactive computer service
3 provider and is accessible to persons located in the state;

4 2. The interactive computer service provider shall remove the
5 item residing on a server or other storage device controlled or
6 owned by the interactive computer service provider expeditiously
7 after receiving the order, if practical;

8 3. The order shall specify that removal of any item covered by
9 the order shall be accomplished in a fashion that prevents or
10 minimizes the removal of, or restriction of access to, images,
11 information, or data that are not subject to the order;

12 4. Failure of the interactive computer service provider to
13 comply with the court's order is a violation of this section;

14 5. The removal of the item on the server or other storage
15 device controlled or owned by the interactive computer service
16 provider may not unreasonably interfere with a request by a law
17 enforcement agency to preserve records for a reasonable period and
18 in accordance with law; and

19 6. Provides the interactive computer service provider notice
20 and opportunity for a hearing before the court imposes any penalty
21 under this subsection.

22 M. An interactive computer service provider who is served with
23 a court order under subsection L of this section shall remove the
24

1 item of child pornography that is the subject of the order
2 expeditiously after receiving the court order, if practicable.

3 N. 1. An interactive service provider may petition the court
4 for relief for cause from an order issued under subsection L of this
5 section.

6 2. The petition may be based on considerations of:

7 a. the cost or technical feasibility of compliance with
8 the order, or

9 b. the inability of the interactive computer service
10 provider to comply with the order without also
11 removing data, images or information that are not
12 subject to this section.

13 SECTION 243. AMENDATORY 21 O.S. 2021, Section 1053, is
14 amended to read as follows:

15 Section 1053. Any person who contrives, prepares, sets up,
16 proposes or draws any lottery shall be guilty of a Class D3 felony,
17 and upon conviction shall be punishable by a fine equal to double
18 the amount of the whole sum or value for which such lottery was
19 made, and if such amount cannot be ascertained, then, by
20 imprisonment in the State Penitentiary not exceeding two (2) years
21 or by imprisonment in a county jail not exceeding one (1) year, or
22 by a fine of Two Thousand Five Hundred Dollars (\$2,500.00), or by
23 both such fine and imprisonment in accordance with the provisions of
24 Section 20 of this act.

1 SECTION 244. AMENDATORY 21 O.S. 2021, Section 1068, is
2 amended to read as follows:

3 Section 1068. Any person violating the provisions of Section
4 1066 or 1067 of this title shall, upon conviction thereof, be guilty
5 of a Class D3 felony and be punished ~~by a fine of not less than One~~
6 ~~Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars~~
7 ~~(\$5,000.00), or by imprisonment for a term not exceeding two (2)~~
8 ~~years in the State Penitentiary, or by both such fine and~~
9 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
10 act.

11 SECTION 245. AMENDATORY 21 O.S. 2021, Section 1073, is
12 amended to read as follows:

13 Section 1073. Any person who promotes a pyramid promotional
14 scheme shall be guilty of a Class B4 felony and, upon conviction,
15 shall be punishable ~~by a fine of not more than Ten Thousand Dollars~~
16 ~~(\$10,000.00), or by imprisonment in the State Penitentiary for not~~
17 ~~more than ten (10) years, or by both such fine and imprisonment, for~~
18 ~~each violation of this act~~ in accordance with the provisions of
19 Section 13 of this act.

20 SECTION 246. AMENDATORY 21 O.S. 2021, Section 1081, is
21 amended to read as follows:

22 Section 1081. Any person who shall procure any other person for
23 prostitution, or who, by promise, threats, violence or by any device
24 or scheme shall cause, induce, persuade or encourage another person

1 to become a prostitute; or shall procure a place as inmate in a
2 house of prostitution for another person; or who shall, by promise,
3 threats, violence, or by any device or scheme cause, induce,
4 persuade or encourage an inmate of a house of prostitution to remain
5 therein as such inmate; or who shall, by fraud, or artifice, or by
6 duress of person or goods, or by abuse of any position of confidence
7 or authority procure any other person to become a prostitute, or to
8 enter any place in which prostitution is encouraged or allowed
9 within this state, or to come into this state or leave this state
10 for the purpose of prostitution, or who shall procure any other
11 person, who has not previously practiced prostitution to become a
12 prostitute within this state, or to come into this state or leave
13 this state for the purpose of prostitution; or shall receive or give
14 or agree to receive or give any money or thing of value for
15 procuring or attempting to procure any other person to become an
16 inmate of a house of prostitution within this state, or to come into
17 this state or leave this state for the purpose of prostitution,
18 shall be guilty of pandering, and upon conviction for any offense
19 under this article shall be guilty of a Class B2 felony and shall be
20 ~~punished by imprisonment in the State Penitentiary for a period of~~
21 ~~not less than two (2) years nor more than twenty (20) years in~~
22 accordance with the provisions of Section 11 of this act ~~and by~~
23 ~~finer as follows: a fine of not less than One Thousand Dollars~~
24 ~~(\$1,000.00) and not more than Three Thousand Dollars (\$3,000.00)~~

1 ~~upon the first conviction for such offense, a fine of not less than~~
2 ~~Three Thousand Dollars (\$3,000.00) and not more than Six Thousand~~
3 ~~Dollars (\$6,000.00) upon the second conviction, and a fine of not~~
4 ~~less than Six Thousand Dollars (\$6,000.00) and not more than Nine~~
5 ~~Thousand Dollars (\$9,000.00) for the third or subsequent convictions~~
6 ~~for such offense.~~

7 SECTION 247. AMENDATORY 21 O.S. 2021, Section 1085, is
8 amended to read as follows:

9 Section 1085. Whoever shall by any means keep, hold, detain, or
10 restrain against her will, any female person in a house of
11 prostitution or other place where prostitution is practiced or
12 allowed; or whoever shall, directly or indirectly keep, hold, detain
13 or restrain or attempt to keep, hold, detain or restrain, in any
14 house of prostitution or other place where prostitution is practiced
15 or allowed, any female person by any means for the purpose of
16 compelling such female person, directly or indirectly to pay,
17 liquidate or cancel any debt, dues or obligations incurred or said
18 to have been incurred by such female person, shall upon conviction
19 be guilty of a Class B2 felony and shall be punished ~~by imprisonment~~
20 ~~in the State Penitentiary for a period of not less than two (2)~~
21 ~~years nor more than twenty (20) years, and by a fine of not less~~
22 ~~than Three Hundred Dollars (\$300.00) and not more than One Thousand~~
23 ~~Dollars (\$1,000.00) in accordance with the provisions of Section 11~~
24 of this act.

1 SECTION 248. AMENDATORY 21 O.S. 2021, Section 1086, is
2 amended to read as follows:

3 Section 1086. Any owner, proprietor, keeper, manager,
4 conductor, or other person, who knowingly permits or suffers the
5 violation of any provision of this article, in any house, building,
6 room, tent, lot or premises under his control or of which he has
7 possession, upon conviction, shall be punished for the first offense
8 by imprisonment within the county jail for a period ~~of~~ not less than
9 six (6) months nor more than one (1) year, and by a fine ~~of~~ not more
10 than Three Hundred Dollars (\$300.00), and upon conviction for any
11 subsequent offense under this article shall be guilty of a Class B4
12 felony and shall be punished ~~by imprisonment in the State~~
13 ~~Penitentiary for a period of not less than one (1) year nor more~~
14 ~~than ten (10) years~~ in accordance with the provisions of Section 13
15 of this act.

16 SECTION 249. AMENDATORY 21 O.S. 2021, Section 1087, is
17 amended to read as follows:

18 Section 1087. A. No person shall:

19 1. Offer, or offer to secure, a child under eighteen (18) years
20 of age for the purpose of prostitution, or for any other lewd or
21 indecent act, or procure or offer to procure a child for, or a place
22 for a child as an inmate in, a house of prostitution or other place
23 where prostitution is practiced;

24

1 2. Receive or to offer or agree to receive any child under
2 eighteen (18) years of age into any house, place, building, other
3 structure, vehicle, trailer, or other conveyance for the purpose of
4 prostitution, lewdness, or assignation, or to permit any person to
5 remain there for such purpose; or

6 3. Direct, take, or transport, or to offer or agree to take or
7 transport, or aid or assist in transporting, any child under
8 eighteen (18) years of age to any house, place, building, other
9 structure, vehicle, trailer, or other conveyance, or to any other
10 person with knowledge or having reasonable cause to believe that the
11 purpose of such directing, taking, or transporting is prostitution,
12 lewdness, or assignation.

13 B. 1. Any person violating the provisions of paragraph 1 of
14 subsection A of this section shall, upon conviction, be guilty of a
15 Class B4 felony punishable by imprisonment of not less than one (1)
16 year nor more than ten (10) years and shall be punished in
17 accordance with the provisions of Section 13 of this act. Any
18 person violating the provisions of paragraph 2 or 3 of subsection A
19 of this section shall, upon conviction, be guilty of a Class B1
20 felony and shall be punished in accordance with the provisions of
21 Section 10 of this act.

22 2. Any owner, proprietor, keeper, manager, conductor, or other
23 person who knowingly permits any violation of this section in any
24 house, building, room, or other premises or any conveyances under

1 his control or of which he has possession shall, upon conviction for
2 the first offense, be guilty of a ~~misdemeanor and punishable by~~
3 ~~imprisonment in the county jail for a period of not less than six~~
4 ~~(6) months nor more than one (1) year, and by a fine of not less~~
5 ~~than Five Hundred Dollars (\$500.00) nor more than Five Thousand~~
6 ~~Dollars (\$5,000.00). Upon conviction for a subsequent offense~~
7 ~~pursuant to this subsection such person shall be guilty of a Class~~
8 ~~B1 felony and shall be punished by imprisonment in the custody of~~
9 ~~the Department of Corrections for a period of not less than one (1)~~
10 ~~year nor more than ten (10) years, or by a fine of not less than~~
11 ~~Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand~~
12 ~~Dollars (\$25,000.00) or by both such fine and imprisonment in~~
13 ~~accordance with the provisions of Section 10 of this act.~~

14 C. Except for persons sentenced to life or life without parole,
15 any person sentenced to imprisonment for two (2) years or more for a
16 violation of this section shall be required to serve a term of post-
17 imprisonment supervision pursuant to subparagraph f of paragraph 1
18 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
19 under conditions determined by the Department of Corrections. The
20 jury shall be advised that the mandatory post-imprisonment
21 supervision shall be in addition to the actual imprisonment.

22 SECTION 250. AMENDATORY 21 O.S. 2021, Section 1088, is
23 amended to read as follows:

24 Section 1088. A. No person shall:

1 1. By promise, threats, violence, or by any device or scheme,
2 including but not limited to the use of any controlled dangerous
3 substance prohibited pursuant to the provisions of the Uniform
4 Controlled Dangerous Substances Act, cause, induce, persuade, or
5 encourage a child under eighteen (18) years of age to engage or
6 continue to engage in prostitution or to become or remain an inmate
7 of a house of prostitution or other place where prostitution is
8 practiced;

9 2. Keep, hold, detain, restrain, or compel against his or her
10 will, any child under eighteen (18) years of age to engage in the
11 practice of prostitution or in a house of prostitution or other
12 place where prostitution is practiced or allowed; or

13 3. Directly or indirectly keep, hold, detain, restrain, or
14 compel or attempt to keep, hold, detain, restrain, or compel a child
15 under eighteen (18) years of age to engage in the practice of
16 prostitution or in a house of prostitution or any place where
17 prostitution is practiced or allowed for the purpose of compelling
18 such child to directly or indirectly pay, liquidate, or cancel any
19 debt, dues, or obligations incurred, or said to have been incurred
20 by such child.

21 B. 1. Any person violating the provisions of paragraphs 1, 2
22 or 3 of subsection A of this section ~~other than paragraph 2 of this~~
23 ~~subsection,~~ upon conviction, shall be guilty of a Class B1 felony
24 ~~punishable by imprisonment for not less than one (1) year nor more~~

1 ~~than twenty five (25) years, and by a fine of not less than Five~~
2 ~~Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand~~
3 ~~Dollars (\$25,000.00) accordance with the provisions of Section 10 of~~
4 ~~this act.~~

5 2. Any owner, proprietor, keeper, manager, conductor, or other
6 person who knowingly permits a violation of this section in any
7 house, building, room, tent, lot or premises under his or her
8 control or of which ~~he~~ the person has possession, upon conviction
9 ~~for the first offense, shall be guilty of a misdemeanor punishable~~
10 ~~by imprisonment in the county jail for a period of not less than six~~
11 ~~(6) months nor more than one (1) year, and by a fine of not more~~
12 ~~than Five Thousand Dollars (\$5,000.00). Upon conviction for a~~
13 ~~subsequent offense pursuant to the provisions of this subsection~~
14 ~~such person shall be guilty of a Class B1 felony punishable by~~
15 ~~imprisonment for a period of not less than one (1) year nor more~~
16 ~~than ten (10) years, and by a fine of not less than Five Thousand~~
17 ~~Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars~~
18 ~~(\$25,000.00) in accordance with the provisions of Section 10 of this~~
19 ~~act.~~

20 C. Except for persons sentenced to life or life without parole,
21 any person sentenced to imprisonment for two (2) years or more for a
22 violation of this section shall be required to serve a term of post-
23 imprisonment supervision pursuant to subparagraph f of paragraph 1
24 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes

1 under conditions determined by the Department of Corrections. The
2 jury shall be advised that the mandatory post-imprisonment
3 supervision shall be in addition to the actual imprisonment.

4 SECTION 251. AMENDATORY 21 O.S. 2021, Section 1092, is
5 amended to read as follows:

6 Section 1092. Any pawnbroker or person carrying on the business
7 of a pawnbroker, and every junk dealer, who having received any
8 goods which have been embezzled or stolen, refuses or omits to
9 exhibit them, upon demand, during the usual business hours, to the
10 owner of said goods or his agent authorized to demand an inspection
11 thereof, or any peace officer, shall be guilty of a Class D3 felony,
12 and upon conviction, shall be punished in accordance with the
13 provisions of Section 20 of this act.

14 SECTION 252. AMENDATORY 21 O.S. 2021 Section 1115, as
15 last amended by Section 124, Chapter 234, O.S.L. 2009, is amended to
16 read as follows:

17 Section 1115. Rape in the first degree is a Class A2 felony
18 punishable by death or imprisonment in the custody of the Department
19 of Corrections, for a term of not less than five (5) years, life or
20 life without parole. Except for persons sentenced to life or life
21 without parole, any person sentenced to imprisonment for two (2)
22 years or more for a violation of this section shall be required to
23 serve a term of post-imprisonment supervision pursuant to
24 subparagraph f of paragraph 1 of subsection A of Section 991a of

1 Title 22 of the Oklahoma Statutes under conditions determined by the
2 Department of Corrections. The jury shall be advised that the
3 mandatory post-imprisonment supervision shall be in addition to the
4 actual imprisonment. Any person convicted of a second or subsequent
5 violation of subsection A of Section 1114 of this title shall not be
6 eligible for any form of probation. Any person convicted of a third
7 or subsequent violation of subsection A of Section 1114 of this
8 title or of an offense under Section 888 of this title or an offense
9 under Section 1123 of this title or sexual abuse of a child pursuant
10 to Section 843.5 of this title, or any attempt to commit any of
11 these offenses or any combination of these offenses shall be
12 punished by imprisonment in the custody of the Department of
13 Corrections for life or life without parole.

14 SECTION 253. AMENDATORY 21 O.S. 2021, Section 1116, is
15 amended to read as follows:

16 Section 1116. Rape in the second degree is a Class B2 felony
17 ~~punishable by imprisonment in the State Penitentiary not less than~~
18 ~~one (1) year nor more than fifteen (15) years~~ that shall be punished
19 in accordance with the provisions of Section 11 of this act.

20 SECTION 254. AMENDATORY 21 O.S. 2021, Section 1117, is
21 amended to read as follows:

22 Section 1117. Any person who takes any woman against her will,
23 and by force, menace or duress, compels her to marry him or to marry
24

1 any other person, shall be guilty of a Class A2 felony punishable by
2 imprisonment in the State Penitentiary not less than ten (10) years.

3 SECTION 255. AMENDATORY 21 O.S. 2021, Section 1118, is
4 amended to read as follows:

5 Section 1118. Any person who takes any woman unlawfully against
6 her will, with the intent to compel her by force, menace or duress
7 to marry him, or to marry any other person, shall be guilty of a
8 Class B4 felony ~~punishable by imprisonment in the State Penitentiary~~
9 ~~not exceeding ten (10) years~~ and shall be punished in accordance
10 with the provisions of Section 13 of this act.

11 SECTION 256. AMENDATORY 21 O.S. 2021, Section 1119, is
12 amended to read as follows:

13 Section 1119. Every person who takes away or induces to leave
14 any person under the age of fifteen (15) years, from a parent,
15 guardian or other person having the legal charge of the person,
16 without the consent of said parent, guardian, or other person having
17 legal charge, for the purpose of marriage or concubinage, or any
18 crime involving moral turpitude shall be guilty of a Class B4 felony
19 ~~punishable by imprisonment in the State Penitentiary not exceeding~~
20 ~~five (5) years, or by imprisonment in the county jail not exceeding~~
21 ~~one (1) year, or by a fine not exceeding One Thousand Dollars~~
22 ~~(\$1,000.00), or by both such fine and imprisonment~~ in accordance
23 with the provisions of Section 13 of this act.

24

1 SECTION 257. AMENDATORY 21 O.S. 2021, Section 1123, is
2 amended to read as follows:

3 Section 1123. A. It is a felony for any person to knowingly
4 and intentionally:

5 1. Make any oral, written or electronically or computer-
6 generated lewd or indecent proposal to any child under sixteen (16)
7 years of age, or other individual the person believes to be a child
8 under sixteen (16) years of age, for the child to have unlawful
9 sexual relations or sexual intercourse with any person; or

10 2. Look upon, touch, maul, or feel the body or private parts of
11 any child under sixteen (16) years of age in any lewd or lascivious
12 manner by any acts against public decency and morality, as defined
13 by law; or

14 3. Ask, invite, entice, or persuade any child under sixteen
15 (16) years of age, or other individual the person believes to be a
16 child under sixteen (16) years of age, to go alone with any person
17 to a secluded, remote, or secret place, with the unlawful and
18 willful intent and purpose then and there to commit any crime
19 against public decency and morality, as defined by law, with the
20 child; or

21 4. In any manner lewdly or lasciviously look upon, touch, maul,
22 or feel the body or private parts of any child under sixteen (16)
23 years of age in any indecent manner or in any manner relating to
24 sexual matters or sexual interest; or

1 5. In a lewd and lascivious manner and for the purpose of
2 sexual gratification:

- 3 a. urinate or defecate upon a child under sixteen (16)
4 years of age, or force or require a child to defecate
5 or urinate upon the body or private parts of another,
6 or for the purpose of sexual gratification,
- 7 b. ejaculate upon or in the presence of a child,
- 8 c. cause, expose, force or require a child to look upon
9 the body or private parts of another person,
- 10 d. force or require any child under sixteen (16) years of
11 age or other individual the person believes to be a
12 child under sixteen (16) years of age, to view any
13 obscene materials, child pornography or materials
14 deemed harmful to minors as such terms are defined by
15 Sections 1024.1 and 1040.75 of this title,
- 16 e. cause, expose, force or require a child to look upon
17 sexual acts performed in the presence of the child, or
- 18 f. force or require a child to touch or feel the body or
19 private parts of the child or another person.

20 Any person convicted of any violation of this subsection shall
21 be guilty of a Class A3 felony and shall be punished by imprisonment
22 in the custody of the Department of Corrections for not less than
23 three (3) years nor more than twenty (20) years, except when the
24 child is under twelve (12) years of age at the time the offense is

1 committed, and in such case the person shall, upon conviction, be
2 punished by imprisonment in the custody of the Department of
3 Corrections for not less than twenty-five (25) years. The provisions
4 of this subsection shall not apply unless the accused is at least
5 three (3) years older than the victim, except when accomplished by
6 the use of force or fear. Except as provided in Section 51.1a of
7 this title, any person convicted of a second or subsequent violation
8 of this subsection shall be guilty of a felony punishable as
9 provided in this subsection and shall not be eligible for probation,
10 suspended or deferred sentence. Except as provided in Section 51.1a
11 of this title, any person convicted of a third or subsequent
12 violation of this subsection shall be guilty of a felony punishable
13 by imprisonment in the custody of the Department of Corrections for
14 a term of life or life without parole, in the discretion of the
15 jury, or in case the jury fails or refuses to fix punishment then
16 the same shall be pronounced by the court. Any person convicted of
17 a violation of this subsection after having been twice convicted of
18 a violation of subsection A of Section 1114 of this title, Section
19 888 of this title, sexual abuse of a child pursuant to Section 843.5
20 of this title, or of any attempt to commit any of these offenses or
21 any combination of convictions pursuant to these sections shall be
22 punished by imprisonment in the custody of the Department of
23 Corrections for a term of life or life without parole.

24

1 B. No person shall commit sexual battery on any other person.
2 "Sexual battery" shall mean the intentional touching, mauling or
3 feeling of the body or private parts of any person sixteen (16)
4 years of age or older, in a lewd and lascivious manner:

5 1. Without the consent of that person;

6 2. When committed by a state, county, municipal or political
7 subdivision employee or a contractor or an employee of a contractor
8 of the state, a county, a municipality or political subdivision of
9 this state upon a person who is under the legal custody, supervision
10 or authority of a state agency, a county, a municipality or a
11 political subdivision of this state, or the subcontractor or
12 employee of a subcontractor of the contractor of the state or
13 federal government, a county, a municipality or a political
14 subdivision of this state;

15 3. When committed upon a person who is at least sixteen (16)
16 years of age and is less than twenty (20) years of age and is a
17 student, or in the legal custody or supervision of any public or
18 private elementary or secondary school, or technology center school,
19 by a person who is eighteen (18) years of age or older and is an
20 employee of the same school system that the victim attends; or

21 4. When committed upon a person who is nineteen (19) years of
22 age or younger and is in the legal custody of a state agency,
23 federal agency or a tribal court, by a foster parent or foster
24 parent applicant.

1 As used in this subsection, "employee of the same school system"
2 means a teacher, principal or other duly appointed person employed
3 by a school system or an employee of a firm contracting with a
4 school system who exercises authority over the victim.

5 C. No person shall in any manner lewdly or lasciviously:

6 1. Look upon, touch, maul, or feel the body or private parts of
7 any human corpse in any indecent manner relating to sexual matters
8 or sexual interest; or

9 2. Urinate, defecate or ejaculate upon any human corpse.

10 D. Any person convicted of a violation of subsection B or C of
11 this section shall be deemed guilty of a Class B3 felony and shall
12 be punished ~~by imprisonment in the custody of the Department of~~
13 ~~Corrections for not more than ten (10) years~~ in accordance with the
14 provisions of Section 12 of this act.

15 E. The fact that an undercover operative or law enforcement
16 officer was involved in the detection and investigation of an
17 offense pursuant to this section shall not constitute a defense to a
18 prosecution under this section.

19 F. Except for persons sentenced to life or life without parole,
20 any person sentenced to imprisonment for two (2) years or more for a
21 violation of this section shall be required to serve a term of post-
22 imprisonment supervision pursuant to subparagraph f of paragraph 1
23 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
24 under conditions determined by the Department of Corrections. The

1 jury shall be advised that the mandatory post-imprisonment
2 supervision shall be in addition to the actual imprisonment.

3 SECTION 258. AMENDATORY 21 O.S. 2021, Section 1125, is
4 amended to read as follows:

5 Section 1125. A. A zone of safety is hereby created around
6 elementary, junior high and high schools, permitted or licensed
7 child care centers as defined by the Department of Human Services,
8 playgrounds, parks or the residence of a victim of a sex crime.

9 1. A person is prohibited from loitering within five hundred
10 (500) feet of any elementary, junior high or high school, permitted
11 or licensed child care center, playground, or park if the person has
12 been convicted of a crime that requires the person to register
13 pursuant to the Sex Offenders Registration Act or the person has
14 been convicted of an offense in another jurisdiction, which offense
15 if committed or attempted in this state, would have been punishable
16 as one or more of the offenses listed in Section 582 of Title 57 of
17 the Oklahoma Statutes and the victim was a child under the age of
18 sixteen (16) years.

19 2. A person is prohibited from entering any park if:

20 a. the person has been designated as a habitual or
21 aggravated sex offender as provided in Section 584 of
22 Title 57 of the Oklahoma Statutes, or

23 b. the person has been convicted of an offense in another
24 jurisdiction, which offense, if committed or attempted

1 in this state, would designate the person as a
2 habitual or aggravated sex offender as provided in
3 Section 584 of Title 57 of the Oklahoma Statutes.

4 3. A person is prohibited from loitering within one thousand
5 (1,000) feet of the residence of his or her victim if:

6 a. the person who committed a sex crime against the
7 victim has been convicted of said crime, and

8 b. the person is required to register pursuant to the Sex
9 Offenders Registration Act.

10 B. A person convicted of a violation of subsection A of this
11 section shall be guilty of a Class D1 felony punishable ~~by a fine~~
12 ~~not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by~~
13 ~~imprisonment in the county jail for a term of not more than one (1)~~
14 ~~year, or by both such fine and imprisonment~~ in accordance with the
15 provisions of Section 18 of this act. Any person convicted of a
16 second or subsequent violation of subsection A of this section shall
17 guilty of a Class D1 felony and shall be punished ~~by a fine not~~
18 ~~exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by~~
19 ~~imprisonment in the custody of the Department of Corrections for a~~
20 ~~term of not less than three (3) years, or by both such fine and~~
21 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
22 act. This proscription of conduct shall not modify or remove any
23 restrictions currently applicable to the person by court order,
24 conditions of probation or as provided by other provision of law.

1 C. 1. A person shall be exempt from the prohibition of this
2 section regarding a school or a licensed or permitted child care
3 facility only under the following circumstances and limited to a
4 reasonable amount of time to complete such tasks:

5 a. the person is the custodial parent or legal guardian
6 of a child who is an enrolled student at the school or
7 child care facility, and

8 b. the person is enrolling, delivering or retrieving such
9 child at the school or licensed or permitted child
10 care center during regular school or facility hours or
11 for school-sanctioned or licensed-or-permitted-child-
12 care-center-sanctioned extracurricular activities.

13 Prior to entering the zone of safety for the purposes listed in
14 this paragraph, the person shall inform school or child care center
15 administrators of his or her status as a registered sex offender.
16 The person shall update monthly, or as often as required by the
17 school or center, information about the specific times the person
18 will be within the zone of safety as established by this section.

19 2. This exception shall not be construed to modify or remove
20 any restrictions applicable to the person by court order, conditions
21 of probation, or as provided by other provision of law.

22 D. The provisions of subsection A of this section shall not
23 apply to any person receiving medical treatment at a hospital or
24 other facility certified or licensed by the State of Oklahoma to

1 provide medical services. As used in this subsection, "medical
2 treatment" shall not include any form of psychological, social or
3 rehabilitative counseling services or treatment programs for sex
4 offenders.

5 E. Nothing in this section shall prohibit a person, who is
6 registered as a sex offender pursuant to the Sex Offenders
7 Registration Act, from attending a recognized church or religious
8 denomination for worship; provided, the person has notified the
9 religious leader of his or her status as a registered sex offender
10 and the person has been granted written permission by the religious
11 leader.

12 F. For purpose of prosecution of any violation of this section,
13 the provisions of Section 51.1 of this title shall not apply.

14 G. As used in this section, "park" means any outdoor public
15 area specifically designated as being used for recreational purposes
16 that is operated or supported in whole or in part by a homeowners'
17 association or a city, town, county, state, federal or tribal
18 governmental authority.

19 SECTION 259. AMENDATORY 21 O.S. 2021, Section 1161, is
20 amended to read as follows:

21 Section 1161. A. No person shall intentionally remove the dead
22 body of a human being or any part thereof from the initial site
23 where such dead body is located for any purpose, unless such removal
24 is authorized by a district attorney or his authorized

1 representative or medical examiner or his authorized representative,
2 or is not required to be investigated pursuant to the provisions of
3 Section 938 of Title 63 of the Oklahoma Statutes, said authorization
4 by the district attorney or medical examiner shall not be required
5 prior to the removal of said body. A district attorney having
6 jurisdiction may refuse to prosecute a violation of this subsection
7 if the district attorney determines that circumstances existed which
8 would justify such removal or that such removal was not an act of
9 malice or wantonness.

10 B. No person shall remove any part of the dead body of a human
11 being from any grave or other place where the same has been buried,
12 or from any place where the same is deposited while awaiting burial,
13 with intent to sell the same, or to dissect it without authority of
14 law, or from malice or wantonness.

15 C. No person shall willfully or with malicious intent violate
16 or cause damage to the casket or burial vault holding the deceased
17 human remains.

18 D. Any person convicted of violating any of the provisions of
19 this section shall be guilty of a Class D1 felony and shall be
20 ~~punished by imprisonment in the State Penitentiary not exceeding~~
21 ~~five (5) years, or in the county jail not exceeding one (1) year, or~~
22 ~~by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by~~
23 ~~both such fine and imprisonment~~ in accordance with the provisions of
24 Section 18 of this act.

1 SECTION 260. AMENDATORY 21 O.S. 2021, Section 1161.1, is
2 amended to read as follows:

3 Section 1161.1. A. It is unlawful for any person to knowingly
4 and willfully desecrate a human corpse for any purpose of:

5 1. Tampering with the evidence of a crime;

6 2. Camouflaging the death of human being;

7 3. Disposing of a dead body;

8 4. Impeding or prohibiting the detection, investigation or
9 prosecution of a crime;

10 5. Altering, inhibiting or concealing the identification of a
11 dead body, a crime victim, or a criminal offender; or

12 6. Disrupting, prohibiting or interfering with any law
13 enforcement agency or the Office of the State Medical Examiner in
14 detecting, investigating, examining, determining, identifying or
15 processing a dead body, cause of death, the scene where a dead body
16 is found, or any forensic examination or investigation relating to a
17 dead body or a crime.

18 B. Upon conviction, the violator of any provision of this
19 section shall be guilty of a Class B4 felony punishable ~~by~~
20 ~~imprisonment in the custody of the Department of Corrections for a~~
21 ~~term not more than seven (7) years, by a fine not exceeding Eight~~
22 ~~Thousand Dollars (\$8,000.00), or by both such fine and imprisonment~~
23 in accordance with the provisions of Section 13 of this act.

24

1 C. This offense may be prosecuted in addition to any
2 prosecution pursuant to Section 1161 of Title 21 of the Oklahoma
3 Statutes for removal of a dead body or any other criminal offense.

4 D. For purposes of this section, "desecration of a human
5 corpse" means any act committed after the death of a human being
6 including, but not limited to, dismemberment, disfigurement,
7 mutilation, burning, or any act committed to cause the dead body to
8 be devoured, scattered or dissipated; except, those procedures
9 performed by a state agency or licensed authority in due course of
10 its duties and responsibilities for forensic examination, gathering
11 or removing crime scene evidence, presentation or preservation of
12 evidence, dead body identification, cause of death, autopsy,
13 cremation or burial, organ donation, use of a cadaver for medical
14 educational purposes, or other necessary procedures to identify,
15 remove or dispose of a dead body by the proper authority.

16 SECTION 261. AMENDATORY 21 O.S. 2021, Section 1162, is
17 amended to read as follows:

18 Section 1162. Whoever purchases, or who receives, except for
19 the purpose of burial, any dead body of a human being, knowing the
20 same has been removed contrary to Section 1161 of this title shall
21 be guilty of a Class D1 felony punishable ~~by imprisonment in the~~
22 ~~State Penitentiary not exceeding five (5) years, or in a county jail~~
23 ~~not exceeding one (1) year, or by a fine not exceeding Five Hundred~~

24

1 ~~Dollars (\$500.00), or by both such fine and imprisonment in~~
2 accordance with the provisions of Section 18 of this act.

3 SECTION 262. AMENDATORY 21 O.S. 2021, Section 1163, is
4 amended to read as follows:

5 Section 1163. Any person who opens any grave or any place of
6 burial, temporary or otherwise, or who breaks open any building
7 wherein any dead body of a human being is deposited while awaiting
8 burial, with intent either:

9 1. To remove any dead body of a human being for the purpose of
10 selling the same, or for the purpose of dissection; or

11 2. To steal the coffin, or any part thereof or anything
12 attached thereto, or connected therewith, or the vestments or other
13 articles buried with the same,

14 shall be guilty of a Class D3 felony, and upon conviction, shall be
15 ~~punishable by imprisonment in the State Penitentiary not exceeding~~
16 ~~two (2) years, or in a county jail not exceeding six (6) months, or~~
17 ~~by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by~~
18 ~~both such fine and imprisonment~~ in accordance with the provisions of
19 Section 20 of this act.

20 SECTION 263. AMENDATORY 21 O.S. 2021, Section 1168.1, is
21 amended to read as follows:

22 Section 1168.1. Anyone who knowingly buys, sells or barterers for
23 profit human skeletal remains or associated burial furniture,
24 previously buried within this state, shall be guilty of a Class D3

1 felony, and upon conviction shall be punished in accordance with the
2 provisions of Section 20 of this act.

3 SECTION 264. AMENDATORY 21 O.S. 2021, Section 1168.4, is
4 amended to read as follows:

5 Section 1168.4. A. All persons who encounter or discover human
6 skeletal remains or what they believe may be human skeletal remains
7 or burial furniture thought to be associated with human burials in
8 or on the ground shall immediately cease any activity which may
9 cause further disturbance and shall report the presence and location
10 of such human skeletal remains to an appropriate law enforcement
11 officer.

12 B. Any person who willfully fails to report the presence or
13 discovery of human skeletal remains or what they believe may be
14 human skeletal remains within forty-eight (48) hours to an
15 appropriate law enforcement officer in the county in which the
16 remains are found shall be guilty of a misdemeanor.

17 C. Any person who knowingly disturbs human skeletal remains or
18 burial furniture other than a law enforcement officer, registered
19 mortician, a representative of the Office of the Chief Medical
20 Examiner, a professional archaeologist or physical anthropologist,
21 or other officials designated by law in performance of official
22 duties, shall be guilty of a Class D3 felony, and upon conviction,
23 shall be punished in accordance with the provisions of Section 20 of
24 this act.

1 D. Anyone other than a law enforcement officer, registered
2 mortician, a representative of the Office of the Chief Medical
3 Examiner, a professional archaeologist or physical anthropologist,
4 or other officials designated by law in performance of official
5 duties, who disturbs or permits disturbance of a burial ground with
6 the intent to obtain human skeletal remains or burial furniture
7 shall be guilty of a Class D3 felony, and upon conviction, shall be
8 punished in accordance with the provisions of Section 20 of this
9 act.

10 E. The law enforcement officer, if there is a reason to believe
11 that the skeletal remains may be human, shall promptly notify the
12 landowner and the Chief Medical Examiner. If remains reported under
13 this act are not associated with or suspected of association with
14 any crime, the State Archaeologist and the State Historic
15 Preservation Officer shall be notified within fifteen (15) days. If
16 review by the State Archaeologist and the State Historic
17 Preservation Officer of the human skeletal remains and any burial
18 furniture demonstrates or suggests a direct historical relationship
19 to a tribal group, then the State Archaeologist shall:

- 20 1. Notify the State Historic Preservation Officer; and
- 21 2. Consult with the tribal leader, designated by the Oklahoma
22 Indian Affairs Commission, within fifteen (15) days regarding any
23 proposed treatment or scientific studies and final disposition of
24 the materials.

1 SECTION 265. AMENDATORY 21 O.S. 2021, Section 1168.6, is
2 amended to read as follows:

3 Section 1168.6. A. Any person convicted of a misdemeanor
4 pursuant to the provisions of Sections 1168 through 1168.5 of this
5 title shall be punishable by a fine not exceeding Five Hundred
6 Dollars (\$500.00), by imprisonment in the county jail not exceeding
7 six (6) months, or by both such fine and imprisonment.

8 B. Any person convicted of a Class D3 felony pursuant to the
9 provisions of Sections 1168 through 1168.5 of this title shall be
10 punishable in accordance with the provisions of Section 20 of this
11 act by a fine not exceeding One Thousand Dollars (\$1,000.00), by
12 ~~imprisonment in the State Penitentiary not exceeding two (2) years,~~
13 ~~or by both such fine and imprisonment.~~

14 SECTION 266. AMENDATORY 21 O.S. 2021, Section 1171, is
15 amended to read as follows:

16 Section 1171. A. Every person who hides, waits or otherwise
17 loiters in the vicinity of any private dwelling house, apartment
18 building, any other place of residence, or in the vicinity of any
19 locker room, dressing room, restroom or any other place where a
20 person has a right to a reasonable expectation of privacy, with the
21 unlawful and willful intent to watch, gaze, or look upon any person
22 in a clandestine manner, shall, upon conviction, be guilty of a
23 misdemeanor. The violator shall be punished by imprisonment in the
24 county jail for a term ~~of~~ not more than one (1) year, or by a fine

1 not to exceed Five Thousand Dollars (\$5,000.00), or by both such
2 fine and imprisonment.

3 B. Every person who uses photographic, electronic or video
4 equipment in a clandestine manner for any illegal, illegitimate,
5 prurient, lewd or lascivious purpose with the unlawful and willful
6 intent to view, watch, gaze or look upon any person without the
7 knowledge and consent of such person when the person viewed is in a
8 place where there is a right to a reasonable expectation of privacy,
9 or who publishes or distributes any image obtained from such act,
10 shall, upon conviction, be guilty of a Class D1 felony. The
11 violator shall be punished ~~by imprisonment in the custody of the~~
12 ~~Department of Corrections for a term of not more than five (5)~~
13 ~~years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00),~~
14 ~~or by both such fine and imprisonment~~ in accordance with the
15 provisions of Section 18 of this act.

16 C. Every person who uses photographic, electronic or video
17 equipment in a clandestine manner for any illegal, illegitimate,
18 prurient, lewd or lascivious purpose with the unlawful and willful
19 intent to view, watch, gaze or look upon any person and capture an
20 image of a private area of a person without the knowledge and
21 consent of such person and knowingly does so under circumstances in
22 which a reasonable person would believe that the private area of the
23 person would not be visible to the public, regardless of whether the
24 person is in a public or private place shall, upon conviction, be

1 guilty of a misdemeanor. The violator shall be punished by
2 imprisonment in the county jail for a term ~~of~~ not more than one (1)
3 year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00),
4 or by both such fine and imprisonment.

5 D. As used in this section, the phrase "private area of the
6 person" means the naked or undergarment-clad genitals, pubic area,
7 buttocks, or any portion of the areola of the female breast of that
8 individual.

9 SECTION 267. AMENDATORY 21 O.S. 2021, Section 1172, is
10 amended to read as follows:

11 Section 1172. A. It shall be unlawful for a person who, by
12 means of a telecommunication or other electronic communication
13 device, willfully either:

14 1. Makes any comment, request, suggestion, or proposal which is
15 obscene, lewd, lascivious, filthy, or indecent;

16 2. Makes a telecommunication or other electronic communication
17 including text, sound or images with intent to terrify, intimidate
18 or harass, or threaten to inflict injury or physical harm to any
19 person or property of that person;

20 3. Makes a telecommunication or other electronic communication,
21 whether or not conversation ensues, with intent to put the party
22 called in fear of physical harm or death;

23 4. Makes a telecommunication or other electronic communication,
24 including text, sound or images whether or not conversation ensues,

1 without disclosing the identity of the person making the call or
2 communication and with intent to annoy, abuse, threaten, or harass
3 any person at the called number;

4 5. Knowingly permits any telecommunication or other electronic
5 communication under the control of the person to be used for any
6 purpose prohibited by this section; and

7 6. In conspiracy or concerted action with other persons, makes
8 repeated calls or electronic communications or simultaneous calls or
9 electronic communications solely to harass any person at the called
10 number(s).

11 B. As used in this section, "telecommunication" and "electronic
12 communication" mean any type of telephonic, electronic or radio
13 communications, or transmission of signs, signals, data, writings,
14 images and sounds or intelligence of any nature by telephone,
15 including cellular telephones, wire, cable, radio, electromagnetic,
16 photoelectronic or photo-optical system or the creation, display,
17 management, storage, processing, transmission or distribution of
18 images, text, voice, video or data by wire, cable or wireless means,
19 including the Internet. The term includes:

20 1. A communication initiated by electronic mail, instant
21 message, network call, or facsimile machine including text, sound or
22 images;

23 2. A communication made to a pager; or
24

1 3. A communication including text, sound or images posted to a
2 social media or other public media source.

3 C. Use of a telephone or other electronic communications
4 facility under this section shall include all use made of such a
5 facility between the points of origin and reception. Any offense
6 under this section is a continuing offense and shall be deemed to
7 have been committed at either the place of origin or the place of
8 reception.

9 D. Except as provided in subsection E of this section, any
10 person who is convicted of the provisions of subsection A of this
11 section, shall be guilty of a misdemeanor.

12 E. Any person who is convicted of a second offense under this
13 section shall be guilty of a Class D1 felony punishable in
14 accordance with the provisions of Section 18 of this act.

15 SECTION 268. AMENDATORY 21 O.S. 2021, Section 1173, is
16 amended to read as follows:

17 Section 1173. A. Any person who willfully, maliciously, and
18 repeatedly follows or harasses another person in a manner that:

19 1. Would cause a reasonable person or a member of the immediate
20 family of that person as defined in subsection F of this section to
21 feel frightened, intimidated, threatened, harassed, or molested; and

22 2. Actually causes the person being followed or harassed to
23 feel terrorized, frightened, intimidated, threatened, harassed, or
24 molested,

1 shall, upon conviction, be guilty of the crime of stalking, which is
2 a misdemeanor punishable by imprisonment in a county jail for not
3 more than one (1) year, or by a fine ~~of~~ not more than One Thousand
4 Dollars (\$1,000.00), or by both such fine and imprisonment.

5 B. Any person who violates the provisions of subsection A of
6 this section when:

7 1. There is a permanent or temporary restraining order, a
8 protective order, an emergency ex parte protective order, or an
9 injunction in effect prohibiting the behavior described in
10 subsection A of this section against the same party, when the person
11 violating the provisions of subsection A of this section has actual
12 notice of the issuance of such order or injunction;

13 2. Said person is on probation or parole, a condition of which
14 prohibits the behavior described in subsection A of this section
15 against the same party or under the conditions of a community or
16 alternative punishment; or

17 3. Said person, within ten (10) years preceding the violation
18 of subsection A of this section, completed the execution of sentence
19 for a conviction of a crime involving the use or threat of violence
20 against the same party, or against any member of the immediate
21 family of such party,

22 shall, upon conviction, be guilty of a Class B4 felony ~~punishable by~~
23 ~~imprisonment in the custody of the Department of Corrections for a~~
24 ~~term not exceeding five (5) years, or by a fine of not more than Two~~

1 ~~Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and~~
2 ~~imprisonment and shall be punished in accordance with the provisions~~
3 ~~of Section 13 of this act.~~

4 C. Any person who:

5 1. Commits a second act of stalking within ten (10) years of
6 the completion of sentence for a prior conviction of stalking; or

7 2. Has a prior conviction of stalking and, after being served
8 with a protective order that prohibits contact with an individual,
9 knowingly makes unconsented contact with the same individual,
10 shall, upon conviction, be guilty of a Class B5 felony ~~punishable by~~
11 ~~imprisonment in the custody of the Department of Corrections for a~~
12 ~~term not exceeding five (5) years, or by a fine of not less than Two~~
13 ~~Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and~~
14 ~~imprisonment and shall be punished in accordance with the provisions~~
15 ~~of Section 14 of this act.~~

16 D. Any person who commits an act of stalking within ten (10)
17 years of the completion of execution of sentence for a prior
18 conviction under subsection B or C of this section shall, upon
19 conviction, be guilty of a Class B4 felony ~~punishable by~~
20 ~~imprisonment in the custody of the Department of Corrections for a~~
21 ~~term not exceeding ten (10) years, or by a fine of not less than~~
22 ~~Five Thousand Dollars (\$5,000.00), or by both such fine and~~
23 ~~imprisonment in accordance with the provisions of Section 13 of this~~
24 ~~act.~~

1 E. Evidence that the defendant continued to engage in a course
2 of conduct involving repeated unconsented contact, as defined in
3 subsection F of this section, with the victim after having been
4 requested by the victim to discontinue the same or any other form of
5 unconsented contact, and to refrain from any further unconsented
6 contact with the victim, shall give rise to a rebuttable presumption
7 that the continuation of the course of conduct caused the victim to
8 feel terrorized, frightened, intimidated, threatened, harassed, or
9 molested.

10 F. For purposes of determining the crime of stalking, the
11 following definitions shall apply:

12 1. "Harasses" means a pattern or course of conduct directed
13 toward another individual that includes, but is not limited to,
14 repeated or continuing unconsented contact, that would cause a
15 reasonable person to suffer emotional distress, and that actually
16 causes emotional distress to the victim. Harassment shall include
17 harassing or obscene phone calls as prohibited by Section 1172 of
18 this title and conduct prohibited by Section 850 of this title.
19 Harassment does not include constitutionally protected activity or
20 conduct that serves a legitimate purpose;

21 2. "Course of conduct" means a pattern of conduct composed of a
22 series of two or more separate acts over a period of time, however
23 short, evidencing a continuity of purpose. Constitutionally
24

1 protected activity is not included within the meaning of "course of
2 conduct";

3 3. "Emotional distress" means significant mental suffering or
4 distress that may, but does not necessarily require, medical or
5 other professional treatment or counseling;

6 4. "Unconsented contact" means any contact with another
7 individual that is initiated or continued without the consent of the
8 individual, or in disregard of that individual's expressed desire
9 that the contact be avoided or discontinued. Constitutionally
10 protected activity is not included within the meaning of unconsented
11 contact. Unconsented contact includes but is not limited to any of
12 the following:

- 13 a. following or appearing within the sight of that
14 individual,
- 15 b. approaching or confronting that individual in a public
16 place or on private property,
- 17 c. appearing at the workplace or residence of that
18 individual,
- 19 d. entering onto or remaining on property owned, leased,
20 or occupied by that individual,
- 21 e. contacting that individual by telephone,
- 22 f. sending mail or electronic communications to that
23 individual, and

24

1 g. placing an object on, or delivering an object to,
2 property owned, leased, or occupied by that
3 individual;

4 5. "Member of the immediate family", for the purposes of this
5 section, means any spouse, parent, child, person related within the
6 third degree of consanguinity or affinity or any other person who
7 regularly resides in the household or who regularly resided in the
8 household within the prior six (6) months; and

9 6. "Following" shall include the tracking of the movement or
10 location of an individual through the use of a Global Positioning
11 System (GPS) device or other monitoring device by a person, or
12 person who acts on behalf of another, without the consent of the
13 individual whose movement or location is being tracked; provided,
14 this shall not apply to the lawful use of a GPS device or other
15 monitoring device or to the use by a new or used motor vehicle
16 dealer or other motor vehicle creditor of a GPS device or other
17 monitoring device, including a device containing technology used to
18 remotely disable the ignition of a motor vehicle, in connection with
19 lawful action after default of the terms of a motor vehicle credit
20 sale, loan or lease, and with the express written consent of the
21 owner or lessee of the motor vehicle.

22 SECTION 269. AMENDATORY 21 O.S. 2021, Section 1174, is
23 amended to read as follows:
24

1 Section 1174. It shall be unlawful for any person or persons,
2 with the intent of intimidating any person or group of persons, to
3 burn, or cause to be burned, a cross on the property of another, a
4 highway or other public place. Any person who shall violate any
5 provision of this section shall be guilty of a Class D3 felony, and
6 upon conviction, shall be punished in accordance with the provisions
7 of Section 20 of this act.

8 SECTION 270. AMENDATORY 21 O.S. 2021, Section 1192, is
9 amended to read as follows:

10 Section 1192. Any person who shall inoculate himself or any
11 other person or shall suffer himself to be inoculated with smallpox,
12 syphilis or gonorrhoea and shall spread or cause to be spread to any
13 other persons with intent to or recklessly be responsible for the
14 spread of or prevalence of such infectious disease, shall be deemed
15 a felon, and, upon conviction thereof, guilty of a Class D1 felony
16 ~~and shall be punished by imprisonment in the State Penitentiary for~~
17 ~~not more than five (5) years nor less than two (2) years in~~
18 accordance with the provisions of Section 18 of this act.

19 SECTION 271. AMENDATORY 21 O.S. 2021, Section 1192.1, is
20 amended to read as follows:

21 Section 1192.1. A. It shall be unlawful for any person knowing
22 that he or she has Acquired Immune Deficiency Syndrome (AIDS) or is
23 a carrier of the human immunodeficiency virus (HIV) and with intent
24 to infect another, to engage in conduct reasonably likely to result

1 in the transfer of the person's own blood, bodily fluids containing
2 visible blood, semen, or vaginal secretions into the bloodstream of
3 another, or through the skin or other membranes of another person,
4 except during in utero transmission of blood or bodily fluids, and:

5 1. The other person did not consent to the transfer of blood,
6 bodily fluids containing blood, semen, or vaginal secretions; or

7 2. The other person consented to the transfer but at the time
8 of giving consent had not been informed by the person that the
9 person transferring such blood or fluids had AIDS or was a carrier
10 of HIV.

11 B. Any person convicted of violating the provisions of this
12 section shall be guilty of a Class B5 felony, ~~punishable by~~
13 ~~imprisonment in the custody of the Department of Corrections for not~~
14 ~~more than five (5) years~~ and shall be punished in accordance with
15 the provisions of Section 14 of this act.

16 SECTION 272. AMENDATORY 21 O.S. 2021, Section 1217, is
17 amended to read as follows:

18 Section 1217. Any person or persons acting in concert with each
19 other who knowingly and willfully interfere with, molest, or assault
20 firemen in the performance of their duties, or who knowingly and
21 willfully obstruct, interfere with or impede the progress of firemen
22 to reach the destination of a fire, shall be deemed guilty of a
23 Class B4 felony and shall be punished ~~therefor by imprisonment in~~
24 ~~the State Penitentiary for a term not exceeding ten (10) years nor~~

1 ~~less than two (2) years~~ in accordance with the provisions of Section
2 13 of this act.

3 SECTION 273. AMENDATORY 21 O.S. 2021, Section 1229, is
4 amended to read as follows:

5 Section 1229. For livestock utilized for exhibition purposes,
6 it shall be unlawful for any person to inject into the livestock or
7 cause the livestock to ingest any drug, chemical or substance that
8 is not labeled for use on animals, or to administer any chemical or
9 substance used on livestock for the specific purpose of altering the
10 appearance of livestock or to alter the muscle or fat content of the
11 animal's carcass or to perform any surgical procedure to alter the
12 appearance of the livestock. Ordinary and customary veterinarian
13 procedures, including but not limited to dehorning, branding,
14 tagging or notching ears, castrating, deworming, vaccinating or
15 docking the tail of farm animals shall not be prohibited. Surgery
16 of any kind performed to change the natural contour or appearance of
17 the animal's body or hide, shall be prohibited by this section. Any
18 violation of the provisions of this section shall be a misdemeanor,
19 upon conviction, punishable by a fine ~~of~~ not less than One Thousand
20 Dollars (\$1,000.00), nor more than Ten Thousand Dollars
21 (\$10,000.00), or by imprisonment in the county jail for a term not
22 less than thirty (30) days nor more than one (1) year, or by both
23 such fine and imprisonment. A second or subsequent violation of the
24 provisions of this section shall be a Class D1 felony, upon

1 conviction, punishable by a fine of not less than One Thousand
2 Dollars (\$1,000.00), nor more than Ten Thousand Dollars
3 (\$10,000.00), or by imprisonment in the State Penitentiary for a
4 term not less than one (1) year nor more than five (5) years, or by
5 both such fine and imprisonment in accordance with the provisions of
6 Section 18 of this act.

7 SECTION 274. AMENDATORY 21 O.S. 2021, Section 1230.8, is
8 amended to read as follows:

9 Section 1230.8. Any person convicted of the offense of:

10 1. Unlawful hazardous waste transportation shall be guilty of a
11 Class D1 felony punishable by imprisonment for not more than five
12 ~~(5) years or a fine of not more than Twenty five Thousand Dollars~~
13 ~~(\$25,000.00), or both such fine and imprisonment~~ in accordance with
14 the provisions of Section 18 of this act;

15 2. Unlawful waste management with respect to:

16 a. waste other than hazardous waste shall be guilty of a
17 misdemeanor punishable by a fine of not more than Ten
18 Thousand Dollars (\$10,000.00), and

19 b. hazardous waste shall be guilty of a Class D1 felony
20 punishable by imprisonment for not more than five (5)
21 years or a fine of not more than Fifty Thousand
22 Dollars (\$50,000.00) or both such fine and
23 imprisonment in accordance with the provisions of
24 Section 18 of this act;

1 3. Unlawful waste misrepresentation with respect to:

2 a. waste other than hazardous waste shall be guilty of a
3 misdemeanor punishable by a fine ~~of~~ not more than Five
4 Thousand Dollars (\$5,000.00), and

5 b. hazardous waste shall be guilty of a Class D1 felony
6 punishable ~~by imprisonment for not more than five (5)~~
7 ~~years or a fine of not more than Twenty-five Thousand~~
8 ~~Dollars (\$25,000.00) or both such fine and~~
9 ~~imprisonment~~ in accordance with the provisions of
10 Section 18 of this act,;

11 4. Unlawful disposal of hazardous waste shall be guilty of a
12 Class D1 felony punishable ~~by imprisonment for not more than five~~
13 ~~(5) years or a fine of not more than Twenty-five Thousand Dollars~~
14 ~~(\$25,000.00) or both such fine and imprisonment~~ in accordance with
15 the provisions of Section 18 of this act; and

16 5. Unlawful concealment of hazardous waste shall be guilty of a
17 Class B4 felony punishable ~~by imprisonment for not less than two (2)~~
18 ~~years nor more than ten (10) years and a fine of not more than One~~
19 ~~Hundred Thousand Dollars (\$100,000.00)~~ in accordance with the
20 provisions of Section 13 of this act.

21 SECTION 275. AMENDATORY 21 O.S. 2021, Section 1263, is
22 amended to read as follows:

23 Section 1263. Any person who, by word of mouth or writings,
24 advocates, affirmatively suggests or teaches the duty, necessity,

1 propriety or expediency of crime, criminal syndicalism, or sabotage,
2 or who shall advocate, affirmatively suggest or teach the duty,
3 necessity, propriety or expediency of doing any act of violence, the
4 destruction of or damage to any property, the bodily injury to any
5 person or persons, or the commission of any crime or unlawful act as
6 a means of accomplishing or effecting any industrial or political
7 ends, change, or revolution, or for profit; or who prints,
8 publishes, edits, issues, or knowingly circulates, sells,
9 distributes, or publicly displays any books, pamphlets, paper,
10 handbill, poster, document, or written or printed matter in any form
11 whatsoever, containing matter advocating, advising, affirmatively
12 suggesting, or teaching crime, criminal syndicalism, sabotage, the
13 doing of any act of physical violence, the destruction of or damage
14 to any property, the injury to any person, or the commission of any
15 crime or unlawful act as a means of accomplishing, effecting or
16 bringing about any industrial or political ends, or change, or as a
17 means of accomplishing, effecting or bringing about any industrial
18 or political revolution, or for profit; or who shall openly, or at
19 all attempt to justify by word of mouth or writing, the commission
20 or the attempt to commit sabotage, any act of physical violence, the
21 destruction of or damage to any property, the injury to any person
22 or the commission of any crime or unlawful act, with the intent to
23 exemplify, spread or teach or affirmatively suggest criminal
24 syndicalism; or who organizes, or helps to organize or becomes a

1 member of or voluntarily assembles with any society or assemblage of
2 persons which teaches, advocates, or affirmatively suggests the
3 doctrine of criminal syndicalism, sabotage, or the necessity,
4 propriety or expediency of doing any act of physical violence or the
5 commission of any crime or unlawful act as a means of accomplishing
6 or effecting any industrial or political ends, change or revolution,
7 or for profit, is guilty of a Class B4 felony, and upon conviction
8 thereof shall be punished ~~by imprisonment in the State Penitentiary~~
9 ~~for a term not to exceed ten (10) years, or by a fine of not more~~
10 ~~than Five Thousand Dollars (\$5,000.00), or by both such fine and~~
11 ~~imprisonment~~ in accordance with the provisions of Section 13 of this
12 act. Provided, that none of the provisions of Sections 1261 through
13 1264 of this title shall be construed to modify or affect Section
14 166 of Title 40 of the Oklahoma Statutes.

15 SECTION 276. AMENDATORY 21 O.S. 2021, Section 1265.2, is
16 amended to read as follows:

17 Section 1265.2. Whoever destroys, impairs, injures, interferes
18 or tampers with real or personal property with intent to hinder,
19 delay or interfere with the preparation of the United States or of
20 any of the states for defense or for war, or with the prosecution of
21 war by the United States, shall be guilty of a Class B4 felony
22 ~~punishable by imprisonment for not more than ten (10) years, or by a~~
23 ~~fine of not more than Ten Thousand Dollars (\$10,000.00), or both in~~
24 accordance with the provisions of Section 13 of this act; provided,

1 if such person so acts with the intent to hinder, delay or interfere
2 with the preparation of the United States or of any of the states
3 for defense or for war, or with the prosecution of war by the United
4 States, the minimum punishment shall be imprisonment for not less
5 than one (1) year.

6 SECTION 277. AMENDATORY 21 O.S. 2021, Section 1265.3, is
7 amended to read as follows:

8 Section 1265.3. Whoever intentionally makes or causes to be
9 made any defect in any article or thing with reasonable grounds to
10 believe that such article or thing is intended to be used in
11 connection with the preparation of the United States or any of the
12 states for defense or for war, or for the prosecution of war by the
13 United States, or that such article or thing is one of a number of
14 similar articles or things, some of which are intended so to be
15 used, shall be guilty of a Class B4 felony punishable ~~by~~
16 ~~imprisonment for not more than ten (10) years, or a fine of not more~~
17 ~~than Ten Thousand Dollars (\$10,000.00) or both~~ in accordance with
18 the provisions of Section 13 of this act; provided, if such person
19 so acts with the intent to hinder, delay or interfere with the
20 preparation of the United States or of any of the states for defense
21 or for war, or with the prosecution of war by the United States, the
22 minimum punishment shall be imprisonment for not less than one (1)
23 year.

24

1 SECTION 278. AMENDATORY 21 O.S. 2021, Section 1265.5, is
2 amended to read as follows:

3 Section 1265.5. If two or more persons conspire to commit any
4 crime defined by Sections 1265.1 through 1265.14 of this title, each
5 of such persons is guilty of conspiracy, a Class B4 felony, and
6 subject to the same punishment as if he had committed the crime
7 which he conspired to commit, whether or not any act be done in
8 furtherance of the conspiracy. It shall not constitute any defense
9 or ground of suspension of judgment, sentence or punishment on
10 behalf of any person prosecuted under this section, that any of his
11 fellow conspirators has been acquitted, has not been arrested or
12 convicted, is not amenable to justice or has been pardoned or
13 otherwise discharged before or after conviction.

14 SECTION 279. AMENDATORY 21 O.S. 2021, Section 1266, is
15 amended to read as follows:

16 Section 1266. Any person above the age of eighteen (18) years
17 who advocates revolution, teaches or justifies a program of
18 sabotage, force and violation, sedition or treason against the
19 government of the United States or of this state, or who directly or
20 indirectly advocates or teaches by any means the overthrow of the
21 government of the United States or of this state by force or any
22 unlawful means shall be guilty of a Class B1 felony, and upon
23 conviction shall be punished ~~by imprisonment in the State~~

24

1 ~~Penitentiary from five (5) years to life~~ in accordance with the
2 provisions of Section 10 of this act.

3 SECTION 280. AMENDATORY 21 O.S. 2021, Section 1266.5, is
4 amended to read as follows:

5 Section 1266.5. Any person who shall violate any of the
6 provisions of Section 1266.4 of this title shall be guilty of a
7 Class B1 felony, and upon conviction thereof shall be ~~fin~~~~ed not more~~
8 ~~than Twenty Thousand Dollars (\$20,000.00), or imprisoned not less~~
9 ~~than one (1) year nor more than twenty (20) years in the State~~
10 ~~Penitentiary, or may be both so fined and imprisoned~~ punished in
11 accordance with the provisions of Section 10 of this act. No person
12 convicted of any violation of this act shall ever be entitled to
13 suspension or probation of sentence by the trial court.

14 SECTION 281. AMENDATORY 21 O.S. 2021, Section 1268.2, is
15 amended to read as follows:

16 Section 1268.2. A. Every act of terrorism is a felony. B. A
17 person convicted of terrorism shall be guilty of a Class A3 felony
18 and shall be punished by imprisonment in the custody of the
19 Department of Corrections for a term not exceeding life.

20 C. A person who kills another person or who causes the death of
21 another person in the commission of an act of terrorism shall be
22 guilty of murder in the first degree, a Class Y felony.

23 D. A person convicted of biochemical terrorism shall be guilty
24 of a Class B1 felony and shall be punished in accordance with the

1 provisions of Section 10 of this act and shall be ordered, in
2 addition to the punishment imposed for the act of terrorism, to
3 reimburse the cost of any emergency personnel, equipment, supplies,
4 and other expenses incurred by the state and any political
5 subdivision as a result of responding to such act of terrorism.

6 E. The punishment for terrorism shall be in addition to any
7 penalty imposed for any individual offense or offenses involved in
8 the act or acts of terrorism.

9 SECTION 282. AMENDATORY 21 O.S. 2021, Section 1268.3, is
10 amended to read as follows:

11 Section 1268.3. A. Conspiracy to commit terrorism is a Class
12 A3 felony.

13 B. A person convicted of conspiracy to commit terrorism shall
14 be punished by imprisonment in the State Penitentiary for a term not
15 exceeding life.

16 SECTION 283. AMENDATORY 21 O.S. 2021, Section 1268.4, is
17 amended to read as follows:

18 Section 1268.4. A. Terrorism hoax is a Class B4 felony. B. A
19 person convicted of terrorism hoax shall be punished ~~by imprisonment~~
20 ~~in the State Penitentiary for a term of not more than ten (10) years~~
21 in accordance with the provisions of Section 13 of this act. In
22 addition to any punishment imposed for the act of terrorism hoax,
23 the person shall be ordered to make restitution to the victim and to
24 reimburse the cost of any emergency personnel, equipment, supplies,

1 and other expenses incurred by the state and any political
2 subdivision as a result of responding to such act.

3 SECTION 284. AMENDATORY 21 O.S. 2021, Section 1268.5, is
4 amended to read as follows:

5 Section 1268.5. A. Every person who, without justifiable or
6 excusable cause, willfully commits biochemical assault against
7 another person shall be punished as provided in this section.

8 B. Every act of biochemical assault is a misdemeanor punishable
9 by imprisonment in the county jail for a term ~~of~~ not more than one
10 (1) year, or by a fine not to exceed One Thousand Dollars
11 (\$1,000.00), or by both such fine and imprisonment when the person
12 knows the substance or material used to commit biochemical assault
13 is not toxic, noxious, or lethal to humans. In addition to any term
14 of imprisonment imposed for biochemical assault, the person shall be
15 ordered to make restitution to the victim and to reimburse the cost
16 of any emergency personnel, equipment, supplies, and other expenses
17 incurred by the state and any political subdivision as a result of
18 responding to such act.

19 C. Every act of biochemical assault is a Class B1 felony
20 ~~punishable by imprisonment in the State Penitentiary for a term of~~
21 ~~not more than ten (10) years~~ that shall be punished in accordance
22 with the provisions of Section 10 of this act when the person knows
23 the substance or material used to commit biochemical assault is
24 toxic, noxious, or lethal to humans. In addition to any term of

1 imprisonment imposed for biochemical assault, the person shall be
2 ordered to make restitution to the victim and to reimburse the cost
3 of any emergency personnel, equipment, supplies, and other expenses
4 incurred by the state and any political subdivision as a result of
5 responding to such act.

6 SECTION 285. AMENDATORY 21 O.S. 2021, Section 1268.6, is
7 amended to read as follows:

8 Section 1268.6. A. It shall be unlawful for any person to
9 manufacture, send, deliver or possess any toxic, noxious, or lethal
10 substance, chemical, biological or nuclear material with the intent
11 of engaging in terrorist activity.

12 B. A person convicted of a violation of this section shall be
13 guilty of a Class B4 felony ~~punishable by imprisonment in the State~~
14 ~~Penitentiary for a term of not more than eight (8) years~~ that shall
15 be punished in accordance with the provisions of Section 13 of this
16 act. In addition to any term of imprisonment imposed for a
17 violation of this section, the person shall be ordered to make
18 restitution to victims and to reimburse the cost of any emergency
19 personnel, equipment, supplies, and other expenses incurred by the
20 state and any political subdivision as a result of responding to the
21 crime.

22 SECTION 286. AMENDATORY 21 O.S. 2021, Section 1268.7, is
23 amended to read as follows:

24

1 Section 1268.7. A. No person, knowing that property is the
2 proceeds of an act of terrorism or a monetary instrument given,
3 received, or intended to be used in support of an act of terrorism,
4 shall conduct or attempt to conduct any financial transaction
5 involving that property or transport, transmit or transfer that
6 monetary instrument with the intent to do any of the following:

7 1. Commit or further the commission of an act of terrorism;

8 2. Conceal or disguise the nature, location, source, ownership,
9 or control of either the proceeds of an act of terrorism or a
10 monetary instrument given, received, or intended to be used to
11 support an act of terrorism; or

12 3. Conceal or disguise the intent to avoid a financial
13 transaction reporting requirement as provided in 31 U.S.C., Section
14 5311 et seq., 31 C.F.R., Part 103, Title 6 of the Oklahoma Statutes,
15 or other federal monetary reporting requirements under law.

16 B. Any person convicted of violating any provision of
17 subsection A of this section shall be guilty of a Class B4 felony
18 ~~punishable by imprisonment in the custody of the Department of~~
19 ~~Corrections for a term of not less than two (2) years nor more than~~
20 ~~ten (10) years, or by a fine of not more than Fifty Thousand Dollars~~
21 ~~(\$50,000.00) or an amount equal to twice the dollar amount of each~~
22 ~~transaction, whichever is greater, or by both such fine and~~
23 ~~imprisonment~~ in accordance with the provisions of Section 13 of this
24 act.

1 SECTION 287. AMENDATORY 21 O.S. 2021, Section 1268.8, is
2 amended to read as follows:

3 Section 1268.8. Any person who knowingly or intentionally uses
4 a money services business, as defined by the Oklahoma Financial
5 Transaction Reporting Act, or an electronic funds transfer network
6 for any purpose in violation of the Oklahoma Antiterrorism Act, or
7 with intent to facilitate any violation of the Oklahoma
8 Antiterrorism Act shall, upon conviction, be guilty of a Class B4
9 ~~felony punishable by imprisonment in the custody of the Department~~
10 ~~of Corrections for a term of not less than two (2) years nor more~~
11 ~~than ten (10) years, or by a fine of not more than Fifty Thousand~~
12 ~~Dollars (\$50,000.00) or an amount equal to twice the dollar amount~~
13 ~~of each transaction, whichever is greater, or by both such fine and~~
14 ~~imprisonment~~ in accordance with the provisions of Section 13 of this
15 act.

16 SECTION 288. AMENDATORY 21 O.S. 2021, Section 1267.1, is
17 amended to read as follows:

18 Section 1267.1. Any person organizing or assisting to organize
19 any group, company, assembly of persons, or association with the
20 intent of advocating or encouraging the overthrow of the United
21 States or state governments, or of acting to overthrow such
22 governments, by force or violence, or who is or becomes a member or
23 affiliate of any such organization knowing its purposes shall, upon
24 conviction thereof, be guilty of a Class D3 felony, and upon

1 conviction, shall be punished in accordance with the provisions of
2 Section 20 of this act.

3 SECTION 289. AMENDATORY 21 O.S. 2021, Section 1272.3, is
4 amended to read as follows:

5 Section 1272.3. It is unlawful for any person to knowingly
6 discharge, or cause to be discharged, any electrical stun gun, tear
7 gas weapon, mace, tear gas, pepper mace or any similar deleterious
8 agent against another person knowing the other person to be a peace
9 officer, corrections officer, probation or parole officer,
10 firefighter, or an emergency medical technician or paramedic who is
11 acting in the course of official duty. Any person violating the
12 provisions of this section, upon conviction, shall be guilty of a
13 Class D2 felony punishable by imprisonment in the custody of the
14 Department of Corrections for a term of not exceeding ten (10)
15 years, or by imprisonment in the county jail for a term of not
16 exceeding one (1) year in accordance with the provisions of Section
17 18.

18 SECTION 290. AMENDATORY 21 O.S. 2021, Section 1278, is
19 amended to read as follows:

20 Section 1278.

21 UNLAWFUL INTENT TO CARRY

22 Any person in this state who carries or wears any deadly weapons
23 or dangerous instrument whatsoever with the intent or for the avowed
24 purpose of unlawfully injuring another person shall, upon

1 conviction, be guilty of a Class D1 felony punishable ~~by a fine not~~
2 ~~exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in~~
3 ~~the custody of the Department of Corrections for a period not~~
4 ~~exceeding two (2) years, or by both such fine and imprisonment in~~
5 accordance with the provisions of Section 18 of this act. The mere
6 possession of such a weapon or dangerous instrument, without more,
7 however, shall not be sufficient to establish intent as required by
8 this section.

9 Any person convicted of violating the provisions of this section
10 after having been issued a handgun license pursuant to the
11 provisions of the Oklahoma Self-Defense Act shall have the license
12 revoked and shall be liable for an administrative fine of One
13 Thousand Dollars (\$1,000.00) upon a hearing and determination by the
14 Oklahoma State Bureau of Investigation that the person is in
15 violation of the provisions of this section.

16 SECTION 291. AMENDATORY 21 O.S. 2021, Section 1282, is
17 amended to read as follows:

18 Section 1282.

19 FELONY USE OF A SLUNG SHOT

20 Any person who carries upon his person, whether concealed or
21 not, or uses or attempts to use against another, any instrument or
22 weapon of the kind usually known as slung shot, or of any similar
23 kind, shall be guilty of a Class D3 felony, and upon conviction,
24

1 shall be punished in accordance with the provisions of Section 20 of
2 this act.

3 SECTION 292. AMENDATORY 21 O.S. 2021, Section 1283, is
4 amended to read as follows:

5 Section 1283.

6 CONVICTED FELONS AND DELINQUENTS

7 A. Except as provided in subsection B of this section, it shall
8 be unlawful for any person convicted of any felony in any court of
9 this state or of another state or of the United States to have in
10 his or her possession or under his or her immediate control, or in
11 any vehicle which the person is operating, or in which the person is
12 riding as a passenger, or at the residence where the convicted
13 person resides, any pistol, imitation or homemade pistol, altered
14 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
15 other dangerous or deadly firearm.

16 B. Any person who has previously been convicted of a nonviolent
17 felony in any court of this state or of another state or of the
18 United States, and who has received a full and complete pardon from
19 the proper authority and has not been convicted of any other felony
20 offense which has not been pardoned, shall have restored the right
21 to possess any firearm or other weapon prohibited by subsection A of
22 this section, the right to apply for and carry a handgun, concealed
23 or unconcealed, pursuant to the Oklahoma Self-Defense Act or as
24

1 otherwise permitted by law, and the right to perform the duties of a
2 peace officer, gunsmith, and for firearms repair.

3 C. It shall be unlawful for any person serving a term of
4 probation for any felony in any court of this state or of another
5 state or of the United States or under the jurisdiction of any
6 alternative court program to have in his or her possession or under
7 his or her immediate control, or at his or her residence, or in any
8 passenger vehicle which the person is operating or is riding as a
9 passenger, any pistol, shotgun or rifle, including any imitation or
10 homemade pistol, altered air or toy pistol, shotgun or rifle, while
11 such person is subject to supervision, probation, parole or inmate
12 status.

13 D. It shall be unlawful for any person previously adjudicated
14 as a delinquent child or a youthful offender for the commission of
15 an offense, which would have constituted a felony offense if
16 committed by an adult, to have in the possession of the person or
17 under the immediate control of the person, or have in any vehicle
18 which he or she is driving or in which the person is riding as a
19 passenger, or at the residence of the person, any pistol, imitation
20 or homemade pistol, altered air or toy pistol, machine gun, sawed-
21 off shotgun or rifle, or any other dangerous or deadly firearm
22 within ten (10) years after such adjudication; provided, that
23 nothing in this subsection shall be construed to prohibit the
24 placement of the person in a home with a full-time duly appointed

1 peace officer who is certified by the Council on Law Enforcement
2 Education and Training (CLEET) pursuant to the provisions of Section
3 3311 of Title 70 of the Oklahoma Statutes.

4 E. It shall be unlawful for any person who is an alien
5 illegally or unlawfully in the United States to have in the
6 possession of the person or under the immediate control of the
7 person, or in any vehicle the person is operating, or at the
8 residence where the person resides, any pistol, imitation or
9 homemade pistol, altered air or toy pistol, shotgun, rifle or any
10 other dangerous or deadly firearm; provided, that nothing in this
11 subsection applies to prohibit the transport or detention of the
12 person by law enforcement officers or federal immigration
13 authorities. Any person who violates the provisions of this
14 subsection shall, upon conviction, be guilty of a misdemeanor
15 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

16 F. Any person having been issued a handgun license pursuant to
17 the provisions of the Oklahoma Self-Defense Act and who thereafter
18 knowingly or intentionally allows a convicted felon or adjudicated
19 delinquent or a youthful offender as prohibited by the provisions of
20 subsection A, C, or D of this section to possess or have control of
21 any pistol authorized by the Oklahoma Self-Defense Act shall, upon
22 conviction, be guilty of a Class B4 felony punishable and shall be
23 punished in accordance with the provisions of Section 13 of this act
24 or by a fine not to exceed Five Thousand Dollars (\$5,000.00). In

1 addition, the person shall have the handgun license revoked by the
2 Oklahoma State Bureau of Investigation after a hearing and
3 determination that the person has violated the provisions of this
4 section.

5 G. Any convicted or adjudicated person violating the provisions
6 of this section shall, upon conviction, be guilty of a Class B4
7 felony punishable as provided in Section 1284 of this title.

8 H. For purposes of this section, "sawed-off shotgun or rifle"
9 shall mean any shotgun or rifle which has been shortened to any
10 length.

11 I. For purposes of this section, "altered toy pistol" shall
12 mean any toy weapon which has been altered from its original
13 manufactured state to resemble a real weapon.

14 J. For purposes of this section, "altered air pistol" shall
15 mean any air pistol manufactured to propel projectiles by air
16 pressure which has been altered from its original manufactured
17 state.

18 K. For purposes of this section, "alternative court program"
19 shall mean any drug court, Anna McBride or mental health court, DUI
20 court or veterans court.

21 SECTION 293. AMENDATORY 21 O.S. 2021, Section 1284, is
22 amended to read as follows:

23 Section 1284.

24 PENALTY FOR 1283

1 Any previously convicted or adjudicated person who violates any
2 provision of Section 1283 of this title shall be guilty of a Class
3 B4 felony and, upon conviction thereof, shall be punished ~~by~~
4 ~~imprisonment in the State Penitentiary for a period not less than~~
5 ~~one (1) year nor more than ten (10) years~~ in accordance with the
6 provisions of Section 13 of this act.

7 SECTION 294. AMENDATORY 21 O.S. 2021, Section 1287, is
8 amended to read as follows:

9 Section 1287.

10 USE OF FIREARM WHILE COMMITTING A FELONY

11 A. Any person who, while committing or attempting to commit a
12 felony, possesses a pistol, shotgun or rifle or any other offensive
13 weapon in such commission or attempt, whether the pistol, shotgun or
14 rifle is loaded or not, or who possesses a blank or imitation
15 pistol, altered air or toy pistol, shotgun or rifle capable of
16 raising in the mind of one threatened with such device a fear that
17 it is a real pistol, shotgun or rifle, or who possesses an air gun
18 or carbon dioxide or other gas-filled weapon, electronic dart gun,
19 conductive energy weapon, knife, dagger, dirk, switchblade knife,
20 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
21 addition to the penalty provided by statute for the felony committed
22 or attempted shall, upon conviction, be guilty of a Class B4 felony
23 for possessing such weapon or device, which shall be a separate
24 offense from the felony committed or attempted and shall be

1 ~~punishable by imprisonment in the custody of the Department of~~
2 ~~Corrections for a period of not less than two (2) years nor for more~~
3 ~~than ten (10) years for the first offense, and for a period of not~~
4 ~~less than ten (10) years nor more than thirty (30) years for any~~
5 punished in accordance with the provisions of Section 13 of this
6 act. Any person convicted of a second or subsequent offense shall
7 be guilty of a Class B1 felony and shall be punished in accordance
8 with the provisions of Section 10 of this act.

9 B. Any person convicted of violating the provisions of this
10 section after having been issued a handgun license pursuant to the
11 provisions of the Oklahoma Self-Defense Act shall have the license
12 revoked and shall be liable for an administrative fine of One
13 Thousand Dollars (\$1,000.00) upon a hearing and determination by the
14 Oklahoma State Bureau of Investigation that the person is in
15 violation of the provisions of this section.

16 C. As used in this section:

17 1. "Altered toy pistol" shall mean any toy weapon which has
18 been altered from its original manufactured state to resemble a real
19 weapon; and

20 2. "Altered air pistol" shall mean any air pistol manufactured
21 to propel projectiles by air pressure which has been altered from
22 its original manufactured state.

23 SECTION 295. AMENDATORY 21 O.S. 2021, Section 1289.17,
24 is amended to read as follows:

1 Section 1289.17.

2 PENALTIES FOR 1289.16

3 Any violation of Section 1289.16 of this title shall constitute
4 a Class B4 felony, for which a person convicted thereof shall be
5 ~~sentenced to imprisonment in the State Penitentiary for not less~~
6 ~~than one (1) year nor more than ten (10) years~~ punished in
7 accordance with the provisions of Section 13 of this act.

8 SECTION 296. AMENDATORY 21 O.S. 2021, Section 1289.17A,
9 is amended to read as follows:

10 Section 1289.17A.

11 FELONY DISCHARGING FIREARMS

12 It shall be unlawful for any person to willfully or
13 intentionally discharge any firearm or other deadly weapon at or
14 into any dwelling, or at or into any building used for public or
15 business purposes. Any violation of the provisions of this section
16 shall be a Class B1 felony ~~punishable by imprisonment in the custody~~
17 ~~of the Department of Corrections for a term not less than two (2)~~
18 ~~years nor more than twenty (20) years~~ and the person shall be
19 punished in accordance with the provisions of Section 10 of this
20 act. The provisions of this section shall not apply to any law
21 enforcement officer in the performance of any lawful duty.

22 SECTION 297. AMENDATORY 21 O.S. 2021, Section 1289.18,
23 is amended to read as follows:

24 Section 1289.18.

1 DEFINITIONS

2 A. "Sawed-off shotgun" shall mean any firearm capable of
3 discharging a series of projectiles of any material which may
4 reasonably be expected to be able to cause lethal injury, with a
5 barrel or barrels less than eighteen (18) inches in length, and
6 using a combustible propellant charge, but does not include any
7 weapon so designed with a barrel less than eighteen (18) inches in
8 length, provided it has an overall length of twenty-six (26) inches
9 or more.

10 B. "Sawed-off rifle" shall mean any rifle having a barrel or
11 barrels of less than sixteen (16) inches in length or any weapon
12 made from a rifle (whether by alteration, modification, or
13 otherwise) if such a weapon as modified has an overall length of
14 less than twenty-six (26) inches in length, including the stock
15 portion.

16 C. Every person who knowingly has in his possession or under
17 his immediate control a sawed-off shotgun or a sawed-off rifle,
18 whether concealed or not, shall upon conviction be guilty of a Class
19 D2 felony for the possession of such device, and shall be punishable
20 ~~by a fine not to exceed One Thousand Dollars (\$1,000.00), or~~
21 ~~imprisonment in the State Penitentiary for a period not to exceed~~
22 ~~two (2) years, or both such fine and imprisonment~~ in accordance with
23 the provisions of Section 19 of this act.

1 D. This section shall not apply to any firearm that is lawfully
2 possessed under federal law or that is otherwise not regulated as a
3 "firearm" pursuant to the National Firearms Act.

4 E. The term "firearm" as used in this section and in the
5 Oklahoma Firearms Act of 1971, shall not include an "antique
6 firearm" as defined in 18 U.S.C., Section 921 (2006).

7 SECTION 298. AMENDATORY 21 O.S. 2021, Section 1289.20,
8 is amended to read as follows:

9 Section 1289.20.

10 MANUFACTURE OF RESTRICTED BULLETS

11 A. Except for the purpose of public safety or national
12 security, it shall be unlawful to manufacture, cause to be
13 manufactured, import, advertise for sale or sell within this state
14 any restricted bullet as defined in Section 1289.19 of this title.

15 B. Any person convicted of violating subsection A of this
16 section shall be guilty of a Class B4 felony and shall be punished
17 ~~by a fine of not less than Five Hundred Dollars (\$500.00) nor more~~
18 ~~than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the~~
19 ~~State Penitentiary for not more than ten (10) years, or by both such~~
20 ~~fine and imprisonment~~ in accordance with the provisions of Section
21 13 of this act.

22 SECTION 299. AMENDATORY 21 O.S. 2021, Section 1289.21,
23 is amended to read as follows:

24 Section 1289.21.

1 POSSESSION OR USE OF RESTRICTED BULLETS

2 A. It shall be unlawful for any person to possess, carry upon
3 his person, use or attempt to use against another person any
4 restricted bullet as defined in Section 1289.19 of this title.

5 B. Any person convicted of violating subsection A of this
6 section shall be guilty of a Class B4 felony and shall be punished
7 ~~by imprisonment in the State Penitentiary for not less than two (2)~~
8 ~~years nor more than ten (10) years~~ in accordance with the provisions
9 of Section 13 of this act. The sentence so imposed shall not be
10 suspended.

11 SECTION 300. AMENDATORY 21 O.S. 2021, Section 1289.26,
12 is amended to read as follows:

13 Section 1289.26.

14 USE OF BODY ARMOR

15 Any person who commits or attempts to commit a felony while
16 wearing body armor as defined in Section 1289.19 of this title, in
17 addition to the penalty provided by statute for the felony committed
18 or attempted, upon conviction shall be guilty of a Class B4 felony
19 for wearing such body armor, which shall be a separate offense from
20 the felony committed or attempted, and shall be ~~punishable by~~
21 ~~imprisonment in the State Penitentiary for a period of not more than~~
22 ~~ten (10) years~~ punished in accordance with the provisions of Section
23 13 of this act for the first offense, ~~and for a period of not more~~
24 ~~than twenty (20) years for any.~~ Any person convicted of a second or

1 subsequent ~~offense~~ violation of this section shall be guilty of a
2 Class B3 felony and shall be punished in accordance with the
3 provisions of Section 12 of this act.

4 SECTION 301. AMENDATORY 21 O.S. 2021, Section 1290.21,
5 is amended to read as follows:

6 Section 1290.21.

7 REPLACEMENT LICENSE

8 A. In the event a handgun license becomes missing, lost, stolen
9 or destroyed, the license shall be invalid, and the person to whom
10 the license was issued shall notify the Oklahoma State Bureau of
11 Investigation within thirty (30) days of the discovery of the fact
12 that the license is not in the possession of the licensee. The
13 person may obtain a substitute license upon furnishing a notarized
14 statement to the Bureau that the license is missing, lost, stolen or
15 destroyed and paying a fifteen-dollar replacement fee. During any
16 period when a license is missing, lost, stolen or destroyed, the
17 person shall have no authority to carry a concealed or unconcealed
18 handgun pursuant to the provisions of the Oklahoma Self-Defense Act.
19 The Bureau shall, upon receipt of the notarized statement and fee
20 from the licensee, issue a substitute license with the same
21 expiration date within ten (10) days of the receipt of the notarized
22 statement and fee.

23 B. Any person who knowingly or intentionally carries a
24 concealed or unconcealed handgun pursuant to a handgun license

1 authorized and issued pursuant to the provisions of the Oklahoma
2 Self-Defense Act which is stolen shall, upon conviction, be guilty
3 of a Class B4 felony punishable by a fine of Five Thousand Dollars
4 ~~(\$5,000.00)~~ in accordance with the provisions of Section 13 of this
5 act.

6 C. Any person having a valid handgun license pursuant to the
7 Oklahoma Self-Defense Act may carry any make or model of an
8 authorized pistol listed on the license, provided the type of pistol
9 shall not be other than the type or types listed on the license. A
10 person may complete additional firearms training for an additional
11 type of pistol during any license period and upon successful
12 completion of the training may request the additional type of pistol
13 be included on the license. The person shall submit to the Bureau a
14 fifteen-dollar replacement fee, the original certificate of training
15 and qualification for the additional type of firearm, and a
16 statement requesting the license be updated to include the
17 additional type of pistol. The Bureau shall issue an updated
18 license with the same expiration date within ten (10) days of the
19 receipt of the request. The person shall have no authority to carry
20 any additional type of pistol pursuant to the provisions of the
21 Oklahoma Self-Defense Act until the updated license has been
22 received by the licensee. The original license shall be destroyed
23 upon receipt of an updated handgun license.

24

1 D. A person may request during any license period an update for
2 a change of address or change of name by submitting to the Bureau a
3 fifteen-dollar replacement fee, and a notarized statement that the
4 address or name of the licensee has changed. The Bureau shall issue
5 an updated license with the same expiration date within ten (10)
6 days of receipt of the request. The original license shall be
7 destroyed upon the receipt of the updated handgun license.

8 SECTION 302. AMENDATORY 21 O.S. 2021, Section 1302, is
9 amended to read as follows:

10 Section 1302. Any person, masked or in disguise, who shall
11 enter upon the premises of another or demand admission into the
12 house or enclosure of another with intent to inflict bodily injury,
13 or injury to property shall be deemed guilty of assault with intent
14 to commit a felony and such entrance or demand for admission shall
15 be prima facie evidence of such intent, and upon conviction thereof,
16 such person shall be guilty of a Class B5 felony and shall be
17 ~~punished by a fine of not less than Fifty Dollars (\$50.00) nor more~~
18 ~~than Five Hundred Dollars (\$500.00), and by imprisonment in the~~
19 ~~State Penitentiary for a term of not less than one (1) year nor more~~
20 ~~than five (5) years~~ in accordance with the provisions of Section 14
21 of this act.

22 SECTION 303. AMENDATORY 21 O.S. 2021, Section 1303, is
23 amended to read as follows:

24

1 Section 1303. Any person, while masked or in disguise, who
2 shall assault another with a dangerous weapon, or other instrument
3 of punishment, shall be deemed guilty of a Class B1 felony, and upon
4 conviction thereof shall be ~~punishable~~ punished ~~by a fine of not~~
5 ~~less than One Hundred Dollars (\$100.00) nor more than Five Hundred~~
6 ~~Dollars (\$500.00), and by imprisonment in the State Penitentiary for~~
7 ~~a term of not less than five (5) years nor more than twenty (20)~~
8 ~~years~~ in accordance with the provisions of Section 10 of this act.

9 SECTION 304. AMENDATORY 21 O.S. 2021, Section 1304, is
10 amended to read as follows:

11 Any person who shall send, deliver, mail or otherwise transmit
12 to any person, or persons, in this state any letter, document or
13 other written or printed matter, anonymous or otherwise, designed to
14 threaten or intimidate such person or persons, or designed to put
15 him or them in fear of life, bodily harm or the destruction of his
16 or their property, shall be deemed guilty of ~~committing~~ a Class D2
17 felony, and upon conviction thereof shall be punished ~~by a fine of~~
18 ~~not less than Fifty Dollars (\$50.00) nor more than Five Hundred~~
19 ~~Dollars (\$500.00), and by imprisonment in the county jail or State~~
20 ~~Penitentiary for a period of not less than ninety (90) days nor more~~
21 ~~than one (1) year~~ in accordance with the provisions of Section 19 of
22 this act.

23 SECTION 305. AMENDATORY 21 O.S. 2021, Section 1312, is
24 amended to read as follows:

1 Section 1312. Every person guilty of participating in any riot
2 is punishable as follows:

3 1. If any murder, maiming, robbery, rape or arson was committed
4 in the course of such riot, such person is ~~punishable in the same~~
5 ~~manner as a principal in such crime~~ guilty of a Class A1 felony;

6 2. If the purpose of the riotous assembly was to resist the
7 execution of any statute of this state or of the United States, or
8 to obstruct any public officer of this state or of the United
9 States, in the performance of any legal duty, or in serving or
10 executing any legal process, such person shall, upon conviction, be
11 guilty of a Class B3 felony ~~punishable by imprisonment in the~~
12 ~~custody of the Department of Corrections for a term not exceeding~~
13 ~~ten (10) years and not less than two (2) years~~ and shall be punished
14 in accordance with the provisions of Section 12 of this act;

15 3. If such person carried at the time of such riot any species
16 of firearms, or other deadly or dangerous weapon, or was disguised,
17 such person shall, upon conviction, be guilty of a Class B3 felony
18 ~~punishable by imprisonment in the custody of the Department of~~
19 ~~Corrections for a term not exceeding ten (10) years and not less~~
20 ~~than two (2) years~~ and shall be punished in accordance with the
21 provisions of Section 12 of this act;

22 4. If such person directed, advised, encouraged or solicited
23 other persons, who participated in the riot to acts of force or
24 violence, such person shall, upon conviction, be guilty of a Class

1 ~~B1 felony punishable by imprisonment in the custody of the~~
2 ~~Department of Corrections for a term not exceeding twenty (20) years~~
3 ~~and not less than two (2) years~~ and shall be punished in accordance
4 with the provisions of Section 10 of this act; or

5 5. Every person who shall unlawfully obstruct the normal use of
6 any public street, highway or road within this state by impeding,
7 hindering or restraining motor vehicle traffic or passage thereon,
8 by standing or approaching motor vehicles thereon, or by endangering
9 the safe movement of motor vehicles or pedestrians traveling thereon
10 shall, upon conviction, be guilty of a misdemeanor punishable by
11 imprisonment in the county jail for a term not exceeding one (1)
12 year, or by a fine of not less than One Hundred Dollars (\$100.00)
13 and not exceeding Five Thousand Dollars (\$5,000.00), or by both such
14 fine and imprisonment. In addition, the person shall be liable for
15 all damages to person or property by reason of the same. As used in
16 this paragraph, "obstruct" means to render impassable or to render
17 passage unreasonably inconvenient or hazardous.

18 In all other cases such person is punishable as for a
19 misdemeanor.

20 SECTION 306. AMENDATORY 21 O.S. 2021, Section 1320.4, is
21 amended to read as follows:

22 Section 1320.4. Any person guilty of the crime, as set forth in
23 Section 1320.2 of this title, shall be deemed guilty of a Class B4
24 ~~felony, punishable by not more than ten (10) years in prison, or a~~

1 ~~fine of not more than Ten Thousand Dollars (\$10,000.00), or both in~~
2 accordance with the provisions of Section 13 of this act.

3 SECTION 307. AMENDATORY 21 O.S. 2021, Section 1320.5, is
4 amended to read as follows:

5 Section 1320.5. Any person guilty of the crime, as set forth in
6 Section 1320.3 of this title, shall be deemed guilty of a Class B5
7 ~~felony, punishable by not more than five (5) years in prison, or a~~
8 ~~fine of not more than Five Thousand Dollars (\$5,000.00), or both and~~
9 shall be punished in accordance with Section 14 of this act.

10 SECTION 308. AMENDATORY 21 O.S. 2021, Section 1320.10,
11 is amended to read as follows:

12 Section 1320.10. No person, except those specifically
13 authorized by the state or federal government, shall:

14 1. Teach or demonstrate to any group of persons the use,
15 application or making of any firearm, explosive or incendiary device
16 or application of physical force capable of causing injury or death
17 to a person knowing or intending that such firearm, explosive or
18 incendiary device or application of physical force will be employed
19 for use in, or in furtherance of, a riot or civil disorder; or

20 2. Assemble with one or more persons for the purpose of
21 training with, practicing with or being instructed in the use of any
22 firearm, explosive or incendiary device or application of physical
23 force capable of causing injury or death to a person, intending to
24 employ such firearm, explosive or incendiary device or application

1 of physical force for use in, or in furtherance of, a riot or civil
2 disorder. Any violation of this section shall be a Class D1 felony
3 punishable in accordance with the provisions of Section 18 of this
4 act.

5 SECTION 309. AMENDATORY 21 O.S. 2021, Section 1321.7, is
6 amended to read as follows:

7 Section 1321.7. A. During a state of emergency, any person who
8 maliciously destroys or damages any real or personal property or
9 maliciously injures another shall be guilty of a Class B4 felony.

10 B. Any person guilty of violating this section shall, upon
11 conviction thereof, be ~~imprisoned for not less than two (2) years,~~
12 ~~nor more than ten (10) years~~ punished in accordance with the
13 provisions of Section 13 of this act.

14 C. Any person sixteen (16) years of age or over who violates
15 the provisions of this section shall be prosecuted as an adult.

16 D. A person is guilty of an offense under this section
17 committed by another person when:

18 1. Acting with the state of mind that is sufficient for
19 commission of the offense, he causes an innocent or irresponsible
20 person to engage in conduct constituting the offense; or

21 2. Intending to promote or facilitate the commission of the
22 offense he:

23 a. solicits, requests, commands, importunes, or otherwise
24 attempts to cause the other person to commit it,

- 1 b. aids, counsels, or agrees or attempts to aid the other
2 person in planning or committing it, or
3 c. having a legal duty to prevent the commission of the
4 offense, fails to make a proper effort to do so.

5 E. In any prosecution for an offense under this section in
6 which the criminal liability of the accused is based upon the
7 conduct of another person pursuant to this section, it is no defense
8 that:

9 1. The other person is not guilty of the offense in question
10 because of irresponsibility or other legal incapacity or exemption,
11 or because of unawareness of the criminal nature of the conduct in
12 question or of the accused's criminal purpose, or because of other
13 factors precluding the mental state required for the commission of
14 the offense; or

15 2. The other person has not been prosecuted for or convicted of
16 any offense based on the conduct in question, or has previously been
17 acquitted thereof, or has been convicted of a different offense or
18 in a different degree, or has legal immunity from prosecution for
19 the conduct in question.

20 SECTION 310. AMENDATORY 21 O.S. 2021, Section 1321.8, is
21 amended to read as follows:

22 Section 1321.8. The following provisions shall apply during a
23 state of emergency.
24

1 A. A person is guilty of riot when he participates with two or
2 more persons in a course of disorderly conduct:

3 1. With intent to commit or facilitate the commission of a
4 felony or misdemeanor;

5 2. With intent to prevent or coerce official action; or

6 3. When the accused or any other participant to the knowledge
7 of the accused uses or plans to use a firearm or other deadly
8 weapon.

9 B. Any person upon any public way within the described area who
10 is directed by the authorities to leave the public way but refuses
11 to do so shall be guilty of a misdemeanor.

12 C. Any person who violates the provisions of this section,
13 except subsection B of this section, shall be guilty of a Class B4
14 felony, and upon conviction thereof shall be ~~imprisoned for not less~~
15 ~~than two (2) years nor more than ten (10) years~~ punished in
16 accordance with the provisions of Section 13 of this act.

17 D. Any person sixteen (16) years of age or over who violates
18 the provisions of this section shall be prosecuted as an adult.

19 E. A person is guilty of an offense under this section
20 committed by another person when:

21 1. Acting with the state of mind that is sufficient for
22 commission of the offense, he causes an innocent or irresponsible
23 person to engage in conduct constituting the offense;

24

1 2. Intending to promote or facilitate the commission of the
2 offense he:

- 3 a. solicits, requests, commands, importunes, or otherwise
4 attempts to cause the other person to commit it,
- 5 b. aids, counsels, or agrees or attempts to aid the other
6 person in planning or committing it, or
- 7 c. having a legal duty to prevent the commission of the
8 offense, fails to make a proper effort to do so; or

9 3. The person's conduct is expressly declared by a statute of
10 this state to establish the person's complicity.

11 F. In any prosecution for an offense under this section in
12 which the criminal liability of the accused is based upon the
13 conduct of another person pursuant to this section, it is no defense
14 that:

15 1. The other person is not guilty of the offense in question
16 because of irresponsibility or other legal incapacity or exemption,
17 or because of unawareness of the criminal nature of the conduct in
18 question or of the accused's criminal purpose, or because of other
19 factors precluding the mental state required for the commission of
20 the offense; or

21 2. The other person has not been prosecuted for or convicted of
22 any offense based on the conduct in question, or has previously been
23 acquitted thereof, or has been convicted of a different offense or

24

1 in a different degree, or has legal immunity from prosecution for
2 the conduct in question.

3 G. "Disorderly conduct" as used in this section means a course
4 of conduct by a person who:

5 1. Causes public inconvenience, annoyance, or alarm, or
6 recklessly creates a risk thereof, by:

7 a. engaging in fighting or in violent, tumultuous, or
8 threatening behavior,

9 b. making an unreasonable noise or an offensively coarse
10 utterance, gesture, or display, or addressing abusive
11 language to any person present,

12 c. dispersing any lawful procession or meeting of
13 persons, not being a peace officer of this state and
14 without lawful authority, or

15 d. creating a hazardous or physically offensive condition
16 which serves no legitimate purpose; or

17 2. Engages with at least one other person in a course of
18 disorderly conduct as defined in paragraph 1 of this subsection
19 which is likely to cause substantial harm or serious inconvenience,
20 annoyance, or alarm, and refuses or knowingly fails to obey an order
21 to disperse, made by a peace officer to the participants.

22 SECTION 311. AMENDATORY 21 O.S. 2021, Section 1327, is
23 amended to read as follows:

24

1 Section 1327. A. The Legislature recognizes that special
2 circumstances exist as regards college campuses and public school
3 facilities, including the fact that a large number of people are
4 confined to a small area, and certain acts committed in such places
5 would have a more detrimental effect as regards the health and
6 safety of those involved than if the same act were committed at some
7 other place, and, in keeping with these facts, any person on the
8 campuses or school grounds of any public state-supported
9 institutions of higher learning or public school facilities who, by
10 word of mouth or writings, advocates, affirmatively suggests or
11 teaches the duty, necessity, propriety or expediency of crime,
12 criminal syndicalism, or sabotage, or who shall advocate,
13 affirmatively suggest or teach the duty, necessity, propriety or
14 expediency of doing any act of violence, the destruction of or
15 damage to any property, the bodily injury to any person or persons,
16 or the commission of any crime or unlawful act as a means of
17 accomplishing or effecting any industrial or political ends, change,
18 or revolution, or for profit; or who prints, publishes, edits,
19 issues, or knowingly circulates, sells, distributes, or publicly
20 displays any books, pamphlets, paper, handbill, poster, document, or
21 written or printed matter in any form whatsoever, containing matter
22 advocating, advising, affirmatively suggesting, or teaching crime,
23 criminal syndicalism, sabotage, the doing of any act of physical
24 violence, the destruction of or damage to any property, the injury

1 to any person, or the commission of any crime or unlawful act as a
2 means of accomplishing, effecting or bringing about any industrial
3 or political ends, or change, or as a means of accomplishing,
4 effecting or bringing about any industrial or political revolution,
5 or for profit; or who shall openly or at all attempt to justify by
6 word of mouth or writing the commission or the attempt to commit
7 sabotage, any act of physical violence, the destruction of or damage
8 to any property, the injury to any person or the commission of any
9 crime or unlawful act, with the intent to exemplify, spread or teach
10 or affirmatively suggest criminal syndicalism, or who organizes, or
11 helps to organize or becomes a member of or voluntarily assembles
12 with any society or assemblage of persons which teaches, advocates,
13 or affirmatively suggests the doctrine of criminal syndicalism,
14 sabotage, or the necessity, propriety or expediency of doing any act
15 of physical violence or the commission of any crime or unlawful act
16 as a means of accomplishing or effecting any industrial or political
17 ends, change or revolution, or for profit; shall be guilty of a
18 Class C2 felony, and upon conviction thereof shall be punished, ~~by~~
19 ~~imprisonment in the State Penitentiary for a term not less than two~~
20 ~~(2) years, nor more than ten (10) years, or by a fine of not less~~
21 ~~than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand~~
22 ~~Dollars (\$10,000.00), or by both such fine and imprisonment in~~
23 accordance with the provisions of Section 17 of this act. Provided,

24

1 that none of the provisions of this section shall be construed to
2 modify or affect Section 166 of Title 40 of the Oklahoma Statutes.

3 B. Any person on the campuses or school grounds of any public
4 state-supported institutions of higher learning or public school
5 facilities above the age of eighteen (18) years who advocates
6 revolution, teaches or justifies a program of sabotage, force and
7 violation, sedition or treason against the government of the United
8 States or of this state, or who directly or indirectly advocates or
9 teaches by any means the overthrow of the government of the United
10 States or of this state by force or any unlawful means shall be
11 guilty of a Class A3 felony, and, upon conviction, shall be punished
12 by imprisonment in the ~~State Penitentiary~~ custody of the Department
13 of Corrections from ten (10) years to life.

14 SECTION 312. AMENDATORY 21 O.S. 2021, Section 1368, is
15 amended to read as follows:

16 Section 1368. A. Any person who has been convicted of a felony
17 under the laws of this or any other state or the laws of the United
18 States who, with an unlawful intent, is in possession of any
19 explosives, upon conviction, shall be guilty of a Class B4 felony
20 and shall be punished ~~by a fine of not to exceed Five Thousand~~
21 ~~Dollars (\$5,000.00), or by imprisonment in the State Penitentiary~~
22 ~~for a term not to exceed ten (10) years, or by both such fine and~~
23 ~~imprisonment~~ in accordance with the provisions of Section 13 of this
24 act.

1 B. For purposes of this section, the term "explosive" shall
2 have the same definition as the term "explosive" as defined by
3 Chapter 8 of Title 63 of the Oklahoma Statutes.

4 SECTION 313. AMENDATORY 21 O.S. 2021, Section 1378, is
5 amended to read as follows:

6 Section 1378. A. Any person who shall attempt, conspire or
7 endeavor to perform an act of violence involving or intended to
8 involve serious bodily harm or death of another person shall be
9 guilty of a Class B4 felony, ~~punishable upon conviction thereof by~~
10 ~~imprisonment for a period of not more than ten (10) years~~ and shall
11 be punished in accordance with the provisions of Section 13 of this
12 act.

13 B. Any person who shall threaten to perform an act of violence
14 involving or intended to involve serious bodily harm or death of
15 another person shall be guilty of a misdemeanor, punishable upon
16 conviction thereof by imprisonment in the county jail for a period
17 ~~of~~ not more than six (6) months.

18 C. Any person who shall devise any plan, scheme or program of
19 action to cause serious bodily harm or death of another person with
20 intent to perform such malicious act of violence, whether alone or
21 by conspiring with others, shall be guilty of a Class B4 felony,
22 ~~punishable upon conviction thereof by imprisonment for a period of~~
23 ~~not more than ten (10) years~~ and shall be punished in accordance
24 with the provisions of Section 13 of this act.

1 SECTION 314. AMENDATORY 21 O.S. 2021, Section 1401, is
2 amended to read as follows:

3 Section 1401. A. Any person who willfully and maliciously sets
4 fire to or burns, or by the use of any explosive device, accelerant,
5 ignition device, heat-producing device or substance, destroys in
6 whole or in part, or causes to be burned or destroyed, or aids,
7 counsels or procures the burning or destruction of any building or
8 structure or contents thereof, inhabited or occupied by one or more
9 persons, whether the property of that person or another, or who
10 willfully and maliciously sets fire to or burns, or by the use of
11 any explosive device, accelerant, ignition device, heat-producing
12 device or substance causes a person to be burned, or aids, counsels
13 or procures the burning of a person shall, upon conviction, be
14 guilty of arson in the first degree, which is a Class A3 felony, and
15 shall be punished by a fine not to exceed Twenty-five Thousand
16 Dollars (\$25,000.00), or by imprisonment in the custody of the
17 Department of Corrections for not more than thirty-five (35) years,
18 or by both such fine and imprisonment.

19 B. Any person who, while manufacturing, attempting to
20 manufacture or endeavoring to manufacture a controlled dangerous
21 substance in violation of subsection G of Section 2-401 of Title 63
22 of the Oklahoma Statutes, destroys in whole or in part, or causes to
23 be burned or destroyed, or aids, counsels or procures the burning or
24 destruction of any building or contents thereof, inhabited or

1 occupied by one or more persons whether the property of that person
2 or another, or who while manufacturing or attempting to manufacture
3 a controlled dangerous substance in violation of subsection G of
4 Section 2-401 of Title 63 of the Oklahoma Statutes causes a person
5 to be burned, or aids, counsels or procures the burning of a person
6 shall, upon conviction, be guilty of arson in the first degree,
7 which is a Class A3 felony, and shall be punished by a fine not to
8 exceed Twenty-five Thousand Dollars (\$25,000.00) and by imprisonment
9 in the custody of the Department of Corrections for not more than
10 thirty-five (35) years.

11 SECTION 315. AMENDATORY 21 O.S. 2021, Section 1402, is
12 amended to read as follows:

13 Section 1402. Any person who willfully and maliciously sets
14 fire to or burns or by the use of any explosive device or substance
15 or while manufacturing or attempting to manufacture a controlled
16 dangerous substance in violation of subsection G of Section 2-401 of
17 Title 63 of the Oklahoma Statutes destroys in whole or in part, or
18 causes to be burned or destroyed, or aids, counsels or procures the
19 burning or destruction of any uninhabited or unoccupied building or
20 structure or contents thereof, whether the property of himself or
21 another, shall be guilty of arson in the second degree, which is a
22 Class B2 felony, and, upon conviction thereof, shall be punished by
23 ~~a fine not to exceed Twenty Thousand Dollars (\$20,000.00), or be~~
24 ~~confined in the State Penitentiary for not more than twenty-five~~

1 ~~(25) years or both~~ in accordance with the provisions of Section 11
2 of this act.

3 SECTION 316. AMENDATORY 21 O.S. 2021, Section 1403, is
4 amended to read as follows:

5 Section 1403. A. Any person who willfully and maliciously sets
6 fire to or burns or by the use of any explosive device or substance
7 destroys in whole or in part, or causes to be burned or destroyed,
8 or aids, counsels or procures the burning of any property
9 whatsoever, including automobiles, trucks, trailers, motorcycles,
10 boats, standing farm crops, pasture lands, forest lands, or any
11 other property not herein specifically named, such property being
12 worth not less than Fifty Dollars (\$50.00), whether the property of
13 himself or another, shall be guilty of ~~arson in the third degree, a~~
14 Class C1 felony, and upon conviction thereof shall be punished ~~by a~~
15 ~~fine not to exceed Ten Thousand Dollars (\$10,000.00) or be confined~~
16 ~~in the State Penitentiary for not more than fifteen (15) years in~~
17 accordance with the provisions of Section 16 of this act.

18 B. Any person who willfully and maliciously, and with intent to
19 injure or defraud the insurer, sets fire to or burns or by use of
20 any explosive device or substance destroys in whole or in part, or
21 causes to be burned or destroyed, or aids, counsels, or procures the
22 burning or destruction of any building, property, or other chattels,
23 whether the property of himself or another, which shall at the time
24 be insured against loss or damage by fire or explosion, shall be

1 guilty of ~~arson in the third degree,~~ a Class B3 felony, and upon
2 conviction thereof shall be punished ~~by a fine not to exceed Ten~~
3 ~~Thousand Dollars (\$10,000.00) or be confined in the State~~
4 ~~Penitentiary for not more than fifteen (15) years or both~~ in
5 accordance with the provisions of Section 12 of this act.

6 C. Arson in the third degree is a Class B3 felony.

7 SECTION 317. AMENDATORY 21 O.S. 2021 Section 1404, is
8 amended to read as follows:

9 Section 1404. A. Any person who willfully and maliciously
10 attempts to set fire to or burn or attempts by use of any explosive
11 device or substance to destroy in whole or in part, or causes to be
12 burned or destroyed, or attempts to counsel or procure the burning
13 or destruction of any building or property mentioned in Sections
14 1401, 1402 or 1403 of this title shall be guilty of ~~arson in the~~
15 ~~fourth degree,~~ a Class C2 felony, and upon conviction thereof shall
16 be punished ~~by a fine not to exceed Five Thousand Dollars~~
17 ~~(\$5,000.00) or be confined in the State Penitentiary for not more~~
18 ~~than ten (10) years or both~~ in accordance with the provisions of
19 Section 17 of this act.

20 B. The placing or distributing of any flammable, explosive or
21 combustible material or substance or any device in any building or
22 property mentioned in Sections 1401, 1402 or 1403 of this title, in
23 an arrangement or preparation with intent to eventually willfully
24 and maliciously set fire to or burn or to procure the setting fire

1 to or burning of same, shall for the purposes of this section
2 constitute an attempt to burn such building or property, and shall
3 be guilty of ~~arson in the fourth degree,~~ a Class C1 felony, and upon
4 conviction thereof shall be punished ~~by a fine not to exceed Five~~
5 ~~Thousand Dollars (\$5,000.00), or be confined in the State~~
6 ~~Penitentiary for not more than ten (10) years, or both~~ in accordance
7 with the provisions of Section 16 of this act.

8 C. Arson in the fourth degree is a felony.

9 SECTION 318. AMENDATORY 21 O.S. 2021, Section 1405, is
10 amended to read as follows:

11 Section 1405. Any person violating any of the provisions of
12 Sections 1401, 1402, 1403 or 1404 of this title who during such
13 violation endangers any human life, including all emergency service
14 personnel, shall be guilty of a Class B4 felony and upon conviction
15 shall be punished ~~by imprisonment in the State Penitentiary for not~~
16 ~~less than three (3) years nor more than ten (10) years, or by a fine~~
17 ~~not to exceed Ten Thousand Dollars (\$10,000.00), or both~~ in
18 accordance with the provisions of Section 13 of this act. If
19 personal injury results, the person shall be guilty of a Class A3
20 felony and shall be punished by imprisonment in the State
21 Penitentiary custody of the Department of Corrections for not less
22 than seven (7) years.

23 SECTION 319. AMENDATORY 21 O.S. 2021, Section 1411, is
24 amended to read as follows:

1 Section 1411. Any person being the master, owner or agent of
2 any vessel, or officer or agent of any railroad, express or
3 transportation company, or otherwise being or representing any
4 carrier who delivers any bill of lading, receipt or other voucher,
5 or by which it appears that any merchandise of any description has
6 been shipped on board of any vessel, or delivered to any railroad,
7 express or transportation company or other carrier, unless the same
8 has been so shipped or delivered, and is at the time actually under
9 the control of such carrier, or the master, owner or agent of such
10 vessel, or some officer or agent of such company, to be forwarded as
11 expressed in such bill of lading, receipt or voucher, shall be
12 guilty of a Class D1 felony punishable by imprisonment in the State
13 ~~Penitentiary not exceeding five (5) years, or by a fine not~~
14 ~~exceeding One Thousand Dollars (\$1,000.00), or both~~ in accordance
15 with the provisions of Section 18 of this act.

16 SECTION 320. AMENDATORY 21 O.S. 2021, Section 1412, is
17 amended to read as follows:

18 Section 1412. Any person carrying on the business of a
19 warehouseman, wharfinger or other depositary of property, who issues
20 any receipt, bill of lading or other voucher for any merchandise of
21 any description which has not been actually received upon the
22 premises of such person, and is not under his actual control at the
23 time of issuing such instrument, whether such instrument is issued
24 to a person as being the owner of such merchandise, or as security

1 for any indebtedness, shall be guilty of a Class D1 felony
2 punishable ~~by imprisonment in the State Penitentiary not exceeding~~
3 ~~five (5) years, or by a fine not exceeding One Thousand Dollars~~
4 ~~(\$1,000.00), or both~~ in accordance with the provisions of Section 18
5 of this act.

6 SECTION 321. AMENDATORY 21 O.S. 2021, Section 1414, is
7 amended to read as follows:

8 Section 1414. Any person mentioned in Section 1411 or 1412 of
9 this title, who issued any second or duplicate receipt or voucher of
10 a kind specified in those two sections, at a time while any former
11 receipt or voucher for the merchandise specified in the second
12 receipt is outstanding and uncanceled, without writing across the
13 face of the same the word "Duplicate," in a plain and legible
14 manner, shall be guilty of a Class D1 felony punishable ~~by~~
15 ~~imprisonment in the State Penitentiary not exceeding five (5) years,~~
16 ~~or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both~~
17 in accordance with the provisions of Section 18 of this act.

18 SECTION 322. AMENDATORY 21 O.S. 2021, Section 1415, is
19 amended to read as follows:

20 Section 1415. Any person mentioned in Section 1411 or 1412 of
21 this title, who sells, hypothecates or pledges any merchandise for
22 which any bill of lading, receipt or voucher has been issued by him
23 without the consent in writing thereto of the person holding such
24 bill, receipt or voucher, shall be guilty of a Class D1 felony

1 ~~punishable by imprisonment in the State Penitentiary not exceeding~~
2 ~~five (5) years, or by a fine not exceeding One Thousand Dollars~~
3 ~~(\$1,000.00), or both~~ in accordance with the provisions of Section 18
4 of this act.

5 SECTION 323. AMENDATORY 21 O.S. 2021, Section 1416 is
6 amended to read as follows:

7 Section 1416. Any person mentioned in Section 1412 of this
8 title, who delivers to another any merchandise for which any bill of
9 lading, receipt or voucher has been issued, unless such receipt or
10 voucher bore upon its face the words "Not negotiable", plainly
11 written or stamped, or unless such receipt is surrendered to be
12 canceled at the time of delivery or unless, in the case of partial
13 delivery, a memorandum thereof is endorsed upon such receipt or
14 voucher, shall be punishable as follows:

15 1. If the value of the property is less than One Thousand
16 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor
17 punishable by imprisonment in the county jail not to exceed one (1)
18 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
19 or by both such imprisonment and fine;

20 2. If the value of the property is One Thousand Dollars
21 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
22 (\$2,500.00), the person shall be guilty of a Class D3 felony, and
23 upon conviction, shall be punishable by imprisonment in the custody
24 of the Department of Corrections not to exceed two (2) years, or in

1 ~~the county jail not to exceed one (1) year, or by a fine not to~~
2 ~~exceed One Thousand Dollars (\$1,000.00), or by both such~~
3 ~~imprisonment and fine~~ in accordance with the provisions of Section
4 20 of this act;

5 3. If the value of the property is Two Thousand Five Hundred
6 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
7 (\$15,000.00), the person shall be guilty of a Class D1 felony, and
8 upon conviction, shall be punishable by imprisonment in the custody
9 ~~of the Department of Corrections not to exceed five (5) years, or in~~
10 ~~the county jail not to exceed one (1) year, or by a fine not to~~
11 ~~exceed One Thousand Dollars (\$1,000.00), or by both such~~
12 ~~imprisonment and fine~~ in accordance with the provisions of Section
13 18 of this act; and

14 4. If the value of the property is Fifteen Thousand Dollars
15 (\$15,000.00) or more, the person shall be guilty of a Class C2
16 felony, and upon conviction, shall be punishable by imprisonment in
17 ~~the custody of the Department of Corrections not to exceed eight (8)~~
18 ~~years, or by a fine not to exceed One Thousand Dollars (\$1,000.00),~~
19 ~~or by both such imprisonment and fine~~ in accordance with the
20 provisions of Section 17 of this act.

21 SECTION 324. AMENDATORY 21 O.S. 2021, Section 1435, is
22 amended to read as follows:

23 Section 1435. A. Every person who breaks and enters the
24 dwelling house of another, in which there is at the time no human

1 being present, or any commercial building or any part of any
2 building, room, booth, tent, railroad car or other structure or
3 erection in which any property is kept or breaks into or forcibly
4 opens, any coin operated or vending machine or device with intent to
5 steal any property therein or to commit any felony, is guilty of
6 burglary in the second degree, a Class C2 felony, and shall be
7 punished in accordance with the provisions of Section 17 of this
8 act.

9 B. Every person who breaks and enters any automobile, truck,
10 trailer or vessel of another, in which any property is kept, with
11 intent to steal any property therein or to commit any felony, is
12 guilty of burglary in the third degree, a Class D1 felony, and shall
13 be punished in accordance with the provisions of Section 18 of this
14 act.

15 SECTION 325. AMENDATORY 21 O.S. 2021, Section 1436, is
16 amended to read as follows:

17 Section 1436. Burglary is a Class B1 felony punishable by
18 imprisonment in the custody of the Department of Corrections as
19 follows:

20 1. Burglary in the first degree for any term not less than
21 seven (7) years nor more than twenty (20) years;

22 2. Burglary in the second degree not exceeding seven (7) years;

23 and

24 3. Burglary in the third degree not exceeding five (5) years.

1 SECTION 326. AMENDATORY 21 O.S. 2021, Section 1441, is
2 amended to read as follows:

3 Section 1441. Any person who enters any building, railway car,
4 vehicle, or structure and there opens or attempts to open any vault,
5 safe, or receptacle used or kept for the secure keeping of money,
6 securities, books of accounts, or other valuable property, papers or
7 documents, without the consent of the owner, by the use of or aid of
8 dynamite, nitroglycerine, gunpowder, or other explosives, or who
9 enters any such building, railway car, vehicle, or structure in
10 which is kept any vault, safe or other receptacle for the safe
11 keeping of money or other valuable property, papers, books or
12 documents, with intent and without the consent of the owner, to open
13 or crack such vault, safe or receptacle by the aid or use of any
14 explosive, upon conviction, shall be deemed guilty of a Class A1
15 felony, and upon conviction shall be punished by imprisonment in the
16 ~~State Penitentiary~~ custody of the Department of Corrections for a
17 term of not less than twenty (20) years nor more than fifty (50)
18 years.

19 SECTION 327. AMENDATORY 21 O.S. 2021, Section 1442, is
20 amended to read as follows:

21 Section 1442. Any person who has been previously convicted of
22 the crime of burglary who has in his possession, custody or
23 concealed about his person, or transports or causes to be
24 transported, any combination of three (3) or more of the following

1 tools: Sledge hammer, pry bar, punches, chisel, bolt cutters, with
2 the intent to use or employ, or allow the same to be used or
3 employed, in the commission of a crime, or knowing that the tools
4 are to be used in the commission of a crime, shall be guilty of a
5 Class D3 felony, and upon conviction, shall be punished in
6 accordance with the provisions of Section 20 of this act.

7 SECTION 328. AMENDATORY 21 O.S. 2021, Section 1451, as
8 last amended by Section 2, Chapter 116, O.S.L. 2018, is amended to
9 read as follows:

10 Section 1451. A. Embezzlement is the fraudulent appropriation
11 of property of any person or legal entity, legally obtained, to any
12 use or purpose not intended or authorized by its owner, or the
13 secretion of the property with the fraudulent intent to appropriate
14 it to such use or purpose, under any of the following circumstances:

15 1. Where the property was obtained by being entrusted to that
16 person for a specific purpose, use, or disposition and shall
17 include, but not be limited to, any funds "held in trust" for any
18 purpose;

19 2. Where the property was obtained by virtue of a power of
20 attorney being granted for the sale or transfer of the property;

21 3. Where the property is possessed or controlled for the use of
22 another person;

23 4. Where the property is to be used for a public or benevolent
24 purpose;

1 5. Where any person diverts any money appropriated by law from
2 the purpose and object of the appropriation;

3 6. Where any person fails or refuses to pay over to the state,
4 or appropriate authority, any tax or other monies collected in
5 accordance with state law, and who appropriates the tax or monies to
6 the use of that person, or to the use of any other person not
7 entitled to the tax or monies;

8 7. Where the property is possessed for the purpose of
9 transportation, without regard to whether packages containing the
10 property have been broken;

11 8. Where any person removes crops from any leased or rented
12 premises with the intent to deprive the owner or landlord interested
13 in the land of any of the rent due from that land, or who
14 fraudulently appropriates the rent to that person or any other
15 person; or

16 9. Where the property is possessed or controlled by virtue of a
17 lease or rental agreement, and the property is willfully or
18 intentionally not returned within ten (10) days after the expiration
19 of the agreement.

20 Embezzlement does not require a distinct act of taking, but only
21 a fraudulent appropriation, conversion or use of property.

22 B. Except as provided in subsection C of this section,
23 embezzlement shall be punished as follows:

24

1 1. If the value of the property embezzled is less than One
2 Thousand Dollars (\$1,000.00), any person convicted shall be guilty
3 of a misdemeanor punishable by a fine not exceeding One Thousand
4 Dollars (\$1,000.00), by imprisonment in the county jail for a term
5 not to exceed one (1) year or, at the discretion of the court, by
6 imprisonment in the county jail for one or more nights or weekends
7 pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, or
8 by both such fine and imprisonment;

9 2. If the value of the property embezzled is One Thousand
10 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
11 Dollars (\$2,500.00), any person convicted shall be guilty of a Class
12 D3 felony punishable ~~by imprisonment in the custody of the~~
13 ~~Department of Corrections for a term not to exceed two (2) years or~~
14 ~~in the county jail for a term not to exceed one (1) year, shall be~~
15 ~~subject to a fine not exceeding Five Thousand Dollars (\$5,000.00) in~~
16 accordance with the provisions of Section 20 of this act, and
17 ordered to pay restitution to the victim as provided in Section 991f
18 of Title 22 of the Oklahoma Statutes;

19 3. If the value of the property embezzled is Two Thousand Five
20 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand
21 Dollars (\$15,000.00), any person convicted shall be guilty of a
22 Class D1 felony punishable ~~by imprisonment in the custody of the~~
23 ~~Department of Corrections for a term not to exceed five (5) years,~~
24 ~~shall be subject to a fine not exceeding Five Thousand Dollars~~

1 ~~(\$5,000.00)~~ in accordance with the provisions of Section 18 of this
2 act, and ordered to pay restitution to the victim as provided in
3 Section 991f of Title 22 of the Oklahoma Statutes; or

4 4. If the value of the property embezzled is Fifteen Thousand
5 Dollars (\$15,000.00) or more, any person convicted shall be guilty
6 of a Class C2 felony punishable ~~by imprisonment in the custody of~~
7 ~~the Department of Corrections for a term not to exceed eight (8)~~
8 ~~years, subject to a fine not exceeding Ten Thousand Dollars~~

9 ~~(\$10,000.00)~~ in accordance with the provisions of Section 17 of this
10 act, and ordered to pay restitution to the victim as provided in
11 Section 991f of Title 22 of the Oklahoma Statutes.

12 For purposes of this subsection, a series of offenses may be
13 aggregated into one offense when they are the result of the
14 formulation of a plan or scheme or the setting up of a mechanism
15 which, when put into operation, results in the taking or diversion
16 of money or property on a recurring basis. When all acts result
17 from a continuing course of conduct, they may be aggregated into one
18 crime. Acts forming an integral part of the first taking which
19 facilitate subsequent takings, or acts taken in preparation of
20 several takings which facilitate subsequent takings, are relevant to
21 determine the intent of the party to commit a continuing crime.

22 C. Any county or state officer, deputy or employee of such
23 officer, who shall divert any money appropriated by law from the
24 purpose and object of the appropriation shall, upon conviction, be

1 guilty of a Class C2 felony punishable ~~by imprisonment in the~~
2 ~~custody of the Department of Corrections for a term not less than~~
3 ~~one (1) year nor more than ten (10) years~~ in accordance with the
4 provisions of Section 17 of this act, and a fine equal to triple the
5 ~~amount of money so embezzled~~ and ordered to pay restitution to the
6 victim as provided in Section 991f of Title 22 of the Oklahoma
7 Statutes. The fine shall operate as a judgment lien at law on all
8 estate of the party so convicted and sentenced, and shall be
9 enforced by execution or other process for the use of the person
10 whose money or other funds or property were embezzled. In all cases
11 the fine, so operating as a judgment lien, shall be released or
12 entered as satisfied only by the person in interest.

13 D. Any executor, administrator, trustee, beneficiary or other
14 person benefiting from, acting in a fiduciary capacity for, or
15 otherwise administering a probate, intestate, or trust estate,
16 whether the trust is inter vivos or testamentary, upon conviction of
17 embezzlement from the estate shall not receive any portion, share,
18 gift or otherwise benefit from the estate.

19 SECTION 329. AMENDATORY 21 O.S. 2021, Section 1483, is
20 amended to read as follows:

21 Section 1483. A. Every person who extorts ~~or attempts~~ to
22 extort any money or other property from another, under circumstances
23 not amounting to robbery, by means of force or any threat such as is
24 mentioned in Section 1482 of this title, upon conviction, shall be

1 guilty of a Class D1 felony punishable in accordance with the
2 provisions of Section 18 of this act. ~~A conviction for extortion is~~
3 ~~punishable by imprisonment in the State Penitentiary for a term not~~
4 ~~exceeding five (5) years. A conviction for attempted extortion is~~
5 ~~punishable by imprisonment in the State Penitentiary for a term not~~
6 ~~exceeding two (2) years.~~

7 B. Every person who attempts to extort any money or other
8 property from another, under circumstances not amounting to robbery,
9 by means of force or any threat such as is mentioned in Section 1482
10 of this title, upon conviction, shall be guilty of Class D3 felony
11 punishable in accordance with the provisions of Section 20 of this
12 act.

13 SECTION 330. AMENDATORY 21 O.S. 2021, Section 1488, is
14 amended to read as follows:

15 Section 1488. Blackmail is verbally or by written or printed
16 communication and with intent to extort or gain any thing of value
17 from another or to compel another to do an act against his or her
18 will:

19 1. Accusing or threatening to accuse any person of a crime or
20 conduct which would tend to degrade and disgrace the person accused;

21 2. Exposing or threatening to expose any fact, report or
22 information concerning any person which would in any way subject
23 such person to the ridicule or contempt of society; or

24

1 3. Threatening to report a person as being illegally present in
2 the United States, and is coupled with the threat that such
3 accusation or exposure will be communicated to a third person or
4 persons unless the person threatened or some other person pays or
5 delivers to the accuser or some other person some thing of value or
6 does some act against his or her will. Blackmail is a Class D1
7 felony punishable ~~by imprisonment in the State Penitentiary for not~~
8 ~~to exceed five (5) years or fine not to exceed Ten Thousand Dollars~~
9 ~~(\$10,000.00) or by both such imprisonment and fine~~ in accordance
10 with the provisions of Section 18 of this act.

11 SECTION 331. AMENDATORY 21 O.S. 2021, Section 1503, is
12 amended to read as follows:

13 Section 1503. A. Any person who shall obtain food, lodging,
14 services or other accommodations at any hotel, inn, restaurant,
15 boarding house, rooming house, motel or auto camp, with intent to
16 defraud the owner or keeper thereof, if the value of such food,
17 lodging, services or other accommodations is less than One Thousand
18 Dollars (\$1,000.00), shall be guilty of a misdemeanor and upon
19 conviction thereof shall be fined not exceeding Five Hundred Dollars
20 (\$500.00), or be imprisoned in the county jail not exceeding three
21 (3) months, or punished by both such fine and imprisonment~~7.~~

22 B. Any person who shall obtain food, lodging, services or other
23 accommodations at any hotel, inn, restaurant, boarding house,
24 rooming house, motel or auto camp, with intent to defraud the owner

1 or keeper thereof, and if the value of such food, lodging, services
2 or accommodations is valued at One Thousand Dollars (\$1,000.00) or
3 more, any person convicted hereunder shall be deemed guilty of a
4 Class D1 felony and shall be punished ~~by imprisonment in the State~~
5 ~~Penitentiary for a term not exceeding five (5) years~~ in accordance
6 with the provisions of Section 18. Any person who shall obtain
7 shelter, lodging, or any other services at any apartment house,
8 apartment, rental unit, rental house, or trailer camp, with intent
9 to defraud the owner or keeper thereof, shall be guilty of a
10 misdemeanor and upon conviction thereof shall be fined not exceeding
11 One Hundred Dollars (\$100.00), or be imprisoned in the county jail
12 not exceeding three (3) months, or be punished by both fine and
13 imprisonment. Proof that such lodging, food, services or other
14 accommodations were obtained by false pretense or by false or
15 fictitious show or pretense of any baggage or other property, or
16 that he or she gave a check on which payment was refused, or that he
17 or she left the hotel, inn, restaurant, boarding house, rooming
18 house, motel, apartment house, apartment, rental unit or rental
19 house, trailer camp or auto camp, without payment or offering to pay
20 for such food, lodging, services or other accommodation, or that he
21 or she surreptitiously removed or attempted to remove his or her
22 baggage, or that he or she registered under a fictitious name, shall
23 be prima facie proof of the intent to defraud mentioned in this
24

1 section; but this section shall not apply where there has been an
2 agreement in writing for delay in payment.

3 SECTION 332. AMENDATORY 21 O.S. 2021, Section 1506, is
4 amended to read as follows:

5 Section 1506. Any person who obtains any money or property from
6 another, or obtains the signature of another to any written
7 instrument, the false making of which would be forgery, by means of
8 any false or fraudulent sale of property or pretended property by
9 auction, or by any of the practices known as mock auctions, shall be
10 guilty of a Class D3 felony punishable ~~by imprisonment in the State~~
11 ~~Penitentiary not exceeding three (3) years or in a county jail not~~
12 ~~exceeding one (1) year, or by a fine not exceeding One Thousand~~
13 ~~Dollars (\$1,000.00), or by both such fine and imprisonment~~ in
14 accordance with the provisions of Section 20 of this act; and, in
15 addition, the person forfeits any license he or she may hold to act
16 as an auctioneer, and is forever disqualified from receiving a
17 license to act as auctioneer within this state.

18 SECTION 333. AMENDATORY 21 O.S. 2021, Section 1521, as
19 last amended by Section 2, Chapter 221, O.S.L. 2016, is amended to
20 read as follows:

21 Section 1521. Every person who shall lease or rent, for any
22 period of time whatsoever, any motor vehicle and, with intent to
23 cheat and defraud, who pays the fees for such lease or rental by
24 means of a false, bogus or worthless check written for the sum of

1 less than One Thousand Dollars (\$1,000.00) shall be guilty of a
2 misdemeanor and upon conviction thereof shall be punished by a fine
3 not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in
4 the county jail for not more than six (6) months, or both such fine
5 and imprisonment. If the value of the worthless check is One
6 Thousand Dollars (\$1,000.00) or more, any person convicted hereunder
7 shall be deemed guilty of a Class D1 felony and shall be punished ~~by~~
8 ~~imprisonment in the State Penitentiary for a term not exceeding~~
9 ~~seven (7) years or by a fine not to exceed Five Hundred Dollars~~
10 ~~(\$500.00), or both such fine and imprisonment~~ in accordance with the
11 provisions of Section 18 of this act.

12 SECTION 334. AMENDATORY 21 O.S. 2021, Section 1531, is
13 amended to read as follows:

14 Section 1531. Any person who falsely personates another, and in
15 such assumed character:

16 1. Marries or pretends to marry, or to sustain the marriage
17 relation toward another, with or without the connivance of such
18 other person; or

19 2. Becomes bail or surety for any party, in any proceeding
20 whatever, before any court or officer authorized to take such bail
21 or surety; or

22 3. Subscribes, verifies, publishes, acknowledges or proves, in
23 the name of another person, any written instrument, with intent that
24 the same may be delivered or used as true; or

1 4. Does any other act whereby, if it were done by the person
2 falsely personated, he might in any event become liable to any suit
3 or prosecution, or to pay any sum of money, or to incur any charge,
4 forfeiture or penalty, or whereby any benefit might accrue to the
5 party personating, or to any other person;
6 shall be guilty of a Class C2 felony ~~punishable by imprisonment in~~
7 ~~the State Penitentiary not exceeding ten (10) years~~ and shall be
8 punished in accordance with the provisions of Section 17 of this
9 act.

10 SECTION 335. AMENDATORY 21 O.S. 2021, Section 1532, is
11 amended to read as follows:

12 Section 1532. Any person who falsely personates another, and in
13 such assumed character receives any money or property, that knowing
14 it is intended to be delivered to the individual so personated, with
15 intent to convert the same to his own use, or to that of another
16 person who is not entitled thereto, shall be punishable as follows:

17 1. If the value of the money or property is less than One
18 Thousand Dollars (\$1,000.00), the person shall be guilty of a
19 misdemeanor punishable by imprisonment in the county jail not to
20 exceed one (1) year, or by a fine not to exceed One Thousand Dollars
21 (\$1,000.00), or by both such imprisonment and fine;

22 2. If the value of the money or property is One Thousand
23 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
24 Dollars (\$2,500.00), the person shall be guilty of a Class D3 felony

1 ~~punishable by imprisonment in the custody of the Department of~~
2 ~~Corrections not to exceed two (2) years, or in the county jail not~~
3 ~~to exceed one (1) year, or by a fine not to exceed Five Thousand~~
4 ~~Dollars (\$5,000.00), or by both such imprisonment and fine in~~
5 accordance with the provisions of Section 20 of this act;

6 3. If the value of the money or property is Two Thousand Five
7 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand
8 Dollars (\$15,000.00), the person shall be guilty of a Class D1
9 ~~felony punishable by imprisonment in the custody of the Department~~
10 ~~of Corrections not to exceed five (5) years, or in the county jail~~
11 ~~not to exceed one (1) year, or by a fine not to exceed Five Thousand~~
12 ~~Dollars (\$5,000.00), or by both such imprisonment and fine in~~
13 accordance with the provisions of Section 18 of this act; and

14 4. If the value of the money or property is Fifteen Thousand
15 Dollars (\$15,000.00) or more, the person shall be guilty of a Class
16 C2 ~~felony punishable by imprisonment in the custody of the~~
17 ~~Department of Corrections not to exceed eight (8) years, or by a~~
18 ~~fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both~~
19 ~~such imprisonment and fine in accordance with the provisions of~~
20 Section 17 of this act.

21 SECTION 336. AMENDATORY 21 O.S. 2021, Section 1533, is
22 amended to read as follows:

23 Section 1533. A. Except as provided in subsection B of this
24 section, every person who falsely personates any public officer,

1 civil or military, any firefighter, any law enforcement officer, any
2 emergency medical technician or other emergency medical care
3 provider, or any private individual having special authority by law
4 to perform any act affecting the rights or interests of another, or
5 who assumes, without authority, any uniform or badge by which such
6 officers or persons are usually distinguished, and in such assumed
7 character does any act whereby another person is injured, defrauded,
8 harassed, vexed or annoyed, upon conviction, is guilty of a
9 misdemeanor punishable by imprisonment in the county jail not
10 exceeding six (6) months, or by a fine not exceeding Two Thousand
11 Dollars (\$2,000.00), or by both such fine and imprisonment.

12 B. Every person who falsely personates any public officer or
13 any law enforcement officer in connection with or relating to any
14 sham legal process shall, upon conviction, be guilty of a Class D3
15 ~~felony, punishable by imprisonment in the custody of the Department~~
16 ~~of Corrections for not more than two (2) years, or a fine not~~
17 ~~exceeding Five Thousand Dollars (\$5,000.00), or both such fine and~~
18 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
19 act.

20 C. Every person who falsely asserts authority of law not
21 provided for by federal or state law in connection with any sham
22 legal process shall, upon conviction, be guilty of a Class D3
23 ~~felony, punishable by imprisonment in the custody of the Department~~
24 ~~of Corrections for not more than two (2) years, or a fine not~~

1 ~~exceeding Five Thousand Dollars (\$5,000.00), or both such fine and~~
2 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
3 act.

4 D. Every person who, while acting falsely in asserting
5 authority of law, attempts to intimidate or hinder a public official
6 or law enforcement officer in the discharge of official duties by
7 means of threats, harassment, physical abuse, or use of sham legal
8 process shall, upon conviction, be guilty of a Class D3 felony
9 ~~punishable by imprisonment in the custody of the Department of~~
10 ~~Corrections for not more than two (2) years, or a fine not exceeding~~
11 ~~Five Thousand Dollars (\$5,000.00), or both such fine and~~
12 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
13 act.

14 E. Any person who, without authority under federal or state
15 law, acts as a supreme court justice, a district court judge, an
16 associate district judge, a special judge, a magistrate, a clerk of
17 the court or deputy, a notary public, a juror or other official
18 holding authority to determine a controversy or adjudicate the
19 rights or interests of others, or signs a document in such capacity,
20 shall, upon conviction, be guilty of a Class D3 felony punishable ~~by~~
21 ~~imprisonment in the custody of the Department of Corrections for not~~
22 ~~more than two (2) years, or a fine not exceeding Five Thousand~~
23 ~~Dollars (\$5,000.00), or both such fine and imprisonment in~~
24 accordance with the provisions of Section 20 of this act.

1 F. Every person who uses any motor vehicle or motor-driven
2 cycle usually distinguished as a law enforcement vehicle or equips
3 any motor vehicle or motor-driven cycle with any spot lamps, audible
4 sirens, or flashing lights, in violation of Section 12-217, 12-218
5 or 12-227 of Title 47 of the Oklahoma Statutes, or in any other
6 manner uses any motor vehicle or motor-driven cycle:

7 1. Which, by markings that conform to or imitate the markings
8 required or authorized in subsection B of Section 151 of Title 47 of
9 the Oklahoma Statutes and used by the Oklahoma Highway Patrol
10 Division of the Department of Public Safety, conveys to any person
11 the impression or appearance that it is a vehicle of the Oklahoma
12 Highway Patrol shall, upon conviction, be guilty of a misdemeanor
13 punishable by imprisonment in the county jail for not more than one
14 (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00),
15 or both fine and imprisonment; provided, nothing in this paragraph
16 shall be construed to prohibit the use of such a vehicle for
17 exhibitions, club activities, parades, and other functions of public
18 interest and which is not used on the public roads, streets, and
19 highways for regular transportation; or

20 2. For the purpose of falsely personating a law enforcement
21 officer and who in such assumed character commits any act whereby
22 another person is injured, defrauded, harassed, vexed or annoyed
23 shall, upon conviction, be guilty of a felony punishable by
24 imprisonment in the custody of the Department of Corrections not

1 exceeding ten (10) years, or by a fine not exceeding Ten Thousand
2 Dollars (\$10,000.00), or by both such fine and imprisonment.

3 G. 1. Any person who displays or causes to be displayed the
4 words "State Police" alone or in conjunction with any other word or
5 words on any motor vehicle, badge, clothing, identification card, or
6 any other object or document with the intent to communicate peace
7 officer or investigating authority shall, upon conviction, be guilty
8 of a misdemeanor punishable by a fine not exceeding One Thousand
9 Dollars (\$1,000.00). This paragraph shall not apply to any officer
10 with statewide investigatory or law enforcement authority.

11 2. Any person who displays or causes to display such words as
12 provided in this subsection for the purpose of falsely personating a
13 law enforcement officer and as such commits any act whereby another
14 person is injured, defrauded, harassed, vexed or annoyed shall, upon
15 conviction, be guilty of a Class D1 felony punishable ~~by~~
16 ~~imprisonment in the custody of the Department of Corrections not~~
17 ~~exceeding ten (10) years, or by a fine not exceeding Ten Thousand~~
18 ~~Dollars (\$10,000.00), or by both such fine and imprisonment in~~
19 accordance with the provisions of Section 18 of this act.

20 H. As used in this section:

21 1. "Sham legal process" means the issuance, display, delivery,
22 distribution, reliance on as lawful authority, or other use of an
23 instrument that is not lawfully issued, whether or not the

24

1 instrument is produced for inspection or actually exists, and
2 purports to do any of the following:

- 3 a. to be a summons, subpoena, judgment, arrest warrant,
4 search warrant, or other order of a court recognized
5 by the laws of this state, a law enforcement officer
6 commissioned pursuant to state or federal law or the
7 law of a federally recognized Indian tribe, or a
8 legislative, executive, or administrative agency
9 established by state or federal law or the law of a
10 federally recognized Indian tribe,
- 11 b. to assert jurisdiction or authority over or determine
12 or adjudicate the legal or equitable status, rights,
13 duties, powers, or privileges of any person or
14 property, or
- 15 c. to require or authorize the search, seizure,
16 indictment, arrest, trial, or sentencing of any person
17 or property; and

18 2. "Lawfully issued" means adopted, issued, or rendered in
19 accordance with the applicable statutes, rules, regulations, and
20 ordinances of the United States, a state, or a political subdivision
21 of a state.

22 I. It shall not be a defense to a prosecution under subsection
23 B, C, D or E of this section that:

1 1. The recipient of the sham legal process did not accept or
2 believe in the authority falsely asserted in the sham legal process;

3 2. The person violating subsection B, C, D or E of this section
4 does not believe in the jurisdiction or authority of this state or
5 of the United States government; or

6 3. The office the person violating subsection B, C, D or E of
7 this section purports to hold does not exist or is not an official
8 office recognized by state or federal law.

9 SECTION 337. AMENDATORY 21 O.S. 2021, Section 1533.1, is
10 amended to read as follows:

11 Section 1533.1. A. It is unlawful for any person to willfully
12 and with fraudulent intent obtain the name, address, Social Security
13 number, date of birth, place of business or employment, debit,
14 credit or account numbers, driver license number or any other
15 personal identifying information of another person, living or dead,
16 with intent to use, sell or allow any other person to use or sell
17 such personal identifying information to obtain or attempt to obtain
18 money, credit, goods, property or service in the name of the other
19 person without the consent of that person.

20 B. It is unlawful for any person to use with fraudulent intent
21 the personal identity of another person, living or dead, or any
22 information relating to the personal identity of another person,
23 living or dead, to obtain or attempt to obtain credit or anything of
24 value.

1 C. It is unlawful for any person with fraudulent intent to
2 lend, sell, or otherwise offer the use of such person's own name,
3 address, Social Security number, date of birth or any other personal
4 identifying information or document to any other person with the
5 intent to allow such other person to use the personal identifying
6 information or document to obtain or attempt to obtain any
7 identifying document in the name of such other person.

8 D. It is unlawful for any person to willfully create, modify,
9 alter or change any personal identifying information of another
10 person with fraudulent intent to obtain any money, credit, goods,
11 property, service or any benefit or thing of value, or to control,
12 use, waste, hinder or encumber another person's credit, accounts,
13 goods, property, title, interests, benefits or entitlements without
14 the consent of that person.

15 E. Any person convicted of violating any provision of this
16 section shall be guilty of identity theft. Any person who violates
17 the provisions of subsection A, B or D of this section shall, upon
18 conviction, be guilty of a Class D1 felony punishable ~~by~~
19 ~~imprisonment in the custody of the Department of Corrections for a~~
20 ~~term of not less than one (1) year nor more than five (5) years, or~~
21 ~~a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or~~
22 ~~by both such fine and imprisonment~~ in accordance with the provisions
23 of Section 18 of this act. Any person who violates the provisions
24 of subsection A, B or D of this section, and the victim is an

1 individual who is less than eighteen (18) years of age, shall, upon
2 conviction, be guilty of a D1 felony ~~punishable by imprisonment in~~
3 ~~the custody of the Department of Corrections for a term of not less~~
4 ~~than two (2) years nor more than ten (10) years, or a fine not to~~
5 ~~exceed One Hundred Thousand Dollars (\$100,000.00), or by both such~~
6 ~~fine and imprisonment~~ in accordance with the provisions of Section
7 18 of this act . Any person who violates the provisions of
8 subsection C of this section shall, upon conviction, be guilty of a
9 misdemeanor punishable by imprisonment in the county jail for a term
10 not to exceed one (1) year, or a fine not to exceed One Hundred
11 Thousand Dollars (\$100,000.00), or by both such fine and
12 imprisonment. Restitution to the victim may be ordered in addition
13 to any criminal penalty imposed by the court. The victim of
14 identity theft may bring a civil action for damages against any
15 person participating in furthering the crime or attempted crime of
16 identity theft.

17 SECTION 338. AMENDATORY 21 O.S. 2021 Section 1533.2, is
18 amended to read as follows:

19 Section 1533.2. A. It is unlawful for any person to willfully
20 and knowingly obtain, or attempt to obtain, another person's
21 personal, financial or other information of a financial institution
22 by means of any false or fraudulent statement made to any officer,
23 employee, agent or customer of such financial institution.

24

1 B. It is unlawful for any person to willfully and knowingly
2 present any false or fraudulent document or information, or any
3 document or information obtained or used without lawful consent or
4 authority, to any officer, employee, agent or another customer of
5 such financial institution to obtain, or attempt to obtain, another
6 person's personal, financial or other information from a financial
7 institution or to commit any crime.

8 C. Any person violating any provision of this section shall,
9 upon conviction, be guilty of a Class C2 felony ~~punishable by~~
10 ~~imprisonment in the Department of Corrections for a term of not more~~
11 ~~than ten (10) years~~ and shall be punished in accordance with the
12 provisions of Section 17 of this act. In addition, the court may
13 order restitution to be paid by the defendant to every customer
14 whose information was obtained or otherwise utilized in violation of
15 this provision.

16 SECTION 339. AMENDATORY 21 O.S. 2021, Section 1541.2, as
17 last amended by Section 4, Chapter 116, O.S.L. 2018, is amended to
18 read as follows:

19 Section 1541.2. A. If the value of the money, property or
20 valuable thing referred to in Section 1541.1 of this title is:

21 1. One Thousand Dollars (\$1,000.00) or more but less than Two
22 Thousand Five Hundred Dollars (\$2,500.00), the person shall be
23 guilty of a Class D3 felony ~~punishable by imprisonment in the~~
24 ~~custody of the Department of Corrections for a term not to exceed~~

1 ~~two (2) years or in the county jail for a term not to exceed one (1)~~
2 ~~year, or by a fine not to exceed Five Thousand Dollars (\$5,000.00),~~
3 ~~or by both such fine and imprisonment~~ in accordance with the
4 provisions of Section 20 of this act;

5 2. Two Thousand Five Hundred Dollars (\$2,500.00) or more but
6 less than Fifteen Thousand Dollars (\$15,000.00), the person shall be
7 guilty of a Class D1 felony punishable ~~by imprisonment in the~~
8 ~~custody of the Department of Corrections for a term not to exceed~~
9 ~~five (5) years or in the county jail for a term not to exceed one~~
10 ~~(1) year, or by a fine not to exceed Five Thousand Dollars~~
11 ~~(\$5,000.00), or by both such imprisonment and fine~~ in accordance
12 with the provisions of Section 18 of this act; or

13 3. Fifteen Thousand Dollars (\$15,000.00) or more, the person
14 shall be guilty of a Class C2 felony punishable ~~by imprisonment in~~
15 ~~the custody of the Department of Corrections for a term not to~~
16 ~~exceed eight (8) years, or by a fine not to exceed Five Thousand~~
17 ~~Dollars (\$5,000.00), or by both such imprisonment and fine~~ in
18 accordance with the provisions of Section 17 of this act.

19 B. Any person convicted pursuant to this section shall also be
20 ordered to pay restitution to the victim as provided in Section 991f
21 of Title 22 of the Oklahoma Statutes.

22 SECTION 340. AMENDATORY 21 O.S. 2021, Section 1541.3, as
23 last amended by Section 5, Chapter 116, O.S.L. 2018, is amended to
24 read as follows:

1 Section 1541.3. A. Any person making, drawing, uttering or
2 delivering two or more false or bogus checks, drafts or orders, as
3 defined by Section 1541.4 of this title, the total sum of which is
4 Two Thousand Dollars (\$2,000.00) or more, even though each separate
5 instrument is written for less than One Thousand Dollars
6 (\$1,000.00), all in pursuance of a common scheme or plan to cheat
7 and defraud shall upon conviction be deemed guilty of a felony and
8 shall be punished as follows:

9 1. If the total sum of two or more false or bogus checks,
10 drafts or orders is Two Thousand Dollars (\$2,000.00) or more but
11 less than Two Thousand Five Hundred Dollars (\$2,500.00), the person
12 shall be guilty of a Class D3 felony ~~punished by imprisonment in the~~
13 ~~custody of the Department of Corrections for a term not to exceed~~
14 ~~two (2) years or in the county jail for a term not to exceed one (1)~~
15 ~~year, or by a fine not to exceed Five Thousand Dollars (\$5,000.00),~~
16 ~~or by both such fine and imprisonment~~ in accordance with the
17 provisions of Section 20 of this act;

18 2. If the total sum of two or more false or bogus checks,
19 drafts or orders is Two Thousand Five Hundred Dollars (\$2,500.00) or
20 more but less than Fifteen Thousand Dollars (\$15,000.00), the person
21 shall be guilty of a Class D1 felony ~~punished by imprisonment in the~~
22 ~~custody of the Department of Corrections for a term not to exceed~~
23 ~~five (5) years or in the county jail for a term not to exceed one~~
24 ~~(1) year, or by a fine not to exceed Five Thousand Dollars~~

1 ~~(\$5,000.00), or by both such fine and imprisonment in accordance~~
2 ~~with the provisions of Section 18 of this act; or~~

3 3. If the total sum of two or more false or bogus checks,
4 drafts or orders is Fifteen Thousand Dollars (\$15,000.00) or more,
5 the person shall be guilty of a Class C2 felony punished by
6 ~~imprisonment in the custody of the Department of Corrections for a~~
7 ~~term not to exceed eight (8) years, or by a fine not to exceed Five~~
8 ~~Thousand Dollars (\$5,000.00), or by both such fine and imprisonment~~
9 in accordance with the provisions of Section 17 of this act.

10 B. If the total sum of two or more false or bogus checks,
11 drafts or orders is Five Hundred Dollars (\$500.00) or more but less
12 than Two Thousand Dollars (\$2,000.00), the person shall, upon
13 conviction, be guilty of a misdemeanor punishable by imprisonment in
14 the county jail for a term not to exceed one (1) year or, at the
15 discretion of the court, by imprisonment in the county jail for one
16 or more nights or weekends pursuant to Section 991a-2 of Title 22 of
17 the Oklahoma Statutes, shall be subject to a fine of not more than
18 Five Thousand Dollars (\$5,000.00), and ordered to pay restitution to
19 the victim as provided in Section 991f of Title 22 of the Oklahoma
20 Statutes.

21 SECTION 341. AMENDATORY 21 O.S. 2021, Section 1542, is
22 amended to read as follows:

23 Section 1542. A. Every person who, with intent to cheat or
24 defraud another, designedly, by color or aid of any false token or

1 writing, or other false pretense, obtains the signature of any
2 person to any written instrument, or obtains from any person any
3 money or property is, upon conviction, guilty of a Class D3 felony
4 punishable ~~by imprisonment in the custody of the Department of~~
5 ~~Corrections for a term not exceeding three (3) years or in a county~~
6 ~~jail not exceeding one (1) year~~ in accordance with the provisions of
7 Section 20 of this act if the value is One Thousand Dollars
8 (\$1,000.00) or more, ~~or by a fine not exceeding three times the~~
9 ~~value of the money or property so obtained, or by both such fine and~~
10 ~~imprisonment.~~ If the value is less than One Thousand Dollars
11 (\$1,000.00), the person is, upon conviction, guilty of a misdemeanor
12 punishable by imprisonment in the county jail for a term not
13 exceeding one (1) year, or by a fine not exceeding three times the
14 value of the money or property so obtained, or by both such fine and
15 imprisonment.

16 B. Every person who, with intent to cheat or defraud another,
17 possesses, uses, utters, transfers, makes, manufactures,
18 counterfeits, or reproduces a retail sales receipt or a Universal
19 Price Code Label is, upon conviction, guilty of a Class D3 felony
20 punishable ~~by imprisonment in the custody of the Department of~~
21 ~~Corrections for a term not exceeding three (3) years or in a county~~
22 ~~jail not exceeding one (1) year~~ in accordance with the provisions of
23 Section 20 of this act if the value is One Thousand Dollars
24 (\$1,000.00) or more, ~~or by a fine not exceeding three times the~~

1 ~~value represented on the retail sales receipt or the Universal Price~~
2 ~~Code Label, or by both such fine and imprisonment.~~ If the value is
3 less than One Thousand Dollars (\$1,000.00), the person is, upon
4 conviction, guilty of a misdemeanor punishable by imprisonment in
5 the county jail for a term not exceeding one (1) year, or by a fine
6 not exceeding three times the value represented on the retail sales
7 receipt or the Universal Price Code Label, or by both such fine and
8 imprisonment. For purposes of this subsection, a series of offenses
9 may be aggregated into one offense when they are the result of the
10 formulation of a plan or scheme or the setting up of a mechanism
11 which, when put into operation, results in the taking or diversion
12 of money or property on a recurring basis. When all acts result
13 from a continuing course of conduct, they may be aggregated into one
14 crime. Acts forming an integral part of the first taking which
15 facilitate subsequent takings, or acts taken in preparation of
16 several takings which facilitate subsequent takings, are relevant to
17 determine the intent of the party to commit a continuing crime.

18 SECTION 342. AMENDATORY 21 O.S. 2021, Section 1543, is
19 amended to read as follows:

20 Section 1543. Any person who designedly, by color or aid of any
21 false token or writing, or other false pretense, obtains the
22 signature of any person to any written instrument, or obtains from
23 any person any money or property for any alleged charitable or
24 benevolent purpose whatever, shall be guilty of a Class D3 felony

1 ~~punishable by imprisonment in the State Penitentiary not exceeding~~
2 ~~three (3) years or in a county jail not exceeding one (1) year, or~~
3 ~~by a fine not exceeding the value of the money or property so~~
4 ~~obtained, or by both such fine and imprisonment~~ in accordance with
5 the provisions of Section 20 of this act.

6 SECTION 343. AMENDATORY 21 O.S. 2021, Section 1544, is
7 amended to read as follows:

8 Section 1544. If the false token by which any money or property
9 is obtained in violation of the first and second preceding sections
10 of this article, is a promissory note or negotiable evidence of debt
11 purporting to be issued by or under the authority of any banking
12 company or corporation not in existence, the person guilty of such
13 cheat shall be guilty of a Class D1 felony punishable by
14 ~~imprisonment in the State Penitentiary not exceeding seven (7)~~
15 ~~years, instead of by punishment prescribed by those sections~~ in
16 accordance with the provisions of Section 18 of this act.

17 SECTION 344. AMENDATORY 21 O.S. 2021, Section 1550, is
18 amended to read as follows:

19 Section 1550. A. Any person who, while in the commission or
20 attempted commission of a felony, has in his possession or under his
21 control a firearm, the factory serial number or identification
22 number of which has been removed, defaced, altered, obliterated or
23 mutilated in any manner, upon conviction, shall be guilty of a Class
24 D1 felony punishable ~~by imprisonment in the State Penitentiary for a~~

1 ~~period of not less than two (2) years nor more than five (5) years~~
2 ~~or by a fine of not less than One Thousand Dollars (\$1,000.00) nor~~
3 ~~more than Ten Thousand Dollars (\$10,000.00), or by both such fine~~
4 ~~and imprisonment~~ in accordance with the provisions of Section 18 of
5 this act,.

6 B. Any person who removes, defaces, alters, obliterates or
7 mutilates in any manner the factory serial number or identification
8 number of a firearm, or in any manner participates therein, upon
9 conviction, shall be guilty of a misdemeanor punishable by
10 imprisonment in the county jail for not to exceed one (1) year, or
11 by a fine of not to exceed One Thousand Dollars (\$1,000.00), or by
12 both such fine and imprisonment.

13 C. 1. Upon a conviction of a violation of this section, the
14 court clerk, sheriff, peace officer or other person having custody
15 of the firearm shall immediately deliver the firearm to the
16 Commissioner of Public Safety, who shall preserve the firearm
17 pending an order of the court.

18 2. At the conclusion of a trial or proceeding for a violation
19 of this section, if a finding is made that the factory serial number
20 or identification number of the firearm has been removed, defaced,
21 altered, obliterated or mutilated, the court shall issue a written
22 order to the Commissioner of Public Safety for destruction of the
23 firearm, unless the defendant files a timely motion to preserve the
24 firearm pending appeal. At the conclusion of the appeal, if a

1 finding is made that the factory serial number or identification
2 number of the firearm has been removed, defaced, altered,
3 obliterated or mutilated, the Court of Criminal Appeals or the trial
4 court shall issue a written order to the Commissioner for
5 destruction of the firearm.

6 SECTION 345. AMENDATORY 21 O.S. 2021, Section 1550.28,
7 is amended to read as follows:

8 Section 1550.28. ~~(a)~~ A. A person other than the cardholder or
9 a person authorized by him or her who, with intent to defraud (1)
10 the issuer, (2) a person or organization providing money, goods,
11 services or anything else of value, or (3) any other person, signs a
12 credit card or debit card violates this subsection and is subject to
13 the penalties set forth in Section 1550.33(a) of Title 21 of the
14 Oklahoma Statutes.

15 ~~(b)~~ B. When a person, other than the cardholder or a person
16 authorized by him or her, possesses any credit card or debit card
17 which is signed or not signed, such possession shall be a crime and
18 ~~subject to the penalties set forth in Section 1550.33 of Title 21 of~~
19 ~~the Oklahoma Statutes~~ upon conviction, shall be guilty of a Class D1
20 felony punishable in accordance with the provisions of Section 18 of
21 this act.

22 SECTION 346. AMENDATORY 21 O.S. 2021, Section 1550.31,
23 is amended to read as follows:

24

1 Section 1550.31. ~~(a)~~ A. A person other than the cardholder
2 possessing one or more incomplete credit cards or debit cards, with
3 intent to complete them without the consent of the issuer, or a
4 person possessing, with knowledge of its character, machinery,
5 plates or any other contrivance designed to reproduce instruments
6 purporting to be the credit cards or debit cards of an issuer who
7 has not consented to the preparation of such credit cards or debit
8 cards, ~~is guilty of an offense and is subject to the penalties set~~
9 ~~forth in Section 1550.33(b) of this title~~ of a Class D1 felony
10 punishable in accordance with the provisions of Section 18 of this
11 act.

12 ~~(b)~~ B. A credit card or debit card is "incomplete" if part of
13 the matter, other than the signature of the cardholder, which an
14 issuer requires to appear on the credit card or debit card before it
15 can be used by a cardholder has not yet been stamped, embossed,
16 imprinted or written on it.

17 SECTION 347. AMENDATORY 21 O.S. 2021, Section 1550.32,
18 is amended to read as follows:

19 Section 1550.32. A person who receives money, goods, services
20 or anything else of value obtained in violation of Section 1550.29
21 of this title, with the knowledge or belief that it was so obtained,
22 ~~is guilty of an offense and is subject to the penalties set forth in~~
23 ~~subsection C of Section 1550.33 of this title~~ upon conviction, shall
24

1 be guilty of a Class D3 felony punishable in accordance with the
2 provisions of Section 20 of this act.

3 SECTION 348. AMENDATORY 21 O.S. 2021, Section 1550.41,
4 is amended to read as follows:

5 Section 1550.41. A. As used in this section and Section
6 1550.42 of this title, "identification document", "identification
7 card", or "identification certificate" means any printed form which
8 contains:

- 9 1. The name and photograph of a person;
- 10 2. The name and any physical description of a person;
- 11 3. The name and social security number of a person; or
- 12 4. Any combination of information provided for in paragraphs 1
13 through 3 of this subsection; and
14 which by its format, is capable of leading a person to believe ~~said~~
15 the document, card, or certificate has been issued for the purpose
16 of identifying the person named thereon, but shall not include any
17 printed form which, on its face, conspicuously bears the term "NOT
18 FOR IDENTIFICATION" in not less than six-point type.

19 B. It is a misdemeanor for any person:

- 20 1. To purchase an identification document, identification card,
21 or identification certificate which bears altered or fictitious
22 information concerning the date of birth, sex, height, eye color,
23 weight, a fictitious or forged name or signature or a photograph of
24 any person, other than the person named thereon;

1 2. To display or cause or permit to be displayed or to
2 knowingly possess an identification document, identification card or
3 identification certificate which bears altered or fictitious
4 information concerning the date of birth, sex, height, eye color,
5 weight, or fictitious or forged name or signature or a photograph of
6 any person, other than the person named thereon;

7 3. To display or cause or permit to be displayed or to
8 knowingly possess any counterfeit or fictitious identification
9 document, identification card, or identification certificate; or

10 4. To use the "Great Seal of the State of Oklahoma" or
11 facsimile thereof, on any identification document, identification
12 card, or identification certificate which is not issued by an entity
13 of this state or political subdivision thereof, or by the United
14 States. Provided, nothing in this paragraph shall be construed to
15 prohibit the use of the "Great Seal of the State of Oklahoma" for
16 authorized advertising, including, but not limited to, business
17 cards, calling cards and stationery.

18 C. It is a felony for any person:

19 1. To create, publish or otherwise manufacture an
20 identification document, identification card or identification
21 certificate or facsimile thereof, or to create, manufacture or
22 possess an engraved plate or other such device for the printing of
23 an identification document, identification card or identification
24 certificate or facsimile thereof, which purports to identify the

1 bearer of such document, card, or certificate whether or not
2 intended for use as identification, and includes, but is not limited
3 to, documents, cards, and certificates purporting to be driver
4 licenses, nondriver identification cards, birth certificates, social
5 security cards, and employee identification cards, except as
6 authorized by state or federal law;

7 2. To sell or offer for sale an identification document,
8 identification card, or identification certificate or facsimile
9 thereof, which purports to identify the bearer of such document,
10 card, or certificate whether or not intended for use as
11 identification, and includes, but is not limited to, documents,
12 cards, and certificates purporting to be driver licenses, nondriver
13 identification cards, birth certificates, social security cards, and
14 employee identification cards, except as authorized by state or
15 federal law; or

16 3. To display or present an identification document,
17 identification card or identification certificate which bears
18 altered, false or fictitious information for the purpose of:

- 19 a. committing or aiding in the commission of a felony in
20 any commercial or financial transaction,
21 b. misleading a peace officer in the performance of
22 duties, or
23 c. avoiding prosecution.

24

1 D. 1. The violation of any of the provisions of subsection B
2 of this section shall constitute a misdemeanor and, upon conviction
3 thereof, shall be punishable by a fine of not less than Twenty-five
4 Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00).

5 2. The violation of any of the provisions of subsection C of
6 this section shall constitute a Class D1 felony and, upon conviction
7 thereof, shall be punishable ~~by a fine not exceeding Ten Thousand~~
8 ~~Dollars (\$10,000.00) or a term of imprisonment in the State~~
9 ~~Penitentiary not to exceed seven (7) years, or by both such fine and~~
10 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
11 act.

12 E. Notwithstanding any provision of this section, the chief
13 administrator of a federal or state law enforcement, military, or
14 intelligence agency may request the Commissioner of the Department
15 of Public Safety or State Commissioner of Health to authorize the
16 issuance of an identification document, identification card, or
17 identification certificate within the scope of their authority which
18 would otherwise be a violation of this section, to identify a law
19 enforcement officer or agent as another person for the sole purpose
20 of aiding in a criminal investigation or a military or intelligence
21 operation. A person displaying or possessing such identification
22 shall not be prosecuted for a violation of this section. Upon
23 termination of the investigation or operation, the person to whom
24 such identification document, identification card or identification

1 certificate was issued shall return such identification to the
2 Department of Public Safety or State Department of Health, as
3 appropriate.

4 SECTION 349. AMENDATORY 21 O.S. 2021, Section 1571, is
5 amended to read as follows:

6 Section 1571. Every person who, with intent to defraud, forges,
7 or counterfeits the great or privy seal of this state, the seal of
8 any public office authorized by law, the seal of any court of
9 record, including judge of county seals, or the seal of any
10 corporation created by the laws of this state, or of any other
11 state, government or country, or any other public seal authorized or
12 recognized by the laws of this state, or of any other state,
13 government or country, or who falsely makes, forges or counterfeits
14 any impression purporting to be the impression of any such seal, is
15 guilty of forgery in the second degree, which shall be a Class D1
16 felony, punishable in accordance with the provisions of Section 18
17 of this act.

18 SECTION 350. AMENDATORY 21 O.S. 2021, Section 1572, is
19 amended to read as follows:

20 Section 1572. Every person who, with intent to defraud, falsely
21 alters, destroys, corrupts or falsifies:

22 1. Any record of any will, codicil, conveyance or other
23 instrument, the record of which is, by law, evidence; or,
24

1 2. Any record of any judgment in a court of record, or any
2 enrollment of any decree of a court of equity; or,

3 3. The return of any officer, court or tribunal to any process
4 of any court,

5 is guilty of forgery in the second degree, which shall be a
6 Class D1 felony punishable in accordance with the provisions of
7 Section 18 of this act.

8 SECTION 351. AMENDATORY 21 O.S. 2021, Section 1574, is
9 amended to read as follows:

10 Section 1574. If any officer authorized to take the
11 acknowledgment or proof of any conveyance of real property, or of
12 any other instrument which by law may be recorded, knowingly and
13 falsely certifies that any such conveyance or instrument was
14 acknowledged by any party thereto, or was proved by any subscribing
15 witness, when in truth such conveyance or instrument was not
16 acknowledged or proved as certified, he or she is guilty of forgery
17 in the second degree, which shall be a Class D1 felony punishable in
18 accordance with the provisions of Section 18 of this act.

19 SECTION 352. AMENDATORY 21 O.S. 2021, Section 1577, as
20 last amended by Section 6, Chapter 116, O.S.L. 2018, is amended to
21 read as follows:

22 Section 1577. A. Every person who sells, exchanges or delivers
23 for any consideration any forged or counterfeited promissory note,
24 check, bill, draft, or other evidence of debt, or engagement for the

1 payment of money absolutely, or upon any contingency, knowing the
2 same to be forged or counterfeited, with intent to have the same
3 uttered or passed, or who offers any such note or other instrument
4 for sale, exchange or delivery for any consideration, with the like
5 knowledge and intent, or who receives any such note or other
6 instrument upon a sale, exchange or delivery for any consideration
7 with the like knowledge and intent, is punishable as follows:

8 1. If the value of the instrument is less than One Thousand
9 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor
10 ~~forgery~~ punishable by imprisonment in the county jail for a term not
11 to exceed one (1) year, or by a fine not to exceed One Thousand
12 Dollars (\$1,000.00), or by both such imprisonment and fine;

13 2. If the value of the instrument is One Thousand Dollars
14 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
15 (\$2,500.00), the person shall be guilty of a Class D3 felony ~~forgery~~
16 ~~punishable by imprisonment in the custody of the Department of~~
17 ~~Corrections for a term not to exceed two (2) years or in the county~~
18 ~~jail not to exceed one (1) year, or by a fine not to exceed One~~
19 ~~Thousand Dollars (\$1,000.00), or by both such imprisonment and fine~~
20 in accordance with the provisions of Section 20 of this act;

21 3. If the value of the instrument is Two Thousand Five Hundred
22 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
23 (\$15,000.00), the person shall be guilty of a Class D1 felony
24 ~~forgery punishable by imprisonment in the custody of the Department~~

1 ~~of Corrections for a term not to exceed five (5) years or in the~~
2 ~~county jail for a term not to exceed one (1) year, or by a fine not~~
3 ~~to exceed One Thousand Dollars (\$1,000.00), or by both such~~
4 ~~imprisonment and fine~~ in accordance with the provisions of Section
5 18 of this act; or

6 4. If the value of the instrument is Fifteen Thousand Dollars
7 (\$15,000.00) or more, the person shall be guilty of a Class C2
8 ~~felony forgery punishable by imprisonment in the custody of the~~
9 ~~Department of Corrections for a term not to exceed eight (8) years,~~
10 ~~or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by~~
11 ~~both such imprisonment and fine~~ in accordance with the provisions of
12 Section 17 of this act.

13 B. For purposes of this section, a series of offenses may be
14 aggregated into one offense when they are the result of the
15 formulation of a plan or scheme or the setting up of a mechanism
16 which, when put into operation, results in the taking or diversion
17 of money or property on a recurring basis. When all acts result
18 from a continuing course of conduct, they may be aggregated into one
19 crime. Acts forming an integral part of the first taking which
20 facilitate subsequent takings, or acts taken in preparation of
21 several takings which facilitate subsequent takings, are relevant to
22 determine the intent of the party to commit a continuing crime.

23

24

1 SECTION 353. AMENDATORY 21 O.S. 2021, Section 1578, as
2 last amended by Section 6, Chapter 116, O.S.L. 2018, is amended to
3 read as follows:

4 Section 1578. A. Every person who, with intent to defraud, has
5 in his or her possession any forged, altered or counterfeit
6 negotiable note, bill, draft or other evidence of debt issued or
7 purporting to have been issued by any corporation or company duly
8 authorized for that purpose by the laws of this state or of any
9 other state, government or country, the forgery of which is
10 hereinbefore declared to be punishable, knowing the same to be
11 forged, altered or counterfeited, with intent to utter the same as
12 true or as false, or to cause the same to be so uttered, is
13 punishable as follows:

14 1. If the value of the instrument is less than One Thousand
15 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor
16 ~~forgery~~ punishable by imprisonment in the county jail for a term not
17 to exceed one (1) year, or by a fine not to exceed One Thousand
18 Dollars (\$1,000.00), or by both such imprisonment and fine;

19 2. If the value of the instrument is One Thousand Dollars
20 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
21 (\$2,500.00), the person shall be guilty of a Class D3 felony ~~forgery~~
22 ~~punishable by imprisonment in the custody of the Department of~~
23 ~~Corrections for a term not to exceed two (2) years or in the county~~
24 ~~jail for a term not to exceed one (1) year, or by a fine not to~~

1 ~~exceed One Thousand Dollars (\$1,000.00), or by both such~~
2 ~~imprisonment and fine~~ in accordance with the provisions of Section
3 20 of this act;

4 3. If the value of the instrument is Two Thousand Five Hundred
5 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
6 (\$15,000.00), the person shall be guilty of a Class D1 felony
7 ~~forgery punishable by imprisonment in the custody of the Department~~
8 ~~of Corrections for a term not to exceed five (5) years or in the~~
9 ~~county jail for a term not to exceed one (1) year, or by a fine not~~
10 ~~to exceed One Thousand Dollars (\$1,000.00), or by both such~~
11 ~~imprisonment and fine~~ in accordance with the provisions of Section
12 18 of this act; or

13 4. If the value of the instrument is Fifteen Thousand Dollars
14 (\$15,000.00) or more, the person shall be guilty of a Class C2
15 ~~felony forgery punishable by imprisonment in the custody of the~~
16 ~~Department of Corrections for a term not to exceed eight (8) years,~~
17 ~~or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by~~
18 ~~both such imprisonment and fine~~ in accordance with the provisions of
19 Section 17 of this act.

20 B. For purposes of this section, a series of offenses may be
21 aggregated into one offense when they are the result of the
22 formulation of a plan or scheme or the setting up of a mechanism
23 which, when put into operation, results in the taking or diversion
24 of money or property on a recurring basis. When all acts result

1 from a continuing course of conduct, they may be aggregated into one
2 crime. Acts forming an integral part of the first taking which
3 facilitate subsequent takings, or acts taken in preparation of
4 several takings which facilitate subsequent takings, are relevant to
5 determine the intent of the party to commit a continuing crime.

6 SECTION 354. AMENDATORY 21 O.S. 2021, Section 1579, as
7 last amended by Section 8, Chapter 116, O.S.L. 2018, is amended to
8 read as follows:

9 Section 1579. A. Every person who has in his or her possession
10 any forged or counterfeited instrument, the forgery of which is
11 hereinbefore declared to be punishable, other than such as are
12 enumerated in the last section, knowing the same to be forged,
13 counterfeited or falsely altered with intent to injure or defraud by
14 uttering the same to be true, or as false, or by causing the same to
15 be uttered, is punishable as follows:

16 1. If the value of the instrument is less than One Thousand
17 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor
18 ~~forgery~~ punishable by imprisonment in the county jail for a term not
19 to exceed one (1) year, or by a fine not to exceed One Thousand
20 Dollars (\$1,000.00), or by both such imprisonment and fine;

21 2. If the value of the instrument is One Thousand Dollars
22 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
23 (\$2,500.00), the person shall be guilty of a Class D3 felony ~~forgery~~
24 ~~punishable by imprisonment in the custody of the Department of~~

1 ~~Corrections for a term not to exceed two (2) years or in the county~~
2 ~~jail for a term not to exceed one (1) year, or by a fine not to~~
3 ~~exceed One Thousand Dollars (\$1,000.00), or by both such~~
4 ~~imprisonment and fine~~ in accordance with the provisions of Section
5 20 of this act;

6 3. If the value of the instrument is Two Thousand Five Hundred
7 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
8 (\$15,000.00), the person shall be guilty of a Class D1 felony
9 ~~forgery punishable by imprisonment in the custody of the Department~~
10 ~~of Corrections for a term not to exceed five (5) years or in the~~
11 ~~county jail for a term not to exceed one (1) year, or by a fine not~~
12 ~~to exceed One Thousand Dollars (\$1,000.00), or by both such~~
13 ~~imprisonment and fine~~ in accordance with the provisions of Section
14 18 of this act; or

15 4. If the value of the instrument is Fifteen Thousand Dollars
16 (\$15,000.00) or more, the person shall be guilty of a Class C2
17 ~~felony forgery punishable by imprisonment in the custody of the~~
18 ~~Department of Corrections for a term not to exceed eight (8) years,~~
19 ~~or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by~~
20 ~~both such imprisonment and fine~~ in accordance with the provisions of
21 Section 17 of this act.

22 B. For purposes of this section, a series of offenses may be
23 aggregated into one offense when they are the result of the
24 formulation of a plan or scheme or the setting up of a mechanism

1 which, when put into operation, results in the taking or diversion
2 of money or property on a recurring basis. When all acts result
3 from a continuing course of conduct, they may be aggregated into one
4 crime. Acts forming an integral part of the first taking which
5 facilitate subsequent takings, or acts taken in preparation of
6 several takings which facilitate subsequent takings, are relevant to
7 determine the intent of the party to commit a continuing crime.

8 SECTION 355. AMENDATORY 21 O.S. 2021, Section 1580, is
9 amended to read as follows:

10 Section 1580. Any officer or agent of any corporation or joint
11 stock association formed or existing under or by virtue of the laws
12 of this state, or of any other state, government or country, who,
13 within this state, willfully signs or procures to be signed, with
14 intent to issue, sell or pledge, or to cause to be issued, sold or
15 pledged, or who willfully issues, sells or pledges, or causes to be
16 issued, sold or pledged, any false or fraudulent certificate or
17 other evidence of the ownership or transfer of any share or shares
18 of the capital stock of such corporation or association, whether of
19 full paid shares or otherwise, or of any interest in its property or
20 profits, or of any certificate or other evidence of such ownership,
21 transfer or interest, or any instrument purporting to be a
22 certificate or other evidence of such ownership, transfer or
23 interest, the signing, issuing, selling or pledging of which has not
24 been duly authorized by the board of directors or other managing

1 body of such corporation or association having authority to issue
2 the same, is guilty of forgery in the second degree, which shall be
3 a Class D1 felony punishable in accordance with the provisions of
4 Section 18 of this act.

5 SECTION 356. AMENDATORY 21 O.S. 2021, Section 1581, is
6 amended to read as follows:

7 Section 1581. Any officer or agent of any corporation or joint
8 stock association formed or existing under or by virtue of the laws
9 of this state, or of any other state, government or country, who,
10 within this state, willfully reissues, sells or pledges, or causes
11 to be reissued, sold or pledged, any surrendered or canceled
12 certificate, or other evidence of the ownership or transfer of any
13 share or shares of the capital stock of such corporation or
14 association, or of an interest in its property or profits, with
15 intent to defraud, is guilty of forgery in the second degree, which
16 shall be a Class D1 felony punishable in accordance with the
17 provisions of Section 18 of this act.

18 SECTION 357. AMENDATORY 21 O.S. 2021, Section 1582, is
19 amended to read as follows:

20 Section 1582. Any officer or agent of any corporation,
21 municipal or otherwise, of any joint stock association formed or
22 existing under or by virtue of the laws of this state, or of any
23 other state, government or country, who, within this state,
24 willfully signs or procures to be signed with intent to issue, sell

1 or pledge, or cause to be issued, sold or pledged, or who willfully
2 issues, sells or pledges, or causes to be issued, sold or pledged,
3 any false or fraudulent bond or other evidence of debt against such
4 corporation or association of any instrument purporting to be a bond
5 or other evidence of debt against such corporation or association,
6 the signing, issuing, selling or pledging of which has not been duly
7 authorized by the board of directors or common council or other
8 managing body of officers of such corporation having authority to
9 issue the same, is guilty of forgery in the second degree, which
10 shall be a Class D1 felony punishable in accordance with the
11 provisions of Section 18 of this act.

12 SECTION 358. AMENDATORY 21 O.S. 2021, Section 1583, is
13 amended to read as follows:

14 Section 1583. Every person who counterfeits any gold or silver
15 coin, whether of the United States or any foreign government or
16 country, with intent to sell, utter, use or circulate the same as
17 genuine, within this state, is guilty of forgery in the second
18 degree, which shall be a Class D1 felony punishable in accordance
19 with the provisions of Section 18 of this act.

20 SECTION 359. AMENDATORY 21 O.S. 2021, Section 1584, is
21 amended to read as follows:

22 Section 1584. Every person who counterfeits any gold or silver
23 coin, whether of the United States or of any foreign country or
24 government, with intent to export the same, or permit them to be

1 exported to injure or defraud any foreign government, or the
2 subjects thereof, is guilty of forgery in the second degree, which
3 shall be a Class D1 felony punishable in accordance with the
4 provisions of Section 18 of this act.

5 SECTION 360. AMENDATORY 21 O.S. 2021, Section 1585, is
6 amended to read as follows:

7 Section 1585. Every person who, with intent to defraud, falsely
8 marks, alters, forges or counterfeits:

9 1. Any instrument in writing, being or purporting to be any
10 process issued by any competent court, magistrate, or officer of
11 being or purporting to be any pleading, proceeding, bond or
12 undertaking filed or entered in any court, or being or purporting to
13 be any license or authority authorized by any statute; or,

14 2. Any instrument of writing, being or purporting to be the act
15 of another by which any pecuniary demand or obligation is, or
16 purports to be created, increased, discharged or diminished, or by
17 which any rights or property whatever, are, or purport to be,
18 transferred, conveyed, discharged, diminished, or in any manner
19 affected, the punishment of which is not hereinbefore prescribed, by
20 which false marking, altering, forging or counterfeiting, any person
21 may be affected, bound or in any way injured in his or her person or
22 property, is guilty of a forgery in the second degree, which shall
23 be a Class D1 felony punishable in accordance with the provisions of
24 Section 18 of this act.

1 SECTION 361. AMENDATORY 21 O.S. 2021, Section 1586, is
2 amended to read as follows:

3 Section 1586. Every person who, with intent to defraud, makes
4 any false entry or falsely alters any entry made in any book of
5 accounts kept in the office of the State Auditor and Inspector, or
6 in the office of the State Treasurer ~~of this state~~ or of any county
7 treasurer, by which any demand or obligation, claim, right or
8 interest either against or in favor of the people of this state, or
9 any county or town, or any individual, is or purports to be
10 discharged, diminished, increased, created, or in any manner
11 affected, is guilty of forgery in the second degree, which shall be
12 a Class D1 felony punishable in accordance with the provisions of
13 Section 18 of this act.

14 SECTION 362. AMENDATORY 21 O.S. 2021, Section 1587, is
15 amended to read as follows:

16 Section 1587. Every person who, with intent to defraud, forges,
17 counterfeits, or falsely alters any ticket, check or other paper or
18 writing to entitle the holder or proprietor thereof to a passage
19 upon any railroad, or in any vessel or other public conveyance; and
20 every person who, with like intent, sells, exchanges or delivers, or
21 keeps or offers for sale, exchange or delivery, or receives upon any
22 purchase, exchange or delivery any such ticket, knowing the same to
23 have been forged, counterfeited or falsely altered is guilty of
24 forgery in the second degree, which shall be a Class D1 felony

1 punishable in accordance with the provisions of Section 18 of this
2 act.

3 SECTION 363. AMENDATORY 21 O.S. 2021, Section 1588, is
4 amended to read as follows:

5 Section 1588. Every person who forges, counterfeits or alters
6 any postage or revenue stamp of the United States, or who sells or
7 offers to keep for sale, as genuine or as forged, any such stamp,
8 knowing it to be forged, counterfeited or falsely altered, is guilty
9 of forgery in the second degree, which shall be a Class D1 felony
10 punishable in accordance with the provisions of Section 18 of this
11 act.

12 SECTION 364. AMENDATORY 21 O.S. 2021, Section 1589, is
13 amended to read as follows:

14 Section 1589. Every person who, with intent to defraud, makes
15 any false entry, or falsely alters any entry made in any book of
16 accounts kept by any corporation within this state, or in any book
17 of accounts kept by any such corporation or its officers, and
18 delivered or intended to be delivered to any person dealing with
19 such corporation, by which any pecuniary obligation, claim or credit
20 is, or purports to be, discharged, diminished, increased, created or
21 in any manner affected, is guilty of forgery in the second degree,
22 which shall be a Class D1 felony punishable in accordance with the
23 provisions of Section 18 of this act.

24

1 SECTION 365. AMENDATORY 21 O.S. 2021, Section 1590, is
2 amended to read as follows:

3 Section 1590. Every person who being a member or officer or in
4 the employment of any corporation, association or partnership,
5 falsifies, alters, erases, obliterates or destroys any account or
6 book of accounts or records belonging to such corporation,
7 association or partnership, or appertaining to their business or
8 makes any false entries in such account or book or keeps any false
9 account in such business with intent to defraud his employers, or to
10 conceal any embezzlement of their money, or property, or any
11 defalcation or other misconduct, committed by any person in the
12 management of their business, is guilty of forgery in the second
13 degree, which shall be a Class D1 felony punishable in accordance
14 with the provisions of Section 18 of this act.

15 SECTION 366. AMENDATORY 21 O.S. 2021, Section 1591, is
16 amended to read as follows:

17 Section 1591. Every person who has in his possession any
18 counterfeit of any gold or silver coin, whether of the United States
19 or any foreign country or government, knowing the same to be
20 counterfeit, with intent to sell or to use, circulate or export the
21 same, as true or as false, or by causing the same to be uttered or
22 passed, is guilty of forgery in the second degree, which shall be a
23 Class D1 felony punishable in accordance with the provisions of
24 Section 18 of this act.

1 SECTION 367. AMENDATORY 21 O.S. 2021, Section 1592, is
2 amended to read as follows:

3 Section 1592. A. Every person who, with intent to defraud,
4 utters or publishes as true any forged, altered or counterfeited
5 instrument or any counterfeit gold or silver coin, the forging,
6 altering or counterfeiting of which has previously been declared to
7 be punishable, knowing such instrument or coin to be forged, altered
8 or counterfeited, is punishable as follows:

9 1. If the value of the instrument is less than One Thousand
10 Dollars (\$1,000.00), the person shall be guilty of ~~forgery~~ as a
11 misdemeanor punishable by imprisonment in the county jail not to
12 exceed one (1) year, or by a fine not to exceed One Thousand Dollars
13 (\$1,000.00), or by both such imprisonment and fine;

14 2. If the value of the instrument is One Thousand Dollars
15 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
16 (\$2,500.00), the person shall be guilty of ~~forgery~~ as a Class D3
17 felony punishable ~~by imprisonment in the custody of the Department~~
18 ~~of Corrections not to exceed two (2) years, or in the county jail~~
19 ~~not to exceed one (1) year, or by a fine not to exceed One Thousand~~
20 ~~Dollars (\$1,000.00), or by both such imprisonment and fine~~ in
21 accordance with the provisions of Section 20 of this act;

22 3. If the value of the instrument is Two Thousand Five Hundred
23 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
24 (\$15,000.00), the person shall be guilty of ~~forgery~~ as a Class D3

1 ~~felony punishable by imprisonment in the custody of the Department~~
2 ~~of Corrections not to exceed five (5) years, or in the county jail~~
3 ~~not to exceed one (1) year, or by a fine not to exceed One Thousand~~
4 ~~Dollars (\$1,000.00), or by both such imprisonment and fine in~~
5 ~~accordance with the provisions of Section 20 of this act; and~~

6 4. If the value of the instrument is Fifteen Thousand Dollars
7 (\$15,000.00) or more, the person shall be guilty of ~~forgery as a~~
8 Class C2 ~~felony punishable by imprisonment in the custody of the~~
9 ~~Department of Corrections not to exceed eight (8) years, or by a~~
10 ~~fine not to exceed One Thousand Dollars (\$1,000.00), or by both such~~
11 ~~imprisonment and fine in accordance with the provisions of Section~~
12 ~~17 of this act.~~

13 B. For purposes of this section, a series of offenses may be
14 aggregated into one offense when they are the result of the
15 formulation of a plan or scheme or the setting up of a mechanism
16 which, when put into operation, results in the taking or diversion
17 of money or property on a recurring basis. When all acts result
18 from a continuing course of conduct, they may be aggregated into one
19 crime. Acts forming an integral part of the first taking which
20 facilitate subsequent takings, or acts taken in preparation of
21 several takings which facilitate subsequent takings, are relevant to
22 determine the intent of the party to commit a continuing crime.

23 SECTION 368. AMENDATORY 21 O.S. 2021, Section 1593, is
24 amended to read as follows:

1 Section 1593. Every person who, by any false representation,
2 artifice or deceit, procures from another his signature to any
3 instrument, the false making of which would be forgery, and which
4 the party signing would not have executed had he known the facts and
5 effect of the instrument, is guilty of forgery in the second degree,
6 which shall be a Class D1 felony punishable in accordance with the
7 provisions of Section 18 of this act.

8 SECTION 369. AMENDATORY 21 O.S. 2021, Section 1621, as
9 last amended by State Question No. 780 Initiative Petition No. 404,
10 Section 20, adopted at General Election held on November 8, 2016,
11 effective July 1, 2017, is amended to read as follows:

12 Section 1621. Forgery is punishable as follows:

13 1. Forgery in the first degree is a Class B3 felony punishable
14 ~~by imprisonment not less than seven (7) years nor more than twenty~~
15 ~~(20) years~~ that shall be punished in accordance with the provisions
16 of Section 12 of this act; and

17 2. Forgery in the second degree is a felony punishable by
18 imprisonment not exceeding seven (7) years.

19 3. Forgery in the third degree is:

20 a. If the value of the forgery is less than One Thousand
21 Dollars (\$1,000.00), a misdemeanor punishable by
22 confinement for not more than one (1) year and by a
23 fine not exceeding One Thousand Dollars (\$1,000.00).

24

1 b. If the value of the forgery is One Thousand Dollars
2 (\$1,000.00) or more, a Class B3 felony punishable ~~by~~
3 ~~imprisonment not exceeding seven (7) years in~~
4 accordance with the provisions of Section 12 of this
5 act.

6 c. If the total or aggregate value of the forgery is Two
7 Thousand Dollars (\$2,000.00) or more, a Class B3
8 felony punishable ~~by imprisonment not exceeding seven~~
9 ~~(7) years in accordance with the provisions of Section~~
10 12 of this act .

11 SECTION 370. AMENDATORY 21 O.S. 2021, Section 1622, is
12 amended to read as follows:

13 Section 1622. Every person who, with intent to defraud, makes
14 or subscribes any instrument in his or her own name, intended to
15 create, increase, discharge, defeat or diminish any pecuniary
16 obligation, right or interest, or to transfer or affect any property
17 whatever, and utters or passes such instrument, under the pretense
18 that it is the act of another who bears the same name, is guilty of
19 forgery in the same degree as if he or she had forged the instrument
20 of a person bearing a different name from his or her own. Any
21 person convicted of violating this section shall be guilty of a
22 Class D1 felony and shall be punished in accordance with the
23 provisions of Section 18 of this act.

1 SECTION 371. AMENDATORY 21 O.S. 2021, Section 1623, is
2 amended to read as follows:

3 Section 1623. Every person who, with intent to defraud,
4 endorses any negotiable instrument in his or her own name, and
5 utters or passes such instrument, under the fraudulent pretense that
6 it is endorsed by another person who bears the same name, is guilty
7 of forgery in the same degree as if he or she had forged the
8 endorsement of a person bearing a different name from his or her
9 own. Any person convicted of violating this section shall be guilty
10 of a Class D1 felony and shall be punished in accordance with the
11 provisions of Section 18 of this act.

12 SECTION 372. AMENDATORY 21 O.S. 2021, Section 1624, is
13 amended to read as follows:

14 Section 1624. The total or partial erasure or obliteration of
15 any instrument or writing, with intent to defraud, by which any
16 pecuniary obligation, or any right, interest or claim to property is
17 or is intended to be created, increased, discharged, diminished or
18 in any manner affected, is forgery in the same degree as the false
19 alteration of any part of such instrument or writing. Any person
20 convicted of violating this section shall be guilty of a Class D1
21 felony and shall be punished in accordance with the provisions of
22 Section 18 of this act.

23 SECTION 373. AMENDATORY 21 O.S. 2021, Section 1626, is
24 amended to read as follows:

1 Section 1626. The false making or forging of an evidence of
2 debt purporting to have been issued by any corporation and bearing
3 the pretended signature of any person as an agent or officer of such
4 corporation, is forgery in the same degree as if such person was at
5 the time an officer or agent of such corporation; notwithstanding
6 such person may never have been an officer or agent of such
7 corporation, or notwithstanding there never was any such person in
8 existence. Any person convicted of violating this section shall be
9 guilty of a Class D1 felony and shall be punished in accordance with
10 the provisions of Section 18 of this act.

11 SECTION 374. AMENDATORY 21 O.S. 2021, Section 1632, is
12 amended to read as follows:

13 Section 1632. Any officer, agent or clerk of any corporation,
14 or of any persons proposing to organize a corporation or to increase
15 the capital stock of any corporation, who knowingly exhibits any
16 false, forged or altered book, paper, voucher, security or other
17 instrument of evidence to any public officer or board authorized by
18 law to examine the organization of such corporation, or to
19 investigate its affairs, or to allow an increase of its capital with
20 intent to deceive such officer or board in respect thereto, shall be
21 guilty of a Class C2 felony punishable by imprisonment in the State
22 Penitentiary not exceeding ten (10) years, and not less than three
23 (3) years and shall be punished in accordance with the provisions of
24 Section 17 of this act.

1 SECTION 375. AMENDATORY 21 O.S. 2021, Section 1635, is
2 amended to read as follows:

3 Section 1635. Any director, officer, agent or member of any
4 corporation or joint stock association, who, with intent to defraud,
5 destroys, alters, mutilates or falsifies any of the books, papers,
6 writings or securities belonging to such corporation or association,
7 or makes or concurs in making any false entry, or omits or concurs
8 in omitting to make any material entry in any book of accounts, or
9 other record or document kept by such corporation or association,
10 shall be guilty of a Class C2 felony ~~punishable by imprisonment in~~
11 ~~the State Penitentiary not exceeding ten (10) years and not less~~
12 ~~than three (3) years, or by imprisonment in a county jail not~~
13 ~~exceeding one (1) year, or by a fine not exceeding Five Hundred~~
14 ~~Dollars (\$500.00), or by both such fine and imprisonment in~~
15 accordance with the provisions of Section 17 of this act.

16 SECTION 376. AMENDATORY 21 O.S. 2021, Section 1639, is
17 amended to read as follows:

18 Section 1639. A. In every case of a fraudulent insolvency of a
19 moneyed corporation not licensed to conduct insurance business in
20 ~~the State of Oklahoma~~ this state, every director thereof who
21 participated in such fraud is guilty of a misdemeanor.

22 B. In every case of a fraudulent insolvency of a moneyed
23 corporation licensed to conduct the business of insurance in ~~the~~
24 ~~State of Oklahoma~~ this state, every director thereof who

1 participated in such fraud is guilty of a Class D1 felony punishable
2 ~~by up to five (5) years of incarceration and a fine of up to Fifty~~
3 ~~Thousand Dollars (\$50,000.00)~~ in accordance with the provisions of
4 Section 18 of this act.

5 SECTION 377. AMENDATORY 21 O.S. 2021, Section 1662, is
6 amended to read as follows:

7 Section 1662. Any person who presents or causes to be presented
8 any false or fraudulent claim, or any proof in support of any such
9 claim, upon any contract of insurance, for the payment of any loss,
10 or who prepares, makes or subscribes any account, certificate,
11 survey affidavit, proof of loss, or other book, paper or writing,
12 with intent to present or use the same, or to allow it to be
13 presented or used in support of any such claim, upon conviction,
14 shall be guilty of a Class D3 felony punishable ~~by imprisonment in~~
15 ~~the State Penitentiary not exceeding three (3) years, or by a fine~~
16 ~~not exceeding twice the amount of the aggregated loss sum, or both~~
17 in accordance with the provisions of Section 20 of this act.

18 SECTION 378. AMENDATORY 21 O.S. 2021, Section 1663, is
19 amended to read as follows:

20 Section 1663. A. Any person who commits workers' compensation
21 fraud, upon conviction, shall be guilty of a Class D1 felony
22 punishable ~~by imprisonment in the State Penitentiary for not~~
23 ~~exceeding seven (7) years or by a fine not exceeding Ten Thousand~~
24 ~~Dollars (\$10,000.00) or by both such fine and imprisonment in~~

1 accordance with the provisions of Section 18 of this act. Any
2 person who commits workers' compensation fraud and who has a prior
3 felony conviction of workers' compensation fraud shall receive a
4 two-year penalty enhancement for each prior conviction in addition
5 to the sentence provided above.

6 B. For the purposes of this section, workers' compensation
7 fraud shall include, but not be limited to, any act or omission
8 prohibited by subsection C of this section and committed by a person
9 with the intent to injure, defraud or deceive another with respect
10 to any of the following:

11 1. A claim for payment or other benefit pursuant to a contract
12 of insurance;

13 2. An application for the issuance of a contract of insurance;

14 3. The rating of a contract of insurance or any risk associated
15 with the contract;

16 4. Premiums paid on any contract of insurance whether or not
17 the contract was actually issued;

18 5. Payments made in accordance with the terms of a contract of
19 insurance;

20 6. An application for any license which is required by the
21 Oklahoma Insurance Code, Title 36 of the Oklahoma Statutes;

22 7. An application for a license which is required for the
23 organization, operation or maintenance of a health maintenance
24

1 organization pursuant to Section 2501 et seq. of Title 63 of the
2 Oklahoma Statutes;

3 8. A request for any approval, license, permit or permission
4 required by the Workers' Compensation Act, by the rules of the
5 Workers' Compensation Court or by the rules of the Workers'
6 Compensation Court Administrator necessary to secure compensation as
7 required by Section 61 of Title 85 of the Oklahoma Statutes;

8 9. The financial condition of an insurer or purported insurer;

9 10. The acquisition of any insurer; or

10 11. A contract of insurance or a Certification of Non-Coverage
11 Under the Workers' Compensation Act.

12 C. A person is guilty of workers' compensation fraud who:

13 1. Presents, causes to be presented or intends to present to
14 another, any statement as part of or in support of any of the
15 purposes described in subsection B of this section knowing that such
16 statement contains any false, fraudulent, incomplete or misleading
17 information concerning any fact or thing material to the purpose for
18 the statement;

19 2. Assists, abets, solicits or conspires with another to
20 prepare or make any statement that is intended to be presented to,
21 used by or relied upon by another in connection with or in support
22 of any of the purposes described in subsection B of this section
23 knowing that such statement contains any false, fraudulent,

24

1 incomplete or misleading information concerning any fact or thing
2 material to the purpose of the statement;

3 3. Conceals, attempts to conceal or conspires to conceal any
4 information concerning any fact material to any of the purposes
5 described in subsection B of this section;

6 4. Solicits, accepts or conspires to solicit or accept new or
7 renewal insurance risks by or for an insolvent insurer;

8 5. Removes, attempts to remove or conspires to remove the
9 assets or records of the insurer or a material part thereof, from
10 the place of business of the insurer or from a place of safekeeping
11 of the insurer;

12 6. Conceals, attempts to conceal or conspires to conceal the
13 assets or records of the insurer or a material part thereof;

14 7. Diverts, attempts to divert, or conspires to divert funds of
15 an insurer or other person in connection with:

16 a. a contract of insurance,

17 b. the business of an insurer, or

18 c. the formation, acquisition or dissolution of an
19 insurer;

20 8. Solicits, accepts or conspires to solicit or accept any
21 benefit in exchange for violating any provision of this section;

22 9. Conceals, attempts to conceal, conspires to conceal or fails
23 to disclose any change in any material fact, circumstance or thing
24 for which there is a duty to disclose to another; or

1 10. Alters, falsifies, forges, distorts, counterfeits or
2 otherwise changes any material statement, form, document, contract,
3 application, certificate, or other writing with the intent to
4 defraud, deceive, or mislead another.

5 D. It shall not be a defense to an allegation of a violation of
6 this section that the person accused did not have a contractual
7 relationship with the insurer.

8 E. For the purposes of this section:

9 1. "Contract of insurance" includes, but is not limited to,
10 workers' compensation insurance or any other means of securing
11 compensation permitted by the Workers' Compensation Act or
12 reinsurance for such insurance or other means of securing
13 compensation;

14 2. "Insurer" includes, but is not limited to, any person who is
15 engaged in the business of making contracts of insurance;

16 3. "Person" means any individual or entity, whether
17 incorporated or not, and in the case of an entity, includes those
18 persons directly responsible for the fraudulent actions of the
19 entity;

20 4. "Statement" includes, but is not limited to, any oral,
21 written, computer-generated or otherwise produced notice, proof of
22 loss, bill of lading, receipt for payment, invoice, account,
23 certificate, survey affidavit, book, paper, writing, estimate of
24 property damage, bill for services, diagnosis, prescription, medical

1 record, x-ray, test result or other evidence of loss, injury or
2 expense; and

3 5. "Work" does not include activities that result in nominal
4 economic gain.

5 SECTION 379. AMENDATORY 21 O.S. 2021, Section 1681, is
6 amended to read as follows:

7 Section 1681. Any person who willfully administers poison to
8 any animal, the property of another, and every person who
9 maliciously exposes any poisonous substance with intent that the
10 same shall be taken by any such animal, shall be guilty of a Class
11 D1 felony and shall be punishable ~~by imprisonment in the State~~
12 ~~Penitentiary not exceeding three (3) years, or in a county jail not~~
13 ~~exceeding one (1) year, or by a fine not exceeding Two Hundred Fifty~~
14 ~~Dollars (\$250.00), or by both such fine and imprisonment in~~
15 accordance with the provisions of Section 18 of this act.

16 SECTION 380. AMENDATORY 21 O.S. 2021, Section 1685, is
17 amended to read as follows:

18 Section 1685. Any person who shall willfully or maliciously
19 torture, destroy or kill, or cruelly beat or injure, maim or
20 mutilate any animal in subjugation or captivity, whether wild or
21 tame, and whether belonging to the person or to another, or deprive
22 any such animal of necessary food, drink, shelter, or veterinary
23 care to prevent suffering; or who shall cause, procure or permit any
24 such animal to be so tortured, destroyed or killed, or cruelly

1 beaten or injured, maimed or mutilated, or deprived of necessary
2 food, drink, shelter, or veterinary care to prevent suffering; or
3 who shall willfully set on foot, instigate, engage in, or in any way
4 further any act of cruelty to any animal, or any act tending to
5 produce such cruelty, shall be guilty of a Class B5 felony and shall
6 be punished ~~by imprisonment in the State Penitentiary not exceeding~~
7 ~~five (5) years, or by imprisonment in the county jail not exceeding~~
8 ~~one (1) year, or by a fine not exceeding Five Thousand Dollars~~
9 ~~(\$5,000.00)~~ in accordance with the provisions of Section 14 of this
10 act. Any animal so maltreated or abused shall be considered an
11 abused or neglected animal.

12 SECTION 381. AMENDATORY 21 O.S. 2021, Section 1692.2, is
13 amended to read as follows:

14 Section 1692.2. Every person who willfully instigates or
15 encourages any cockfight, upon conviction, shall be guilty of a
16 Class B5 felony punishable in accordance with the provisions of
17 Section 14 of this act. ~~The penalty for a violation of this section~~
18 ~~shall be as provided in Section 8 of this act.~~

19 SECTION 382. AMENDATORY 21 O.S. 2021, Section 1692.3, is
20 amended to read as follows:

21 Section 1692.3. Every person who keeps any pit or other place,
22 or knowingly provides any equipment or facilities to be used in
23 permitting any cockfight, upon conviction, shall be guilty of a
24 Class B5 felony punishable in accordance with the provisions of

1 Section 14 of this act. ~~The penalty for a violation of this section~~
2 ~~shall be as provided in Section 8 of this title.~~

3 SECTION 383. AMENDATORY 21 O.S. 2021, Section 1692.4, is
4 amended to read as follows:

5 Section 1692.4. Every person who does any act or performs any
6 service in the furtherance of or to facilitate any cockfight, upon
7 conviction, shall be guilty of a Class B5 felony punishable in
8 accordance with the provisions of Section 14 of this act. Such
9 activities and services specifically prohibited by this section
10 include, but are not limited to~~÷~~, promoting or refereeing of birds
11 at a cockfight, advertising a cockfight, or serving as a stakes
12 holder of any money wagered on any cockfight. ~~The penalty for a~~
13 ~~violation of this section shall be as provided in Section 8 of this~~
14 ~~act.~~

15 SECTION 384. AMENDATORY 21 O.S. 2021, Section 1692.5, is
16 amended to read as follows:

17 Section 1692.5. Every person who owns, possesses, keeps, or
18 trains any bird with the intent that such bird shall be engaged in a
19 cockfight, upon conviction, shall be guilty of a Class B5 felony
20 punishable in accordance with the provisions of Section 14 of this
21 act. ~~The penalty for a violation of this section shall be as~~
22 ~~provided in Section 8 of this act.~~

23 SECTION 385. AMENDATORY 21 O.S. 2021, Section 1692.8, is
24 amended to read as follows:

1 Section 1692.8. A. Every person who is guilty of a Class B5
2 felony under any of the provisions of Sections ~~2, 3, 4,~~ 1692.2,
3 1692.3, 1692.4 or ~~5~~ 1692.5 of this ~~act~~ title shall be punished ~~by~~
4 ~~imprisonment in the state penitentiary for not less than one (1)~~
5 ~~year nor more than ten (10) years~~ in accordance with the provisions
6 of Section 14 of this act, or shall be fined not less than Two
7 Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand
8 Dollars (\$25,000.00), or by both such fine and imprisonment.

9 B. Every person who upon conviction is guilty of any of the
10 provisions of Section ~~6~~ 1692.6 of this ~~act~~ title shall be punished
11 by imprisonment in the county jail for not more than one (1) year,
12 or shall be fined not more than Five Hundred Dollars (\$500.00), or
13 by both such fine and imprisonment.

14 SECTION 386. AMENDATORY 21 O.S. 2021, Section 1694, is
15 amended to read as follows:

16 Section 1694. Every person who willfully or for any bet, stake
17 or reward, instigates or encourages any fight between dogs, or
18 instigates or encourages any dog to attack, bite, wound or worry
19 another dog, except in the course of protection of life and
20 property, upon conviction, shall be guilty of a Class C2 felony,
21 ~~punishable as provided in Section 1699.1 of this title~~ in accordance
22 with the provisions of Section 17 of this act.

23 SECTION 387. AMENDATORY 21 O.S. 2021, Section 1695, is
24 amended to read as follows:

1 Section 1695. Every person who keeps any house, pit or other
2 place, or provides any equipment or facilities to be used in
3 permitting any fight between dogs or in furtherance of any activity
4 described in Section 1693 of this title, upon conviction, shall be
5 guilty of a Class C2 felony, punishable as provided in Section
6 1699.1 of this title.

7 SECTION 388. AMENDATORY 21 O.S. 2021, Section 1696, is
8 amended to read as follows:

9 Section 1696. Every person who does any act or performs any
10 service in the furtherance of or to facilitate any dogfight, upon
11 conviction, shall be guilty of a Class C2 felony punishable in
12 accordance with the provisions of Section 17 of this act. Such
13 activities and services specifically prohibited by this section
14 include, but are not limited to: ~~Promotion~~ promotion, refereeing,
15 handling of dogs at a fight, transportation of spectators to or from
16 a dogfight, providing concessions at a dogfight, advertising a
17 dogfight, or serving as a stakes holder of any money wagered on any
18 dogfight, punishable as provided in Section 1699.1 of this title.

19 SECTION 389. AMENDATORY 21 O.S. 2021, Section 1697, is
20 amended to read as follows:

21 Section 1697. Every person who owns, possesses, keeps or trains
22 any dog with the intent that such dog shall be engaged in an
23 exhibition of fighting with another dog, upon conviction, shall be
24 guilty of a Class C2 felony, punishable ~~as provided in Section~~

1 ~~1699.1 of this title~~ in accordance with the provisions of Section 17
2 of this act.

3 SECTION 390. AMENDATORY 21 O.S. 2021, Section 1699.1, is
4 amended to read as follows:

5 Section 1699.1. A. Every person who is guilty of a Class C2
6 felony under any of the provisions of Sections 1694, 1695, 1696 and
7 1697 of this title shall be punished ~~by imprisonment in the State~~
8 ~~Penitentiary for not less than one (1) year nor more than ten (10)~~
9 ~~years, or a fine not less than Two Thousand Dollars (\$2,000.00) nor~~
10 ~~more than Twenty-five Thousand Dollars (\$25,000.00), or by both such~~
11 ~~fine and imprisonment~~ in accordance with the provisions of Section
12 17 of this act.

13 B. Every person who upon conviction is guilty of any of the
14 provisions of Section 1698 of this title shall be punished by
15 imprisonment in the county jail for not more than one (1) year, or
16 shall be fined not more than Five Hundred Dollars (\$500.00).

17 SECTION 391. AMENDATORY 21 O.S. 2021, Section 1702, is
18 amended to read as follows:

19 Section 1702. One who finds lost property under circumstances
20 which gives him or her knowledge or means of inquiry as to the true
21 owner, and who appropriates such property to his or her own use, or
22 to the use of another person who is not entitled thereto, without
23 having first made such effort to find the owner and restore the
24

1 property to him or her as the circumstances render reasonable and
2 just, upon conviction, is guilty of larceny punishable as follows:

3 1. If the value of the property is less than One Thousand
4 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor
5 punishable by imprisonment in the county jail not to exceed one (1)
6 year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or
7 by both such imprisonment and fine;

8 2. If the value of the property is One Thousand Dollars
9 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
10 (\$2,500.00), the person shall be guilty of a Class D3 felony
11 ~~punishable by imprisonment in the custody of the Department of~~
12 ~~Corrections not to exceed two (2) years, or in the county jail not~~
13 ~~to exceed one (1) year, or by a fine not to exceed One Thousand~~
14 ~~Dollars (\$1,000.00), or by both such imprisonment and fine in~~
15 accordance with the provisions of Section 20 of this act;

16 3. If the value of the property is Two Thousand Five Hundred
17 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
18 (\$15,000.00), the person shall be guilty of a Class D1 felony
19 ~~punishable by imprisonment in the custody of the Department of~~
20 ~~Corrections not to exceed five (5) years, or in the county jail not~~
21 ~~to exceed one (1) year, or by a fine not to exceed One Thousand~~
22 ~~Dollars (\$1,000.00), or by both such imprisonment and fine in~~
23 accordance with the provisions of Section 18 of this act; and
24

1 4. If the value of the property is Fifteen Thousand Dollars
2 (\$15,000.00) or more, the person shall be guilty of a Class C2
3 felony punishable ~~by imprisonment in the custody of the Department~~
4 ~~of Corrections not to exceed eight (8) years, or by a fine not to~~
5 ~~exceed One Thousand Dollars (\$1,000.00), or by both such~~
6 ~~imprisonment and fine~~ in accordance with the provisions of Section
7 17 of this act.

8 SECTION 392. AMENDATORY 21 O.S. 2021, Section 1705, as
9 last amended by Section 12, Chapter 116, O.S.L. 2018, is amended to
10 read as follows:

11 Section 1705. A. Grand larceny, upon conviction, ~~is a felony~~
12 punishable as follows:

13 1. If the value of the property is less than One Thousand
14 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and
15 shall be punished by imprisonment in the county jail for a term not
16 to exceed one (1) year or by incarceration in the county jail for
17 one or more nights or weekends pursuant to Section 991a-2 of Title
18 22 of the Oklahoma Statutes, at the option of the court, or by a
19 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
20 imprisonment and fine;

21 2. If the property is one or more firearms, the property is
22 taken from the person of another, or the value of the property is
23 One Thousand Dollars (\$1,000.00) or more but less than Two Thousand
24 Five Hundred Dollars (\$2,500.00), the person shall be guilty of a

1 ~~Class D3 felony punished by imprisonment in the custody of the~~
2 ~~Department of Corrections for a term not to exceed two (2) years or~~
3 ~~in the county jail for a term not to exceed one (1) year, or by a~~
4 ~~fine not to exceed One Thousand Dollars (\$1,000.00), or by both such~~
5 ~~imprisonment and fine in accordance with the provisions of Section~~
6 ~~20 of this act;~~

7 3. In the event the value of the property is Two Thousand Five
8 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand
9 Dollars (\$15,000.00), the person shall be guilty of a Class D1
10 ~~felony punished by imprisonment in the custody of the Department of~~
11 ~~Corrections for a term not to exceed five (5) years or in the county~~
12 ~~jail for a term not to exceed one (1) year, or by a fine not to~~
13 ~~exceed One Thousand Dollars (\$1,000.00), or by both such~~
14 ~~imprisonment and fine in accordance with the provisions of Section~~
15 ~~18 of this act; or~~

16 4. If the value of the property is Fifteen Thousand Dollars
17 (\$15,000.00) or more, the person shall be guilty of a Class C2
18 ~~felony punished by imprisonment in the custody of the Department of~~
19 ~~Corrections for a term not to exceed eight (8) years, or by a fine~~
20 ~~not to exceed One Thousand Dollars (\$1,000.00), or by both such~~
21 ~~imprisonment and fine in accordance with the provisions of Section~~
22 ~~17 of this act.~~

23

24

1 B. The person shall also be ordered to pay restitution to the
2 victim as provided in Section 991f of Title 22 of the Oklahoma
3 Statutes.

4 SECTION 393. AMENDATORY 21 O.S. 2021, Section 1707, is
5 amended to read as follows:

6 Section 1707. When it appears upon a trial for grand larceny
7 that the larceny alleged was committed in any dwelling house or
8 vessel, the offender shall be guilty of a Class C2 felony punishable
9 ~~by imprisonment in the State Penitentiary not exceeding eight (8)~~
10 ~~years~~ and shall be punished in accordance with the provisions of
11 Section 17 of this act.

12 SECTION 394. AMENDATORY 21 O.S. 2021, Section 1708, is
13 amended to read as follows:

14 Section 1708. When it appears upon such trial, that such
15 larceny was committed by stealing in the night time, from the person
16 of another, the offender shall be guilty of a Class C1 felony
17 ~~punishable by imprisonment in the State Penitentiary not exceeding~~
18 ~~ten (10) years~~ and shall be punished in accordance with the
19 provisions of Section 16 of this act.

20 SECTION 395. AMENDATORY 21 O.S. 2021, Section 1713, as
21 last amended by State Question No. 780, Initiative Petition No. 404,
22 Section 6, adopted at election held on November 8, 2016, eff. July
23 1, 2017, is amended to read as follows:

24

1 Section 1713. A. Every person who buys or receives, in any
2 manner, upon any consideration, personal property of a value of One
3 Thousand Dollars (\$1,000.00) or more that has been stolen,
4 embezzled, obtained by false pretense or robbery, knowing or having
5 reasonable cause to believe the same to have been stolen, embezzled,
6 obtained by false pretense, or robbery, or who conceals, withholds,
7 or aids in concealing or withholding such property from the owner
8 shall, upon conviction, be guilty of a felony punishable as follows:

9 1. If the value of the personal property is One Thousand
10 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
11 Dollars (\$2,500.00), the person shall be guilty of a Class D3 felony
12 and punished by imprisonment in the custody of the Department of
13 Corrections for a term not to exceed two (2) years or in the county
14 jail for a term not to exceed one (1) year, or by a fine not to
15 exceed Five Hundred Dollars (\$500.00) or by both such fine and
16 imprisonment in accordance with the provisions of Section 20 of this
17 act;

18 2. If the value of the personal property is Two Thousand Five
19 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand
20 Dollars (\$15,000.00), the person shall be guilty of a Class D1
21 felony and punished by imprisonment in the custody of the Department
22 of Corrections for a term not to exceed five (5) years or in the
23 county jail for a term not to exceed one (1) year, or by a fine not
24 to exceed Five Hundred Dollars (\$500.00), or by both such fine and

1 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
2 act; or

3 3. If the value of the personal property is Fifteen Thousand
4 Dollars (\$15,000.00) or more, the person may be guilty of a Class C2
5 felony and punished by imprisonment in the custody of the Department
6 of Corrections for a term not to exceed eight (8) years, or by a
7 fine not to exceed Five Hundred Dollars (\$500.00), or by both such
8 imprisonment and fine in accordance with the provisions of Section
9 17 of this act.

10 B. If the personal property that has been stolen, embezzled,
11 obtained by false pretense or robbery has a value of less than One
12 Thousand Dollars (\$1,000.00), the person shall, upon conviction, be
13 guilty of a misdemeanor punishable by imprisonment in the county
14 jail for a term not to exceed six (6) months.

15 C. Every person who, without making reasonable inquiry, buys,
16 receives, conceals, withholds, or aids in concealing or withholding
17 any property which has been stolen, embezzled, obtained by false
18 pretense or robbery, or otherwise feloniously obtained, under such
19 circumstances as should cause such person to make reasonable inquiry
20 to ascertain that the person from whom such property was bought or
21 received had the legal right to sell or deliver it shall be presumed
22 to have bought or received such property knowing it to have been so
23 stolen or wrongfully obtained. This presumption may, however, be
24 rebutted by proof.

1 SECTION 396. AMENDATORY 21 O.S. 2021, Section 1713.1, is
2 amended to read as follows:

3 Section 1713.1. Every person who buys or receives, in any
4 manner, upon any consideration, any construction equipment or farm
5 equipment of any value whatsoever that has been stolen, embezzled,
6 obtained by false pretense or robbery, knowing or having reasonable
7 cause to believe the same to have been stolen, embezzled, obtained
8 by false pretense, or robbery, or who conceals, withholds, or aids
9 in concealing or withholding such construction equipment or farm
10 equipment from the owner, shall, upon conviction, be guilty of a
11 Class C2 felony ~~punishable by imprisonment in the State Penitentiary~~
12 ~~for a term of not more than ten (10) years or by a fine in an amount~~
13 ~~that is equal to three times the value of the property that was~~
14 ~~stolen but not more than Five Hundred Thousand Dollars~~
15 ~~(\$500,000.00), or by both such fine and imprisonment~~ and shall be
16 punished in accordance with the provisions of Section 17 of this act
17 and may be ordered to pay restitution pursuant to Section 991f of
18 Title 22 of the Oklahoma Statutes.

19 SECTION 397. AMENDATORY 21 O.S. 2021, Section 1715, is
20 amended to read as follows:

21 Section 1715. A. Every person who steals the property of
22 another in any other state or country, and brings the same into this
23 state may be convicted and punished in the same manner as if such
24 larceny had been committed in this state; and such larceny may be

1 charged to have been committed in any town or city into or through
2 which such stolen property has been brought.

3 B. If the value of the property is One Thousand Dollars
4 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
5 (\$2,500.00), the person shall be guilty of a Class D3 felony
6 punished in accordance with the provisions of Section 20 of this
7 act.

8 C. If the value of the property is Two Thousand Five Hundred
9 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
10 (\$15,000.00), the person shall be guilty of a Class D1 felony
11 punished in accordance with the provisions of Section 18 of this
12 act; or

13 D. If the value of the property is Fifteen Thousand Dollars
14 (\$15,000.00) or more, the person shall be guilty of a Class C2
15 felony punished in accordance with the provisions of Section 17 of
16 this act.

17 SECTION 398. AMENDATORY 21 O.S. 2021, Section 1716, is
18 amended to read as follows:

19 Section 1716. A. Any person in this state who shall steal any
20 horse, jackass, jennet, mule, cow, hog or implement of husbandry as
21 defined in Section 1-125 of Title 47 of the Oklahoma Statutes shall,
22 upon conviction, be guilty of a Class C2 felony punishable ~~by~~
23 ~~imprisonment in the custody of the Department of Corrections for a~~
24 ~~term of not less than three (3) years nor more than ten (10) years,~~

1 ~~or by a fine in an amount that is equal to three times the value of~~
2 ~~animals and machinery that were stolen but not more than Five~~
3 ~~Hundred Thousand Dollars (\$500,000.00), or by both such fine and~~
4 ~~imprisonment~~ in accordance with the provisions of Section 17 of this
5 act. Each head of cattle stolen may constitute a separate offense
6 and may be punishable as a separate violation.

7 B. Any person in this state who shall steal any dog, sheep or
8 goat shall, upon conviction, be guilty of a Class D3 felony
9 ~~punishable by imprisonment in the custody of the Department of~~
10 ~~Corrections for a term of not less than six (6) months nor more than~~
11 ~~three (3) years, or by a fine in an amount that is equal to three~~
12 ~~times the value of the animals that were stolen but not more than~~
13 ~~Five Hundred Thousand Dollars (\$500,000.00), or by both such fine~~
14 ~~and imprisonment~~ in accordance with the provisions of Section 20 of
15 this act.

16 C. The word "horse" as used in this section includes all
17 animals of the equine species, and the word "cow" includes all
18 animals of the bovine species.

19 D. Persons convicted of violating the provisions of subsection
20 A of this section shall be registered by the Oklahoma Department of
21 Agriculture, Food, and Forestry in the Livestock Offender Registry
22 created in ~~Section 1 of this act~~ Section 2-16.1 of Title 2 of the
23 Oklahoma Statutes.

24

1 E. The county in which the offender is convicted shall submit a
2 certified copy of the judgment and sentence confirming the
3 conviction for entry in the Livestock Offender Registry to the
4 Oklahoma Department of Agriculture, Food, and Forestry or, if
5 designated by the Department, to a statewide livestock organization.

6 SECTION 399. AMENDATORY 21 O.S. 2021, Section 1718, is
7 amended to read as follows:

8 Section 1718. The taking of personal property of the kind
9 defined in Section 1717 of this title, accomplished by fraud or
10 stealth, and with the intent to deprive another thereof, is hereby
11 defined as larceny and upon conviction, shall be guilty of a Class
12 D3 felony punishable in the same manner and to the same degree as in
13 larceny of other descriptions of personal property in accordance
14 with the provisions of Section 20 of this act.

15 SECTION 400. AMENDATORY 21 O.S. 2021, Section 1719, is
16 amended to read as follows:

17 Section 1719. Every person who shall take, steal and carry away
18 any domestic fowl, or fowls, and any person purchasing or receiving
19 such domestic fowl, or fowls, knowing them to have been stolen,
20 shall be guilty of grand larceny, which shall be a Class D1 felony,
21 regardless of the value thereof, and upon conviction shall be
22 punished by ~~imprisonment in the State Penitentiary not exceeding~~
23 ~~five (5) years, or by a fine not exceeding Two Hundred Dollars~~
24 ~~(\$200.00), or by confinement in the county jail not exceeding two~~

1 ~~(2) months, or by both such fine and imprisonment~~ in accordance with
2 the provisions of Section 18 of this act.

3 SECTION 401. AMENDATORY 21 O.S. 2021, Section 1719.1, is
4 amended to read as follows:

5 Section 1719.1. A. For the purpose of this section:

6 1. "Domesticated fish or game" means all birds, mammals, fish
7 and other aquatic forms and all other animals, regardless of
8 classifications, whether resident, migratory or imported, protected
9 or unprotected, dead or alive, and shall extend to and include every
10 part of any individual species when such domesticated fish or game
11 are not in the wild and are in the possession of a person currently
12 licensed to possess such fish or game; and

13 2. "Taking" means the pursuing, killing, capturing, trapping,
14 snaring and netting of domesticated fish or game or placing,
15 setting, drawing or using any net, trap or other device for taking
16 domesticated fish or game and includes specifically every attempt to
17 take such domesticated fish or game.

18 B. Any domesticated fish or game shall be considered the
19 personal property of the owner.

20 C. Any person who shall take any domesticated fish or game,
21 with the intent to deprive the owner of ~~said~~ the fish or game, and
22 any person purchasing or receiving such domesticated fish or game
23 knowing them to have been stolen, shall:

24

1 1. Upon conviction, if the current market value of ~~said~~ the
2 domesticated fish or game is less than One Thousand Dollars
3 (\$1,000.00), be guilty of a misdemeanor and shall be punished by a
4 fine of not more than Five Hundred Dollars (\$500.00) or by
5 imprisonment in the county jail for a term not to exceed sixty (60)
6 days, or by both such fine and imprisonment; or

7 2. Upon conviction, if the current market value of ~~said~~ the
8 domesticated fish or game is One Thousand Dollars (\$1,000.00) or
9 more, be guilty of a Class D1 felony and shall be punished ~~by a fine~~
10 ~~of not less than One Thousand Dollars (\$1,000.00) nor more than Five~~
11 ~~Thousand Dollars (\$5,000.00), or by imprisonment in the State~~
12 ~~Penitentiary for a term of not more than five (5) years, or by both~~
13 ~~such fine and imprisonment~~ in accordance with the provisions of
14 Section 18 of this act.

15 SECTION 402. AMENDATORY 21 O.S. 2021, Section 1719.2, is
16 amended to read as follows:

17 Section 1719.2. A. Any person who shall take, steal or carry
18 away any exotic livestock, any person purchasing or receiving such
19 exotic livestock, knowing them to have been stolen, shall be deemed
20 guilty of grand larceny, a Class C2 felony, regardless of the value
21 thereof, and upon conviction thereof shall be punished ~~by~~
22 ~~imprisonment in the State Penitentiary not exceeding ten (10) years,~~
23 ~~or by a fine not exceeding Twenty Thousand Dollars (\$20,000.00) or~~

24

1 ~~by both such fine and imprisonment~~ in accordance with the provisions
2 of Section 17 of this act.

3 B. For purposes of this section the term "exotic livestock"
4 means commercially raised exotic livestock including animals of the
5 families bovidae, cervidae and antilocapridae or birds of the ratite
6 group.

7 SECTION 403. AMENDATORY 21 O.S. 2021, Section 1720, is
8 amended to read as follows:

9 Section 1720. Any person in this state who shall steal an
10 aircraft, automobile or other automotive driven vehicle,
11 construction equipment or farm equipment, shall be guilty of a Class
12 D1 felony, and upon conviction shall be punished ~~by imprisonment in~~
13 ~~the custody of the Department of Corrections for a term not~~
14 ~~exceeding five (5) years~~ in accordance with the provisions of
15 Section 18 of this act if the value of the vehicle is less than
16 Fifty Thousand Dollars (\$50,000.00) or ~~for a term of not less than~~
17 ~~three (3) years, nor more than ten (10) years~~ if the value of the
18 vehicle is Fifty Thousand Dollars (\$50,000.00) or greater, the
19 person shall, upon conviction, be guilty of a Class C2 felony and
20 shall be punished in accordance with the provisions of Section 17 of
21 this act ~~or by a fine in an amount that is equal to three times the~~
22 ~~value of the property that was stolen but not more than Five Hundred~~
23 ~~Thousand Dollars (\$500,000.00),~~ or by both such fine and

24

1 ~~imprisonment~~ and shall be ordered to pay restitution pursuant to
2 Section 991f of Title 22 of the Oklahoma Statutes.

3 SECTION 404. AMENDATORY 21 O.S. 2021, Section 1721, is
4 amended to read as follows:

5 Section 1721. Any person who shall unlawfully make or cause to
6 be made any connection with or in any way tap or cause to be tapped,
7 or drill or cause to be drilled a hole in any pipe or pipeline or
8 tank laid or used for the conduct or storage of crude oil, naphtha,
9 gas or casinghead gas, or any of the manufactured or natural
10 products thereof, with intent to deprive the owner thereof of any of
11 ~~said~~ the crude oil, naphtha, gas, casinghead gas or any of the
12 manufactured or natural products thereof, shall be guilty of a Class
13 C2 felony, and upon conviction the person shall be punished by
14 forfeiture of the instrumentality of the crime and ~~by a fine of not~~
15 ~~less than One Hundred Dollars (\$100.00), and not more than Fifty~~
16 ~~Thousand Dollars (\$50,000.00), or confinement in the State~~
17 ~~Penitentiary for a term of not less than one (1) year nor more than~~
18 ~~ten (10) years, or by both such fine and imprisonment~~ shall be
19 punished in accordance with the provisions of Section 17 of this
20 act.

21 SECTION 405. AMENDATORY 21 O.S. 2021, Section 1722, is
22 amended to read as follows:

23 Section 1722. Any person who shall unlawfully take any crude
24 oil or gasoline, or any product thereof, from any pipe, pipeline,

1 tank, tank car, or other receptacle or container and any person who
2 shall unlawfully take or cause to be taken any machinery, drilling
3 mud, equipment or other materials necessary for the drilling or
4 production of oil or gas wells, with intent to deprive the owner or
5 lessee thereof of ~~said~~ the crude oil, gas, gasoline, or any product
6 thereof, machinery, drilling mud, equipment or other materials
7 necessary for the drilling or production of oil or gas wells shall:

8 1. Be guilty of a misdemeanor if the value of ~~said~~ the product
9 so taken is less than One Thousand Dollars (\$1,000.00), and upon
10 conviction thereof, shall be punished by a fine of not more than
11 Five Hundred Dollars (\$500.00), or by imprisonment in the county
12 jail for a term not to exceed sixty (60) days, or by both such fine
13 and imprisonment;

14 2. Be guilty of a Class C2 felony if the value of such product
15 so taken is One Thousand Dollars (\$1,000.00) or more and upon
16 conviction thereof, shall be punished by forfeiture of the
17 instrumentality of the crime and ~~by a fine of not less than One~~
18 ~~Hundred Dollars (\$100.00), and not more than Fifty Thousand Dollars~~
19 ~~(\$50,000.00), or by imprisonment in the State Penitentiary for a~~
20 ~~term in the range of one (1) year to ten (10) years, or by both such~~
21 ~~fine and imprisonment~~ in accordance with the provisions of Section
22 17 of this act.

23 SECTION 406. AMENDATORY 21 O.S. 2021, Section 1723, is
24 amended to read as follows:

1 Section 1723. Any person entering and stealing any money or
2 other thing of value from any house, railroad car, tent, booth or
3 temporary building shall be guilty of larceny from the house.
4 Larceny from the house is a Class D1 felony punishable in accordance
5 with the provisions of Section 18 of this act.

6 SECTION 407. AMENDATORY 21 O.S. 2021, Section 1724, is
7 amended to read as follows:

8 Section 1724. Any person convicted of larceny from the house
9 shall be guilty of a Class D1 felony punishable by imprisonment in
10 the State Penitentiary for a period of time not to exceed five (5)
11 years in accordance with the provisions of Section 18 of this act.

12 SECTION 408. AMENDATORY 21 O.S. 2021, Section 1726, is
13 amended to read as follows:

14 Section 1726. A. Any person who may be found in this state
15 with more than one (1) pound of mercury in his possession, and who
16 does not have valid written evidence of his title to such mercury,
17 shall be guilty of a Class D1 felony and upon conviction thereof
18 shall be punishable ~~by imprisonment in the State Penitentiary for a~~
19 ~~term not less than one (1) year nor more than five (5) years, or by~~
20 ~~a fine not exceeding Five Hundred Dollars (\$500.00), or by both such~~
21 ~~fine and imprisonment~~ in accordance with the provisions of Section
22 18 of this act.

23 B. It shall be a defense to any charge under this section that
24 the person so charged (1) is a bona fide miner or processor of

1 mercury or (2) that the mercury possessed by such person is, while
2 in his possession, an integral part of a tool, instrument, or device
3 used for a beneficial purpose. In any complaint, information, or
4 indictment brought under this section, it shall not be necessary to
5 negative any exception, excuse, exemption, or defense provided in
6 this section, and the burden of proof of any such exception, excuse,
7 exemption or defense shall be upon the defendant.

8 SECTION 409. AMENDATORY 21 O.S. 2021, Section 1727, is
9 amended to read as follows:

10 Section 1727. Any person who shall enter upon any premises,
11 easement, or right of way with intent to steal or remove without the
12 consent of the owner, or with intent to aid or assist in stealing or
13 removing any copper wire, copper cable, or copper tubing from and
14 off of any appurtenance on such premises, easement, or right of way
15 shall be guilty of a Class D1 felony and upon conviction shall be
16 ~~punished by confinement in the State Penitentiary for not less than~~
17 ~~one (1) year nor more than five (5) years, or by confinement in the~~
18 ~~county jail for not less than ninety (90) days nor more than two~~
19 ~~hundred (200) days, or shall be fined not less than One Hundred~~
20 ~~Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or~~
21 ~~by both such fine and imprisonment~~ in accordance with the provisions
22 of Section 18 of this act.

23 SECTION 410. AMENDATORY 21 O.S. 2021, Section 1728, is
24 amended to read as follows:

1 Section 1728. Any person who shall receive, transport, or
2 possess in this state stolen copper wire, copper cable, or copper
3 tubing under such circumstances that he knew or should have known
4 that the same was stolen shall upon conviction thereof be guilty of
5 a Class D1 felony and shall be ~~confined in the State Penitentiary~~
6 ~~for a term of not less than one (1) year nor more than five (5)~~
7 ~~years, or shall be confined in the county jail for not less than~~
8 ~~ninety (90) days nor more than two hundred (200) days, or shall be~~
9 ~~fined not less than One Hundred Dollars (\$100.00) nor more than Five~~
10 ~~Hundred Dollars (\$500.00), or both such fine and imprisonment~~
11 punished in accordance with the provisions of Section 18 of this
12 act.

13 SECTION 411. AMENDATORY 21 O.S. 2021, Section 1731, as
14 last amended by Section 15, Chapter 116, O.S.L. 2018, is amended to
15 read as follows:

16 Section 1731. A. Larceny of merchandise held for sale in
17 retail or wholesale establishments shall be punishable as follows:

18 1. For the first or second conviction, in the event the value
19 of the goods, edible meat or other corporeal property which has been
20 taken is less than One Thousand Dollars (\$1,000.00), the person
21 shall be guilty of a misdemeanor punishable by imprisonment in the
22 county jail for a term not exceeding thirty (30) days, and by a fine
23 not less than Ten Dollars (\$10.00) nor more than Five Hundred
24 Dollars (\$500.00); provided, for the first or second conviction, in

1 the event more than one item of goods, edible meat or other
2 corporeal property has been taken, punishment shall be by
3 imprisonment in the county jail for a term not to exceed thirty (30)
4 days, and by a fine not less than Fifty Dollars (\$50.00) nor more
5 than Five Hundred Dollars (\$500.00);

6 2. For a third or subsequent conviction, in the event the value
7 of the goods, edible meat or other corporeal property which has been
8 taken is less than One Thousand Dollars (\$1,000.00), the person
9 shall be guilty of a misdemeanor and shall be punished by
10 imprisonment in the county jail for a term not to exceed one (1)
11 year, and by a fine not exceeding One Thousand Dollars (\$1,000.00);

12 3. In the event the value of the goods, edible meat or other
13 corporeal property is One Thousand Dollars (\$1,000.00) or more but
14 less than Two Thousand Five Hundred Dollars (\$2,500.00), the person
15 shall be guilty of a Class D3 felony and upon conviction shall be
16 punished ~~by imprisonment in the custody of the Department of~~
17 ~~Corrections for a term not to exceed two (2) years, and by a fine~~
18 ~~not to exceed One Thousand Dollars (\$1,000.00)~~ in accordance with
19 the provisions of Section 20 of this act;

20 4. In the event the value of the goods, edible meat or other
21 corporeal property is Two Thousand Five Hundred Dollars (\$2,500.00)
22 or more but less than Fifteen Thousand Dollars (\$15,000.00), the
23 person shall be guilty of a Class D1 felony and upon conviction,
24 shall be punished ~~by imprisonment in the custody of the Department~~

1 ~~of Corrections for a term not to exceed five (5) years, and by a~~
2 ~~fine not to exceed One Thousand Dollars (\$1,000.00) in accordance~~
3 ~~with the provisions of Section 18 of this act; or~~

4 5. In the event the value of the goods, edible meat or other
5 corporeal property is Fifteen Thousand Dollars (\$15,000.00) or more,
6 the person shall be guilty of a Class C2 felony and upon conviction,
7 shall be punished ~~by imprisonment in the custody of the Department~~
8 ~~of Corrections for a term not to exceed eight (8) years, and by a~~
9 ~~fine not to exceed One Thousand Dollars (\$ 1,000.00) in accordance~~
10 ~~with the provisions of Section 17 of this act.~~

11 B. When three or more separate offenses under this section are
12 committed within a ninety-day period, the value of the goods, edible
13 meat or other corporeal property involved in each larceny offense
14 may be aggregated to determine the total value for purposes of
15 determining the appropriate punishment under this section.

16 C. In the event any person engages in conduct that is a
17 violation of this section in concert with at least one other
18 individual, such person shall be liable for the aggregate value of
19 all items taken by all individuals. Such person may also be subject
20 to the penalties set forth in Section 421 of this title, which shall
21 be in addition to any other penalties provided for by law.

22 D. Any person convicted pursuant to the provisions of this
23 section shall also be ordered to pay restitution to the victim as
24 provided in Section 991f of Title 22 of the Oklahoma Statutes.

1 SECTION 412. AMENDATORY 21 O.S. 2021, Section 1732, is
2 amended to read as follows:

3 Section 1732. A. Any person who, with intent to deprive or
4 withhold from the owner thereof the control of a trade secret, or
5 with an intent to appropriate a trade secret to his or her own use
6 or to the use of another:

7 ~~(a) 1. steals~~ Steals or embezzles an article representing a
8 trade secret,~~;~~ or,

9 ~~(b) 2. without~~ Without authority makes or causes to be made a
10 copy of an article representing a trade secret,
11 shall be guilty of larceny ~~under Section 1704 of this title.~~ For
12 purposes of determining whether such larceny is grand larceny or
13 petit larceny under this section, the value of the trade secret and
14 not the value of the article shall be controlling.

15 B. 1. If the value of the trade secret is less than One
16 Thousand Dollars (\$1,000.00), the person shall be guilty of a
17 misdemeanor punishable by imprisonment in the county jail for a term
18 not exceeding thirty (30) days, and by a fine not less than Ten
19 Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00).

20 2. If the value of the trade secret is One Thousand Dollars
21 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
22 (\$2,500.00), the person shall be guilty of a Class D3 felony
23 punished in accordance with the provisions of Section 20 of this
24 act.

1 persons who can obtain economic value from its
2 disclosure or use~~+~~, and

3 ~~2.~~ b. is the subject of efforts that are reasonable under
4 the circumstances to maintain its secrecy~~+~~; and

5 ~~(d)~~ 4. The word "copy" means any facsimile, replica, photograph
6 or other reproduction of an article~~+~~, including copying, transferring
7 and e-mailing of computer data, and any note, drawing or sketch made
8 of or from an article.

9 ~~C.~~ D. In a prosecution for a violation of this act, it shall be
10 no defense that the person so charged returned or intended to return
11 the article so stolen, embezzled or copied.

12 ~~D.~~ E. The provisions of this section shall not apply if the
13 person acted in accordance with a written agreement with the
14 person's employer that specified the manner in which disputes
15 involving clients are to be resolved upon termination of the
16 employer-employee relationship.

17 SECTION 413. AMENDATORY 21 O.S. 2021, Section 1742.2, is
18 amended to read as follows:

19 Section 1742.2. A. Whoever:

20 1. Knowingly procures, attempts to procure, solicits, or
21 conspires with another to procure a telephone record of any resident
22 of this state without the authorization of the customer to whom the
23 record pertains or by fraudulent, deceptive, or false means;

24

1 2. Knowingly sells or attempts to sell a telephone record of
2 any resident of this state without the authorization of the customer
3 to whom the record pertains; or

4 3. Receives a telephone record of any resident of this state
5 knowing that the record has been obtained without the authorization
6 of the customer to whom the record pertains or by fraudulent,
7 deceptive, or false means,
8 shall be punished in accordance with the provisions of subsection B
9 of this section and shall be liable for restitution in accordance
10 with subsection C of this section.

11 B. ~~An offense under~~ Any person convicted of violating the
12 provisions of subsection A of this section is a felony and the
13 punishment is shall be:

14 1. ~~Imprisonment for not more than five (5) years~~ Guilty of a
15 Class D1 felony and shall be punished in accordance with the
16 provisions of Section 18 of this act if the violation of subsection
17 A of this section involves a single telephone record;

18 2. ~~Imprisonment for not more than ten (10) years~~ Guilty of a
19 Class C2 felony and shall be punished in accordance with the
20 provisions of Section 17 of this act if the violation of subsection
21 A of this section involves two to ten telephone records of a
22 resident of this state;

23 3. ~~Imprisonment for not more than twenty (20) years~~ Guilty of a
24 Class B3 felony and shall be punished in accordance with the

1 provisions of Section 12 of this act if the violation of subsection
2 A of this section involves more than ten telephone records of a
3 resident of this state; and

4 4. In all cases, forfeiture of any personal property used or
5 intended to be used to commit the offense.

6 C. A person found guilty of an offense under subsection A of
7 this section, in addition to any other punishment, shall be ordered
8 to make restitution for any financial loss sustained by the customer
9 or any other person who suffered financial loss as the direct result
10 of the offense.

11 D. In a prosecution brought pursuant to subsection A of this
12 section, the act of unauthorized or fraudulent procurement, sale, or
13 receipt of telephone records shall be considered to have been
14 committed in the county:

15 1. Where the customer whose telephone record is the subject of
16 the prosecution resided at the time of the offense; or

17 2. In which any part of the offense took place, regardless of
18 whether the defendant was ever actually present in the county.

19 E. A prosecution pursuant to subsection A of this section shall
20 not prevent prosecution pursuant to any other provision of law when
21 the conduct also constitutes a violation of some other provision of
22 law.

23 F. Subsection A of this section shall not apply to any person
24 acting pursuant to a valid court order, warrant, or subpoena.

1 G. Each violation of subsection A of this section shall be an
2 unlawful practice pursuant to the provisions of the Oklahoma
3 Consumer Protection Act.

4 SECTION 414. AMENDATORY 21 O.S. 2021, Section 1751, is
5 amended to read as follows:

6 Section 1751. Any person who maliciously, wantonly or
7 negligently either:

8 1. Removes, displaces, injures or destroys any part of any
9 railroad, or railroad equipment, whether for steam or horse cars, or
10 any track of any railroad, or of any branch or branchway, switch,
11 turnout, bridge, viaduct, culvert, embankment, station house, or
12 other structure or fixture, or any part thereof, attached to or
13 connected with any railroad; or

14 2. Places any obstruction upon the rails or tracks of any
15 railroad, or any branch, branchway, or turnout connected with any
16 railroad,

17 shall be guilty of a Class D1 felony punishable ~~by imprisonment in~~
18 ~~the State Penitentiary not exceeding four (4) years or in a county~~
19 ~~jail not less than six (6) months~~ in accordance with the provisions
20 of Section 18 of this act.

21 SECTION 415. AMENDATORY 21 O.S. 2021, Section 1752, is
22 amended to read as follows:

23 Section 1752. Whenever any offense specified in Section 1751 of
24 this title results in the death of any human being, the offender

1 shall be guilty of a Class A2 felony punishable by imprisonment in
2 the ~~State Penitentiary~~ custody of the Department of Corrections for
3 not less than four (4) years.

4 SECTION 416. AMENDATORY 21 O.S. 2021, Section 1752.1, is
5 amended to read as follows:

6 Section 1752.1. A. Any person shall be guilty of a misdemeanor
7 if the person:

8 1. Without consent of the owner or the owner's agent, enters or
9 remains on railroad property, knowing that it is railroad property;

10 2. Throws an object at a train, or rail-mounted work equipment;
11 or

12 3. Maliciously or wantonly causes in any manner the derailment
13 of a train, railroad car or rail-mounted work equipment.

14 B. Any person shall be guilty of a Class D1 felony if the
15 person commits an offense specified in subsection A of this section
16 which results in a demonstrable monetary loss, damage or destruction
17 of railroad property when ~~said~~ the loss is valued at more than One
18 Thousand Five Hundred Dollars (\$1,500.00) or results in bodily
19 injury to a person. Any person shall be guilty of a Class D1 felony
20 if the person discharges a firearm or weapon at a train, or rail-
21 mounted work equipment.

22 C. Any person violating the misdemeanor provisions of this
23 section shall be deemed guilty of a misdemeanor and upon conviction
24 shall be punished by imprisonment in the county jail not exceeding

1 one (1) year or by a fine not exceeding One Thousand Dollars
2 (\$1,000.00), or both such fine and imprisonment. Any person
3 violating the felony provisions of this section shall be deemed
4 guilty of a Class D1 felony, and upon conviction shall be punished
5 ~~by imprisonment in the State Penitentiary not exceeding four (4)~~
6 ~~years. If personal injury results, such person shall be punished by~~
7 ~~imprisonment in the State Penitentiary~~ in accordance with the
8 provisions of Section 18 of this act.

9 D. Subsection A of this section shall not be construed to
10 interfere with the lawful use of a public or private crossing.

11 E. Nothing in this section shall be construed as limiting a
12 representative of a labor organization which represents or is
13 seeking to represent the employees of the railroad, from conducting
14 such business as provided under the Railway Labor Act, 45 U.S.C.,
15 Section 151 et seq.

16 F. As used in this section "railroad property" includes, but is
17 not limited to, any train, locomotive, railroad car, caboose, rail-
18 mounted work equipment, rolling stock, work equipment, safety
19 device, switch, electronic signal, microwave communication
20 equipment, connection, railroad track, rail, bridge, trestle, right-
21 of-way or other property that is owned, leased, operated or
22 possessed by a railroad.

23 SECTION 417. AMENDATORY 21 O.S. 2021, Section 1753, is
24 amended to read as follows:

1 Section 1753. Any person who maliciously digs up, removes,
2 displaces, breaks, or otherwise injures or destroys any public
3 highway or bridge, or any private way laid out by authority of law,
4 or bridge upon such way, shall be guilty of a Class D3 felony and
5 upon conviction, shall be punished in accordance with the provisions
6 of Section 20 of this act.

7 SECTION 418. AMENDATORY 21 O.S. 2021, Section 1753.8, is
8 amended to read as follows:

9 Section 1753.8. A. Any person who defaces, steals or possesses
10 any road sign or marker posted by any city, state or county shall be
11 deemed guilty of a misdemeanor and upon conviction thereof shall be
12 punished by a fine of not more than One Hundred Dollars (\$100.00),
13 or restitution which shall be paid to the city, state or county, or
14 by not more than twenty (20) days of community service, or by
15 imprisonment in the county jail for a term of not more than thirty
16 (30) days, or by such fine, imprisonment, community service, or
17 restitution, as the Court may order.

18 B. If a violation of subsection A of this section results in
19 personal injury to or death of any person, the person committing the
20 violation shall, upon conviction, be guilty of a Class D3 felony,
21 ~~punishable by imprisonment in the custody of the Department of~~
22 ~~Corrections for not more than two (2) years, or by a fine of not~~
23 ~~more than One Thousand Dollars (\$1,000.00) in accordance with the~~
24 provisions of Section 20 of this act. In addition, the person may

1 be ordered to pay restitution, which shall be paid to the city,
2 state or county, or to perform not less than forty (40) days of
3 community service, or to such combination of fine, imprisonment,
4 community service, and/or restitution, as the Court may order.

5 SECTION 419. AMENDATORY 21 O.S. 2021, Section 1755, is
6 amended to read as follows:

7 Section 1755. Any person who maliciously injures or destroys
8 any toll house or turnpike gate shall be guilty of a Class D3 felony
9 and upon conviction, shall be punished in accordance with the
10 provisions of Section 20 of this act.

11 SECTION 420. AMENDATORY 21 O.S. 2021, Section 1760, is
12 amended to read as follows:

13 Section 1760. A. Every person who maliciously injures, defaces
14 or destroys any real or personal property not his or her own, in
15 cases other than such as are specified in Section 1761 et seq. of
16 this title, is guilty of:

17 1. A misdemeanor, if the damage, defacement or destruction
18 causes a loss which has an aggregate value of less than One Thousand
19 Dollars (\$1,000.00);

20 2. A Class D3 felony, if the damage, defacement or destruction
21 causes a loss which has an aggregate value of One Thousand Dollars
22 (\$1,000.00) or more, which shall be punished in accordance with the
23 provisions of Section 20 of this act; or

24

1 1. Place in, upon, under, against or near to any building, car,
2 truck, aircraft, motor or other vehicle, vessel, railroad, railway
3 car, or locomotive or structure, any explosive or incendiary device
4 with unlawful intent to destroy, throw down, or injure, in whole or
5 in part, such property, or conspire, aid, counsel or procure the
6 destruction of any building, public or private, or any car, truck,
7 aircraft, motor or other vehicle, vessel, railroad, railway car, or
8 locomotive or structure; or

9 2. Place in, upon, under, against or near to any building, car,
10 truck, aircraft, motor or other vehicle, vessel, railroad, railway
11 car, or locomotive or structure, any explosive or incendiary device
12 with intent to destroy, throw down, or injure in whole or in part,
13 under circumstances that, if such intent were accomplished, human
14 life or safety would be endangered thereby; or

15 3. By the explosion of any explosive or the igniting of any
16 incendiary device destroy, throw down, or injure any property of
17 another person, or cause injury to another person; or

18 4. Manufacture, sell, transport, or possess any explosive, the
19 component parts of an explosive, an incendiary device, or simulated
20 bomb with knowledge or intent that it or they will be used to
21 unlawfully kill, injure or intimidate any person, or unlawfully
22 damage any real or personal property; or

23 5. Place in, upon, under, against or near to any building, car,
24 truck, aircraft, motor or other vehicle, vessel, railroad, railway

1 car, or locomotive or structure, any foul, poisonous, offensive or
2 injurious substance or compound, explosive, incendiary device, or
3 simulated bomb with intent to wrongfully injure, molest or coerce
4 another person or to injure or damage the property of another
5 person; or

6 6. Injure, damage or attempt to damage by an explosive or
7 incendiary device any person, persons, or property, whether real or
8 personal; or

9 7. Make any threat or convey information known to be false,
10 concerning an attempt or alleged attempt to kill, injure or
11 intimidate any person or unlawfully damage any real or personal
12 property by means of an explosive, incendiary device, or simulated
13 bomb; or

14 8. Manufacture, sell, deliver, mail or send an explosive,
15 incendiary device, or simulated bomb to another person; or

16 9. While committing or attempting to commit any felony,
17 possess, display, or threaten to use any explosive, incendiary
18 device, or simulated bomb.

19 B. Nothing contained herein shall be construed to apply to, or
20 repeal any laws pertaining to, the acts of mischief of juveniles
21 involving no injurious firecrackers or devices commonly called
22 "stink bombs".

23 SECTION 423. AMENDATORY 21 O.S. 2021, Section 1767.2, is
24 amended to read as follows:

1 Section 1767.2. Any person violating any of the provisions of
2 Section 1767.1 of this title shall be deemed guilty of a felony, and
3 upon conviction shall be punished by imprisonment in the ~~State~~
4 ~~Penitentiary~~ custody of the Department of Corrections for not less
5 than three (3) years nor more than ten (10) years, or by a fine not
6 to exceed Ten Thousand Dollars (\$10,000.00) or by both. If personal
7 injury results, such person shall be guilty of a Class A1 felony and
8 shall be punished by imprisonment in the ~~State Penitentiary~~ custody
9 of the Department of Corrections for not less than seven (7) years
10 or life imprisonment.

11 SECTION 424. AMENDATORY 21 O.S. 2021, Section 1777, is
12 amended to read as follows:

13 Section 1777. Any person who maliciously draws up or removes or
14 cuts or otherwise injures any piles fixed in the ground and used for
15 securing any bank or dam of any river, canal, drain, aqueduct,
16 marsh, reservoir, pool, port, dock, quay, jetty or lock, shall be
17 guilty of a Class D1 felony punishable ~~by imprisonment in the State~~
18 ~~Penitentiary not exceeding five (5) years and not less than two (2)~~
19 ~~years, or by imprisonment in a county jail not exceeding one (1)~~
20 ~~year or by a fine not exceeding Five Hundred Dollars (\$500.00), or~~
21 ~~by both such fine and imprisonment~~ in accordance with the provisions
22 of Section 18 of this act.

23 SECTION 425. AMENDATORY 21 O.S. 2021, Section 1778, is
24 amended to read as follows:

1 Section 1778. Any person who unlawfully masks, alters or
2 removes any light or signal, or willfully exhibits any false light
3 or signal, with intent to bring any locomotive or any railway car or
4 train of cars into danger, shall, upon conviction, be guilty of a
5 Class C2 felony punishable by imprisonment in the State Penitentiary
6 not exceeding ten (10) years and not less than three (3) years and
7 shall be punished in accordance with the provisions of Section 17 of
8 this act.

9 SECTION 426. AMENDATORY 21 O.S. 2021, Section 1779, is
10 amended to read as follows:

11 Section 1779. A. Every person who maliciously mutilates,
12 tears, defaces, obliterates, or destroys any written instrument
13 being the property of another, the false making of which would be
14 forgery, is punishable in the same manner as the forgery of such
15 instrument is made punishable.

16 B. 1. If the value of the property is less than One Thousand
17 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor
18 punishable by imprisonment in the county jail for a term not
19 exceeding thirty (30) days, and by a fine not less than Ten Dollars
20 (\$10.00) nor more than Five Hundred Dollars (\$500.00);

21 2. If the value of the property is One Thousand Dollars
22 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
23 (\$2,500.00), the person shall be guilty of a Class D3 felony

24

1 punished in accordance with the provisions of Section 20 of this
2 act;

3 3. If the value of the property is Two Thousand Five Hundred
4 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
5 (\$15,000.00), the person shall be guilty of a Class D1 felony
6 punished in accordance with the provisions of Section 18 of this
7 act; or

8 4. If the value of the property is Fifteen Thousand Dollars
9 (\$15,000.00) or more, the person shall be guilty of a Class C2
10 felony punished in accordance with the provisions of Section 17 of
11 this act.

12 SECTION 427. AMENDATORY 21 O.S. 2021, Section 1785, is
13 amended to read as follows:

14 Section 1785. Any person who maliciously cuts, tears,
15 disfigures, soils, obliterates, breaks or destroys any book, map,
16 chart, picture, engraving, statue, coin, model, apparatus, specimen
17 or other work of literature or art, or object of curiosity deposited
18 in any public library, gallery, museum, collection, fair or
19 exhibition, shall be guilty of a Class D3 felony punishable ~~by~~
20 ~~imprisonment in the State Penitentiary for not exceeding three (3)~~
21 ~~years, or in a county jail not exceeding one (1) year~~ in accordance
22 with the provisions of Section 20 of this act.

23 SECTION 428. AMENDATORY 21 O.S. 2021, Section 1786, is
24 amended to read as follows:

1 Section 1786. Any person who willfully breaks, digs up or
2 obstructs any pipes or mains for conducting gas or water, or any
3 works erected for supplying buildings with gas or water, or any
4 appurtenances or appendages therewith connected, or injures, cuts,
5 breaks down or destroys any electric light wires, poles or
6 appurtenances, or any telephone or telegraph wires, cable or
7 appurtenances, shall be guilty of a Class D3 felony punishable ~~by~~
8 ~~imprisonment in the State Penitentiary not exceeding three (3)~~
9 ~~years, or in the county jail not exceeding one (1) year, and by a~~
10 ~~fine of not more than Five Hundred Dollars (\$500.00)~~ in accordance
11 with the provisions of Section 20 of this act.

12 SECTION 429. AMENDATORY 21 O.S. 2021, Section 1791, is
13 amended to read as follows:

14 Section 1791. A. Any person who, without good cause,
15 maliciously and knowingly cuts or damages a fence used for the
16 production or containment of cattle, bison, horses, sheep, swine,
17 goats, domestic fowl, exotic livestock, exotic poultry or any game
18 animals or domesticated game such that there is a loss or damage to
19 the property is guilty of a misdemeanor. Any person convicted of a
20 second or subsequent offense pursuant to this section shall be
21 guilty of a Class D3 felony punishable ~~by a fine not exceeding One~~
22 ~~Thousand Dollars (\$1,000.00), or by imprisonment in the custody of~~
23 ~~the Department of Corrections not exceeding two (2) years, or by~~

24

1 ~~both such fine and imprisonment~~ in accordance with the provisions of
2 Section 20 of this act.

3 B. The provisions of subsection A of this section shall not
4 apply to any activities:

5 1. Performed pursuant to the Seismic Exploration Regulation
6 Act;

7 2. Performed pursuant to Sections 318.2 through 318.9 of Title
8 52 of the Oklahoma Statutes; or

9 3. That are subject to the regulation of the Oklahoma
10 Corporation Commission or the Federal Energy Regulatory Commission.

11 SECTION 430. AMENDATORY 21 O.S. 2021, Section 1792, is
12 amended to read as follows:

13 Section 1792. A. Any person who shall willfully trespass or
14 enter property containing a critical infrastructure facility without
15 permission by the owner of the property or lawful occupant thereof
16 shall, upon conviction, be guilty of a misdemeanor punishable by a
17 fine of not less than One Thousand Dollars (\$1,000.00), or by
18 imprisonment in the county jail for a term of six (6) months, or by
19 both such fine and imprisonment. If it is determined the intent of
20 the trespasser is to willfully damage, destroy, vandalize, deface,
21 tamper with equipment, or impede or inhibit operations of the
22 facility, the person shall, upon conviction, be guilty of a Class D3
23 ~~felony punishable by a fine of not less than Ten Thousand Dollars~~
24 ~~(\$10,000.00), or by imprisonment in the custody of the Department of~~

1 ~~Corrections for a term of one (1) year, or by both such fine and~~
2 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
3 act.

4 B. Any person who shall willfully damage, destroy, vandalize,
5 deface or tamper with equipment in a critical infrastructure
6 facility shall, upon conviction, be guilty of a Class D3 felony
7 ~~punishable by a fine of One Hundred Thousand Dollars (\$100,000.00),~~
8 ~~or by imprisonment in the custody of the Department of Corrections~~
9 ~~for a term of not more than ten (10) years, or by both such fine and~~
10 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
11 act.

12 C. If an organization is found to be a conspirator with persons
13 who are found to have committed any of the crimes described in
14 subsection A or B of this section, the conspiring organization shall
15 be punished by a fine that is ten times the amount of ~~said~~ the fine
16 authorized by the appropriate provision of this section.

17 D. As used in this section, "critical infrastructure facility"
18 means:

19 1. One of the following, if completely enclosed by a fence or
20 other physical barrier that is obviously designed to exclude
21 intruders, or if clearly marked with a sign or signs that are posted
22 on the property that are reasonably likely to come to the attention
23 of intruders and indicate that entry is forbidden without site
24 authorization:

- 1 a. a petroleum or alumina refinery,
- 2 b. an electrical power generating facility, substation,
- 3 switching station, electrical control center or
- 4 electric power lines and associated equipment
- 5 infrastructure,
- 6 c. a chemical, polymer or rubber manufacturing facility,
- 7 d. a water intake structure, water treatment facility,
- 8 wastewater treatment plant or pump station,
- 9 e. a natural gas compressor station,
- 10 f. a liquid natural gas terminal or storage facility,
- 11 g. a telecommunications central switching office,
- 12 h. wireless telecommunications infrastructure, including
- 13 cell towers, telephone poles and lines, including
- 14 fiber optic lines,
- 15 i. a port, railroad switching yard, railroad tracks,
- 16 trucking terminal or other freight transportation
- 17 facility,
- 18 j. a gas processing plant, including a plant used in the
- 19 processing, treatment or fractionation of natural gas
- 20 or natural gas liquids,
- 21 k. a transmission facility used by a federally licensed
- 22 radio or television station,
- 23 l. a steelmaking facility that uses an electric arc
- 24 furnace to make steel,

- 1 m. a facility identified and regulated by the United
2 States Department of Homeland Security Chemical
3 Facility Anti-Terrorism Standards (CFATS) program,
4 n. a dam that is regulated by the state or federal
5 government,
6 o. a natural gas distribution utility facility including,
7 but not limited to, pipeline interconnections, a city
8 gate or town border station, metering station,
9 aboveground piping, a regulator station and a natural
10 gas storage facility, or
11 p. a crude oil or refined products storage and
12 distribution facility including, but not limited to,
13 valve sites, pipeline interconnections, pump station,
14 metering station, below or aboveground pipeline or
15 piping and truck loading or offloading facility; or

16 2. Any aboveground portion of an oil, gas, hazardous liquid or
17 chemical pipeline, tank, railroad facility or other storage facility
18 that is enclosed by a fence, other physical barrier or is clearly
19 marked with signs prohibiting trespassing, that are obviously
20 designed to exclude intruders.

21 SECTION 431. AMENDATORY 21 O.S. 2021, Section 1834, is
22 amended to read as follows:

23 Section 1834. Any mortgagor, conditional sales contract vendee,
24 pledgor or debtor under a security agreement of personal property,

1 or his or her legal representative, who, while such mortgage,
2 security agreement or conditional sales contract remains in force
3 and unsatisfied, conceals, sells or in any manner disposes of such
4 property, or any part thereof, or removes such property, or any part
5 thereof, beyond the limits of the county, or materially injures or
6 willfully destroys such property, or any part thereof, without the
7 written consent of the holder of such mortgage or conditional sales
8 contract, secured party or pledgee under a security agreement shall,
9 upon conviction, be guilty of a Class D3 felony if the value of the
10 property is One Thousand Dollars (\$1,000.00) or more and shall be
11 ~~punished by imprisonment in the custody of the Department of~~
12 ~~Corrections for a period not exceeding three (3) years or in the~~
13 ~~county jail not exceeding one (1) year~~ in accordance with the
14 provisions of Section 20 of this act, or by a fine of not to exceed
15 Five Hundred Dollars (\$500.00). If the value of the property is
16 less than One Thousand Dollars (\$1,000.00), the person shall, upon
17 conviction, be guilty of a misdemeanor punishable by imprisonment in
18 the county jail not exceeding one (1) year, or by a fine not
19 exceeding Five Hundred Dollars (\$500.00). Provided, however, the
20 writing containing the consent of the holder of the mortgage or
21 conditional sales contract, secured party or pledgee under a
22 security agreement, as before specified, shall be the only competent
23 evidence of such consent, unless it appears that such writing has
24 been lost or destroyed.

1 SECTION 432. AMENDATORY 21 O.S. 2021, Section 1837, is
2 amended to read as follows:

3 Section 1837. Any person who shall designedly place any hard or
4 solid substance or article in any stack, shock, sheaf or load of
5 unthreshed grain, or in any bin, bag, sack or load of unthreshed
6 grain, or seed, or shall designedly place any matches or other
7 inflammable, combustible or explosive substance in any unginned
8 cotton with the intent to injure or destroy any such grain, seed, or
9 cotton, or any machinery which may be used for threshing or grinding
10 such grain or seed or ginning such cotton, shall be deemed guilty of
11 a Class D1 felony, and upon conviction shall be punished ~~by~~
12 ~~confinement in the State Penitentiary for a term of not less than~~
13 ~~one (1) year nor more than five (5) years~~ in accordance with the
14 provisions of Section 18 of this act.

15 SECTION 433. AMENDATORY 21 O.S. 2021, Section 1861, is
16 amended to read as follows:

17 Section 1861. A. The name and organizational or business
18 affiliation of every person who by telephone engages in the
19 solicitation or sale of any item, tangible or intangible, shall, by
20 such person, be given to the person answering such telephone call.
21 Such information shall be given immediately and prior to any
22 solicitation or sales presentation. The telephone number of the
23 person placing the call must be given upon request of the party
24 being called. The person in whose name the telephone is registered

1 is responsible for his or her agents and employees conforming with
2 the provisions of this section. This section does not apply to
3 calls between persons known to each other and to religious groups,
4 or nonprofit organizations within their own membership, and
5 political activities.

6 B. No person may solicit contributions by telephone for a
7 charitable nonprofit organization unless that organization has
8 complied with the provisions of the Oklahoma Solicitation of
9 Charitable Contributions Act, Sections 552.1 et seq. of Title 18 of
10 the Oklahoma Statutes. Such person may charge a reasonable fee for
11 his or her services, which shall not exceed ten percent (10%) of
12 the net receipts of the solicitation; provided, however, that in the
13 event the fee charged is based upon a predetermined flat fee, then
14 this provision shall not apply. Provided, further, that all sums
15 shall be paid directly to the nonprofit organization.

16 C. Violation of this section by a person, business or
17 organization shall constitute a misdemeanor. A third and subsequent
18 conviction under paragraph A or B of this section shall constitute a
19 Class D3 felony and upon conviction, shall be punished in accordance
20 with the provisions of Section 20 of this act.

21 SECTION 434. AMENDATORY 21 O.S. 2021, Section 1871, is
22 amended to read as follows:

23 Section 1871. A. Any person who uses a telecommunication
24 device with the intent to avoid the payment of any lawful charge for

1 telecommunication service or with the knowledge that it was to avoid
2 the payment of any lawful charge for telecommunication service and
3 the value of the telecommunication service is not more than One
4 Thousand Dollars (\$1,000.00) or such value cannot be ascertained
5 shall, upon conviction, be guilty of a misdemeanor.

6 B. Any person who uses a telecommunication device with the
7 intent to avoid the payment of any lawful charge for
8 telecommunication service or with the knowledge that it was to avoid
9 the payment of any lawful charge for telecommunication service and
10 the value of the telecommunication service exceeds One Thousand
11 Dollars (\$1,000.00) shall, upon conviction, be guilty of a ~~Schedule~~
12 ~~G felony, if the offense occurs on or after the effective date of~~
13 ~~Section 20.1 of this title. If the offense occurs before the~~
14 ~~effective date of Section 20.1 of this title, the crime shall be~~
15 ~~punishable by incarceration in the custody of the Department of~~
16 ~~Corrections for a term not to exceed two (2) years~~ Class D3 felony
17 punishable in accordance with the provisions of Section 20 of this
18 act.

19 C. If the cloned cellular telephone used in violation of this
20 section was used to facilitate the commission of a felony the
21 person, upon conviction, shall be guilty of a ~~Schedule F~~ Class D3
22 felony, if the offense occurs on or after the effective date of
23 Section 20.1 of this title. If the offense occurs before the
24 effective date of Section 20.1 of this title, the crime shall be

1 punishable by incarceration in the custody of the Department of
2 Corrections for a term not to exceed two (2) years Class D3 felony
3 punishable in accordance with the provisions of Section 20 of this
4 act.

5 D. Any person who has been convicted previously of an offense
6 under this section shall be guilty of a ~~Schedule E felony upon a~~
7 ~~second and any subsequent conviction, if the offense occurs on or~~
8 ~~after the effective date of Section 20.1 of this title. If the~~
9 ~~offense occurs before the effective date of Section 20.1 of this~~
10 ~~title the crime shall be punishable by incarceration in the custody~~
11 ~~of the Department of Corrections for a term not to exceed five (5)~~
12 ~~years~~ Class D1 felony punishable in accordance with the provisions
13 of Section 18 of this act.

14 SECTION 435. AMENDATORY 21 O.S. 2021, Section 1872, is
15 amended to read as follows:

16 Section 1872. A. Any person who knowingly possesses an
17 unlawful telecommunication device shall, upon conviction, be guilty
18 of a misdemeanor.

19 B. Any person who knowingly possesses five or more unlawful
20 telecommunication devices at the same time shall, upon conviction,
21 be guilty of a ~~Schedule F felony, if the offense occurs on or after~~
22 ~~the effective date of Section 20.1 of this title. If the offense~~
23 ~~occurs before the effective date of Section 20.1 of this title, the~~
24 ~~crime shall be punishable by incarceration in the custody of the~~

1 ~~Department of Corrections for a term not to exceed two (2) years~~
2 Class D3 felony punishable in accordance with the provisions of
3 Section 20 of this act.

4 C. Any person who:

5 1. Knowingly possesses an instrument capable of intercepting
6 electronic serial number and mobile identification number
7 combinations under circumstances evidencing an intent to clone; or

8 2. Knowingly possesses cloning paraphernalia under
9 circumstances evidencing an intent to clone,

10 shall, upon conviction, be guilty of a ~~schedule F felony, if the~~
11 ~~offense occurs on or after the effective date of Section 20.1 of~~
12 ~~this title. If the offense occurs before the effective date of~~

13 ~~Section 20.1 of this title, the crime shall be punishable by~~
14 ~~incarceration in the custody of the Department of Corrections for a~~
15 ~~term not to exceed two (2) years~~ Class D3 felony punishable in
16 accordance with the provisions of Section 20 of this act.

17 SECTION 436. AMENDATORY 21 O.S. 2021, Section 1873, is
18 amended to read as follows:

19 Section 1873. A. Any person who intentionally sells an
20 unlawful telecommunication device or material, including hardware,
21 data, computer software, or other information or equipment, knowing
22 that the purchaser or a third person intends to use such material in
23 the manufacture of an unlawful telecommunication device shall, upon
24 conviction, be guilty of a ~~schedule F felony, if the offense occurs~~

1 ~~on or after the effective date of Section 20.1 of this title. If~~
2 ~~the offense occurs before the effective date of Section 20.1 of this~~
3 ~~title, the crime shall be punishable by incarceration in the custody~~
4 ~~of the Department of Corrections for a term not to exceed two (2)~~
5 ~~years~~ Class D3 felony punished in accordance with the provisions of
6 Section 20 of this act.

7 B. If the offense under this section involves the intentional
8 sale of five or more unlawful telecommunication devices within a
9 six-month period, the person committing the offense, upon
10 conviction, shall be guilty of a ~~Schedule E felony, if the offense~~
11 ~~occurs on or after the effective date of Section 20.1 of this title.~~
12 ~~If the offense occurs before the effective date of Section 20.1 of~~
13 ~~this title, the crime shall be punishable by incarceration in the~~
14 ~~custody of the Department of Corrections for a term not to exceed~~
15 ~~five (5) years~~ Class D1 felony punishable in accordance with the
16 provisions of Section 20 of this act.

17 SECTION 437. AMENDATORY 21 O.S. 2021, Section 1874, is
18 amended to read as follows:

19 Section 1874. A. Any person who intentionally manufacturers an
20 unlawful telecommunication device shall, upon conviction, be guilty
21 of a ~~Schedule F felony, if the offense occurs on or after the~~
22 ~~effective date of Section 20.1 of this title. If the offense occurs~~
23 ~~before the effective date of Section 20.1 of this title, the crime~~
24 ~~shall be punishable by incarceration in the custody of the~~

1 ~~Department of Corrections for a term not to exceed two (2) years~~
2 Class D3 felony punishable in accordance with the provisions of
3 Section 20 of this act.

4 B. If the offense under this section involves the intentional
5 manufacture of five or more unlawful telecommunication devices
6 within a six-month period, the person committing the offense shall,
7 upon conviction, be guilty of a ~~Schedule E felony, if the offense~~
8 ~~occurs on or after the effective date of Section 20.1 of this title.~~
9 ~~If the offense occurs before the effective date of Section 20.1 of~~
10 ~~this title, the crime shall be punishable by incarceration in the~~
11 ~~custody of the Department of Corrections for a term not to exceed~~
12 ~~five (5) years~~ Class D1 felony punishable in accordance with the
13 provisions of Section 18 of this act.

14 SECTION 438. AMENDATORY 21 O.S. 2021, Section 1903, is
15 amended to read as follows:

16 Section 1903. A. No person shall by force or violence, or
17 threat of force or violence, seize or exercise control of any bus.
18 Any person violating this subsection shall be guilty of a Class B1
19 ~~felony and shall, upon conviction, be punished by imprisonment in~~
20 ~~the custody of the Department of Corrections for not more than~~
21 ~~twenty (20) years, or by a fine of not more than Twenty Thousand~~
22 ~~Dollars (\$20,000.00), or by both such fine and imprisonment in~~
23 accordance with the provisions of Section 10 of this act.

24

1 B. In addition, no person shall intimidate, threaten, assault
2 or batter any driver, attendant, guard or passenger of any bus with
3 intent to violate subsection A of this section. Any person
4 violating this subsection shall be guilty of a Class B4 felony and
5 shall, upon conviction, be punished ~~by imprisonment in the custody~~
6 ~~of the Department for not more than ten (10) years, or by a fine of~~
7 ~~not more than Five Thousand Dollars (\$5,000.00), or by both such~~
8 ~~fine and imprisonment~~ in accordance with the provisions of Section
9 13 of this act.

10 C. In addition, any person violating subsection A or B of this
11 section using a dangerous or deadly weapon shall be guilty of a
12 Class B1 felony, and shall, upon conviction, be punished ~~by~~
13 ~~imprisonment in the custody of the Department for not more than~~
14 ~~twenty (20) years, or by a fine of not more than Twenty Thousand~~
15 ~~Dollars (\$20,000.00), or by both such fine and imprisonment~~ in
16 accordance with the provisions of Section 10 of this act.

17 D. It shall be unlawful for any person to discharge any firearm
18 into or within any bus, terminal or other transportation facility,
19 unless such action is determined to have been in defensive force
20 resulting from reasonable fear of imminent peril of death or great
21 bodily harm to himself or herself or another. Such person shall,
22 upon conviction, be guilty of a Class B4 felony punishable ~~by a fine~~
23 ~~of not more than Five Thousand Dollars (\$5,000.00) or by~~

24

1 ~~imprisonment for not more than five (5) years, or both~~ in accordance
2 with the provisions of Section 13 of this act.

3 SECTION 439. AMENDATORY 21 O.S. 2021, Section 1904, is
4 amended to read as follows:

5 Section 1904. It shall be unlawful to remove any baggage, cargo
6 or other item transported upon a bus or stored in a terminal without
7 consent of the owner of such property or the company, or its duly
8 authorized representative. Any person violating this section shall
9 be guilty of a Class D1 felony and, upon conviction, shall be
10 ~~punished by a fine of not more than Ten Thousand Dollars~~
11 ~~(\$10,000.00), or by imprisonment in the custody of the Department of~~
12 ~~Corrections for not more than five (5) years, or by both such fine~~
13 ~~and imprisonment~~ in accordance with the provisions of Section 18 of
14 this act.

15 The actual value of an item removed in violation of this section
16 shall not be material to the crime herein defined.

17 SECTION 440. AMENDATORY 21 O.S. 2021, Section 1953, is
18 amended to read as follows:

19 Section 1953. A. It shall be unlawful to:

20 1. Willfully, and without authorization, gain or attempt to
21 gain access to and damage, modify, alter, delete, destroy, copy,
22 make use of, use malicious computer programs on, disclose or take
23 possession of a computer, computer system, computer network, data or
24 any other property;

1 2. Use a computer, computer system, computer network or any
2 other property as hereinbefore defined for the purpose of devising
3 or executing a scheme or artifice with the intent to defraud,
4 deceive, extort or for the purpose of controlling or obtaining
5 money, property, data, services or other thing of value by means of
6 a false or fraudulent pretense or representation;

7 3. Willfully exceed the limits of authorization and damage,
8 modify, alter, destroy, copy, delete, disclose or take possession of
9 a computer, computer system, computer network, data or any other
10 property;

11 4. Willfully and without authorization, gain or attempt to gain
12 access to a computer, computer system, computer network, data or any
13 other property;

14 5. Willfully and without authorization use or cause to be used
15 computer services;

16 6. Willfully and without authorization disrupt or cause the
17 disruption of computer services or deny or cause the denial of
18 access or other computer services to an authorized user of a
19 computer, computer system or computer network, other than an
20 authorized entity acting for a legitimate business purpose with the
21 effective consent of the owner;

22 7. Willfully and without authorization provide or assist in
23 providing a means of accessing a computer, computer system, data or
24 computer network in violation of this section;

1 8. Willfully use a computer, computer system, or computer
2 network to annoy, abuse, threaten, or harass another person;

3 9. Willfully use a computer, computer system, or computer
4 network to put another person in fear of physical harm or death; and

5 10. Willfully solicit another, regardless of any financial
6 consideration or exchange of property, of any acts described in
7 paragraphs 1 through 9 of this subsection.

8 B. 1. Any person convicted of violating paragraph 1, 2, 3,
9 6, 7, or 9 ~~or 10~~ of subsection A of this section shall be guilty of
10 a Class C2 felony punishable as provided in Section 1955 of this
11 title and shall be punished in accordance with the provisions of
12 Section 17 of this act.

13 2. Any person convicted of violating paragraph 10 of subsection
14 A of this action shall be guilty of a Class C1 felony and shall be
15 punished in accordance with the provisions of Section 16 of this
16 act.

17 C. Any person convicted of violating paragraph 4, 5 or 8 of
18 subsection A of this section shall be guilty of a misdemeanor.

19 D. Nothing in the Oklahoma Computer Crimes Act shall be
20 construed to prohibit the monitoring of computer usage of, or the
21 denial of computer or Internet access to, a child by a parent, legal
22 guardian, legal custodian, or foster parent. As used in this
23 subsection, "child" shall mean any person less than eighteen (18)
24 years of age.

1 E. Nothing in the Oklahoma Computer Crimes Act shall be
2 construed to prohibit testing by an authorized entity, the purpose
3 of which is to provide to the owner or operator of the computer,
4 computer system or computer network an evaluation of the security of
5 the computer, computer system or computer network against real or
6 imagined threats or harms.

7 SECTION 441. AMENDATORY 21 O.S. 2021, Section 1955, is
8 amended to read as follows:

9 Section 1955. A. Upon conviction of a Class C1 or C2 felony
10 under the provisions of the Oklahoma Computer Crimes Act, punishment
11 ~~shall be by a fine of not less than Five Thousand Dollars~~
12 ~~(\$5,000.00) and not more than One Hundred Thousand Dollars~~
13 ~~(\$100,000.00), or by confinement in the State Penitentiary for a~~
14 ~~term of not more than ten (10) years, or by both such fine and~~
15 ~~imprisonment~~ in accordance with the provisions of Section 16 or
16 Section 17 of this act, as applicable.

17 B. Upon conviction of a misdemeanor under the provisions of the
18 Oklahoma Computer Crimes Act, punishment shall be by a fine of not
19 more than Five Thousand Dollars (\$5,000.00), or by imprisonment in
20 the county jail not to exceed thirty (30) days, or by both such fine
21 and imprisonment.

22 C. In addition to any other civil remedy available, the owner
23 or lessee of the computer, computer system, computer network,
24 computer program or data may bring a civil action against any person

1 convicted of a violation of the Oklahoma Computer Crimes Act for
2 compensatory damages, including any victim expenditure reasonably
3 and necessarily incurred by the owner or lessee to verify that a
4 computer system, computer network, computer program or data was or
5 was not altered, damaged, deleted, disrupted or destroyed by the
6 access. In any action brought pursuant to this subsection the court
7 may award reasonable attorneys fees to the prevailing party.

8 SECTION 442. AMENDATORY 21 O.S. 2021, Section 1958, is
9 amended to read as follows:

10 Section 1958. No person shall communicate with, store data in,
11 or retrieve data from a computer system or computer network for the
12 purpose of using such access to violate any of the provisions of the
13 Oklahoma Statutes.

14 Any person convicted of violating the provisions of this section
15 shall be guilty of a Class D1 felony punishable ~~by imprisonment in~~
16 ~~the State Penitentiary for a term of not more than five (5) years,~~
17 ~~or by a fine of not more than Five Thousand Dollars (\$5,000.00), or~~
18 ~~by both such imprisonment and fine~~ in accordance with the provisions
19 of Section 18 of this act.

20 SECTION 443. AMENDATORY 21 O.S. 2021, Section 1976, is
21 amended to read as follows:

22 Section 1976. A. It shall be unlawful for any person to
23 knowingly reproduce for sale any sound recording produced without
24 the written consent of the owner of the original recording,

1 provided, however, that this section shall only apply to sound
2 recordings initially fixed prior to February 15, 1972, and shall not
3 apply to motion pictures or other audiovisual works.

4 B. A violation of this section involving less than one hundred
5 articles shall constitute a misdemeanor, and shall, upon conviction,
6 be punishable by a fine not to exceed Five Thousand Dollars
7 (\$5,000.00).

8 C. A violation of this section involving one hundred or more
9 articles shall constitute a Class D1 felony, and shall, upon
10 conviction, be punishable ~~by a fine not to exceed Fifty Thousand~~
11 ~~Dollars (\$50,000.00), or by imprisonment in the State Penitentiary~~
12 ~~for a term not to exceed five (5) years, or both such fine and~~
13 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
14 act.

15 D. A second or subsequent conviction for a violation of this
16 section shall constitute a Class D1 felony and shall, upon
17 conviction, be punishable ~~by a fine not to exceed One Hundred~~
18 ~~Thousand Dollars (\$100,000.00), or by imprisonment in the State~~
19 ~~Penitentiary for a term not less than two (2) years nor more than~~
20 ~~five (5) years, or both such fine and imprisonment~~ in accordance
21 with the provisions of Section 18 of this act.

22 SECTION 444. AMENDATORY 21 O.S. 2021, Section 1977, is
23 amended to read as follows:

24

1 Section 1977. A. It shall be unlawful for any person to
2 knowingly sell or offer for sale any sound recording that has been
3 produced or reproduced in violation of the provisions of Sections
4 1975 through 1981 of this title, knowing, or having reasonable
5 grounds to know, that the sounds or images thereon have been
6 produced or reproduced without the consent of the owner.

7 B. A violation of this section involving less than one hundred
8 articles shall constitute a misdemeanor, and shall, upon conviction,
9 be punishable by a fine not to exceed Five Thousand Dollars
10 (\$5,000.00).

11 C. A violation of this section involving one hundred or more
12 articles shall constitute a Class D1 felony, and shall, upon
13 conviction, be punishable by ~~a fine not to exceed Fifty Thousand~~
14 ~~Dollars (\$50,000.00), or by imprisonment in the State Penitentiary~~
15 ~~for a term not more than five (5) years, or both such fine and~~
16 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
17 act.

18 D. A second or subsequent conviction for a violation of this
19 section shall constitute a Class D1 felony, and shall, upon
20 conviction, be punishable by ~~a fine not to exceed One Hundred~~
21 ~~Thousand Dollars (\$100,000.00), or by imprisonment in the State~~
22 ~~Penitentiary for a term not less than two (2) years nor more than~~
23 ~~five (5) years, or both such fine and imprisonment~~ in accordance
24 with the provisions of Section 18 of this act.

1 SECTION 445. AMENDATORY 21 O.S. 2021, Section 1978, is
2 amended to read as follows:

3 Section 1978. A. It shall be unlawful for any person to
4 knowingly and without the written consent of the owner, transfer or
5 cause to be transferred to any article or sound recording or
6 otherwise reproduce for sale, any performance, whether live before
7 an audience or transmitted by wire or through the air by radio or
8 television, with the intent to sell or cause to be sold for profit
9 or used to promote the sale of any article or product.

10 B. A violation of this section involving less than one hundred
11 articles shall constitute a misdemeanor, and shall, upon conviction,
12 be punishable by a fine not to exceed Five Thousand Dollars
13 (\$5,000.00).

14 C. A violation of this section involving one hundred or more
15 articles shall constitute a Class D1 felony, and shall, upon
16 conviction, be punishable ~~by a fine not to exceed Fifty Thousand~~
17 ~~Dollars (\$50,000.00), or by imprisonment in the State Penitentiary~~
18 ~~for a term not more than five (5) years, or both such fine and~~
19 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
20 act.

21 D. A second or subsequent conviction for a violation of this
22 section shall constitute a Class D1 felony, and shall, upon
23 conviction, be punishable ~~by a fine not to exceed One Hundred~~
24 ~~Thousand Dollars (\$100,000.00) or by imprisonment in the State~~

1 ~~Penitentiary for a term not less than two (2) years nor more than~~
2 ~~five (5) years, or both such fine and imprisonment in accordance~~
3 ~~with the provisions of Section 18 of this act.~~

4 SECTION 446. AMENDATORY 21 O.S. 2021, Section 1979, is
5 amended to read as follows:

6 Section 1979. A. It shall be unlawful for any person to
7 advertise, or offer for rental, sale, resale, distribution or
8 circulation, or rent, sell, resell, distribute or circulate, or
9 cause to be sold, resold, distributed or circulated, or possess for
10 such purposes any article, which does not clearly and conspicuously
11 display thereon in clearly readable print the actual true name and
12 address of the manufacturer thereof.

13 B. A violation of this section involving less than seven
14 articles upon which motion pictures or other audiovisual works are
15 recorded or less than one hundred other articles or sound
16 recordings, shall constitute a misdemeanor, and shall, upon
17 conviction, be punishable by a fine not to exceed Five Thousand
18 Dollars (\$5,000.00).

19 C. A violation of this section involving seven or more articles
20 upon which motion pictures or other audiovisual works are recorded
21 or one hundred or more other articles or sound recordings, shall
22 constitute a Class D1 felony, and shall, upon conviction, be
23 punishable ~~by a fine not to exceed Fifty Thousand Dollars~~
24 ~~(\$50,000.00), or by imprisonment in the State Penitentiary for a~~

1 ~~term not more than five (5) years, or both such fine and~~
2 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
3 act.

4 D. A second or subsequent conviction for a violation of this
5 section shall constitute a Class D1 felony, and shall, upon
6 conviction, be punishable ~~by a fine not to exceed One Hundred~~
7 ~~Thousand Dollars (\$100,000.00) or by imprisonment in the State~~
8 ~~Penitentiary for a term not less than two (2) years nor more than~~
9 ~~five (5) years, or both such fine and imprisonment~~ in accordance
10 with the provisions of Section 18 of this act.

11 SECTION 447. AMENDATORY 21 O.S. 2021, Section 1980, is
12 amended to read as follows:

13 Section 1980. A. It shall be unlawful for any person to make,
14 manufacture, sell, distribute, offer for sale, issue or place in
15 circulation or knowingly have in his possession for purposes of
16 commercial advantage or private financial gain, a counterfeit label
17 affixed or designed to be affixed to a phonorecord, a copy of a
18 motion picture or other audiovisual work, recording or article.

19 B. A violation of this section involving less than seven
20 articles upon which motion pictures or other audiovisual works are
21 recorded or less than one hundred other articles or sound
22 recordings, shall constitute a misdemeanor, and shall, upon
23 conviction, be punishable by a fine not to exceed Five Thousand
24 Dollars (\$5,000.00).

1 C. A violation of this section involving seven or more articles
2 upon which motion pictures or other audiovisual works are recorded
3 or one hundred or more other articles or sound recordings, shall
4 constitute a Class D1 felony, and shall, upon conviction, be
5 punishable ~~by a fine not to exceed Fifty Thousand Dollars~~
6 ~~(\$50,000.00), or by imprisonment in the State Penitentiary for a~~
7 ~~term not more than five (5) years, or both such fine and~~
8 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
9 act.

10 D. A second or subsequent conviction for a violation of this
11 section shall constitute a Class D1 felony, and shall, upon
12 conviction, be punishable ~~by a fine not to exceed One Hundred~~
13 ~~Thousand Dollars (\$100,000.00) or by imprisonment in the State~~
14 ~~Penitentiary for a term not less than two (2) years nor more than~~
15 ~~five (5) years, or both such fine and imprisonment~~ in accordance
16 with the provisions of Section 18 of this act.

17 SECTION 448. AMENDATORY 21 O.S. 2021, Section 1990.2, is
18 amended to read as follows:

19 Section 1990.2. A. Except as provided in subsections B and C
20 of this section, a person who knowingly and with intent to sell or
21 distribute, uses, displays, advertises, distributes, offers for
22 sale, sells or possesses any item that bears a counterfeit mark or
23 any service that is identified by a counterfeit mark shall, upon
24 conviction, be guilty of a misdemeanor punishable by imprisonment in

1 the county jail not exceeding one (1) year or by a fine not
2 exceeding One Thousand Dollars (\$1,000.00) or by both such fine and
3 imprisonment.

4 B. Any person who commits any prohibited act proscribed in
5 subsection A of this section shall, upon conviction, be guilty of a
6 ~~Schedule G Class D1 felony punishable as provided in the state's~~
7 ~~sentencing matrix, or by a fine of not more than the retail value of~~
8 ~~such items or services or both such fine and imprisonment in~~
9 accordance with the provisions of Section 18 of this act, if either:

10 1. The person has one previous conviction under any provision
11 of this section; or

12 2. At least one of the following exists:

13 a. the violation involves more than one hundred but fewer
14 than one thousand items that bear the counterfeit
15 mark, or

16 b. the total retail value of all of the items or services
17 that bear or are identified by the counterfeit mark is
18 more than One Thousand Dollars (\$1,000.00) but less
19 than Ten Thousand Dollars (\$10,000.00).

20 C. Any person who knowingly manufactures or produces with
21 intent to sell or distribute any item that bears a counterfeit mark
22 or any service that is identified by a counterfeit mark shall, upon
23 conviction, be guilty of a ~~Schedule F Class D1 felony punishable as~~
24 ~~provided in the state's sentencing matrix, or by a fine not~~

1 ~~exceeding three times the retail value of such items or services, or~~
2 ~~by both such fine and imprisonment~~ in accordance with the provisions
3 of Section 18 of this act.

4 D. Any person who commits any prohibited act proscribed by
5 subsection A of this section shall, upon conviction, be guilty of a
6 ~~Schedule E Class D1~~ felony punishable as provided in the state's
7 ~~sentencing matrix, or by a fine not exceeding three times the retail~~
8 ~~value of such items or services, or by both such fine and~~
9 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
10 act if either:

11 1. The person has two or more previous convictions under this
12 section; or

13 2. At least one of the following exists:

14 a. the violation involves at least one thousand items
15 that bear the counterfeit mark, or

16 b. the total retail value of all of the items or services
17 that bear or are identified by the counterfeit mark is
18 at least Ten Thousand Dollars (\$10,000.00).

19 E. For purposes of this section, any person who knowingly has
20 possession, custody or control of at least twenty-six items that
21 bear a counterfeit mark is presumed to possess the items with intent
22 to sell or distribute the items.

23 F. In any criminal proceeding in which a person is convicted of
24 a violation of any provision of this section, the court may order

1 the convicted person to pay restitution to the intellectual property
2 owner in addition to any other provision allowed by law.

3 G. The investigating law enforcement officer may seize any item
4 that bears a counterfeit mark and all other personal property that
5 is employed or used in connection with a violation of this section,
6 including any items, objects, tools, machines, equipment,
7 instrumentalities or vehicles. All personal property seized
8 pursuant to this section shall be subject to forfeiture according to
9 Section 1738 of Title 21 of the Oklahoma Statutes.

10 H. After a forfeiture has been ordered by the district court, a
11 law enforcement officer shall destroy all seized items that bear a
12 counterfeit mark; however, if the counterfeit mark is removed from
13 the seized items, the intellectual property owner may recommend to
14 the court that the seized items be donated to a charitable
15 organization.

16 I. Any certificate of registration of any intellectual property
17 pursuant to state or federal law is prima facie evidence of the
18 facts stated in the certificate of registration and may be used at
19 trial.

20 J. In addition to other remedies allowed by law, an
21 intellectual property owner who sustains a loss as a result of any
22 violation of this section may file a civil action against the
23 defendant for recovery of up to treble damages and the costs of the
24 suit including reasonable attorney fees.

1 K. The remedies provided in this section are cumulative to all
2 other civil and criminal remedies provided by law.

3 L. For the purposes of this section, the quantity or retail
4 value of items or services includes the aggregate quantity or retail
5 value of all items that the defendant manufactures, uses, displays,
6 advertises, distributes, offers for sale, sells or possesses and
7 that bear a counterfeit mark or that are identified by a counterfeit
8 mark.

9 SECTION 449. AMENDATORY 21 O.S. 2021, Section 1993, is
10 amended to read as follows:

11 Section 1993. A. It shall be unlawful for any unauthorized
12 person to refocus, reposition, cover, manipulate, disconnect, or
13 otherwise tamper with or disable a security or surveillance camera
14 or security system. Any person violating the provisions of this
15 subsection shall be guilty, upon conviction, of a misdemeanor
16 punishable by a fine of not more than Five Thousand Dollars
17 (\$5,000.00).

18 B. It shall be unlawful for any person to use, refocus,
19 reposition, cover, manipulate, disconnect, or otherwise tamper with
20 or disable a security or surveillance camera or security system for
21 the purpose of avoiding detection when committing, attempting to
22 commit, or aiding another person to commit or attempt to commit any
23 misdemeanor. Any person violating the provisions of this section
24 shall be guilty, upon conviction, of a misdemeanor punishable by

1 imprisonment for not more than one year in the county jail, or a
2 fine of not more than Five Thousand Dollars (\$5,000.00), or by both
3 such imprisonment and fine.

4 C. It shall be unlawful for any person to use, refocus,
5 reposition, cover, manipulate, disconnect, or otherwise tamper with
6 or disable a security or surveillance camera or security system for
7 the purpose of avoiding detection when committing, attempting to
8 commit, or aiding another person to commit or attempt to commit any
9 felony. Any person violating the provisions of this section shall
10 be guilty, upon conviction, of a Class D1 felony, punishable ~~by~~
11 ~~imprisonment for not more than five (5) years, or a fine of not more~~
12 ~~than Ten Thousand Dollars (\$10,000.00), or by both such imprisonment~~
13 ~~and fine~~ in accordance with the provisions of Section 18 of this
14 act.

15 SECTION 450. AMENDATORY 21 O.S. 2021, Section 2001, is
16 amended to read as follows:

17 Section 2001. A. It is unlawful for any person knowingly or
18 intentionally to receive or acquire proceeds and to conceal such
19 proceeds, or engage in transactions involving such proceeds, known
20 to be derived from a specified unlawful activity, as defined in
21 subsection F of this section. This subsection does not apply to any
22 transaction between an individual and the counsel of the individual
23 necessary to preserve the right to representation of the individual,
24 as guaranteed by the Oklahoma Constitution and by the Sixth

1 Amendment of the United States Constitution. However, this
2 exception does not create any presumption against or prohibition of
3 the right of the state to seek and obtain forfeiture of any proceeds
4 derived from a violation of the Oklahoma Statutes.

5 B. It is unlawful for any person knowingly or intentionally to
6 give, sell, transfer, trade, invest, conceal, transport, or maintain
7 an interest in or otherwise make available anything of value which
8 that person knows is intended to be used for the purpose of
9 committing or furthering the commission of a specified unlawful
10 activity, as defined in subsection F of this section.

11 C. It is unlawful for any person knowingly or intentionally to
12 direct, plan, organize, initiate, finance, manage, supervise, or
13 facilitate the transportation or transfer of proceeds known to be
14 derived from a specified unlawful activity, as defined in subsection
15 F of this section.

16 D. It is unlawful for any person knowingly or intentionally to
17 conduct a financial transaction involving proceeds derived from a
18 specified unlawful activity, as defined in subsection F of this
19 section, when the transaction is designed in whole or in part to
20 conceal or disguise the nature, location, source, ownership, or
21 control of the proceeds known to be derived from a violation of the
22 Oklahoma Statutes, or to avoid a transaction reporting requirement
23 under state or federal law.

24

1 E. Notwithstanding any other provision of this section, it
2 shall be lawful for an organization engaged in the business of
3 banking to receive deposits and payments, to pay checks and other
4 withdrawals, and to process any other financial transaction for its
5 customers in the ordinary course of business if it has no actual
6 knowledge of any violation of the Oklahoma Statutes by that
7 customer. If an organization engaged in the business of banking,
8 acting in good faith and without actual knowledge of any violation
9 of the Oklahoma Statutes by its customer, acquires a security
10 interest or statutory lien with respect to a customer's funds, that
11 customer's funds which are subject to the security interest or lien
12 shall not be subject to forfeiture action, to the extent of the
13 amount of that customer's indebtedness to the banking organization.

14 F. For purposes of this section, "specified unlawful activity"
15 means an act or omission, including any initiatory, preparatory, or
16 completed offense or omission that is punishable as a misdemeanor or
17 felony under the laws of Oklahoma, or if the act occurred outside
18 Oklahoma would be punishable as a misdemeanor or felony under the
19 laws of the state in which it occurred and under the laws of
20 Oklahoma.

21 G. Any person convicted of violating any of the provisions of
22 this section is guilty of:

23 1. A misdemeanor, if the violation involves Two Thousand Five
24 Hundred Dollars (\$2,500.00) or less;

1 2. A Class D3 felony, punishable ~~by imprisonment for not more~~
2 ~~than two (2) years~~ in accordance with the provisions of Section 20
3 of this act if the violation involves more than Two Thousand Five
4 Hundred Dollars (\$2,500.00), but not more than Ten Thousand Dollars
5 (\$10,000.00);

6 3. A Class C1 felony, punishable ~~by imprisonment for not less~~
7 ~~than two (2) years and not more than ten (10) years~~ in accordance
8 with the provisions of Section 16 of this act if the violation
9 involves more than Ten Thousand Dollars (\$10,000.00), but not more
10 than Fifty Thousand Dollars (\$50,000.00); or

11 4. A Class B1 felony, punishable ~~by imprisonment for not less~~
12 ~~than five (5) years and not more than twenty (20) years~~ in
13 accordance with the provisions of Section 10 of this act if the
14 violation involves more than Fifty Thousand Dollars (\$50,000.00).

15 H. In addition to any criminal penalty, a person who violates
16 any provision of this section shall be subject to a civil penalty of
17 three (3) times the value of the property involved in the
18 transaction. The civil penalty provided in this subsection shall be
19 split evenly between the prosecuting agency and the investigating
20 law enforcement agency.

21 SECTION 451. AMENDATORY 21 O.S. 2021, Section 2100.1, is
22 amended to read as follows:

23 Section 2100.1. Any sex offender required to be registered
24 pursuant to the Oklahoma Sex Offenders Registration Act who engages

1 in ice cream truck vending, whether or not licensed in this state as
2 a mobile food unit, shall be guilty of a Class D1 felony, upon
3 conviction, punished ~~by imprisonment in the custody of the~~
4 ~~Department of Corrections for a term up to two and one-half (2 1/2)~~
5 ~~years, or by a fine in an amount not exceeding One Thousand Dollars~~
6 ~~(\$1,000.00), or by both such fine and imprisonment~~ in accordance
7 with the provisions of Section 18 of this act. A sheriff or police
8 officer may arrest without a warrant any person who the officer has
9 probable cause to believe has violated the provisions of this
10 section.

11 SECTION 452. AMENDATORY 22 O.S. 2021, Section 17, is
12 amended to read as follows:

13 Section 17. A. Every person who has been charged, convicted,
14 has pled guilty or has pled nolo contendere to any crime,
15 hereinafter referred to as the defendant, or any other person with
16 the cooperation of the defendant, who contracts to receive, or have
17 any other person or entity receive, any proceeds or profits from any
18 source, as a direct or indirect result of the crime or sentence, or
19 the notoriety which the crime or sentence has conferred upon the
20 defendant, shall forfeit the proceeds or profits as provided in this
21 section; provided, however, proceeds or profits from a contract
22 relating to the depiction or discussion of the defendant's crime
23 shall not be subject to forfeiture unless an integral part of the
24 work is a depiction or discussion of the defendant's crime or an

1 impression of the defendant's thoughts, opinions, or emotions
2 regarding the crime. All parties to a contract described in this
3 section are required to pay to the district court wherein the
4 criminal charges were filed any proceeds or thing of value which
5 pursuant to the contract is to be paid to the defendant or to
6 another person or entity. The district court shall make deposit of
7 proceeds received pursuant to this section and direct the county
8 treasurer to make the deposit of those funds in an escrow account
9 for the benefit of and payable to victims of the crime or the legal
10 representative of any victim of the crime committed by the defendant
11 or to repay a public defender office for legal representation during
12 a criminal proceeding. There is hereby created a lien upon any sum
13 of money or other thing of value payable to anyone pursuant to any
14 contract described in this section, for the purpose of enforcing the
15 forfeiture obligation established herein, which lien may be
16 foreclosed in the same manner as statutory tax liens created by
17 Oklahoma law. Any person who contracts without fully providing for
18 such forfeiture in compliance with the provisions of this section
19 shall be guilty of a Class C2 felony and, upon conviction, shall be
20 ~~punished by a fine of not less than Ten Thousand Dollars~~
21 ~~(\$10,000.00) and not to exceed three times the value of the proceeds~~
22 ~~of the contract, or by imprisonment not exceeding ten (10) years in~~
23 ~~the custody of the Department of Corrections, or both such fine and~~

24

1 ~~imprisonment~~ in accordance with the provisions of Section 17 of this
2 act.

3 B. Payments from the escrow account shall be used, in the
4 following order of priority, to satisfy any judgment rendered in
5 favor of a victim or a victim's legal representative, to pay
6 restitution, fines, court costs, and other payments, reparations or
7 reimbursements ordered by the court at the time of sentencing
8 including repayments to a public defender office for legal
9 representation of the defendant and to pay every cost and expense of
10 incarceration and treatment authorized by law as a cost of the
11 defendant.

12 C. A victim or the legal representative of a victim must file a
13 civil action, in a court of competent jurisdiction, to recover money
14 against the defendant or the defendant's legal representative within
15 seven (7) years of the filing of the criminal charges against the
16 defendant. The victims and the legal representative of a victim of
17 the crime shall have a priority interest in any proceeds or profits
18 received pursuant to the provisions of this section. If no victim
19 or legal representative of a victim has filed a civil suit within
20 seven (7) years from the filing of the criminal charges against the
21 defendant, any money in the escrow account shall be paid over in the
22 following order of priority:

- 23 1. For restitution;
- 24 2. For any fine and court costs;

1 3. For other payments ordered in the sentence;
2 4. For the costs and expenses of incarceration; and
3 any remaining money to the Victims' Compensation Revolving Fund.
4 Upon disposition of charges favorable to the defendant, any money in
5 the escrow account shall be paid over to the defendant.

6 D. The district court wherein the criminal charges were filed
7 shall, once every six (6) months for seven (7) years from the date
8 any money is deposited with the court, publish a notice in at least
9 one ~~(1)~~ newspaper of general circulation in each county of the state
10 in accordance with the provisions on publication of notices found in
11 Sections 101 et seq. of Title 25 of the Oklahoma Statutes, notifying
12 any eligible victim or legal representative of an eligible victim
13 that monies are available to satisfy judgments pursuant to this
14 section.

15 SECTION 453. AMENDATORY 22 O.S. 2021, Section 60.4, is
16 amended to read as follows:

17 Section 60.4. A. 1. A copy of a petition for a protective
18 order, any notice of hearing and a copy of any emergency temporary
19 order or emergency ex parte order issued by the court shall be
20 served upon the defendant in the same manner as a bench warrant. In
21 addition, if the service is to be in another county, the court clerk
22 may issue service to the sheriff by facsimile or other electronic
23 transmission for service by the sheriff and receive the return of
24 service from the sheriff in the same manner. Any fee for service of

1 a petition for protective order, notice of hearing, and emergency ex
2 parte order shall only be charged pursuant to subsection C of
3 Section 60.2 of this title and, if charged, shall be the same as the
4 sheriff's service fee plus mileage expenses.

5 2. Emergency temporary orders, emergency ex parte orders and
6 notice of hearings shall be given priority for service and can be
7 served twenty-four (24) hours a day when the location of the
8 defendant is known. When service cannot be made upon the defendant
9 by the sheriff, the sheriff may contact another law enforcement
10 officer or a private investigator or private process server to serve
11 the defendant.

12 3. An emergency temporary order, emergency ex parte order, a
13 petition for protective order, and a notice of hearing shall have
14 statewide validity and may be transferred to any law enforcement
15 jurisdiction to effect service upon the defendant. The sheriff may
16 transmit the document by electronic means.

17 4. The return of service shall be submitted to the sheriff's
18 office or court clerk in the court where the petition, notice of
19 hearing or order was issued.

20 5. When the defendant is a minor child who is ordered removed
21 from the residence of the victim, in addition to those documents
22 served upon the defendant, a copy of the petition, notice of hearing
23 and a copy of any temporary order or ex parte order issued by the
24 court shall be delivered with the child to the caretaker of the

1 place where such child is taken pursuant to Section 2-2-101 of Title
2 10A of the Oklahoma Statutes.

3 B. 1. Within fourteen (14) days of the filing of the petition
4 for a protective order, the court shall schedule a full hearing on
5 the petition, if the court finds sufficient grounds within the scope
6 of the Protection from Domestic Abuse Act stated in the petition to
7 hold such a hearing, regardless of whether an emergency temporary
8 order or ex parte order has been previously issued, requested or
9 denied. Provided, however, when the defendant is a minor child who
10 has been removed from the residence pursuant to Section 2-2-101 of
11 Title 10A of the Oklahoma Statutes, the court shall schedule a full
12 hearing on the petition within seventy-two (72) hours, regardless of
13 whether an emergency temporary order or ex parte order has been
14 previously issued, requested or denied.

15 2. The court may schedule a full hearing on the petition for a
16 protective order within seventy-two (72) hours when the court issues
17 an emergency temporary order or ex parte order suspending child
18 visitation rights due to physical violence or threat of abuse.

19 3. If service has not been made on the defendant at the time of
20 the hearing, the court shall, at the request of the petitioner,
21 issue a new emergency order reflecting a new hearing date and direct
22 service to issue.

23 4. A petition for a protective order shall, upon the request of
24 the petitioner, renew every fourteen (14) days with a new hearing

1 date assigned until the defendant is served. A petition for a
2 protective order shall not expire unless the petitioner fails to
3 appear at the hearing or fails to request a new order. A petitioner
4 may move to dismiss the petition and emergency or final order at any
5 time; however, a protective order must be dismissed by court order.

6 5. Failure to serve the defendant shall not be grounds for
7 dismissal of a petition or an ex parte order unless the victim
8 requests dismissal or fails to appear for the hearing thereon.

9 6. A final protective order shall be granted or denied within
10 six (6) months of service on the defendant unless all parties agree
11 that a temporary protective order remain in effect; provided, a
12 victim shall have the right to request a final protective order
13 hearing at any time after the passage of six (6) months.

14 C. 1. At the hearing, the court may impose any terms and
15 conditions in the protective order that the court reasonably
16 believes are necessary to bring about the cessation of domestic
17 abuse against the victim or stalking or harassment of the victim or
18 the immediate family of the victim but shall not impose any term and
19 condition that may compromise the safety of the victim including,
20 but not limited to, mediation, couples counseling, family
21 counseling, parenting classes or joint victim-offender counseling
22 sessions. The court may order the defendant to obtain domestic
23 abuse counseling or treatment in a program certified by the Attorney

1 General at the expense of the defendant pursuant to Section 644 of
2 Title 21 of the Oklahoma Statutes.

3 2. If the court grants a protective order and the defendant is
4 a minor child, the court shall order a preliminary inquiry in a
5 juvenile proceeding to determine whether further court action
6 pursuant to the Oklahoma Juvenile Code should be taken against a
7 juvenile defendant.

8 D. Final protective orders authorized by this section shall be
9 on a standard form developed by the Administrative Office of the
10 Courts.

11 E. 1. After notice and hearing, protective orders authorized
12 by this section may require the defendant to undergo treatment or
13 participate in the court-approved counseling services necessary to
14 bring about cessation of domestic abuse against the victim pursuant
15 to Section 644 of Title 21 of the Oklahoma Statutes but shall not
16 order any treatment or counseling that may compromise the safety of
17 the victim including, but not limited to, mediation, couples
18 counseling, family counseling, parenting classes or joint victim-
19 offender counseling sessions.

20 2. The defendant may be required to pay all or any part of the
21 cost of such treatment or counseling services. The court shall not
22 be responsible for such cost.

23 3. Should the plaintiff choose to undergo treatment or
24 participate in court-approved counseling services for victims of

1 domestic abuse, the court may order the defendant to pay all or any
2 part of the cost of such treatment or counseling services if the
3 court determines that payment by the defendant is appropriate.

4 F. When necessary to protect the victim and when authorized by
5 the court, protective orders granted pursuant to the provisions of
6 this section may be served upon the defendant by a peace officer,
7 sheriff, constable, or policeman or other officer whose duty it is
8 to preserve the peace, as defined by Section 99 of Title 21 of the
9 Oklahoma Statutes.

10 G. 1. Any protective order issued on or after November 1,
11 2012, pursuant to subsection C of this section shall be:

12 a. for a fixed period not to exceed a period of five (5)
13 years unless extended, modified, vacated or rescinded
14 upon motion by either party or if the court approves
15 any consent agreement entered into by the plaintiff
16 and defendant; provided, if the defendant is
17 incarcerated, the protective order shall remain in
18 full force and effect during the period of
19 incarceration. The period of incarceration, in any
20 jurisdiction, shall not be included in the calculation
21 of the five-year time limitation, or

22 b. continuous upon a specific finding by the court of one
23 of the following:

24

- 1 (1) the person has a history of violating the orders
- 2 of any court or governmental entity,
- 3 (2) the person has previously been convicted of a
- 4 violent felony offense,
- 5 (3) the person has a previous felony conviction for
- 6 stalking as provided in Section 1173 of Title 21
- 7 of the Oklahoma Statutes, or
- 8 (4) a court order for a final Victim Protection Order
- 9 has previously been issued against the person in
- 10 this state or another state.

11 Further, the court may take into consideration whether the person
12 has a history of domestic violence or a history of other violent
13 acts. The protective order shall remain in effect until modified,
14 vacated or rescinded upon motion by either party or if the court
15 approves any consent agreement entered into by the plaintiff and
16 defendant. If the defendant is incarcerated, the protective order
17 shall remain in full force and effect during the period of
18 incarceration.

19 2. The court shall notify the parties at the time of the
20 issuance of the protective order of the duration of the protective
21 order.

22 3. Upon the filing of a motion by either party to modify,
23 extend, or vacate a protective order, a hearing shall be scheduled
24

1 and notice given to the parties. At the hearing, the issuing court
2 may take such action as is necessary under the circumstances.

3 4. If a child has been removed from the residence of a parent
4 or custodial adult because of domestic abuse committed by the child,
5 the parent or custodial adult may refuse the return of such child to
6 the residence unless, upon further consideration by the court in a
7 juvenile proceeding, it is determined that the child is no longer a
8 threat and should be allowed to return to the residence.

9 H. 1. It shall be unlawful for any person to knowingly and
10 willfully seek a protective order against a spouse or ex-spouse
11 pursuant to the Protection from Domestic Abuse Act for purposes of
12 harassment, undue advantage, intimidation, or limitation of child
13 visitation rights in any divorce proceeding or separation action
14 without justifiable cause.

15 2. The violator shall, upon conviction thereof, be guilty of a
16 misdemeanor punishable by imprisonment in the county jail for a
17 period not exceeding one (1) year or by a fine not to exceed Five
18 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

19 3. A second or subsequent conviction under this subsection
20 shall be a Class D3 felony punishable ~~by imprisonment in the custody~~
21 ~~of the Department of Corrections for a period not to exceed two (2)~~
22 ~~years, or by a fine not to exceed Ten Thousand Dollars (\$10,000.00),~~
23 ~~or by both such fine and imprisonment~~ in accordance with the
24 provisions of Section 20 of this act.

1 I. 1. A protective order issued under the Protection from
2 Domestic Abuse Act shall not in any manner affect title to real
3 property, purport to grant to the parties a divorce or otherwise
4 purport to determine the issues between the parties as to child
5 custody, visitation or visitation schedules, child support or
6 division of property or any other like relief obtainable pursuant to
7 Title 43 of the Oklahoma Statutes, except child visitation orders
8 may be temporarily suspended or modified to protect from threats of
9 abuse or physical violence by the defendant or a threat to violate a
10 custody order. Orders not affecting title may be entered for good
11 cause found to protect an animal owned by either of the parties or
12 any child living in the household.

13 2. When granting any protective order for the protection of a
14 minor child from violence or threats of abuse, the court shall allow
15 visitation only under conditions that provide adequate supervision
16 and protection to the child while maintaining the integrity of a
17 divorce decree or temporary order.

18 J. 1. In order to ensure that a petitioner can maintain an
19 existing wireless telephone number or household utility account, the
20 court, after providing notice and a hearing, may issue an order
21 directing a wireless service provider or public utility provider to
22 transfer the billing responsibility for and rights to the wireless
23 telephone number or numbers of any minor children in the care of the
24 petitioning party or household utility account to the petitioner if

1 the petitioner is not the wireless service or public utility account
2 holder.

3 2. The order transferring billing responsibility for and rights
4 to the wireless telephone number or numbers or household utility
5 account to the petitioner shall list the name and billing telephone
6 number of the account holder, the name and contact information of
7 the person to whom the telephone number or numbers or household
8 utility account will be transferred and each telephone number or
9 household utility to be transferred to that person. The court shall
10 ensure that the contact information of the petitioner is not
11 provided to the account holder in proceedings held under this
12 subsection.

13 3. Upon issuance, a copy of the final order of protection shall
14 be transmitted, either electronically or by certified mail, to the
15 registered agent of the wireless service provider or public utility
16 provider listed with the Secretary of State or Corporation
17 Commission of Oklahoma or electronically to the email address
18 provided by the wireless service provider or public utility
19 provider. Such transmittal shall constitute adequate notice for the
20 wireless service provider or public utility provider.

21 4. If the wireless service provider or public utility provider
22 cannot operationally or technically effectuate the order due to
23 certain circumstances, the wireless service provider or public
24

1 utility provider shall notify the petitioner. Such circumstances
2 shall include, but not be limited to, the following:

- 3 a. the account holder has already terminated the account,
- 4 b. the differences in network technology prevent the
5 functionality of a mobile device on the network, or
- 6 c. there are geographic or other limitations on network
7 or service availability.

8 5. Upon transfer of billing responsibility for and rights to a
9 wireless telephone number or numbers or household utility account to
10 the petitioner under the provisions of this subsection by a wireless
11 service provider or public utility provider, the petitioner shall
12 assume all financial responsibility for the transferred wireless
13 telephone number or numbers or household utility account, monthly
14 service and utility billing costs and costs for any mobile device
15 associated with the wireless telephone number or numbers. The
16 wireless service provider or public utility provider shall have the
17 right to pursue the original account holder for purposes of
18 collecting any past due amounts owed to the wireless service
19 provider or public utility provider.

20 6. The provisions of this subsection shall not preclude a
21 wireless service provider or public utility provider from applying
22 any routine and customary requirements for account establishment to
23 the petitioner as part of this transfer of billing responsibility
24 for a household utility account or for a wireless telephone number

1 or numbers and any mobile devices attached to that number including,
2 but not limited to, identification, financial information and
3 customer preferences.

4 7. The provisions of this subsection shall not affect the
5 ability of the court to apportion the assets and debts of the
6 parties as provided for in law or the ability to determine the
7 temporary use, possession and control of personal property.

8 8. No cause of action shall lie against any wireless service
9 provider or public utility provider, its officers, employees or
10 agents for actions taken in accordance with the terms of a court
11 order issued under the provisions of this subsection.

12 9. As used in this subsection:

- 13 a. "wireless service provider" means a provider of
14 commercial mobile service under Section 332(d) of the
15 federal Telecommunications Act of 1996,
- 16 b. "public utility provider" means every corporation
17 organized or doing business in this state that owns,
18 operates or manages any plant or equipment for the
19 manufacture, production, transmission, transportation,
20 delivery or furnishing of water, heat or light with
21 gas or electric current for heat, light or power, for
22 public use in this state, and

23

24

1 c. "household utility account" shall include utility
2 services for water, heat, light, power or gas that are
3 provided by a public utility provider.

4 K. 1. A court shall not issue any mutual protective orders.

5 2. If both parties allege domestic abuse by the other party,
6 the parties shall do so by separate petitions. The court shall
7 review each petition separately in an individual or a consolidated
8 hearing and grant or deny each petition on its individual merits.
9 If the court finds cause to grant both motions, the court shall do
10 so by separate orders and with specific findings justifying the
11 issuance of each order.

12 3. The court may only consolidate a hearing if:

13 a. the court makes specific findings that:

14 (1) sufficient evidence exists of domestic abuse,
15 stalking, harassment or rape against each party,
16 and

17 (2) each party acted primarily as aggressors,

18 b. the defendant filed a petition with the court for a
19 protective order no less than three (3) days, not
20 including weekends or holidays, prior to the first
21 scheduled full hearing on the petition filed by the
22 plaintiff, and
23
24

1 c. the defendant had no less than forty-eight (48) hours
2 of notice prior to the full hearing on the petition
3 filed by the plaintiff.

4 L. The court may allow a plaintiff or victim to be accompanied
5 by a victim support person at court proceedings. A victim support
6 person shall not make legal arguments; however, a victim support
7 person who is not a licensed attorney may offer the plaintiff or
8 victim comfort or support and may remain in close proximity to the
9 plaintiff or victim.

10 SECTION 454. AMENDATORY 22 O.S. 2021, Section 60.6, is
11 amended to read as follows:

12 Section 60.6. A. Except as otherwise provided by this section,
13 any person who:

14 1. Has been served with an emergency temporary, ex parte or
15 final protective order or foreign protective order and is in
16 violation of such protective order, upon conviction, shall be guilty
17 of a misdemeanor and shall be punished by a fine of not more than
18 One Thousand Dollars (\$1,000.00) or by a term of imprisonment in the
19 county jail of not more than one (1) year, or by both such fine and
20 imprisonment; and

21 2. After a previous conviction of a violation of a protective
22 order, is convicted of a second or subsequent offense pursuant to
23 the provisions of this section shall, upon conviction, be guilty of
24 a Class D1 felony and shall be punished ~~by a term of imprisonment in~~

1 ~~the custody of the Department of Corrections for not less than one~~
2 ~~(1) year nor more than three (3) years, or by a fine of not less~~
3 ~~than Two Thousand Dollars (\$2,000.00) nor more than Ten Thousand~~
4 ~~Dollars (\$10,000.00), or by both such fine and imprisonment in~~
5 ~~accordance with the provisions of Section 18 of this act.~~

6 B. 1. Any person who has been served with an emergency
7 temporary, ex parte or final protective order or foreign protective
8 order who violates the protective order and causes physical injury
9 or physical impairment to the plaintiff or to any other person named
10 in ~~said~~ the protective order shall, upon conviction, be guilty of a
11 misdemeanor and shall be punished by a term of imprisonment in the
12 county jail for not less than twenty (20) days nor more than one (1)
13 year. In addition to the term of imprisonment, the person may be
14 punished by a fine not to exceed Five Thousand Dollars (\$5,000.00).

15 2. Any person who is convicted of a second or subsequent
16 violation of a protective order which causes physical injury or
17 physical impairment to a plaintiff or to any other person named in
18 the protective order shall be guilty of a Class D1 felony and shall
19 be punished by ~~a term of imprisonment in the custody of the~~
20 ~~Department of Corrections of not less than one (1) year nor more~~
21 ~~than five (5) years, or by a fine of not less than Three Thousand~~
22 ~~Dollars (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00),~~
23 ~~or by both such fine and imprisonment in accordance with the~~
24 ~~provisions of Section 18 of this act.~~

1 3. In determining the term of imprisonment required by this
2 section, the jury or sentencing judge shall consider the degree of
3 physical injury or physical impairment to the victim.

4 4. The provisions of this subsection shall not affect the
5 applicability of Sections 644, 645, 647 and 652 of Title 21 of the
6 Oklahoma Statutes.

7 C. The minimum sentence of imprisonment issued pursuant to the
8 provisions of paragraph 2 of subsection A and paragraph 2 of
9 subsection B of this section shall not be subject to statutory
10 provisions for suspended sentences, deferred sentences or probation,
11 provided the court may subject any remaining penalty under the
12 jurisdiction of the court to the statutory provisions for suspended
13 sentences, deferred sentences or probation.

14 D. In addition to any other penalty specified by this section,
15 the court shall require a defendant to undergo the treatment or
16 participate in the counseling services necessary to bring about the
17 cessation of domestic abuse against the victim or to bring about the
18 cessation of stalking or harassment of the victim. For every
19 conviction of violation of a protective order:

20 1. The court shall specifically order as a condition of a
21 suspended sentence or probation that a defendant participate in
22 counseling or undergo treatment to bring about the cessation of
23 domestic abuse as specified in paragraph 2 of this subsection;

- 1 2. a. The court shall require the defendant to participate
2 in counseling or undergo treatment for domestic abuse
3 by an individual licensed practitioner or a domestic
4 abuse treatment program certified by the Attorney
5 General. If the defendant is ordered to participate
6 in a domestic abuse counseling or treatment program,
7 the order shall require the defendant to attend the
8 program for a minimum of fifty-two (52) weeks,
9 complete the program, and be evaluated before and
10 after attendance of the program by a program counselor
11 or a private counselor.
- 12 b. A program for anger management, couples counseling, or
13 family and marital counseling shall not solely qualify
14 for the counseling or treatment requirement for
15 domestic abuse pursuant to this subsection. The
16 counseling may be ordered in addition to counseling
17 specifically for the treatment of domestic abuse or
18 per evaluation as set forth below. If, after
19 sufficient evaluation and attendance at required
20 counseling sessions, the domestic violence treatment
21 program or licensed professional determines that the
22 defendant does not evaluate as a perpetrator of
23 domestic violence or does evaluate as a perpetrator of
24 domestic violence and should complete other programs

1 of treatment simultaneously or prior to domestic
2 violence treatment, including but not limited to
3 programs related to the mental health, apparent
4 substance or alcohol abuse or inability or refusal to
5 manage anger, the defendant shall be ordered to
6 complete the counseling as per the recommendations of
7 the domestic violence treatment program or licensed
8 professional;

9 3. a. The court shall set a review hearing no more than one
10 hundred twenty (120) days after the defendant is
11 ordered to participate in a domestic abuse counseling
12 program or undergo treatment for domestic abuse to
13 assure the attendance and compliance of the defendant
14 with the provisions of this subsection and the
15 domestic abuse counseling or treatment requirements.

16 b. The court shall set a second review hearing after the
17 completion of the counseling or treatment to assure
18 the attendance and compliance of the defendant with
19 the provisions of this subsection and the domestic
20 abuse counseling or treatment requirements. The court
21 may suspend sentencing of the defendant until the
22 defendant has presented proof to the court of
23 enrollment in a program of treatment for domestic
24 abuse by an individual licensed practitioner or a

1 domestic abuse treatment program certified by the
2 Attorney General and attendance at weekly sessions of
3 such program. Such proof shall be presented to the
4 court by the defendant no later than one hundred
5 twenty (120) days after the defendant is ordered to
6 such counseling or treatment. At such time, the court
7 may complete sentencing, beginning the period of the
8 sentence from the date that proof of enrollment is
9 presented to the court, and schedule reviews as
10 required by subparagraphs a and b of this paragraph
11 and paragraphs 4 and 5 of this subsection. The court
12 shall retain continuing jurisdiction over the
13 defendant during the course of ordered counseling
14 through the final review hearing;

15 4. The court may set subsequent or other review hearings as the
16 court determines necessary to assure the defendant attends and fully
17 complies with the provisions of this subsection and the domestic
18 abuse counseling or treatment requirements;

19 5. At any review hearing, if the defendant is not
20 satisfactorily attending individual counseling or a domestic abuse
21 counseling or treatment program or is not in compliance with any
22 domestic abuse counseling or treatment requirements, the court may
23 order the defendant to further or continue counseling, treatment, or
24 other necessary services. The court may revoke all or any part of a

1 suspended sentence, deferred sentence, or probation pursuant to
2 Section 991b of this title and subject the defendant to any or all
3 remaining portions of the original sentence;

4 6. At the first review hearing, the court shall require the
5 defendant to appear in court. Thereafter, for any subsequent review
6 hearings, the court may accept a report on the progress of the
7 defendant from individual counseling, domestic abuse counseling, or
8 the treatment program. There shall be no requirement for the victim
9 to attend review hearings; and

10 7. If funding is available, a referee may be appointed and
11 assigned by the presiding judge of the district court to hear
12 designated cases set for review under this subsection. Reasonable
13 compensation for the referees shall be fixed by the presiding judge.
14 The referee shall meet the requirements and perform all duties in
15 the same manner and procedure as set forth in Sections 1-8-103 and
16 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees
17 appointed in juvenile proceedings.

18 E. Emergency temporary, ex parte and final protective orders
19 shall include notice of these penalties.

20 F. When a minor child violates the provisions of any protective
21 order, the violation shall be heard in a juvenile proceeding and the
22 court may order the child and the parent or parents of the child to
23 participate in family counseling services necessary to bring about
24 the cessation of domestic abuse against the victim and may order

1 community service hours to be performed in lieu of any fine or
2 imprisonment authorized by this section.

3 G. Any district court of this state and any judge thereof shall
4 be immune from any liability or prosecution for issuing an order
5 that requires a defendant to:

6 1. Attend a treatment program for domestic abusers certified by
7 the Attorney General;

8 2. Attend counseling or treatment services ordered as part of
9 any final protective order or for any violation of a protective
10 order; and

11 3. Attend, complete, and be evaluated before and after
12 attendance by a treatment program for domestic abusers certified by
13 the Attorney General.

14 H. At no time, under any proceeding, may a person protected by
15 a protective order be held to be in violation of that protective
16 order. Only a defendant against whom a protective order has been
17 issued may be held to have violated the order.

18 I. In addition to any other penalty specified by this section,
19 the court may order a defendant to use an active, real-time, twenty-
20 four-hour Global Positioning System (GPS) monitoring device as a
21 condition of a sentence. The court may further order the defendant
22 to pay costs and expenses related to the GPS device and monitoring.

23 SECTION 455. AMENDATORY 22 O.S. 2021, Section 107, is
24 amended to read as follows:

1 Section 107. A person who, after the publication of a
2 proclamation by the Governor or acting Governor, or who, after
3 lawful notice as aforesaid to disperse and retire, resists or aids
4 in resisting the execution of process in a county declared to be in
5 a state of riot or insurrection, or who aids or attempts the rescue
6 or escape of another from lawful custody or confinement, or who
7 resists or aids in resisting a force ordered out by the Governor or
8 any civil officer as aforesaid, to quell or suppress an insurrection
9 or riot, is guilty of a Class A2 felony, and is punishable by
10 imprisonment in the state prison for not less than two (2) years.

11 SECTION 456. AMENDATORY 22 O.S. 2021, Section 1110, is
12 amended to read as follows:

13 Section 1110. Whoever, having been admitted to bail or released
14 on recognizance, bond, or undertaking for appearance before any
15 magistrate or court of ~~the State of Oklahoma~~ this state, incurs a
16 forfeiture of the bail or violates such undertaking or recognizance
17 and willfully fails to surrender himself or herself within five (5)
18 days following the date of such forfeiture shall, if the bail was
19 given or undertaking or recognizance extended in connection with a
20 charge of felony or pending appeal or certiorari after conviction of
21 any such offense, be guilty of a Class D3 felony and shall be
22 punished in accordance with the provisions of Section 20 of this act
23 ~~fined not more than One Thousand Dollars (\$1,000.00) or imprisoned~~
24 ~~not more than one (1) year, or both.~~ Nothing in this section shall

1 be construed to interfere with or prevent the exercise by any court
2 of its power to punish for contempt.

3 SECTION 457. AMENDATORY 22 O.S. 2021, Section 1264, is
4 amended to read as follows:

5 Section 1264. Any officer willfully making a false affidavit,
6 as provided in Section 1261 of this title, shall be guilty of ~~the a~~
7 Class D1 felony of perjury and, upon conviction therefor, shall be
8 ~~imprisoned in the State Penitentiary not less than two (2) years nor~~
9 ~~more than five (5) years~~ punished in accordance with the provisions
10 of Section 18 of this act for each offense.

11 SECTION 458. AMENDATORY 22 O.S. 2021, Section 1404, is
12 amended to read as follows:

13 Section 1404. A. Any person convicted of violating any
14 provision of Section 1403 of this title shall be guilty of a Class
15 B1 felony and shall be punished by a term of imprisonment in the
16 ~~custody of the Department of Corrections of not less than ten (10)~~
17 ~~years and shall not be eligible for a deferred sentence, probation,~~
18 ~~suspension, work furlough, or release from confinement on any other~~
19 ~~basis until the person has served one-half (1/2) of the sentence in~~
20 accordance with the provisions of Section 10 of this act. A
21 violation of each of the provisions of Section 1403 of this title
22 shall be a separate offense.

23 B. In lieu of the fine authorized by the Oklahoma Racketeer-
24 Influenced and Corrupt Organizations Act, any person convicted of

1 violating any provision of Section 1403 of this title, through which
2 the person derived pecuniary value, or by which the person caused
3 personal injury, or property damage or other loss, may be sentenced
4 to pay a fine that does not exceed three times the gross value
5 gained or three times the gross loss caused, whichever is greater,
6 plus court costs and the costs of investigation and prosecution
7 reasonably incurred, less the value of any property ordered
8 forfeited pursuant to the provisions of subsection A of Section 1405
9 of this title. The district court shall hold a separate hearing to
10 determine the amount of the fine authorized by the provisions of
11 this subsection.

12 C. No person shall institute any proceedings, civil or
13 criminal, pursuant to the provisions of this act, except the
14 Attorney General, any district attorney or any district attorney
15 appointed under the provisions of Section 215.9 of Title 19 of the
16 Oklahoma Statutes.

17 SECTION 459. AMENDATORY 26 O.S. 2021, Section 9-118, is
18 amended to read as follows:

19 Section 9-118. Any person who defaces a voting device, breaks,
20 tampers with, impairs, impedes or otherwise interferes with the
21 maintenance, adjustment, delivery, use or operation of any voting
22 device or part thereof shall be guilty of a Class D1 felony
23 punishable in accordance with the provisions of Section 18 of this
24 act.

1 SECTION 460. AMENDATORY 26 O.S. 2021, Section 16-102, is
2 amended to read as follows:

3 Section 16-102. Any person who votes more than once at any
4 election, who votes in a precinct after having transferred voter
5 registration to a new precinct, or who, knowing that he or she is
6 not eligible to vote at an election, willfully votes at said
7 election shall be deemed guilty of a felony. Any voter covered by
8 Section 14-116 of this title who willingly votes and submits an
9 absentee ballot pursuant to Section 14-104.1 of this title later
10 than the day of the election shall be deemed guilty of a felony.
11 Any person who knowingly votes and submits an absentee ballot issued
12 to another person shall be deemed guilty of a Class D1 felony
13 punishable in accordance with the provisions of Section 18 of this
14 act.

15 SECTION 461. AMENDATORY 26 O.S. 2021, Section 16-102.1,
16 is amended to read as follows:

17 Section 16-102.1. Any unauthorized person who knowingly removes
18 a ballot from a polling place or who knowingly carries a ballot into
19 a polling place shall be deemed guilty of a Class D1 felony
20 punishable in accordance with the provisions of Section 18 of this
21 act.

22 SECTION 462. AMENDATORY 26 O.S. 2021, Section 16-102.2,
23 is amended to read as follows:

24

1 Section 16-102.2. Any person who knowingly executes a false
2 application for an absentee ballot shall be deemed guilty of a Class
3 D1 felony punishable in accordance with the provisions of Section 18
4 of this act.

5 SECTION 463. AMENDATORY 26 O.S. 2021, Section 16-103, is
6 amended to read as follows:

7 Section 16-103. Any person who knowingly swears or affirms a
8 false affidavit in order to become eligible to vote, to obtain and
9 vote a provisional ballot, to obtain and vote an absentee ballot, or
10 to cause the cancellation of a qualified elector's voter
11 registration, shall be deemed guilty of a Class D1 felony punishable
12 in accordance with the provisions of Section 18 of this act.

13 SECTION 464. AMENDATORY 26 O.S. 2021, Section 16-103.1,
14 is amended to read as follows:

15 Section 16-103.1. Any person who knowingly causes any qualified
16 elector to be invalidly registered or anyone who knowingly causes
17 any unqualified person to be registered shall be deemed guilty of a
18 felony. Any person who knowingly causes the collection or
19 submission of voter registration forms containing false, fraudulent
20 or fictitious information shall be deemed guilty of a Class D1
21 felony punishable in accordance with the provisions of Section 18 of
22 this act.

23 SECTION 465. AMENDATORY 26 O.S. 2021, Section 16-104, is
24 amended to read as follows:

1 Section 16-104. Any person, notary public or other official
2 authorized to administer oaths who notarizes, verifies, acknowledges
3 or attests to the signature on the affidavit of an absent voter or
4 on the attestation of an incapacitated voter, without the person
5 whose affidavit or attestation is being taken actually appearing in
6 person before ~~said~~ the person, notary public or official authorized
7 to administer oaths, shall be deemed guilty of a Class D1 felony
8 punishable in accordance with the provisions of Section 18 of this
9 act.

10 SECTION 466. AMENDATORY 26 O.S. 2021, Section 16-105, is
11 amended to read as follows:

12 Section 16-105. A. Any person who knowingly conspires to
13 commit fraud or perpetrates fraud, or who steals supplies used to
14 conduct an election, in order to change a voter's vote, or to change
15 the composition of the official ballot or ballots, or to change the
16 counting of the ballots, or to change the certification of the
17 results of an election, shall be deemed guilty of a Class D1 felony
18 punishable in accordance with the provisions of Section 18 of this
19 act.

20 B. At every precinct there shall be posted information,
21 provided by the State Election Board, which states the penalties for
22 voter fraud and states that, if voter fraud is suspected, complaints
23 should be reported to the State Election Board.

24

1 C. The State Election Board shall, upon receiving the
2 complaint:

3 1. Document such complaint and request the name and mailing
4 address of the person making the complaint;

5 2. Send a letter to the person making the complaint, stating
6 the penalties for voter fraud and the option of contacting the
7 district attorney in the county where such fraud is suspected; and

8 3. Provide the district attorney's name and phone number.

9 D. All information relating to voter complaints shall remain
10 confidential until after the complaint has resulted in a conviction
11 or a plea of guilty or nolo contendere.

12 SECTION 467. AMENDATORY 26 O.S. 2021, Section 16-106, is
13 amended to read as follows:

14 Section 16-106. Any person who offers, solicits or accepts
15 something of value intended to directly or indirectly influence the
16 vote of the person soliciting or accepting same shall be deemed
17 guilty of a Class D1 felony punishable in accordance with the
18 provisions of Section 18 of this act; provided, the gifting of an
19 envelope, stamp, or both an envelope and stamp for the purpose of
20 mailing in a ballot shall not be considered something of value.

21 SECTION 468. AMENDATORY 26 O.S. 2021, Section 16-107, is
22 amended to read as follows:

23 Section 16-107. Any person who shall offer or give to another
24 anything of value to induce or cause such other person to withdraw

1 from a political contest as a candidate or nominee at any election
2 shall be deemed guilty of a Class D1 felony punishable in accordance
3 with the provisions of Section 18 of this act.

4 SECTION 469. AMENDATORY 26 O.S. 2021, Section 16-108, is
5 amended to read as follows:

6 Section 16-108. Any person who shall solicit or accept from
7 another anything of value for withdrawing from any political contest
8 as a candidate or nominee for any office at any election shall be
9 deemed guilty of a Class D1 felony punishable in accordance with the
10 provisions of Section 18 of this act.

11 SECTION 470. AMENDATORY 26 O.S. 2021, Section 16-109, is
12 amended to read as follows:

13 Section 16-109. Any person who, by means of coercion, providing
14 false or misleading information or any other method, knowingly
15 attempts to prevent a qualified elector from becoming registered, or
16 a registered voter from voting, shall be deemed guilty of a Class D1
17 felony punishable in accordance with the provisions of Section 18 of
18 this act.

19 SECTION 471. AMENDATORY 26 O.S. 2021, Section 16-120, is
20 amended to read as follows:

21 Section 16-120. Any person who causes to be printed, or who has
22 in his or her possession ballots or blank or fraudulent voter
23 identification cards not authorized by law shall be deemed guilty of
24

1 a Class D1 felony punishable in accordance with the provisions of
2 Section 18 of this act.

3 SECTION 472. AMENDATORY 27A O.S. 2021, Section 2-6-206,
4 is amended to read as follows:

5 Section 2-6-206. A. Whenever there are reasonable grounds to
6 believe that there has been a violation of any of the provisions of
7 the Oklahoma Pollutant Discharge Elimination System Act, any permit,
8 any rule, or any order of the Executive Director, the Executive
9 Director shall have the authority and powers to proceed as specified
10 in the Administrative Procedures Act unless otherwise provided
11 herein. Provided, however, that provisions of this section for
12 written notice, enforcement hearing, and administrative orders shall
13 not be conditions precedent for the Department to seek action in the
14 district court as provided by the Oklahoma Pollutant Discharge
15 Elimination System Act or other applicable provisions of law.

16 B. The Oklahoma Pollutant Discharge Elimination System Act
17 shall not in any way impair or in any way affect a person's right to
18 recover damages for pollution in a court of competent jurisdiction.
19 Any person having any interest connected with the geographic area or
20 waters or water system affected, including but not limited to any
21 aesthetic, recreational, health, environmental, pecuniary or
22 property interest, which interest is or may be adversely affected,
23 shall have the right to intervene as a party in any administrative
24 proceeding before the Department, or in any civil proceeding,

1 relating to violations of the Oklahoma Pollutant Discharge
2 Elimination System Act or rules, permits or orders issued hereunder.

3 C. Whenever on the basis of any information available, the
4 Department finds that any person or entity regulated by the
5 Department is in violation of any act, rule, order, permit,
6 condition or limitation implementing the Oklahoma Pollutant
7 Discharge Elimination System Act, or any previously issued discharge
8 permit, the Executive Director shall issue an order requiring such
9 person or entity to comply with such provision or requirement,
10 commence appropriate administrative enforcement proceedings, or
11 bring a civil action. Provided, however, the issuance of a
12 compliance order or suspension or revocation of a permit shall not
13 be considered a condition precedent to the accrual or imposition of
14 penalties or fines in any administrative, civil or criminal
15 proceeding.

16 D. A copy of any order issued pursuant to this section shall be
17 sent immediately to the violator. In any case in which an order or
18 notice to a violator is issued to a corporation, a copy of such
19 order shall be served on any appropriate corporate officers.

20 Any order issued pursuant to this section shall state with
21 reasonable specificity the nature of the violation, and shall
22 specify a time for compliance not to exceed thirty (30) days in the
23 case of a violation of an interim compliance schedule or operation
24 and maintenance requirement and not to exceed a reasonable time in

1 the case of a violation of a final deadline, taking into account the
2 seriousness of the violation and any good faith efforts to comply
3 with applicable requirements. Any order or notice issued by the
4 Executive Director may be served in any manner allowed by Oklahoma
5 Rules of Civil Procedures applicable to a civil summons.

6 E. Whenever on the basis of any information available the
7 Executive Director finds that any person regulated by the Department
8 has violated any of the provisions of the Oklahoma Pollutant
9 Discharge Elimination System Act, or any permit, rule, order or
10 condition or limitation implementing any of such sections, or
11 previously issued discharge permit or related order, the Executive
12 Director may, after providing notice and opportunity for an
13 enforcement hearing to the alleged violator, assess an
14 administrative fine of not more than Ten Thousand Dollars
15 (\$10,000.00) per day of violation, for each day during which the
16 violation continues. The total amount of such fine shall not exceed
17 One Hundred Twenty-five Thousand Dollars (\$125,000.00) per
18 violation. In determining the amount of any penalty assessed under
19 this subsection, the Executive Director shall take into account the
20 nature, circumstances, extent and gravity of the violation, or
21 violations, and, with respect to the violator, ability to pay, any
22 prior history of such violations, the degree of culpability,
23 economic benefit savings, if any, resulting from the violation, and
24 such other matters as justice may require. For purposes of this

1 subsection, a single operational upset which leads to simultaneous
2 violations of more than one pollutant parameter shall be treated as
3 a single violation. Enforcement hearings shall be conducted in
4 accordance with the procedures set out in the Administrative
5 Procedures Act.

6 F. 1. The Executive Director is authorized to commence a civil
7 action for appropriate relief, including a permanent or temporary
8 injunction, for any violation for which he is authorized to issue a
9 compliance order under subsection C of this section.

10 2. Any person who violates any provision of the Oklahoma
11 Pollutant Discharge Elimination System Act, or any permit condition
12 or limitation implementing any of such provisions in a permit issued
13 under the Oklahoma Pollutant Discharge Elimination System Act, or
14 any requirement imposed in a pretreatment program approved under the
15 Oklahoma Pollutant Discharge Elimination System Act, and any person
16 who violates any order issued by the Executive Director under
17 subsection C of this section, shall be subject to a civil penalty
18 not to exceed Ten Thousand Dollars (\$10,000.00) per day for each
19 violation. In determining the amount of the civil penalty the court
20 shall consider the seriousness of the violation or violations, the
21 economic benefit, if any, resulting from the violation, any history
22 of such violations, any good faith efforts to comply with the
23 applicable requirements, the economic impact of the penalty on the
24 violator and such other matters as justice may require. For

1 purposes of this subsection, a single operational upset which leads
2 to simultaneous violations of more than one pollutant parameter
3 shall be treated as a single violation.

4 3. Any action pursuant to this subsection may be brought in the
5 district court for the district in which the property or defendant
6 is located or defendant resides or is doing business, and such court
7 shall have jurisdiction to restrain such violation and to require
8 compliance.

9 4. The prior revocation of a permit shall not be a condition
10 precedent to the filing of a civil action under the Oklahoma
11 Pollutant Discharge Elimination System Act.

12 G. 1. Any person who:

13 a. negligently violates any provision of the Oklahoma
14 Pollutant Discharge Elimination System Act, or any
15 order issued by the Executive Director hereunder, or
16 any permit condition or limitation in a permit issued
17 or any requirement imposed in a pretreatment program
18 authorized pursuant to the Oklahoma Pollutant Discharge
19 Elimination System Act, or

20 b. negligently introduces into the waters of the state or
21 a treatment works discharging into the waters of the
22 state any pollutant or hazardous substance which such
23 person knew or reasonably should have known could cause
24 personal injury or property damage or, other than in

1 compliance with all applicable federal, state or local
2 requirements or permits, which causes such treatment
3 work to violate any effluent limitation or condition in
4 a permit issued to the treatment works pursuant to the
5 Oklahoma Pollutant Discharge Elimination System Act,
6 upon conviction, shall be guilty of a Class D3 felony punished in
7 accordance with the provisions of Section 20 of this act or by a
8 fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00)
9 nor more than Twenty-five Thousand Dollars (\$25,000.00) per day of
10 violation, ~~or by imprisonment in the county jail for not more than~~
11 ~~one (1) year,~~ or by both such fine and imprisonment. If a
12 conviction of a person is for a violation committed after a first
13 conviction of such person under this paragraph, punishment shall be
14 in accordance with the provisions of Section 20 of this act or by a
15 fine of not more than Fifty Thousand Dollars (\$50,000.00) per day of
16 violation, ~~or by imprisonment in the State Penitentiary for not more~~
17 ~~than two (2) years,~~ or by both. The maximum fines allowable by
18 Section 20 of this act shall not be applicable to the maximum
19 allowable fine in this section.

20 2. Any person who:

21 a. knowingly violates any provision of the Oklahoma
22 Pollutant Discharge Elimination System Act, or any
23 order issued by the Executive Director hereunder, or
24 any permit condition or limitation in a permit issued

1 or any requirement imposed in a pretreatment program
2 authorized pursuant to the Oklahoma Pollutant Discharge
3 Elimination System Act, or

4 b. knowingly introduces into the waters of the state or a
5 treatment works discharging into the waters of the
6 state any pollutant or hazardous substance which such
7 person knew or reasonably should have known could cause
8 personal injury or property damage or, other than in
9 compliance with all applicable federal, state or local
10 requirements or permits, which causes such treatment
11 work to violate any effluent limitation or condition in
12 a permit issued to the treatment works under the
13 Oklahoma Pollutant Discharge Elimination System Act,

14 upon conviction, shall be guilty of a Class D1 felony punished in
15 accordance with the provisions of Section 18 of this act or by a
16 fine of not less than Five Thousand Dollars (\$5,000.00) nor more
17 than Fifty Thousand Dollars (\$50,000.00) per day of violation, ~~or by~~
18 ~~imprisonment in the county jail for not more than one (1) year or in~~
19 ~~the State Penitentiary for not more than three (3) years, or by~~
20 both. The maximum fines allowable by Section 18 of this act shall
21 not be applicable to the maximum allowable fine in this section If
22 a conviction of a person is for a violation committed after a first
23 conviction of such person under this paragraph, punishment shall be
24 a fine of not more than One Hundred Thousand Dollars (\$100,000.00)

1 per day of violation, or ~~by imprisonment in the State Penitentiary~~
2 ~~for not more than six (6) years, or by both~~ in accordance with the
3 provisions of Section 18 of this act, or by both. The maximum fines
4 allowable by Section 18 of this act shall not be applicable to the
5 maximum allowable fine in this section.

6 3. a. Any person who knowingly violates any provision of the
7 Oklahoma Pollutant Discharge Elimination System Act,
8 or any permit condition or limitation in a permit
9 issued hereunder by the Executive Director, and who
10 knows at that time that he thereby places another
11 person in imminent danger of death or serious bodily
12 injury, shall upon conviction be ~~subject to a fine of~~
13 ~~not more than Two Hundred Fifty Thousand Dollars~~
14 ~~(\$250,000.00) or imprisonment in the State~~
15 ~~Penitentiary for not more than fifteen (15) years, or~~
16 ~~both~~ guilty of a Class C2 felony punishable in
17 accordance with the provisions of Section 17 of this
18 act, or by a fine of not more than Two Hundred Fifty
19 Thousand Dollars (\$250,000.00), or by both. The
20 maximum fines allowable by Section 17 of this act
21 shall not be applicable to the maximum allowable fine
22 in this section. A person which is an organization
23 shall, upon conviction of violating this subparagraph,
24 be subject to a fine of not more than One Million

1 Dollars (\$1,000,000.00). If a conviction of a person
2 is for a violation committed after a first conviction
3 of such person under this paragraph, the maximum
4 punishment shall be doubled with respect to ~~both~~ the
5 fine and ~~imprisonment~~ shall be punished in accordance
6 with the provisions of Section 17 of this act. The
7 maximum fines allowable by Section 17 of this act
8 shall not be applicable to the maximum allowable fine
9 in this section.

10 b. For the purpose of subparagraph a of this paragraph:

11 (1) in determining whether a defendant who is an
12 individual knew that his conduct placed another
13 person in imminent danger of death or serious
14 bodily injury, a person shall be responsible only
15 for actual awareness or actual belief that he
16 possessed, and knowledge possessed by a person
17 other than the defendant but not by the defendant
18 himself may not be attributed to the defendant;
19 provided however that in proving the defendant's
20 possession of actual knowledge, circumstantial
21 evidence may be used, including evidence that the
22 defendant took affirmative steps to shield
23 himself from relevant information,
24

1 (2) it is an affirmative defense to prosecution under
2 this subsection that the conduct charged was
3 consented to by the person endangered and that
4 the danger and conduct charged were reasonably
5 foreseeable hazards of an occupation, business,
6 profession or of a medical treatment or medical
7 or scientific experimentation conducted by
8 professionally approved methods and such other
9 person had been made aware of the risks involved
10 prior to giving consent, and such defense may be
11 established under this subparagraph by a
12 preponderance of the evidence.

13 4. Any person who knowingly makes any false material statement,
14 representation, or certification in any application, record, report,
15 plan, or other document filed or required to be maintained under the
16 Oklahoma Pollutant Discharge Elimination System Act or who knowingly
17 falsifies, tampers with, or renders inaccurate any monitoring device
18 or method required to be maintained under the Oklahoma Pollutant
19 Discharge Elimination System Act, shall upon conviction be ~~punished~~
20 ~~by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by~~
21 ~~imprisonment for not more than two (2) years, or by both~~ guilty of a
22 Class D3 felony punishable in accordance with the provisions of
23 Section 20 of this act, or by a fine of not more than Ten Thousand
24 Dollars (\$10,000.00), or by both. The maximum fines allowable by

1 Section 20 of this act shall not be applicable to the maximum
2 allowable fine in this section. If a conviction of a person is for
3 a violation committed after a first conviction of such person under
4 this paragraph, punishment shall be by a fine of not more than
5 Twenty Thousand Dollars (\$20,000.00) per day of violation, or ~~by~~
6 ~~imprisonment for not more than four (4) years, or by both~~ in
7 accordance with the provisions of Section 20 of this act, or by both
8 such fine and imprisonment. The maximum fines allowable by Section
9 20 of this act shall not be applicable to the maximum allowable fine
10 in this section.

11 5. For purposes of this subsection, a single operational upset
12 which leads to simultaneous violations of more than one pollutant
13 parameter shall be treated as a single violation.

14 H. Whenever, on the basis of information available to him, the
15 Department finds that an owner or operator of any source is
16 introducing a pollutant into a treatment works in violation of the
17 Oklahoma Pollutant Discharge Elimination System Act or any
18 requirement, rule, permit or order issued under the Oklahoma
19 Pollutant Discharge Elimination System Act, the Department shall
20 notify the owner or operator of such treatment works of such
21 violation. If the owner or operator of the treatment works does not
22 commence appropriate enforcement action within thirty (30) days of
23 the date of such notification, the Department may commence a civil
24 action for appropriate relief, including but not limited to a

1 permanent or temporary injunction, against the owner or operator of
2 such treatment works. In any such civil action the Department shall
3 join the owner or operator of such source as a party to the action.
4 Such action shall be brought in the district court in the county in
5 which the treatment works is located. Such court shall have
6 jurisdiction to restrain such violation and to require the owner or
7 operator of the treatment works and the owner or operator of the
8 source to take such action as may be necessary to come into
9 compliance with the Oklahoma Pollutant Discharge Elimination System
10 Act. Nothing in this subsection shall be construed to limit or
11 prohibit any other authority the Department may have under this
12 section.

13 I. 1. Any person against whom an administrative compliance or
14 penalty order is issued under this section may obtain review of such
15 order by filing a petition for review in district court pursuant to
16 the Administrative Procedures Act. Such court shall not set aside
17 or remand such order unless there is not substantial evidence in the
18 administrative record, taken as a whole, to support the finding of a
19 violation or unless the assessment of the penalty constitutes an
20 abuse of discretion and shall not impose additional civil penalties
21 for the same violation unless the assessment of the penalty
22 constitutes an abuse of discretion. No stay of an administrative
23 penalty order shall be granted until the amount of penalty assessed

24

1 has been deposited with the reviewing district court pending
2 resolution of the petition for review.

3 2. If any person fails to pay an assessment of an
4 administrative penalty:

5 a. after the order making the assessment has become final,
6 or

7 b. after a court in an action brought under paragraph 1 of
8 this subsection has entered a final judgment in favor
9 of the Department, as the case may be,

10 the Department may commence or may request the Attorney General to
11 bring a civil action in an appropriate district court to recover the
12 amount assessed plus interest at currently prevailing rates from the
13 date of the final order or the date of the final judgment, as the
14 case may be. In such an action, the validity, amount, and
15 appropriateness of such penalty shall not be subject to review.

16 3. Any person who fails to pay on a timely basis the amount of
17 an assessment of an administrative or civil penalty shall be
18 required to pay, in addition to such amount and interest, attorneys
19 fees and costs for collection proceeding and quarterly nonpayment
20 penalty for each quarter during which such failure to pay persists.
21 Such nonpayment penalty shall be in an amount equal to twenty
22 percent (20%) of the aggregate amount of such person's penalties and
23 nonpayment penalties which are unpaid as of the beginning of such
24 quarter.

1 SECTION 473. AMENDATORY 27A O.S. 2021, Section 2-5-116,
2 is amended to read as follows:

3 Section 2-5-116. A. Any person who knowingly and willfully:

4 1. Violates any applicable provision of the Oklahoma Clean Air
5 Act or any rule or standard promulgated thereunder;

6 2. Violates any order issued or permit condition prescribed
7 pursuant to the Oklahoma Clean Air Act;

8 3. Violates any emission limitation or any substantive
9 provision or condition of any permit;

10 4. Makes any false material statement, representation, or
11 certification in, or omits material information from, or knowingly
12 alters, conceals, or fails to file or maintain any notice,
13 application, record, report, plan or other document, except for
14 monitoring data, required pursuant to the Oklahoma Clean Air Act to
15 be either filed or maintained;

16 5. Fails to notify or report as required by the Oklahoma Clean
17 Air Act, rules promulgated thereunder or orders or permits issued
18 pursuant thereto; or

19 6. Fails to install any monitoring device or method required to
20 be maintained or followed pursuant to the Oklahoma Clean Air Act;
21 shall, upon conviction, be guilty of a misdemeanor and be punished
22 by a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00)
23 per day of violation or for not more than one (1) year imprisonment
24 in the county jail, or both such fine and imprisonment.

1 B. Any person who knowingly and willfully:

2 1. Violates any applicable provision of the Oklahoma Clean Air
3 Act or any rule promulgated thereunder, or any order of the
4 Department or any emission limitation or substantive provision or
5 condition of any permit, and who knows at the time that he thereby
6 places another in danger of death or serious bodily injury;

7 2. Tamper with or renders inaccurate any monitoring device; or

8 3. Falsifies any monitoring information required to be
9 maintained or submitted to the Department pursuant to the Oklahoma
10 Clean Air Act;

11 shall, upon conviction, be guilty of a Class C2 felony and subject
12 to a fine of not more than Two Hundred Fifty Thousand Dollars

13 (\$250,000.00) or ~~for not more than ten (10) years imprisonment, or~~

14 ~~both such fine and imprisonment~~ shall be punished in accordance with

15 the provisions of Section 17 of this act, or by such fine and

16 imprisonment. The maximum fines allowable by Section 17 of this act

17 shall not be applicable to the maximum allowable fine in this

18 section.

19 SECTION 474. AMENDATORY 27A O.S. 2021, Section 2-6-206,
20 is amended to read as follows:

21 Section 2-6-206. A. Whenever there are reasonable grounds to
22 believe that there has been a violation of any of the provisions of
23 the Oklahoma Pollutant Discharge Elimination System Act, any permit,
24 any rule, or any order of the Executive Director, the Executive

1 Director shall have the authority and powers to proceed as specified
2 in the Administrative Procedures Act unless otherwise provided
3 herein. Provided, however, that provisions of this section for
4 written notice, enforcement hearing, and administrative orders shall
5 not be conditions precedent for the Department to seek action in the
6 district court as provided by the Oklahoma Pollutant Discharge
7 Elimination System Act or other applicable provisions of law.

8 B. The Oklahoma Pollutant Discharge Elimination System Act
9 shall not in any way impair or in any way affect a person's right to
10 recover damages for pollution in a court of competent jurisdiction.
11 Any person having any interest connected with the geographic area or
12 waters or water system affected, including but not limited to any
13 aesthetic, recreational, health, environmental, pecuniary or
14 property interest, which interest is or may be adversely affected,
15 shall have the right to intervene as a party in any administrative
16 proceeding before the Department, or in any civil proceeding,
17 relating to violations of the Oklahoma Pollutant Discharge
18 Elimination System Act or rules, permits or orders issued hereunder.

19 C. Whenever on the basis of any information available, the
20 Department finds that any person or entity regulated by the
21 Department is in violation of any act, rule, order, permit,
22 condition or limitation implementing the Oklahoma Pollutant
23 Discharge Elimination System Act, or any previously issued discharge
24 permit, the Executive Director shall issue an order requiring such

1 person or entity to comply with such provision or requirement,
2 commence appropriate administrative enforcement proceedings, or
3 bring a civil action. Provided, however, the issuance of a
4 compliance order or suspension or revocation of a permit shall not
5 be considered a condition precedent to the accrual or imposition of
6 penalties or fines in any administrative, civil or criminal
7 proceeding.

8 D. A copy of any order issued pursuant to this section shall be
9 sent immediately to the violator. In any case in which an order or
10 notice to a violator is issued to a corporation, a copy of such
11 order shall be served on any appropriate corporate officers.

12 Any order issued pursuant to this section shall state with
13 reasonable specificity the nature of the violation, and shall
14 specify a time for compliance not to exceed thirty (30) days in the
15 case of a violation of an interim compliance schedule or operation
16 and maintenance requirement and not to exceed a reasonable time in
17 the case of a violation of a final deadline, taking into account the
18 seriousness of the violation and any good faith efforts to comply
19 with applicable requirements. Any order or notice issued by the
20 Executive Director may be served in any manner allowed by Oklahoma
21 Rules of Civil Procedures applicable to a civil summons.

22 E. Whenever on the basis of any information available the
23 Executive Director finds that any person regulated by the Department
24 has violated any of the provisions of the Oklahoma Pollutant

1 Discharge Elimination System Act, or any permit, rule, order or
2 condition or limitation implementing any of such sections, or
3 previously issued discharge permit or related order, the Executive
4 Director may, after providing notice and opportunity for an
5 enforcement hearing to the alleged violator, assess an
6 administrative fine of not more than Ten Thousand Dollars
7 (\$10,000.00) per day of violation, for each day during which the
8 violation continues. The total amount of such fine shall not exceed
9 One Hundred Twenty-five Thousand Dollars (\$125,000.00) per
10 violation. In determining the amount of any penalty assessed under
11 this subsection, the Executive Director shall take into account the
12 nature, circumstances, extent and gravity of the violation, or
13 violations, and, with respect to the violator, ability to pay, any
14 prior history of such violations, the degree of culpability,
15 economic benefit savings, if any, resulting from the violation, and
16 such other matters as justice may require. For purposes of this
17 subsection, a single operational upset which leads to simultaneous
18 violations of more than one pollutant parameter shall be treated as
19 a single violation. Enforcement hearings shall be conducted in
20 accordance with the procedures set out in the Administrative
21 Procedures Act.

22 F. 1. The Executive Director is authorized to commence a civil
23 action for appropriate relief, including a permanent or temporary
24

1 injunction, for any violation for which he is authorized to issue a
2 compliance order under subsection C of this section.

3 2. Any person who violates any provision of the Oklahoma
4 Pollutant Discharge Elimination System Act, or any permit condition
5 or limitation implementing any of such provisions in a permit issued
6 under the Oklahoma Pollutant Discharge Elimination System Act, or
7 any requirement imposed in a pretreatment program approved under the
8 Oklahoma Pollutant Discharge Elimination System Act, and any person
9 who violates any order issued by the Executive Director under
10 subsection C of this section, shall be subject to a civil penalty
11 not to exceed Ten Thousand Dollars (\$10,000.00) per day for each
12 violation. In determining the amount of the civil penalty the court
13 shall consider the seriousness of the violation or violations, the
14 economic benefit, if any, resulting from the violation, any history
15 of such violations, any good faith efforts to comply with the
16 applicable requirements, the economic impact of the penalty on the
17 violator and such other matters as justice may require. For
18 purposes of this subsection, a single operational upset which leads
19 to simultaneous violations of more than one pollutant parameter
20 shall be treated as a single violation.

21 3. Any action pursuant to this subsection may be brought in the
22 district court for the district in which the property or defendant
23 is located or defendant resides or is doing business, and such court
24

1 shall have jurisdiction to restrain such violation and to require
2 compliance.

3 4. The prior revocation of a permit shall not be a condition
4 precedent to the filing of a civil action under the Oklahoma
5 Pollutant Discharge Elimination System Act.

6 G. 1. Any person who:

7 a. negligently violates any provision of the Oklahoma
8 Pollutant Discharge Elimination System Act, or any
9 order issued by the Executive Director hereunder, or
10 any permit condition or limitation in a permit issued
11 or any requirement imposed in a pretreatment program
12 authorized pursuant to the Oklahoma Pollutant Discharge
13 Elimination System Act, or

14 b. negligently introduces into the waters of the state or
15 a treatment works discharging into the waters of the
16 state any pollutant or hazardous substance which such
17 person knew or reasonably should have known could cause
18 personal injury or property damage or, other than in
19 compliance with all applicable federal, state or local
20 requirements or permits, which causes such treatment
21 work to violate any effluent limitation or condition in
22 a permit issued to the treatment works pursuant to the
23 Oklahoma Pollutant Discharge Elimination System Act,

24

1 shall be punished by a fine of not less than Two Thousand Five
2 Hundred Dollars (\$2,500.00) nor more than Twenty-five Thousand
3 Dollars (\$25,000.00) per day of violation, or by imprisonment in the
4 county jail for not more than one (1) year, or by both such fine and
5 imprisonment. If a conviction of a person is for a violation
6 committed after a first conviction of such person under this
7 paragraph, punishment shall be a fine of not more than Fifty
8 Thousand Dollars (\$50,000.00) per day of violation, or by
9 imprisonment in the State Penitentiary for not more than two (2)
10 years, or by both.

11 2. Any person who:

12 a. knowingly violates any provision of the Oklahoma
13 Pollutant Discharge Elimination System Act, or any
14 order issued by the Executive Director hereunder, or
15 any permit condition or limitation in a permit issued
16 or any requirement imposed in a pretreatment program
17 authorized pursuant to the Oklahoma Pollutant Discharge
18 Elimination System Act, or

19 b. knowingly introduces into the waters of the state or a
20 treatment works discharging into the waters of the
21 state any pollutant or hazardous substance which such
22 person knew or reasonably should have known could cause
23 personal injury or property damage or, other than in
24 compliance with all applicable federal, state or local

1 requirements or permits, which causes such treatment
2 work to violate any effluent limitation or condition in
3 a permit issued to the treatment works under the
4 Oklahoma Pollutant Discharge Elimination System Act,
5 shall be punished by a fine of not less than Five Thousand Dollars
6 (\$5,000.00) nor more than Fifty Thousand Dollars (\$50,000.00) per
7 day of violation, or by imprisonment in the county jail for not more
8 than one (1) year or in the State Penitentiary for not more than
9 three (3) years, or by both. If a conviction of a person is for a
10 violation committed after a first conviction of such person under
11 this paragraph, punishment shall be a fine of not more than One
12 Hundred Thousand Dollars (\$100,000.00) per day of violation, or by
13 imprisonment in the State Penitentiary for not more than six (6)
14 years, or by both.

15 3. a. Any person who knowingly violates any provision of the
16 Oklahoma Pollutant Discharge Elimination System Act,
17 or any permit condition or limitation in a permit
18 issued hereunder by the Executive Director, and who
19 knows at that time that he thereby places another
20 person in imminent danger of death or serious bodily
21 injury, shall, upon conviction, be guilty of a Class
22 C2 felony and shall be subject to a fine of not more
23 than Two Hundred Fifty Thousand Dollars (\$250,000.00)
24 or ~~imprisonment in the State Penitentiary for not more~~

1 ~~than fifteen (15) years, or both~~ punished in
2 accordance with the provisions of Section 17 of this
3 act, or both such fine and imprisonment. The maximum
4 fin es allowable by Section 17 of this act shall not be
5 applicable to the maximum allowable fine in this
6 section. A person which is an organization shall,
7 upon conviction of violating this subparagraph, be
8 subject to a fine of not more than One Million Dollars
9 (\$1,000,000.00). If a conviction of a person is for a
10 violation committed after a first conviction of such
11 person under this paragraph, the maximum punishment
12 shall be doubled with respect to both fine and
13 imprisonment.

14 b. For the purpose of subparagraph a of this paragraph:

15 (1) in determining whether a defendant who is an
16 individual knew that his conduct placed another
17 person in imminent danger of death or serious
18 bodily injury, a person shall be responsible only
19 for actual awareness or actual belief that he
20 possessed, and knowledge possessed by a person
21 other than the defendant but not by the defendant
22 ~~himself~~ may not be attributed to the defendant;
23 provided however that in proving the defendant's
24 possession of actual knowledge, circumstantial

1 evidence may be used, including evidence that the
2 defendant took affirmative steps to shield
3 himself or herself from relevant information,

4 (2) it is an affirmative defense to prosecution under
5 this subsection that the conduct charged was
6 consented to by the person endangered and that
7 the danger and conduct charged were reasonably
8 foreseeable hazards of an occupation, business,
9 profession or of a medical treatment or medical
10 or scientific experimentation conducted by
11 professionally approved methods and such other
12 person had been made aware of the risks involved
13 prior to giving consent, and such defense may be
14 established under this subparagraph by a
15 preponderance of the evidence.

16 4. Any person who knowingly makes any false material statement,
17 representation, or certification in any application, record, report,
18 plan, or other document filed or required to be maintained under the
19 Oklahoma Pollutant Discharge Elimination System Act or who knowingly
20 falsifies, tampers with, or renders inaccurate any monitoring device
21 or method required to be maintained under the Oklahoma Pollutant
22 Discharge Elimination System Act, shall upon conviction be punished
23 by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by
24 imprisonment for not more than two (2) years, or by both. If a

1 conviction of a person is for a violation committed after a first
2 conviction of such person under this paragraph, punishment shall be
3 by a fine of not more than Twenty Thousand Dollars (\$20,000.00) per
4 day of violation, or by imprisonment for not more than four (4)
5 years, or by both.

6 5. For purposes of this subsection, a single operational upset
7 which leads to simultaneous violations of more than one pollutant
8 parameter shall be treated as a single violation.

9 H. Whenever, on the basis of information available to him, the
10 Department finds that an owner or operator of any source is
11 introducing a pollutant into a treatment works in violation of the
12 Oklahoma Pollutant Discharge Elimination System Act or any
13 requirement, rule, permit or order issued under the Oklahoma
14 Pollutant Discharge Elimination System Act, the Department shall
15 notify the owner or operator of such treatment works of such
16 violation. If the owner or operator of the treatment works does not
17 commence appropriate enforcement action within thirty (30) days of
18 the date of such notification, the Department may commence a civil
19 action for appropriate relief, including but not limited to a
20 permanent or temporary injunction, against the owner or operator of
21 such treatment works. In any such civil action the Department shall
22 join the owner or operator of such source as a party to the action.
23 Such action shall be brought in the district court in the county in
24 which the treatment works is located. Such court shall have

1 jurisdiction to restrain such violation and to require the owner or
2 operator of the treatment works and the owner or operator of the
3 source to take such action as may be necessary to come into
4 compliance with the Oklahoma Pollutant Discharge Elimination System
5 Act. Nothing in this subsection shall be construed to limit or
6 prohibit any other authority the Department may have under this
7 section.

8 I. 1. Any person against whom an administrative compliance or
9 penalty order is issued under this section may obtain review of such
10 order by filing a petition for review in district court pursuant to
11 the Administrative Procedures Act. Such court shall not set aside
12 or remand such order unless there is not substantial evidence in the
13 administrative record, taken as a whole, to support the finding of a
14 violation or unless the assessment of the penalty constitutes an
15 abuse of discretion and shall not impose additional civil penalties
16 for the same violation unless the assessment of the penalty
17 constitutes an abuse of discretion. No stay of an administrative
18 penalty order shall be granted until the amount of penalty assessed
19 has been deposited with the reviewing district court pending
20 resolution of the petition for review.

21 2. If any person fails to pay an assessment of an
22 administrative penalty:

23 a. after the order making the assessment has become final,
24 or

1 b. after a court in an action brought under paragraph 1 of
2 this subsection has entered a final judgment in favor
3 of the Department, as the case may be,
4 the Department may commence or may request the Attorney General to
5 bring a civil action in an appropriate district court to recover the
6 amount assessed plus interest at currently prevailing rates from the
7 date of the final order or the date of the final judgment, as the
8 case may be. In such an action, the validity, amount, and
9 appropriateness of such penalty shall not be subject to review.

10 3. Any person who fails to pay on a timely basis the amount of
11 an assessment of an administrative or civil penalty shall be
12 required to pay, in addition to such amount and interest, attorneys
13 fees and costs for collection proceeding and quarterly nonpayment
14 penalty for each quarter during which such failure to pay persists.
15 Such nonpayment penalty shall be in an amount equal to twenty
16 percent (20%) of the aggregate amount of such person's penalties and
17 nonpayment penalties which are unpaid as of the beginning of such
18 quarter.

19 SECTION 475. AMENDATORY 27A O.S. 2021, Section 2-7-109,
20 is amended to read as follows:

21 Section 2-7-109. A. In order to protect the public health and
22 safety and the environment of this state, the Department, pursuant
23 to the Oklahoma Hazardous Waste Management Act, shall not issue,
24

1 renew, or transfer a permit for a hazardous waste facility for
2 treatment, storage, recycling or disposal to any person who:

3 1. Is not in substantial compliance with a final agency order
4 or any final order or judgment of a court of record secured by any
5 state or federal agency relating to the generation, storage,
6 transportation, treatment, recycling or disposal of "hazardous
7 waste", as such term is defined by the Oklahoma Hazardous Waste
8 Management Act, or by the United States Environmental Protection
9 Agency pursuant to the federal Resource Conservation and Recovery
10 Act;

11 2. Has evidenced a reckless disregard for the protection of the
12 public and the environment as demonstrated by a history of
13 noncompliance with environmental laws and rules resulting in
14 endangerment of human health or the environment; or

15 3. Has as an affiliated person any person who is described by
16 paragraph 1 or 2 of this subsection.

17 B. 1. Except as provided in paragraph 2 of this subsection,
18 all applicants for the issuance, renewal or transfer of any
19 hazardous waste permit, license, certification or operational
20 authority issued by the Department shall file a disclosure statement
21 with their applications.

22 2. If the applicant is a publicly held company required to file
23 periodic reports under the Securities and Exchange Act of 1934, or a
24 wholly owned subsidiary of a publicly held company, the applicant

1 shall not be required to submit a disclosure statement, but shall
2 submit the most recent annual and quarterly reports required by the
3 Securities and Exchange Commission, which provide information
4 regarding legal proceedings in which the applicant has been
5 involved. The applicant shall submit such other relevant
6 information as the Department may require that relates to the
7 competency, reliability, or responsibility of the applicant and
8 affiliated persons.

9 C. The Department is authorized to revoke, or to refuse to
10 issue, to renew, or to transfer a permit for a hazardous waste
11 facility for treatment, storage, recycling or disposal to any person
12 who:

13 1. Is not, due solely to the actions or inactions of the
14 applicant or affiliated person, in substantial compliance with any
15 final agency order or final order or judgment of a court of record
16 secured by the Department issued pursuant to the provisions of the
17 Oklahoma Hazardous Waste Management Act;

18 2. Is not, due solely to the actions or inactions of the
19 applicant or affiliated person, in substantial compliance with any
20 final agency order or final order or judgment of a court of record
21 secured by any state or federal agency, as determined by that
22 agency, relating to the generation, storage, transportation,
23 treatment, recycling or disposal of any "hazardous waste", as such
24 term is defined by the Oklahoma Hazardous Waste Management Act, or

1 by the United States Environmental Protection Agency pursuant to the
2 federal Resource Conservation and Recovery Act;

3 3. Has evidenced a history of a reckless disregard for the
4 protection of the public health and safety or the environment
5 through a history of noncompliance with state or federal
6 environmental laws, including without limitation the rules of the
7 Department or the United States Environmental Protection Agency
8 regarding the generation, storage, transportation, treatment,
9 recycling or disposal of any "hazardous waste", as such term is
10 defined by the Oklahoma Hazardous Waste Management Act, or by the
11 United States Environmental Protection Agency pursuant to the
12 federal Resource Conservation and Recovery Act; or

13 4. Has as an affiliated person any person who is described by
14 ~~paragraphs~~ paragraph 1, 2 or 3 of this subsection.

15 D. 1. An application for a permit for a hazardous waste
16 facility for treatment, storage, recycling or disposal or a renewal
17 thereof shall be signed under oath by the applicant.

18 2. The Department may refuse to renew, or may suspend or
19 revoke, a permit issued pursuant to the Oklahoma Hazardous Waste
20 Management Act for a hazardous waste facility for treatment,
21 storage, recycling or disposal to any person who has failed to
22 disclose or states falsely any information required pursuant to the
23 provisions of this section. Any person who willfully fails to
24 disclose or states falsely any such information, upon conviction,

1 shall be guilty of a Class D1 felony and may be ~~punished by~~
2 ~~imprisonment for not more than five (5) years~~ or fined not more than
3 One Hundred Thousand Dollars (\$100,000.00) or ~~both such fine and~~
4 ~~imprisonment~~ punishable in accordance with the provisions of Section
5 18 of this act or by both such fine and imprisonment. The maximum
6 finest allowable by Section 18 of this act shall not be applicable to
7 the maximum allowable fine in this section.

8 E. Noncompliance with a final agency order or final order or
9 judgment of a court of record which has been set aside by a court on
10 appeal of such final order or judgment shall not be considered a
11 final order or judgment for the purposes of this section.

12 F. The Board shall promulgate rules pursuant to the
13 Administrative Procedures Act as may be necessary and appropriate to
14 implement the provisions of this section.

15 G. The provisions of this section shall apply to:

16 1. Any pending or future application for a permit for land
17 disposal or treatment of hazardous waste, except treatment at a
18 facility accepting hazardous waste exclusively for the purpose of
19 conducting research and design tests; and

20 2. Any application for a permit for hazardous waste treatment,
21 storage, recycling or disposal which is initially submitted to the
22 Department after July 31, 1992, or which has not been determined by
23 the Department to be technically complete by December 31, 1993,
24 regardless of the initial submittal date.

1 SECTION 476. AMENDATORY 27A O.S. 2021, Section 2-10-302,
2 is amended to read as follows:

3 Section 2-10-302. A. 1. Except as provided in paragraph 2 of
4 this subsection, all applicants for the issuance or transfer of any
5 solid waste permit, license, certification or operational authority
6 shall file a disclosure statement with their applications.

7 2. If the applicant is a publicly held company required to file
8 periodic reports under the Securities and Exchange Act of 1934, or a
9 wholly owned subsidiary of a publicly held company, the applicant
10 shall not be required to submit a disclosure statement, but shall
11 submit the most recent annual and quarterly reports required by the
12 Securities and Exchange Commission, which provide information
13 regarding legal proceedings in which the applicant has been
14 involved. The applicant shall submit such other information as the
15 Department of Environmental Quality may require pursuant to this
16 section that relates to the competency, reliability, or
17 responsibility of the applicant and affiliated persons.

18 B. The Department is authorized to revoke or to refuse to
19 issue, amend, modify, renew or transfer a permit for the disposal of
20 solid waste from or to any person or an affiliated person who:

21 1. Is not, due solely to the applicant's actions or inactions,
22 in substantial compliance with any final agency order or final order
23 or judgment of a court of record secured by the Department issued
24

1 pursuant to the provisions of the Oklahoma Solid Waste Management
2 Act; or

3 2. Is not in substantial compliance with any final agency order
4 or final order or judgment of a court of record secured by any state
5 or federal agency, as determined by that agency, relating to the
6 storage, transfer, transportation, treatment or disposal of any
7 solid waste; or

8 3. Has evidenced a history of a reckless disregard for the
9 protection of the public health and safety or the environment
10 through a history of noncompliance with state or federal
11 environmental laws, including without limitation the rules of the
12 Department, regarding the storage, transfer, transportation,
13 treatment or disposal of any solid or hazardous waste.

14 C. The application shall be signed under oath by the applicant.

15 D. The Department may suspend or revoke a permit issued
16 pursuant to the Oklahoma Solid Waste Management Act to any person
17 who has failed to disclose or states falsely any information
18 required pursuant to the provisions of this section.

19 E. Any person who willfully fails to disclose or states falsely
20 any such information, upon conviction, shall be guilty of a Class D1
21 felony and may be punished by ~~imprisonment for not more than five~~
22 ~~(5) years or~~ a fine of not more than One Hundred Thousand Dollars
23 (\$100,000.00) or ~~both such fine and imprisonment~~ punishable in
24 accordance with the provisions of Section 18 of this act or by both

1 such fine and imprisonment. The maximum fines allowable by Section
2 18 of this act shall not be applicable to the maximum allowable fine
3 in this section.

4 F. Noncompliance with a final agency order or final order or
5 judgment of a court of record which has been set aside by a court on
6 appeal of such final order or judgment shall not be considered a
7 final order or judgment for the purposes of this section.

8 SECTION 477. AMENDATORY 27A O.S. 2021, Section 2-10-801,
9 is amended to read as follows:

10 Section 2-10-801. A. In order to protect public health and
11 preserve the expectation of future disposal capability of areas
12 local to a disposal site, except as otherwise provided by this
13 section, no disposal site shall accept more than two hundred (200)
14 tons per day of solid waste generated more than fifty (50) miles
15 from the disposal site unless a permit application for a new
16 disposal site is submitted and approved by the Department for such
17 waste.

18 The waste generated within the fifty-mile local area shall not
19 be considered in calculating the two-hundred-ton limit.

20 B. New and existing landfills, incinerators, or other sites
21 designed, constructed and operated in accordance with the most
22 environmentally protective solid waste regulations adopted by the
23 Board shall be subject to neither the two-hundred-ton nor the fifty-
24 mile limit.

1 C. The Department may grant a temporary waiver to the limit
2 specified in this section in the event of an emergency. Any such
3 waiver so granted may be conditioned on development of additional
4 capacity in the area where the waste is generated.

5 D. Before any disposal site accepts for disposal any solid
6 waste generated outside the territorial limits of this state in
7 excess of two hundred (200) tons per day:

8 1. The operator of the disposal site shall submit to the
9 Department for approval a disposal plan prepared by either the
10 generator or shipper as set out in the rules promulgated by the
11 Board. Such plans as a minimum shall indicate the type and amount
12 of solid waste generated, the handling, storage, treatment, disposal
13 method and the disposal site to be used. The disposal plans shall
14 be kept current by the persons submitting the original disposal
15 plans and the Department shall be advised not less than five (5)
16 working days prior to the day on which such changes are to be
17 implemented.

18 Persons storing or shipping recyclable materials in an
19 environmentally acceptable manner for the purpose of recycling shall
20 be required to file disposal plans required by this subsection only
21 for those wastes which are to be disposed.

22 2. The disposal site shall be designed, constructed and
23 operated in accordance with the most environmentally protective
24 solid waste rules promulgated by the Board. For landfills, the most

1 environmentally protective solid waste regulations shall be any of
2 those regulations promulgated by the Board for the largest
3 population category and which include leachate collection in the
4 landfill design, and which were effective when the application for
5 disposal plan approval was filed with the Department.

6 E. Operators of solid waste disposal sites shall reject
7 shipments of solid waste brought into this state which do not meet
8 all the applicable requirements of this section. All rejected solid
9 waste shall be taken out of state by the same persons who brought it
10 into this state in violation of the provisions of this section.

11 F. Fly ash and bottom ash generated by coal-fired facilities
12 located outside the territorial limits of this state in excess of
13 two hundred (200) tons per day shall be constructively reutilized or
14 disposed of only in an active or inactive mining operation subject
15 to the provisions contained in Title 45 of the Oklahoma Statutes.

16 G. Willful violation of this section shall constitute a Class
17 D1 felony punishable by a fine of not more than Ten Thousand Dollars
18 (\$10,000.00) or ~~imprisonment of not more than five (5) years, or~~
19 ~~both such fine and imprisonment~~ in accordance with the provisions of
20 Section 18 of this act or by such fine and imprisonment. The
21 maximum fines allowable by Section 18 of this act shall not be
22 applicable to the maximum allowable fine in this section.

23 SECTION 478. AMENDATORY 29 O.S. 2021, Section 3-201, is
24 amended to read as follows:

1 Section 3-201. A. All things being equal, veterans of World
2 War II, the Korean, the Vietnam and Persian Gulf Wars shall be
3 appointed as game wardens when vacancies occur.

4 B. All persons appointed game wardens shall be peace officers
5 and have the full powers of peace officers of ~~the State of Oklahoma~~
6 this state in the enforcement of the provisions of this Code and are
7 authorized to:

8 1. Enforce all state laws on Department-owned or Department-
9 managed lands;

10 2. Enforce all other laws of this state;

11 3. Make arrests for wildlife conservation violations and
12 nonconservation-related crimes with the same power and authority as
13 sheriffs are vested with and in cooperation with other law
14 enforcement officers and agencies;

15 4. Take into possession any and all protected wildlife, or any
16 part thereof, killed, taken, shipped or in any possession contrary
17 to the law, and the wildlife or parts thereof may be disposed of as
18 determined by the Director or any court of competent jurisdiction;

19 5. Make a complaint and cause proceedings to be commenced
20 against any person for violation of any of the laws for the
21 protection and propagation of wildlife, with the sanction of the
22 prosecuting or district attorney of the county in which the
23 proceedings are brought, and shall not be required to give security
24 for costs;

1 6. Be an authorized agent of the Commission or Department under
2 Section 3-202 of this title in addition to duties as a game warden;
3 and

4 7. Assist in enforcement of the state fire laws, upon request
5 of the Oklahoma Department of Agriculture, Food, and Forestry.

6 C. 1. Pursuant to the provisions of this subsection, a game
7 warden may operate a vehicle owned or leased by the Department upon
8 a roadway during the hours of darkness without lighted headlamps,
9 clearance lamps, or other illuminating devices. As used in this
10 paragraph, "roadway" shall include any street or highway in this
11 state except an interstate highway, a limited access highway, a
12 state trunk highway, or any street or highway within the limits of
13 an incorporated area.

14 2. Pursuant to the provisions of this subsection, a game warden
15 may operate a vessel upon any waters of this state during the hours
16 of darkness without the illuminating devices required by Section
17 4207 of Title 63 of the Oklahoma Statutes.

18 3. A game warden may operate a vehicle or vessel without the
19 illuminating devices specified in this subsection only if the
20 operation:

21 a. is made in the performance of the duties of the game
22 warden pursuant to the provisions of the Code, and
23
24

1 b. (1) will aid in the accomplishment of a lawful arrest
2 for any violation of the Code or any rule or
3 regulation promulgated thereto, or

4 (2) will aid in ascertaining whether a violation of
5 the Code or any rule or regulation promulgated
6 thereto has been or is about to be committed.

7 D. Any person who refuses to stop a vehicle or boat when
8 requested to do so by a game warden in the performance of the duties
9 of the game warden is guilty of a misdemeanor and upon conviction is
10 punishable by a fine of not less than One Hundred Dollars (\$100.00)
11 nor more than Five Hundred Dollars (\$500.00).

12 E. Any game warden who solicits or accepts any bribe or money
13 or other thing of value in connection with the performance of duty
14 as a game warden shall be guilty of a Class C2 felony and, upon
15 conviction, shall be ~~sentenced to a term not less than two (2) years~~
16 ~~nor more than seven (7) years in the custody of the Department of~~
17 ~~Corrections~~ punished in accordance with the provisions of Section 17
18 of this act and shall be summarily removed from office.

19 F. Pursuant to the provisions of subsection B of this section
20 and the Oklahoma Wildlife Conservation Code, a game warden shall not
21 have authority to use or place a game or wildlife camera on private
22 property without the permission of the owner or controller of the
23 property or pursuant to a warrant issued by a court of competent
24 jurisdiction.

1 SECTION 479. AMENDATORY 30 O.S. 2021, Section 4-904, is
2 amended to read as follows:

3 Section 4-904. Any individual who maliciously, forcibly or
4 fraudulently takes or entices away any incapacitated or partially
5 incapacitated person, or any other person over the age of sixteen
6 (16) for whom a guardian has been appointed, with intent to detain
7 and conceal such person from his or her guardian or who transports
8 such person from the jurisdiction of this state or the United States
9 without consent of the guardian or the court shall, upon conviction,
10 be guilty of a Class C2 felony punishable by imprisonment not to
11 exceed ten (10) years and shall be punished in accordance with the
12 provisions of Section 17 of this act.

13 SECTION 480. AMENDATORY 34 O.S. 2021, Section 23, is
14 amended to read as follows:

15 Section 23. Every person who is a qualified elector of ~~the~~
16 ~~State of Oklahoma~~ this state may sign a petition for the referendum
17 or for the initiative for any measure upon which he or she is
18 legally entitled to vote. Any person signing any name other than
19 his or her own to any petition, or knowingly signing his or her name
20 more than once for the same measure at one election, or who is not
21 at the time of signing the same a legal voter of this state, or
22 whoever falsely makes or willfully destroys a petition or any part
23 thereof, or who signs or files any certificate or petition knowing
24 the same or any part thereof to be falsely made, or suppresses any

1 certificate or petition or any part thereof which has been duly
2 filed or who shall violate any provision of this statute, or who
3 shall aid or abet any other person in doing any of ~~said~~ these acts;
4 and any person violating any provision of this chapter, shall upon
5 conviction thereof be guilty of a Class D3 felony and shall be
6 ~~punished by a fine of not exceeding Five Hundred Dollars (\$500.00)~~
7 ~~or by imprisonment in the State Penitentiary not exceeding two (2)~~
8 ~~years, or by both such fine and imprisonment in the discretion of~~
9 ~~the court before which such conviction shall be had~~ in accordance
10 with the provisions of Section 20 of this act.

11 SECTION 481. AMENDATORY 36 O.S. 2021, Section 311.1, is
12 amended to read as follows:

13 Section 311.1. A. Any insurer who files with the Insurance
14 Commissioner any statement required by this Code knowing such
15 statement to be fraudulent and materially false, upon conviction,
16 shall be guilty of a Class D1 felony, for which the punishment shall
17 be a fine of not to exceed Fifty Thousand Dollars (\$50,000.00). Any
18 officer, actuary, or employee of such insurer who causes such
19 statement to be filed, knowing the fraudulent and materially false
20 nature thereof, upon conviction, shall be guilty of a Class D1
21 ~~felony, for which the punishment for each occurrence shall be a fine~~
22 ~~of not to exceed Twenty-five Thousand Dollars (\$25,000.00), or~~
23 ~~commitment to the custody of the Department of Corrections for not~~
24 ~~less than one (1) year and not more than five (5) years or both said~~

1 ~~the fine and commitment~~ punished in accordance with the provisions
2 of Section 18 of this act, and shall never again be permitted to act
3 as an actuary, officer, or director of any insurer licensed to do
4 business in this state.

5 B. Any insurer who fails without reasonable cause and
6 permission of the Commissioner to timely file any statement required
7 by this Code shall be subject, after notice and opportunity for
8 hearing, to censure, suspension or revocation of certificate.
9 Annual statements filed after the first day of March without express
10 written advance permission of the Commissioner shall be accompanied
11 by a late filing fee in the amount of Two Hundred Fifty Dollars
12 (\$250.00) or One Hundred Dollars (\$100.00) per day, whichever is
13 greater. Repeated willful violations, after notice and opportunity
14 for hearing, may subject the insurer to both censure, suspension, or
15 revocation of certificate and civil penalty of not less than One
16 Hundred Dollars (\$100.00) nor more than Ten Thousand Dollars
17 (\$10,000.00) for each occurrence in addition to the late filing fee.

18 C. Prosecution or administrative action for any violation of
19 the provisions of this section shall be commenced within four (4)
20 years after the violation is discovered.

21 SECTION 482. AMENDATORY 36 O.S. 2021, Section 1435.26,
22 is amended to read as follows:

23 Section 1435.26. A. It shall be unlawful for any person whose
24 license to act as an insurance producer, limited lines producer,

1 managing general agent, insurance consultant, surplus lines
2 insurance broker, or customer service representative has been
3 suspended, revoked, surrendered, or refused to do or perform any of
4 the acts of an insurance producer, limited lines producer, managing
5 general agent, insurance consultant, surplus lines insurance broker,
6 or customer service representative. Any person convicted of
7 violating the provisions of this section shall be guilty of a Class
8 D1 felony and shall be punished ~~by the imposition of a fine of not~~
9 ~~more than Five Thousand Dollars (\$5,000.00) or shall be committed to~~
10 ~~the custody of the Department of Corrections for not less than one~~
11 ~~(1) year nor more than five (5) years, or be punished by both said~~
12 ~~the fine and commitment to custody~~ in accordance with the provisions
13 of Section 18 of this act.

14 B. It shall be unlawful for any insurance producer, limited
15 lines producer, managing general agent, insurance consultant,
16 surplus lines insurance broker, or customer service representative
17 to assist, aid, or conspire with a person whose license as an
18 insurance producer, limited lines producer, managing general agent,
19 insurance consultant, surplus lines insurance broker, or customer
20 service representative has been suspended, revoked, surrendered, or
21 refused to engage in any acts as an insurance producer, limited
22 lines producer, managing general agent, insurance consultant,
23 surplus lines insurance broker, or customer service representative.
24 Any person convicted of violating the provisions of this section

1 shall be guilty of a Class D1 felony and shall be punished ~~by the~~
2 ~~imposition of a fine of not more than Five Thousand Dollars~~
3 ~~(\$5,000.00) or shall be committed to the custody of the Department~~
4 ~~of Corrections for not less than one (1) year nor more than five (5)~~
5 ~~years, or be punished by both said fine and commitment to custody in~~
6 accordance with the provisions of Section 18 of this act.

7 C. Except for those persons exempt from licensure, it shall be
8 unlawful for any person to do or perform any of the acts of an
9 insurance producer, limited lines producer, managing general agent,
10 surplus lines insurance broker, insurance consultant, or customer
11 service representative without being duly licensed. Any person
12 convicted of violating the provisions of this section shall be
13 guilty of a misdemeanor and shall be punished by the imposition of a
14 fine of not more than Five Hundred Dollars (\$500.00) or imprisonment
15 in the county jail for not less than six (6) months nor more than
16 one (1) year, or be punished by both said fine and imprisonment.

17 SECTION 483. AMENDATORY 36 O.S. 2021, Section 1643, is
18 amended to read as follows:

19 Section 1643. A. Any insurer failing, without just cause, to
20 file any registration statement as required in ~~this act~~ Section 1631
21 et seq. of this title shall be required, after notice and hearing,
22 to pay a penalty of Five Hundred Dollars (\$500.00) for each day's
23 delay, to be recovered by the Insurance Commissioner and the penalty
24 so recovered shall be paid as provided in Section 307.5 of ~~Title 36~~

1 ~~of the Oklahoma Statutes~~ this title. The maximum penalty under this
2 section is One Hundred Thousand Dollars (\$100,000.00). The
3 Commissioner may reduce the penalty if the insurer demonstrates to
4 the Commissioner that the imposition of the penalty would constitute
5 a financial hardship to the insurer.

6 B. Every director or officer of an insurance holding company
7 system who knowingly violates, participates in or assents to, or who
8 knowingly shall permit any of the officers or agents of the insurer
9 to engage in, transactions or make investments which have not been
10 properly reported or submitted pursuant to subsection A of Section ~~5~~
11 1635 of this ~~act~~ title, paragraph 2 of subsection A of Section ~~6~~
12 1636 of this ~~act~~ title or subsection B of Section ~~6~~ 1636 of this ~~act~~
13 title, or which violate ~~this act~~ Section 1631 et seq. of this title,
14 shall pay, in their individual capacity, a civil forfeiture of not
15 more than Twenty-five Thousand Dollars (\$25,000.00) per violation,
16 after notice and hearing before the Commissioner. In determining
17 the amount of the civil forfeiture, the Commissioner shall take into
18 account the appropriateness of the forfeiture with respect to the
19 gravity of the violation, the history of previous violations, and
20 such other matters as justice may require.

21 C. Whenever it appears to the Commissioner that any insurer
22 subject to ~~this act~~ Section 1631 et seq. of this title or any
23 director, officer, employee or agent thereof has engaged in any
24 transaction or entered into a contract which is subject to Section ~~6~~

1 1636 of this ~~act~~ title and which would not have been approved had
2 the approval been requested, the Commissioner may order the insurer
3 to cease and desist immediately any further activity under that
4 transaction or contract. After notice and hearing the Commissioner
5 may also order the insurer to void any contracts and restore the
6 status quo if the action is in the best interest of the
7 policyholders, creditors or the public.

8 D. Whenever it appears to the Commissioner that any insurer or
9 any director, officer, employee or agent thereof has committed a
10 willful violation of ~~this act~~ Section 1631 et seq. of this title,
11 the Commissioner may submit such information to the district
12 attorney for Oklahoma County for appropriate action against the
13 insurer or the responsible director, officer, employee or agent
14 thereof. Any insurer which willfully violates this act may be fined
15 not more than One Hundred Thousand Dollars (\$100,000.00). Any
16 individual who willfully violates ~~this act~~ Section 1631 et seq. of
17 this title, upon conviction, shall be guilty of a Class D3 felony
18 punishable in accordance with the provisions of Section 20 of this
19 act ~~may be fined in his or her individual capacity not more than~~
20 ~~Fifty Thousand Dollars (\$50,000.00) or be imprisoned for not more~~
21 ~~than one (1) to three (3) years or both.~~

22 E. Any officer, director or employee of an insurance holding
23 company system who willfully and knowingly subscribes to or makes or
24 causes to be made any false statements or false reports or false

1 filings with the intent to deceive the Commissioner in the
2 performance of his or her duties under ~~this act~~ Section 1631 et seq.
3 of this title, upon conviction shall be ~~imprisoned for not more than~~
4 ~~five (5) years or fined One Hundred Fifty Thousand Dollars~~
5 ~~(\$150,000.00) or both~~ guilty of a Class D1 felony punishable in
6 accordance with the provisions of Section 18 of this act. Any fines
7 imposed shall be paid by the officer, director or employee in his or
8 her individual capacity.

9 F. Whenever it appears to the Commissioner that any person has
10 committed a violation of Section ~~3~~ 1633 of this ~~act~~ title which
11 prevents the full understanding of the enterprise risk to the
12 insurer by affiliates or by the insurance holding company system,
13 the violation may serve as an independent basis for disapproving
14 dividends or distributions and for placing the insurer under an
15 order of supervision in accordance with ~~Article 18 of Title 36 of~~
16 ~~the Oklahoma Statutes~~ Section 1801 et seq. of this title.

17 SECTION 484. AMENDATORY 36 O.S. 2021, Section 2737.1, is
18 amended to read as follows:

19 Section 2737.1. A. Any person who willfully makes a false or
20 fraudulent statement in or relating to an application for membership
21 or for the purpose of obtaining money from or a benefit in any
22 society, upon conviction, shall be guilty of a misdemeanor,
23 punishable by a fine of not less than One Hundred Dollars (\$100.00)
24 nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in

1 the county jail for not less than thirty (30) days nor more than one
2 (1) year, or both.

3 B. Any person who willfully makes a false or fraudulent
4 statement in any verified report or declaration under oath required
5 or authorized by this article, or of any material fact or thing
6 contained in a sworn statement concerning the death or disability of
7 a member for the purpose of procuring payment of a benefit named in
8 the certificate, is guilty of ~~the~~ a Class D3 felony of perjury and
9 ~~is subject to the penalties therefor prescribed by law~~ punishable in
10 accordance with the provisions of Section 20 of this act.

11 C. Any person who solicits membership for, or in any manner
12 assists in procuring membership in, any society not licensed to do
13 business in this state, upon conviction, shall be fined not less
14 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
15 (\$500.00).

16 D. Any person guilty of a willful violation of, or neglect of
17 or refusal to comply with, the provisions of this article for which
18 a penalty is not otherwise prescribed, shall, upon conviction, be
19 subject to a fine not exceeding One Thousand Dollars (\$1,000.00).

20 SECTION 485. AMENDATORY 36 O.S. 2021, Section 4055.14,
21 is amended to read as follows:

22 Section 4055.14. A. In addition to the penalties and other
23 enforcement provisions of the Viatical Settlements Act of 2008, if
24 any person violates the Viatical Settlements Act of 2008 or any

1 regulation implementing the Viatical Settlements Act of 2008, the
2 Insurance Commissioner may seek an injunction in a court of
3 competent jurisdiction and may apply for temporary and permanent
4 orders that the Commissioner determines are necessary to restrain
5 the person from committing the violation.

6 B. Any person damaged by the acts of a person in violation of
7 the Viatical Settlements Act of 2008 may bring a civil action
8 against the person committing the violation in a court of competent
9 jurisdiction.

10 C. The Commissioner may issue, in accordance with the
11 Administrative Procedures Act, a cease and desist order upon a
12 person that violates any provision of the Viatical Settlements Act
13 of 2008, any regulation or order adopted by the Commissioner, or any
14 written agreement entered into with the Commissioner.

15 D. When the Commissioner finds that an activity in violation of
16 the Viatical Settlements Act of 2008 presents an immediate danger to
17 the public that requires an immediate final order, the Commissioner
18 may issue an emergency cease and desist order reciting with
19 particularity the facts underlying the findings. The emergency
20 cease and desist order is effective immediately upon service of a
21 copy of the order on the respondent and remains effective for ninety
22 (90) days. If the Commissioner begins nonemergency cease and desist
23 proceedings, the emergency cease and desist order remains effective,

24

1 absent an order by a court of competent jurisdiction pursuant to the
2 Administrative Procedures Act.

3 E. In addition to the penalties and other enforcement
4 provisions of the Viatical Settlements Act of 2008, any person who
5 violates the Viatical Settlements Act of 2008 is subject to civil
6 penalties of up to Ten Thousand Dollars (\$10,000.00) per violation.
7 Imposition of civil penalties shall be pursuant to an order of the
8 Commissioner issued under Section 313 of ~~Title 36 of the Oklahoma~~
9 ~~Statutes~~ this title. The Commissioner's order may require a person
10 found to be in violation of the Viatical Settlements Act of 2008 to
11 make restitution to persons aggrieved by violations of the Viatical
12 Settlements Act of 2008.

13 F. A person convicted of a violation of the Viatical
14 Settlements Act by a court of competent jurisdiction shall be ~~guilty~~
15 ~~of a felony punishable as follows:~~

16 1. ~~To imprisonment for not more than twenty (20) years~~ Guilty
17 of a Class B3 felony and shall be punished in accordance with the
18 provisions of Section 12 of this act, ~~or to payment of a fine of not~~
19 ~~more than One Hundred Thousand Dollars (\$100,000.00), or both,~~ if
20 the value of the viatical settlement contract is more than Thirty-
21 five Thousand Dollars (\$35,000.00);

22 2. ~~To imprisonment for not more than ten (10) years~~ Guilty of a
23 Class C2 felony and shall be punished in accordance with the
24 provisions of Section 17 of this act, ~~or to payment of a fine of not~~

1 ~~more than Twenty Thousand Dollars (\$20,000.00), or both,~~ if the
2 value of the viatical settlement contract is more than Two Thousand
3 Five Hundred Dollars (\$2,500.00) but not more than Thirty-five
4 Thousand Dollars (\$35,000.00);

5 3. ~~To imprisonment for not more than five (5) years or to~~
6 ~~payment of a fine of not more than Ten Thousand Dollars~~
7 ~~(\$10,000.00), or both,~~ Be guilty of a Class D1 felony and shall be
8 punished in accordance with the provisions of Section 18 of this act
9 if the value of the viatical settlement contract is more than Five
10 Hundred Dollars (\$500.00) but not more than Two Thousand Five
11 Hundred Dollars (\$2,500.00); or

12 4. ~~To imprisonment for not more than one (1) year or to payment~~
13 ~~of a fine of not more than Three Thousand Dollars (\$3,000.00), or~~
14 ~~both,~~ Be guilty of a Class D3 felony and shall be punished in
15 accordance with the provisions of Section 20 of this act, if the
16 value of the viatical settlement contract is Five Hundred Dollars
17 (\$500.00) or less.

18 A person convicted of a violation of the Viatical Settlements
19 Act of 2008 shall be ordered to pay restitution to persons aggrieved
20 by the violation of the Viatical Settlements Act of 2008.
21 Restitution shall be ordered in addition to a fine or imprisonment,
22 but not in lieu of a fine or imprisonment.

23 G. Except for a fraudulent viatical settlement act committed by
24 a viator, the enforcement provisions and penalties of this section

1 shall not apply to a viator. A person convicted of a violation of
2 the Viatical Settlements Act of 2008 by a court of competent
3 jurisdiction may be sentenced in accordance with paragraph 1, 2, 3
4 or 4 of subsection F of this section based on the greater of (i) the
5 value of property, services, or other benefit wrongfully obtained or
6 attempted to obtain, or (ii) the aggregate economic loss suffered by
7 any person as a result of the violation. A person convicted of a
8 fraudulent viatical settlement act must be ordered to pay
9 restitution to persons aggrieved by the fraudulent viatical
10 settlement act. Restitution must be ordered in addition to a fine
11 or imprisonment but not in lieu of a fine or imprisonment.

12 In any prosecution under paragraphs 1, 2, 3 and 4 of subsection
13 F of this section the value of the viatical settlement contracts
14 within any six-month period may be aggregated and the defendant
15 charged accordingly in applying the provisions of this section.
16 When two or more offenses are committed by the same person in two or
17 more counties, the accused may be prosecuted in any county in which
18 one of the offenses was committed for all of the offenses aggregated
19 under this section. The applicable statute of limitations provision
20 under Section 93 of Title 12 of the Oklahoma Statutes shall not
21 begin to run until the insurance company or law enforcement agency
22 is aware of the fraud, but in no event may the prosecution be
23 commenced later than seven (7) years after the act has occurred.

24

1 SECTION 486. AMENDATORY 36 O.S. 2021, Section 6130, is
2 amended to read as follows:

3 Section 6130. A. Any officer, director, agent, or employee of
4 any organization subject to the terms of Sections 6121 through
5 6136.18 of this title who makes or attempts to make any contract in
6 violation of the provisions of Sections 6121 through 6136.18 of this
7 title, or who refuses to allow an inspection of the records of the
8 organization, or who violates any other provision of Sections 6121
9 through 6136.18 of this title, upon conviction, shall be guilty of a
10 Class D1 felony and shall be punished ~~by imprisonment in the custody~~
11 ~~of the Department of Corrections for a term of not more than ten~~
12 ~~(10) years, and a fine not exceeding Ten Thousand Dollars~~
13 ~~(\$10,000.00),~~ in accordance with the provisions of Section 18 of
14 this act and ordered to pay restitution to the victim. Each
15 violation of any provision of Sections 6121 through 6136.18 of this
16 title shall be deemed a separate offense and prosecuted
17 individually.

18 B. The violation of any provision of Sections 6121 through
19 6136.18 of this title shall constitute a cause for the Oklahoma
20 Funeral Board to revoke, or to refuse to issue or renew, any license
21 issued pursuant to the provisions of Sections 396 through 396.33 of
22 Title 59 of the Oklahoma Statutes. The violation of any provision
23 of Sections 6121 through 6136.18 of this title shall constitute a
24 cause for the Insurance Commissioner to issue a notice and order to

1 show cause why the licensee shall not be censured, have the license
2 of the licensee suspended or revoked, be subject to a fine of not
3 less than One Hundred Dollars (\$100.00) and not more than One
4 Thousand Dollars (\$1,000.00), or be subject to both such fine and
5 punishment.

6 SECTION 487. AMENDATORY 37A O.S. 2021, Section 3-101, is
7 amended to read as follows:

8 Section 3-101. A. No person shall manufacture, rectify, sell,
9 possess, store, import into or export from this state, transport or
10 deliver any alcoholic beverage except as specifically provided in
11 the Oklahoma Alcoholic Beverage Control Act. Provided, that nothing
12 herein shall prevent the possession and transportation of alcoholic
13 beverages for the personal use of the possessor and his or her
14 family and guests, so long as the Oklahoma excise tax has been paid
15 thereon, except for beer. Provided, further, that nothing herein
16 shall prevent a person from making beer, cider or wine, by simple
17 fermentation and without distillation for personal use if the maker
18 of such beverages has first applied for and possesses a valid
19 personal use permit issued by the ABLE Commission and the total
20 volume of beer, cider or wine produced in any given calendar year is
21 less than two hundred (200) gallons. No beverages made pursuant to
22 a personal use permit shall be sold or offered for sale.

23 B. 1. Any duly licensed physician or dentist may possess and
24 use alcoholic beverages in the strict practice of the profession and

1 any hospital or other institution caring for sick or diseased
2 persons may possess and use alcoholic beverages for the treatment of
3 bona fide patients of such hospital or institution. Any drugstore
4 employing a licensed pharmacist may possess and use alcoholic
5 beverages in the preparation of prescriptions of duly licensed
6 physicians.

7 2. The possession, transportation and dispensation of wine by
8 any authorized representative of any church for the conducting of a
9 bona fide rite or religious ceremony conducted by such church shall
10 not be prohibited by the Oklahoma Alcoholic Beverage Control Act;
11 nor shall such act prevent the sale, shipping or delivery of
12 sacramental wine by any person holding a sacramental wine supplier
13 license issued pursuant to the Oklahoma Alcoholic Beverage Control
14 Act to any religious corporation or society of this state holding a
15 valid exemption from taxation issued pursuant to Section 501(a) of
16 the Internal Revenue Code, 1954, and listed as an exempt
17 organization in Section 501(c) (3) of the Internal Revenue Code,
18 1954, of the United States, as amended.

19 3. Provided further, that nothing in the Oklahoma Alcoholic
20 Beverage Control Act shall prevent the possession, transportation
21 and sale of alcoholic beverages within military reservations and in
22 accordance with the laws and rules governing such military
23 reservations, provided that the Oklahoma excise tax has been paid on
24 such beverages.

1 C. 1. Except as otherwise authorized by law, it is unlawful
2 for any brewer, manufacturer, wine and spirits wholesaler, beer
3 distributor or retailer of alcoholic beverages, located and doing
4 business from outside this state, to make retail sales of alcoholic
5 beverages to purchasers located in this state or to ship alcoholic
6 beverages sold at retail to persons located in this state. Any
7 person who engages in the sale or shipping of alcoholic beverages in
8 violation of the provisions of this subsection, upon conviction,
9 shall be guilty of a Class D1 felony punishable ~~by imprisonment for~~
10 ~~not more than five (5) years~~ in accordance with the provisions of
11 Section 18 of this act, if the sale or delivery is made to a person
12 under twenty-one (21) years of age, or a misdemeanor, if the sale or
13 delivery is made to a person twenty-one (21) years of age or older.

14 2. ~~The fine for a violation of this subsection shall be not~~
15 ~~more than Five Thousand Dollars (\$5,000.00).~~

16 3. In addition, if the person holds a license issued by the
17 ABLE Commission, the license shall be revoked pursuant to Section ~~60~~
18 2-148 of this ~~act~~ title.

19 D. All brewers, importers, brokers and others who sell beer or
20 cider to licensed beer distributors in ~~Oklahoma~~ this state or
21 manufacturers, importers, brokers and others who sell cider to
22 licensed beer distributors in ~~Oklahoma~~ this state, regardless of
23 whether such sales are consummated within or without the state, must
24

1 obtain a license, as the case may be, in order to sell beer or cider
2 intended for consumption within ~~the State of Oklahoma~~ this state.

3 SECTION 488. AMENDATORY 37A O.S. 2021, Section 6-101, is
4 amended to read as follows:

5 Section 6-101. A. No person shall:

6 1. Knowingly sell, deliver or furnish alcoholic beverages to
7 any person under twenty-one (21) years of age;

8 2. Sell, deliver or knowingly furnish alcoholic beverages to an
9 intoxicated person or to any person who has been adjudged insane or
10 mentally deficient;

11 3. Open a retail container or consume alcoholic beverages on
12 the premises of a package store, grocery store, convenience store or
13 drug store, unless otherwise permitted by law;

14 4. Import into this state, except as provided for in the
15 Oklahoma Alcoholic Beverage Control Act, any alcoholic beverages;
16 provided, that nothing herein shall prohibit the importation or
17 possession for personal use of not more than one (1) liter of
18 alcoholic beverages upon which the Oklahoma excise tax is
19 delinquent;

20 5. Receive, possess or use any alcoholic beverage in violation
21 of the provisions of the Oklahoma Alcoholic Beverage Control Act;

22 6. Knowingly transport into, within or through this state more
23 than one (1) liter of alcoholic beverages upon which the Oklahoma
24 excise tax has not been paid unless the person accompanying or in

1 charge of the vehicle transporting same shall possess a true copy of
2 a bill of lading, invoice, manifest or other document particularly
3 identifying that alcoholic beverages are being transported and
4 showing the name and address of the consignor and consignee;
5 provided, this prohibition shall not apply to the first one hundred
6 eighty (180) liters of alcoholic beverages classified as household
7 goods by military personnel, age twenty-one (21) or older, when
8 entering Oklahoma from temporary active assignment outside the
9 contiguous United States;

10 7. Knowingly transport in any vehicle upon a public highway,
11 street or alley any alcoholic beverage except in the original
12 container which shall not have been opened and the seal upon which
13 shall not have been broken and from which the original cap or cork
14 shall not have been removed, unless the opened container be in the
15 rear trunk or rear compartment, which shall include the spare tire
16 compartment in a vehicle commonly known as a station wagon and panel
17 truck, or any outside compartment which is not accessible to the
18 driver or any other person in the vehicle while it is in motion;

19 8. Consume spirits in public except on the premises of a
20 licensee of the ABLE Commission who is authorized to sell or serve
21 spirits by the individual drink, or be intoxicated in a public
22 place. This provision shall be cumulative and in addition to
23 existing law;

24

1 9. Forcibly resist lawful arrest, or by physical contact
2 interfere with an investigation of any infringement of the Oklahoma
3 Alcoholic Beverage Control Act or with any lawful search or seizure
4 being made by a law enforcement officer or an employee of the ABLE
5 Commission, when such person knows or should know that such acts are
6 being performed by a state, county or municipal officer or employee
7 of the ABLE Commission;

8 10. Manufacture, duplicate, counterfeit or in any way imitate
9 any bottle club membership card required to be issued by the ABLE
10 Commission without the permission of the ABLE Commission;

11 11. Consume or possess alcoholic beverages on the licensed
12 premises of a bottle club unless such person possesses a valid
13 membership card for that club issued by the club;

14 12. Knowingly possess any bottle club membership card required
15 to be issued by the ABLE Commission which has been manufactured,
16 counterfeited, imitated or in any way duplicated without the
17 permission of the ABLE Commission; or

18 13. Knowingly and willfully permit any individual under twenty-
19 one (21) years of age who is an invitee to the person's residence,
20 any building, structure or room owned, occupied, leased or otherwise
21 procured by the person or on any land owned, occupied, leased or
22 otherwise procured by the person, to possess or consume any
23 alcoholic beverage as defined by Section 1-103 of this title, any
24

1 controlled dangerous substance as defined in the Uniform Controlled
2 Dangerous Substances Act, or any combination thereof, in such place.

3 B. Except as provided for in subsection C of this section,
4 punishment for violation of paragraph 13 of subsection A of this
5 section shall be as follows:

6 1. Any person who is convicted of a violation of the provisions
7 of paragraph 13 of subsection A of this section shall be deemed
8 guilty of a misdemeanor for the first offense and be punished by a
9 fine of not more than Five Hundred Dollars (\$500.00) and shall be
10 required to attend a victims impact panel program as defined in
11 Section 991a of Title 22 of the Oklahoma Statutes;

12 2. Any person who, within ten (10) years after previous
13 convictions of a violation:

14 a. of paragraph 13 of subsection A of this section,

15 b. of the provisions of any law of another state
16 prohibiting the offense provided for in paragraph 13
17 of subsection A of this section, or

18 c. in a municipal criminal court of record for the
19 violation of a municipal ordinance prohibiting the
20 offense provided for in paragraph 13 of subsection A
21 of this section,

22 shall be guilty of a misdemeanor and shall be punished by a fine of
23 not more than One Thousand Dollars (\$1,000.00) and shall be required
24

1 to attend a victims impact panel program as defined in Section 991a
2 of Title 22 of the Oklahoma Statutes;

3 3. Any person who, within ten (10) years after two or more
4 previous convictions of a violation:

5 a. of paragraph 13 of subsection A of this section,

6 b. of the provisions of any law of another state
7 prohibiting the offense provided for in paragraph 13
8 of subsection A of this section, or

9 c. in a municipal criminal court of record for the
10 violation of a municipal ordinance prohibiting the
11 offense provided for in paragraph 13 of subsection A
12 of this section, or

13 d. or any combination of two or more thereof,

14 shall be guilty of a Class D3 felony and shall be punished ~~by a fine~~
15 ~~of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or~~
16 ~~by imprisonment in the custody of the Department of Corrections for~~
17 ~~not more than five (5) years, or by both such fine and imprisonment~~
18 in accordance with the provisions of Section 20 of this act and
19 shall be required to attend a victims impact panel program as
20 defined in Section 991a of Title 22 of the Oklahoma Statutes.

21 C. Any person who violates paragraph 13 of subsection A of this
22 section, and such actions cause great bodily injury or the death of
23 a person, shall, in addition to any other penalty provided by law,
24 be guilty of a Class D1 felony, punishable ~~by imprisonment in the~~

1 ~~custody of the Department of Corrections for not more than five (5)~~
2 ~~years, a fine of not less than Two Thousand Five Hundred Dollars~~
3 ~~(\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or both~~
4 ~~such fine and imprisonment~~ in accordance with the provisions of
5 Section 18 of this act and shall be required to attend a victims
6 impact panel program as defined in Section 991a of Title 22 of the
7 Oklahoma Statutes.

8 D. Except as provided in subsection C of Section 6-126 of this
9 title, any person who shall engage in any of the following and
10 disturb the peace of any person:

11 1. In any public place, or in or upon any passenger coach,
12 streetcar, or in or upon any other vehicle commonly used for the
13 transportation of passengers, or in or about any depot, platform,
14 waiting station or room, drink or otherwise consume any intoxicating
15 liquor unless authorized by the Oklahoma Alcoholic Beverage Control
16 Act, intoxicating substance or intoxicating compound of any kind, or
17 inhale glue, paint or other intoxicating substance;

18 2. Be drunk or intoxicated in any public or private road, or in
19 any passenger coach, streetcar or any public place or building, or
20 at any public gathering, from drinking or consuming such
21 intoxicating liquor, intoxicating substance or intoxicating compound
22 or from inhalation of glue, paint or other intoxicating substance;
23 or

24 3. Be drunk or intoxicated from any cause,

1 shall be guilty of a misdemeanor, and upon conviction thereof shall
2 be punished by a fine of not less than Ten Dollars (\$10.00), nor
3 more than One Hundred Dollars (\$100.00) or by imprisonment for not
4 less than five (5) days nor more than thirty (30) days or by both
5 such fine and imprisonment.

6 SECTION 489. AMENDATORY 37A O.S. 2021, Section 6-115, is
7 amended to read as follows:

8 Section 6-115. Any person who shall operate a whiskey still
9 with intent to produce alcoholic beverages or any person who shall
10 carry on the business of a distiller without possessing a valid and
11 existing distiller's license issued pursuant to the provisions of
12 the Oklahoma Alcoholic Beverage Control Act shall be guilty of a
13 Class D3 felony and upon conviction, be ~~fined not less than Two~~
14 ~~Thousand Five Hundred Dollars (\$2,500.00) nor more than Five~~
15 ~~Thousand Dollars (\$5,000.00), or imprisoned in the State~~
16 ~~Penitentiary for not more than three (3) years, or by both such fine~~
17 ~~and imprisonment~~ punished in accordance with the provisions of
18 Section 20 of this act.

19 SECTION 490. AMENDATORY 37A O.S. 2021, Section 6-116, is
20 amended to read as follows:

21 Section 6-116. Any person who shall file a false or fraudulent
22 return in connection with any tax imposed by the Oklahoma Alcoholic
23 Beverage Control Act, or willfully evade, or attempt to evade, any
24 tax herein levied shall be guilty of a Class D3 felony and upon

1 conviction, be ~~fin~~ed not less than Two Thousand Five Hundred Dollars
2 ~~(\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or~~
3 ~~imprisoned in the State Penitentiary for not more than three (3)~~
4 ~~years, or by both such fine and imprisonment~~ punished in accordance
5 with the provisions of Section 20 of this act, or.

6 SECTION 491. AMENDATORY 37A O.S. 2021, Section 6-117, is
7 amended to read as follows:

8 Section 6-117. Any person who shall knowingly engage in any
9 activity or perform any transaction or act for which a license is
10 required under the Oklahoma Alcoholic Beverage Control Act, not
11 having such license, shall be guilty of a misdemeanor and for the
12 first offense, upon conviction, be fined not more than Two Thousand
13 Five Hundred Dollars (\$2,500.00) and imprisoned for not less than
14 thirty (30) days nor more than six (6) months, and for a second or
15 subsequent offense shall be guilty of a Class D3 felony ~~and be fined~~
16 ~~not more than Two Thousand Five Hundred Dollars (\$2,500.00), or~~
17 ~~imprisoned in the State Penitentiary for not more than one (1) year,~~
18 ~~or by both such fine and imprisonment~~ punishable in accordance with
19 the provisions of Section 20 of this act, or.

20 SECTION 492. AMENDATORY 37A O.S. 2021, Section 6-123, is
21 amended to read as follows:

22 Section 6-123. Any person selling or keeping a package store
23 open to sell any alcoholic beverage during any day or hours not
24 authorized by the Oklahoma Alcoholic Beverage Control Act, and any

1 person selling or permitting the sale of alcoholic beverages at a
2 grocery store, convenience store or drug store during any day or
3 hours not authorized by the Oklahoma Alcoholic Beverage Control Act
4 shall be guilty of a misdemeanor for a first violation, and upon
5 conviction shall be fined not more than Five Hundred Dollars
6 (\$500.00), or imprisoned in the county jail for not more than one
7 (1) year, or by both such fine and imprisonment. Any person
8 convicted of a second or subsequent violation shall be guilty of a
9 Class D1 felony, and shall be ~~fined not less than Two Thousand Five~~
10 ~~Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars~~
11 ~~(\$5,000.00), or imprisoned in the State Penitentiary for not more~~
12 ~~than five (5) years, or by both such fine and imprisonment~~ punished
13 in accordance with the provisions of Section 18 of this act. The
14 ABLE Commission shall revoke the license of any person convicted of
15 a violation of this section.

16 SECTION 493. AMENDATORY 37A O.S. 2021, Section 6-129, is
17 amended to read as follows:

18 Section 6-129. A. As used in this section, "powdered alcohol"
19 means alcohol prepared or sold in a powder form for either direct
20 use or reconstitution.

21 B. It is unlawful for any person or licensee to use, offer for
22 use, purchase, offer to purchase, sell, offer to sell or possess
23 powdered alcohol.

24

1 C. It is unlawful for a holder of a license pursuant to the
2 provisions of Title 37A of the Oklahoma Statutes for on-premises or
3 off-premises consumption of alcoholic beverages to use powdered
4 alcohol as an alcoholic beverage.

5 D. Any person or license holder that violates this section, ~~is~~
6 ~~guilty of a misdemeanor and~~ upon conviction shall be punished as
7 follows:

8 1. For a first offense, shall be guilty of a misdemeanor and
9 shall be punished by a fine of not more than Three Hundred Dollars
10 (\$300.00) or by imprisonment for not more than thirty (30) days or
11 by both;

12 2. For a second offense, ~~by a fine of not more than Seven~~
13 ~~Hundred Fifty Dollars (\$750.00) or by imprisonment for not more than~~
14 ~~six (6) months or by both~~ shall be guilty of a misdemeanor and shall
15 be punished; or

16 3. For a third or subsequent offense, ~~by a fine of not more~~
17 ~~than Three Thousand Dollars (\$3,000.00) or by imprisonment for not~~
18 ~~more than two (2) years or by both~~ shall be guilty of a Class D3
19 felony and shall be punished in accordance with the provisions of
20 Section 20 of this.

21 SECTION 494. AMENDATORY 40 O.S. 2021, Section 4-508, is
22 amended to read as follows:

23 Section 4-508. INFORMATION TO BE KEPT CONFIDENTIAL -
24 DISCLOSURE.

1 A. Except as otherwise provided by law, information obtained
2 from any employing unit or individual pursuant to the administration
3 of the Employment Security Act of 1980, any workforce system program
4 administered or monitored by the Oklahoma Employment Security
5 Commission, and determinations as to the benefit rights of any
6 individual shall be kept confidential and shall not be disclosed or
7 be open to public inspection in any manner revealing the
8 individual's or employing unit's identity. Any claimant, employer,
9 or agent of either as authorized in writing, shall be supplied with
10 information from the records of the Oklahoma Employment Security
11 Commission, to the extent necessary for the proper presentation of
12 the claim or complaint in any proceeding under the Employment
13 Security Act of 1980, with respect thereto.

14 B. Upon receipt of written request by any employer who
15 maintains a Supplemental Unemployment Benefit (SUB) Plan, the
16 Commission or its designated representative may release to that
17 employer information regarding weekly benefit amounts paid its
18 workers during a specified temporary layoff period, provided the
19 Supplemental Unemployment Benefit (SUB) Plan requires benefit
20 payment information before Supplemental Unemployment Benefits can be
21 paid to the workers. Any information disclosed under this provision
22 shall be utilized solely for the purpose outlined herein and shall
23 be held strictly confidential by the employer.

24

1 C. The provisions of this section shall not prevent the
2 Commission from disclosing the following information and no
3 liability whatsoever, civil or criminal, shall attach to any member
4 of the Commission or any employee thereof for any error or omission
5 in the disclosure of this information:

6 1. The delivery to taxpayer or claimant a copy of any report or
7 other paper filed by the taxpayer or claimant pursuant to the
8 Employment Security Act of 1980;

9 2. The disclosure of information to any person for a purpose as
10 authorized by the taxpayer or claimant pursuant to a waiver of
11 confidentiality. The waiver shall be in writing and shall be
12 notarized;

13 3. The Oklahoma Department of Commerce may have access to data
14 obtained pursuant to the Employment Security Act of 1980 pursuant to
15 rules promulgated by the Commission. The information obtained shall
16 be held confidential by the Department and any of its agents and
17 shall not be disclosed or be open to public inspection. The
18 Oklahoma Department of Commerce, however, may release aggregated
19 data, either by industry or county, provided that the aggregation
20 meets disclosure requirements of the Commission;

21 4. The publication of statistics so classified as to prevent
22 the identification of a particular report and the items thereof;

23 5. The disclosing of information or evidence to the Attorney
24 General or any district attorney when the information or evidence is

1 to be used by the officials or other parties to the proceedings to
2 prosecute or defend allegations of violations of the Employment
3 Security Act of 1980. The information disclosed to the Attorney
4 General or any district attorney shall be kept confidential by them
5 and not be disclosed except when presented to a court in a
6 prosecution of a violation of Section 1-101 et seq. of this title,
7 and a violation by the Attorney General or district attorney by
8 otherwise releasing the information shall be a Class D1 felony
9 punishable in accordance with the provisions of Section 18 of this
10 act;

11 6. The furnishing, at the discretion of the Commission, of any
12 information disclosed by the records or files to any official person
13 or body of this state, any other state or of the United States who
14 is concerned with the administration of assessment of any similar
15 tax in this state, any other state or the United States;

16 7. The furnishing of information to other state agencies for
17 the limited purpose of aiding in the collection of debts owed by
18 individuals to the requesting agencies or the Oklahoma Employment
19 Security Commission;

20 8. The release of information to employees of the ~~Oklahoma~~
21 Department of Transportation required for use in federally mandated
22 regional transportation planning, which is performed as a part of
23 its official duties;

24

1 9. The release of information to employees of the ~~Oklahoma~~
2 State Treasurer's office required to verify or evaluate the
3 effectiveness of the Oklahoma Small Business Linked Deposit Program
4 on job creation;

5 10. The release of information to employees of the Attorney
6 General, the Department of Labor, the Workers' Compensation
7 Commission and the Insurance Department for use in investigation of
8 workers' compensation fraud;

9 11. The release of information to employees of any ~~Oklahoma~~
10 state, ~~Oklahoma~~ county, ~~Oklahoma~~ municipal or ~~Oklahoma~~ tribal law
11 enforcement agency for use in criminal investigations and the
12 location of missing persons or fugitives from justice;

13 12. The release of information to employees of the Center of
14 International Trade, Oklahoma State University, required for the
15 development of International Trade for employers doing business in
16 ~~the State of Oklahoma~~ this state;

17 13. The release of information to employees of the Oklahoma
18 State Regents for Higher Education required for use in the default
19 prevention efforts and/or collection of defaulted student loans
20 guaranteed by the Oklahoma Guaranteed Student Loan Program. Any
21 information disclosed under this provision shall be utilized solely
22 for the purpose outlined herein and shall be held strictly
23 confidential by the Oklahoma State Regents for Higher Education;

24

1 14. The release of information to employees of the Oklahoma
2 Department of Career and Technology Education, the Oklahoma State
3 Regents for Higher Education, the Center for Economic and Management
4 Research of the University of Oklahoma, the Center for Economic and
5 Business Development at Southwestern Oklahoma State University or a
6 center of economic and business research or development at a
7 comprehensive or regional higher education institution within The
8 Oklahoma State System of Higher Education required to identify
9 economic trends or educational outcomes. The information obtained
10 shall be kept confidential by the Oklahoma Department of Career and
11 Technology Education, the Oklahoma State Regents for Higher
12 Education and the higher education institution and shall not be
13 disclosed or be open to public inspection. The Oklahoma Department
14 of Career and Technology Education, the Oklahoma State Regents for
15 Higher Education and the higher education institution may release
16 aggregated data, provided that the aggregation meets disclosure
17 requirements of the Commission;

18 15. The release of information to employees of the Office of
19 Management and Enterprise Services required to identify economic
20 trends. The information obtained shall be kept confidential by the
21 Office of Management and Enterprise Services and shall not be
22 disclosed or be open to public inspection. The Office of Management
23 and Enterprise Services may release aggregate data, provided that

24

1 the aggregation meets disclosure requirements of the Oklahoma
2 Employment Security Commission;

3 16. The release of information to employees of the Department
4 of Mental Health and Substance Abuse Services required to evaluate
5 the effectiveness of mental health and substance abuse treatment and
6 state or local programs utilized to divert persons from inpatient
7 treatment. The information obtained shall be kept confidential by
8 the Department and shall not be disclosed or be open to public
9 inspection. The Department of Mental Health and Substance Abuse
10 Services, however, may release aggregated data, either by treatment
11 facility, program or larger aggregate units, provided that the
12 aggregation meets disclosure requirements of the Oklahoma Employment
13 Security Commission;

14 17. The release of information to employees of the Attorney
15 General, the Oklahoma State Bureau of Investigation and the
16 Insurance Department for use in the investigation of insurance fraud
17 and health care fraud;

18 18. The release of information to employees of public housing
19 agencies for purposes of determining eligibility pursuant to 42
20 U.S.C., Section 503(i);

21 19. The release of wage and benefit claim information, at the
22 discretion of the Commission, to an agency of this state or its
23 political subdivisions that operate a program or activity designated
24 as a required partner in the Workforce Innovation and Opportunity

1 Act One-Stop delivery system pursuant to 29 U.S.C.A., Section
2 3151(b) (1), based on a showing of need made to the Commission and
3 after an agreement concerning the release of information is entered
4 into with the entity receiving the information. For the limited
5 purpose of completing performance accountability reports required by
6 the Workforce Innovation and Opportunity Act, only those designated
7 required partners that meet the 20 CFR Section 603.2(d) definition
8 of public official may contract with a private agent or contractor
9 pursuant to 20 CFR Section 603.5(f) for the purpose of the private
10 agent or contractor receiving confidential unemployment compensation
11 information to the extent necessary to complete the performance
12 accountability reports;

13 20. The release of information to the State Wage Interchange
14 System, at the discretion of the Commission;

15 21. The release of information to the Bureau of the Census of
16 the U.S. Department of Commerce for the purpose of economic and
17 statistical research;

18 22. The release of employer tax information and benefit claim
19 information to the Oklahoma Health Care Authority for use in
20 determining eligibility for a program that will provide subsidies
21 for health insurance premiums for qualified employers, employees,
22 self-employed persons and unemployed persons;

23

24

1 23. The release of employer tax information and benefit claim
2 information to the State Department of Rehabilitation Services for
3 use in assessing results and outcomes of clients served;

4 24. The release of information to any state or federal law
5 enforcement authority when necessary in the investigation of any
6 crime in which the Commission is a victim. Information that is
7 confidential under this section shall be held confidential by the
8 law enforcement authority unless and until it is required for use in
9 court in the prosecution of a defendant in a criminal prosecution;

10 25. The release of information to vendors that contract with
11 the Oklahoma Employment Security Commission to provide for the
12 issuance of debit cards, to conduct electronic fund transfers, to
13 perform computer programming operations, or to perform computer
14 maintenance or replacement operations; provided the vendor agrees to
15 protect and safeguard the information it receives and to destroy the
16 information when no longer needed for the purposes set out in the
17 contract;

18 26. The release of information to employees of the Office of
19 Juvenile Affairs for use in assessing results and outcomes of
20 clients served as well as the effectiveness of state and local
21 juvenile and justice programs including prevention and treatment
22 programs. The information obtained shall be kept confidential by
23 the Office of Juvenile Affairs and shall not be disclosed or be open
24 to public inspection. The Office of Juvenile Affairs may release

1 aggregated data for programs or larger aggregate units, provided
2 that the aggregation meets disclosure requirements of the Oklahoma
3 Employment Security Commission;

4 27. The release of information to vendors that contract with
5 the State of Oklahoma for the purpose of providing a public
6 electronic labor exchange system that will support the Oklahoma
7 Employment Security Commission's operation of an employment service
8 system to connect employers with job seekers and military veterans.
9 This labor exchange system would enhance the stability and security
10 of ~~Oklahoma's~~ this state's economy as well as support the provision
11 of veterans' priority of service. The vendors may perform computer
12 programming operations, perform computer maintenance or replacement
13 operations, or host the electronic solution; provided each vendor
14 agrees to protect and safeguard all information received, that no
15 information shall be disclosed to any third party, that the use of
16 the information shall be restricted to the scope of the contract,
17 and that the vendor shall properly dispose of all information when
18 no longer needed for the purposes set out in the contract; or

19 28. The release of employer tax information and benefit claim
20 information to employees of a county public defender's office in ~~the~~
21 ~~State of Oklahoma~~ this state and the Oklahoma Indigent Defense
22 System for the purpose of determining financial eligibility for the
23 services provided by such entities.

24

1 D. Subpoenas to compel disclosure of information made
2 confidential by this statute shall not be valid, except for
3 administrative subpoenas issued by federal, state, or local
4 governmental agencies that have been granted subpoena power by
5 statute or ordinance. Confidential information maintained by the
6 Commission can be obtained by order of a court of record that
7 authorizes the release of the records in writing. All
8 administrative subpoenas or court orders for production of documents
9 must provide a minimum of twenty (20) days from the date it is
10 served for the Commission to produce the documents. If the date on
11 which production of the documents is required is less than twenty
12 (20) days from the date of service, the subpoena or order shall be
13 considered void on its face as an undue burden or hardship on the
14 Commission. All administrative subpoenas, court orders or notarized
15 waivers of confidentiality authorized by paragraph 2 of subsection C
16 of this section shall be presented with a request for records within
17 ninety (90) days of the date the document is issued or signed, and
18 the document can only be used one time to obtain records.

19 E. Should any of the disclosures provided for in this section
20 require more than casual or incidental staff time, the Commission
21 shall charge the cost of the staff time to the party requesting the
22 information.

23 F. It is further provided that the provisions of this section
24 shall be strictly interpreted and shall not be construed as

1 permitting the disclosure of any other information contained in the
2 records and files of the Commission.

3 SECTION 495. AMENDATORY 40 O.S. 2021, Section 169, is
4 amended to read as follows:

5 Section 169. Any person who shall hire, aid, abet or assist in
6 hiring through private detective agencies or otherwise, persons to
7 guard with arms or deadly weapons of any kind, other persons or
8 property, or any person who shall come into this state armed with
9 deadly weapons of any kind for any such purpose, without a permit,
10 in writing, from the Governor, shall be guilty of a Class D1 felony,
11 and on conviction thereof shall be ~~imprisoned in the State~~
12 ~~Penitentiary not less than one (1) year nor more than five (5) years~~
13 punished in accordance with the provisions of Section 18 of this
14 act. Provided, that nothing herein contained shall be construed to
15 interfere with the right of any person, corporations, society,
16 association or organization in guarding and protecting their
17 property as provided by law; but this section shall be construed
18 only to apply in cases where workmen are brought into the state or
19 induced to go from one place to another in the state by any false
20 pretenses, false advertising, or deceptive representation, or
21 brought into the state under arms or removed from one place to
22 another in the state under arms.

23 SECTION 496. AMENDATORY 40 O.S. 2021, Section 182, is
24 amended to read as follows:

1 Section 182. Any officer, superintendent, foreman, boss, or
2 other person in authority, who, on behalf of any railroad,
3 corporation, or any other person, firm or corporation, using steam
4 boilers, violating any of the provisions of Section 181 of this
5 title, shall be deemed guilty of a Class D3 felony, and shall upon
6 conviction, be punished ~~by imprisonment for a period of not less~~
7 ~~than one (1) year nor more than two (2) years~~ in accordance with the
8 provisions of Section 20 of this act.

9 SECTION 497. AMENDATORY 42 O.S. 2021, Section 142.4, is
10 amended to read as follows:

11 Section 142.4. Any original contractor who falsifies any
12 statement regarding liens on labor or material to any owner of a
13 dwelling, upon conviction, shall be guilty of a Class D1 felony
14 punishable in accordance with the provisions of Section 18 of this
15 act.

16 SECTION 498. AMENDATORY 42 O.S. 2021, Section 153, is
17 amended to read as follows:

18 Section 153. ~~(1)~~ A. The trust funds created under Section 152
19 of this title shall be applied to the payment of said valid lienable
20 claims and no portion thereof shall be used for any other purpose
21 until all lienable claims due and owing or to become due and owing
22 shall have been paid.

23 ~~(2)~~ B. If the party receiving any money under Section 152 of
24 this title is an entity having the characteristics of limited

1 liability pursuant to law, such entity and the natural persons
2 having the legally enforceable duty for the management of the entity
3 shall be liable for the proper application of such trust funds and
4 subject to punishment under Section 1451 of Title 21 of the Oklahoma
5 Statutes. For purposes of this section, the natural persons subject
6 to punishment shall be the managing officers of a corporation and
7 the managers of a limited liability company. Any person or license
8 holder that violates this section, upon conviction shall be punished
9 as follows:

10 1. If the lien value of the property is less than One Thousand
11 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor
12 punishable by imprisonment in the county jail for a term not
13 exceeding thirty (30) days, and by a fine not less than Ten Dollars
14 (\$10.00) nor more than Five Hundred Dollars (\$500.00);

15 2. If the lien value of the property is One Thousand Dollars
16 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
17 (\$2,500.00), the person shall be guilty of a Class D3 felony
18 punished in accordance with the provisions of Section 20 of this
19 act;

20 3. If the lien value of the property is Two Thousand Five
21 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand
22 Dollars (\$15,000.00), the person shall be guilty of a Class D1
23 felony punished in accordance with the provisions of Section 18 of
24 this act; or

1 4. If the lien value of the property is Fifteen Thousand
2 Dollars (\$15,000.00) or more, the person shall be guilty of a Class
3 C2 felony punished in accordance with the provisions of Section 17
4 of this act.

5 ~~(3)~~ C. The existence of such trust funds shall not prohibit the
6 filing or enforcement of a labor, mechanic or materialmen's lien
7 against the affected real property by any lien claimant, nor shall
8 the filing of such a lien release the holder of such funds from the
9 obligations created under this section or Section 152 of this title.

10 SECTION 499. AMENDATORY 43 O.S. 2021, Section 14, is
11 amended to read as follows:

12 Section 14. Any minister of the Gospel, or other person
13 authorized to solemnize the rites of matrimony within this state,
14 who shall knowingly solemnize the rites of matrimony between persons
15 prohibited by this chapter, from intermarrying shall be deemed
16 guilty of a Class D1 felony, and upon conviction thereof shall be
17 ~~fined in any sum not exceeding Five Hundred Dollars (\$500.00) and~~
18 ~~imprisonment in the State Penitentiary not less than one (1) year~~
19 ~~nor more than five (5) years~~ punished in accordance with the
20 provisions of Section 18 of this act.

21 SECTION 500. AMENDATORY 43 O.S. 2021, Section 123, is
22 amended to read as follows:

23 Section 123. It shall be unlawful for either party to an action
24 for divorce whose former husband or wife is living to marry in this

1 state a person other than the divorced spouse within six (6) months
2 from date of decree of divorce granted in this state, or to cohabit
3 with such other person in this state during said period if the
4 marriage took place in another state; and if an appeal be commenced
5 from said decree, it shall be unlawful for either party to such
6 cause to marry any other person and cohabit with such person in this
7 state until the expiration of thirty (30) days from the date on
8 which final judgment shall be rendered pursuant to such appeal. Any
9 person violating the provisions of this section by such marriage
10 shall be deemed guilty of ~~the~~ a Class D1 felony of bigamy punished
11 in accordance with the provisions of Section 18 of this act. Any
12 person violating the provisions of this section by such cohabitation
13 shall be deemed guilty of the Class D1 felony of adultery punished
14 in accordance with the provisions of Section 18 of this act.

15 An appeal from a judgment granting or denying a divorce shall be
16 made in the same manner as in any other civil case.

17 SECTION 501. AMENDATORY 43A O.S. 2021, Section 2-219, is
18 amended to read as follows:

19 Section 2-219. Any officer or employee of a facility who
20 maliciously assaults, beats, batters, abuses, or uses mechanical
21 restraints, or willfully aids, abets, advises or permits any
22 consumer confined therein to be maliciously assaulted, beaten,
23 battered, abused, or mechanically restrained shall be guilty of a
24 Class D1 felony, and on conviction thereof shall be punished ~~by~~

1 ~~imprisonment in the State Penitentiary for not more than five (5)~~
2 ~~years, or a fine not exceeding Five Hundred Dollars (\$500.00), or~~
3 ~~both fine and imprisonment~~ in accordance with the provisions of
4 Section 18 of this act.

5 SECTION 502. AMENDATORY 43A O.S. 2021, Section 3-601, is
6 amended to read as follows:

7 Section 3-601. A. Any Class II controlled dangerous substance,
8 when used in this state by an opioid substitution treatment program
9 for persons with a history of opioid addiction to or physiologic
10 dependence on controlled dangerous substances, shall only be used:

11 1. In treating persons with a history of addiction;

12 2. In treating persons with a one-year history of opioid
13 addiction to or physiologic dependence on controlled dangerous
14 substances, as defined by the Code of Federal Regulations, and
15 documentation of attempting another type of treatment; or

16 3. If clinically appropriate, the program physician may waive
17 the requirement of a one-year history of opioid addiction for
18 consumers within six (6) months of release from a penal institution,
19 for consumers with a pregnancy verified by the program physician, or
20 for consumers having previously received treatment for opioid
21 addiction and within two (2) years of discharge from that treatment
22 episode.

23 B. Any conviction for a violation of the provisions of this
24 section or any rules promulgated pursuant to the provisions of this

1 section shall be a Class D1 felony punished in accordance with the
2 provisions of Section 18 of this act.

3 C. For the purposes of this section, "opioid substitution
4 treatment program" means a person, private physician, or
5 organization that administers or dispenses an opioid drug to a
6 narcotic addict for the purposes of detoxification or maintenance
7 treatment or provides, when necessary and appropriate, comprehensive
8 medical and rehabilitation services. A private physician who
9 administers buprenorphine with a waiver from the Drug Enforcement
10 Administration shall not be considered an opioid substitution
11 treatment program. An opioid substitution treatment program shall
12 be certified by the Board of Mental Health and Substance Abuse
13 Services, or the Commissioner of Mental Health and Substance Abuse
14 Services upon delegation by the Board, and registered with the
15 federal Drug Enforcement Administration for the use of an opioid
16 drug to treat narcotic addiction.

17 D. The Board of Mental Health and Substance Abuse Services
18 shall promulgate rules and standards for the certification of all
19 programs, private facilities, and organizations which provide opioid
20 substitution treatment directed to those physiologically dependent
21 on or addicted to opioids. These facilities and organizations shall
22 be known as "Opioid Substitution Treatment Programs". Only
23 certified facilities may receive and assist opioid-dependent and
24

1 addicted persons by providing Class II controlled substances in
2 opioid substitution treatment and rehabilitation.

3 E. The Board of Mental Health and Substance Abuse Services
4 shall promulgate rules and standards regulating the treatment and
5 services provided by opioid substitution treatment programs.
6 Failure to comply with rules and standards promulgated by the Board
7 shall be grounds for revocation, suspension or nonrenewal of
8 certification.

9 F. Opioid substitution treatment programs shall notify the
10 Department of Mental Health and Substance Abuse Services of plans to
11 close or relocate within a minimum of thirty (30) days prior to
12 closure or relocation.

13 G. Failure to comply with rules and standards promulgated by
14 the Board of Mental Health and Substance Abuse Services pursuant to
15 this section shall be grounds for reprimand, suspension, revocation
16 or nonrenewal of certification.

17 SECTION 503. AMENDATORY 43A O.S. 2021, Section 11-113,
18 is amended to read as follows:

19 Section 11-113. A. Any person who willfully conceals, cancels,
20 defaces, alters, or obliterates the advance directive for mental
21 health treatment of another without the declarant's consent, or who
22 falsifies or forges a revocation of an advance directive of another,
23 shall be, upon conviction, guilty of a misdemeanor.

24

1 B. A person who in any way falsifies or forges the advance
2 directive for mental health treatment of another person, or who
3 willfully conceals or withholds personal knowledge of a revocation
4 of an advance directive for mental health treatment, shall be, upon
5 conviction, guilty of a misdemeanor.

6 C. A person who requires or prohibits the execution of an
7 advance directive for mental health treatment as a condition for
8 being insured for, or receiving, health care services shall be, upon
9 conviction, guilty of a misdemeanor.

10 D. A person who coerces or fraudulently induces another person
11 to execute a declaration or revocation shall be, upon conviction,
12 guilty of a Class D1 felony punished in accordance with the
13 provisions of Section 18 of this act.

14 E. The sanctions provided in this section do not displace any
15 sanction applicable under any other law.

16 SECTION 504. AMENDATORY 44 O.S. 2021, Section 210, is
17 amended to read as follows:

18 Section 210. Whenever the National Guard is called into service
19 under proclamation of the Governor for the performance of any duties
20 contemplated in ~~this act~~ Section 208 et seq. of this title, any
21 person who willfully assaults, or fires at, or throws any dangerous
22 missile at, against, or upon any member or body of the National
23 Guard so engaged, or civil officer or other persons lawfully aiding
24 or assisting them in the discharge of their duties, shall be deemed

1 guilty of a Class D3 felony and upon conviction shall be ~~imprisoned~~
2 ~~in the State Penitentiary not more than two (2) years~~ punished in
3 accordance with the provisions of Section 20 of this act.

4 SECTION 505. AMENDATORY 47 O.S. 2021, Section 4-102, is
5 amended to read as follows:

6 Section 4-102. A. A person not entitled to possession of a
7 vehicle who, without the consent of the owner and with intent to
8 deprive the owner, temporarily or otherwise, of the vehicle or its
9 possession, takes, uses or drives the vehicle shall, upon
10 conviction, be guilty of a Class D3 felony punishable ~~by~~
11 ~~imprisonment in the custody of the Department of Corrections for a~~
12 ~~term not to exceed two (2) years~~ in accordance with the provisions
13 of Section 20 of this act.

14 B. A person not entitled to possession of an implement of
15 husbandry who, without the consent of the owner and with intent to
16 deprive the owner, temporarily or otherwise, of the implement of
17 husbandry or its possession, takes, uses or drives the implement of
18 husbandry shall, upon conviction, be guilty of a Class D1 felony
19 punishable in accordance with the provisions of Section ~~17-102~~ 18 of
20 this ~~title~~ act.

21 SECTION 506. AMENDATORY 47 O.S. 2021, Section 4-103, is
22 amended to read as follows:

23 Section 4-103. A. A person not entitled to the possession of a
24 vehicle who receives, possesses, conceals, sells, or disposes of it,

1 knowing the vehicle to be stolen or converted under circumstances
2 constituting a crime shall, upon conviction, be guilty of a Class D3
3 felony punishable ~~by imprisonment in the custody of the Department~~
4 ~~of Corrections for a term not to exceed two (2) years~~ in accordance
5 with the provisions of Section 20 of this act.

6 B. A person not entitled to the possession of an implement of
7 husbandry who receives, possesses, conceals, sells or disposes of
8 it, knowing the implement of husbandry to be stolen or converted
9 under circumstances constituting a crime shall, upon conviction, be
10 guilty of a Class D1 felony punishable in accordance with the
11 provisions of Section ~~17-102~~ 18 of this ~~title~~ act.

12 SECTION 507. AMENDATORY 47 O.S. 2021, Section 4-107a, is
13 amended to read as follows:

14 Section 4-107a. A. It shall be unlawful for any person to:

15 1. Knowingly and intentionally destroy, remove, cover, alter or
16 deface, or cause to be destroyed, covered, removed, altered or
17 defaced the trim tag plate of a motor vehicle manufactured from 1953
18 to 1977;

19 2. Knowingly affix a counterfeit trim tag plate to a motor
20 vehicle;

21 3. Manufacture, offer for sale, sell, introduce, import or
22 deliver for sale or use in this state a counterfeit trim tag plate;
23 or

24

1 4. Offer for sale, sell, introduce, import or deliver for sale
2 or use in this state a trim tag plate that was affixed to a motor
3 vehicle at the time of manufacture but has since been removed or
4 become dislodged.

5 B. Paragraph 1 of subsection A of this section shall not apply
6 to:

7 1. Any person who engages in repair of a motor vehicle,
8 provided that removal of the vehicle's trim tag plate is reasonably
9 necessary for repair of a part of the vehicle to which the trim tag
10 plate is affixed, and provided that such trim tag plate is not
11 intentionally destroyed, altered or defaced; or

12 2. Removal of a trim tag from a motor vehicle which is being
13 junked or otherwise destroyed, if the removal is being done for
14 historical documentation purposes by a person actively involved in
15 judging events or for historical documentation of classic motor
16 vehicles and reasonable precaution is taken to ensure that the tag
17 is not sold or affixed to another motor vehicle.

18 C. Any person convicted of violating the provisions of this act
19 shall be guilty of a misdemeanor. Any person convicted of violating
20 the provisions of this act a second or subsequent time shall be
21 guilty of a Class D1 felony punished in accordance with the
22 provisions of Section 18 of this act.

23 D. In addition to any other civil remedy available, a person
24 defrauded as a result of a violation of this act may bring a civil

1 action against any person who knowingly violated this act regardless
2 of whether that person has been convicted of a violation of this
3 act. A person defrauded as a result of a violation of this act may
4 recover treble their actual compensatory damages. In any action
5 brought pursuant to this subsection, the court may award reasonable
6 costs, including costs of expert witnesses, and attorney fees to the
7 prevailing party.

8 E. As used in this section:

9 1. "Trim tag plate" means a plate or tag affixed to a motor
10 vehicle by the manufacturer which displays numbers, symbols, or
11 codes that identify characteristics of the vehicle including, but
12 not limited to, date of manufacture, body style, paint color, engine
13 option, transmission option, trim option, general option, interior
14 option, and interior color;

15 2. "Counterfeit trim tag plate" means:

16 a. any trim tag plate manufactured by a person or entity
17 other than the original manufacturer of a motor
18 vehicle upon which the trim tag plate is designed to
19 be affixed, unless the trim tag has been permanently
20 stamped, in the same manner as other information on
21 the trim tag, with the words "REPLACEMENT TAG" in
22 letters measuring at least one-eighth (1/8) of an inch
23 in height, or
24

1 b. any trim tag plate which has been altered from its
2 original manufactured condition so as to change any of
3 its numbers, symbols, or codes; and

4 3. "Motor vehicle" means the same as defined in Section 1-134
5 of ~~Title 47 of the Oklahoma Statutes~~ this title.

6 SECTION 508. AMENDATORY 47 O.S. 2021, Section 4-108, is
7 amended to read as follows:

8 Section 4-108. Any person who shall knowingly make any false
9 statement of a material fact, either in his application for the
10 certificate of title herein provided for, or in any assignment
11 thereof, or who, with intent to procure or pass title to a motor
12 vehicle which he knows, or has reason to believe, has been stolen,
13 shall receive or transfer possession of the same from or to another,
14 or who shall have in his possession any motor vehicle which he knows
15 or has reason to believe has been stolen, and who is not an officer
16 of the law engaged at the time in the performance of his duty as
17 such officer, shall be deemed guilty of a Class C2 felony, and upon
18 conviction thereof shall be ~~fined not less than One Hundred Dollars~~
19 ~~(\$100.00) nor more than Five Thousand Dollars (\$5,000.00), or~~
20 ~~imprisoned in the State Penitentiary for a period of not less than~~
21 ~~one (1) year nor more than ten (10) years, or by both such fine and~~
22 ~~imprisonment, at the discretion of the court~~ punished in accordance
23 with the provisions of Section 17 of this act. This provision shall
24 not be exclusive of any other penalties prescribed by an existing or

1 future law for the larceny or unauthorized taking of a motor
2 vehicle.

3 SECTION 509. AMENDATORY 47 O.S. 2021, Section 4-109, is
4 amended to read as follows:

5 Section 4-109. Any person who shall alter or forge, or cause to
6 be altered or forged, any certificate of title issued by the
7 Commission, pursuant to the provisions of this act, or any
8 assignment thereof, or who shall hold or use any such certificate or
9 assignment, knowing the same to have been altered or forged, shall
10 be deemed guilty of a Class C2 felony, and upon conviction thereof
11 shall be ~~liable to pay a fine of not less than Fifty Dollars~~
12 ~~(\$50.00), nor more than Five Thousand Dollars (\$5,000.00), or to~~
13 ~~imprisonment in the State Penitentiary for a period of not less than~~
14 ~~one (1) year, nor more than ten (10) years, or by both such fine and~~
15 ~~imprisonment, at the discretion of the court~~ punished in accordance
16 with the provisions of Section 17 of this act.

17 SECTION 510. AMENDATORY 47 O.S. 2021, Section 4-110, is
18 amended to read as follows:

19 Section 4-110. A. Except as otherwise authorized by law, it
20 shall be unlawful for any person to commit any of the following
21 acts:

22 1. To lend or to sell to, or knowingly permit the use of by,
23 one not entitled thereto any certificate of title or number plate
24

1 issued to or in the custody of the person so lending or permitting
2 the use thereof;

3 2. To alter or in any manner change a certificate of title,
4 registration certificate or number plate issued under the laws of
5 this state or any other state;

6 3. To purchase identification or number plates on an assigned
7 certificate of title. This paragraph shall be applicable to all
8 persons except bona fide registered dealers in used motor vehicles
9 who are holders of current and valid used motor vehicle dealers'
10 licenses;

11 4. To sell or dispose of, in any manner, a used vehicle without
12 delivering to the purchaser an Oklahoma certificate of title in such
13 purchaser's name or one properly and completely assigned to the
14 purchaser at the time of sale.

15 Anyone violating any of the provisions of this subsection, upon
16 conviction, shall be guilty of a misdemeanor and shall be fined not
17 less than Ten Dollars (\$10.00) and not to exceed One Hundred Dollars
18 (\$100.00).

19 B. Except as otherwise authorized by law, no person shall:

20 1. Lend or sell to, or knowingly permit the use of by, one not
21 entitled thereto any certificate of title issued for a manufactured
22 home, manufactured home registration receipt, Manufactured Home
23 Registration Decal or excise tax receipt;

24

1 2. Alter or in any manner change a certificate of title issued
2 for a manufactured home under the laws of this state or any other
3 state;

4 3. Remove or alter a manufactured home registration receipt,
5 Manufactured Home Registration Decal or excise tax receipt attached
6 to a certificate of title or attach such receipts to a certificate
7 of title with the intent to misrepresent the payment of the required
8 excise tax and registration fees;

9 4. Purchase identification, manufactured home registration
10 receipt, Manufactured Home Registration Decal or excise tax receipt
11 on an assigned certificate of title.

12 Anyone violating the provisions of this subsection, upon
13 conviction, shall be guilty of a Class D1 felony punishable in
14 accordance with the provisions of Section 18 Of this act.

15 C. Any violation of any portion of this section for which a
16 specific penalty has not been imposed shall constitute a misdemeanor
17 and upon conviction thereof the person having violated it shall be
18 fined not less than Ten Dollars (\$10.00) and not to exceed One
19 Hundred Dollars (\$100.00).

20 SECTION 511. AMENDATORY 47 O.S. 2021, Section 6-301, is
21 amended to read as follows:

22 Section 6-301. It shall be unlawful for any person to commit
23 any of the acts specified in paragraph 1 or 2 of this section in
24 relation to an Oklahoma driver license or identification card

1 authorized to be issued by the Department of Public Safety pursuant
2 to the provisions of Sections 6-101 through 6-309 of this title or
3 any driver license or other evidence of driving privilege or
4 identification card authorized to be issued by the state of origin.

5 1. It is a misdemeanor for any licensee:

6 a. to display or cause or permit to be displayed one's
7 own license after such license has been suspended,
8 revoked or canceled or to possess one's own license
9 after having received notice of its suspension,
10 revocation, or cancellation,

11 b. to lend one's own license or identification card to
12 any other person or knowingly permit the use thereof
13 by another,

14 c. to display or cause or permit to be displayed or to
15 possess a license or identification card issued to
16 oneself which bears altered information concerning the
17 date of birth, expiration date, sex, height, eye
18 color, weight or license or card number,

19 d. to fail or refuse to surrender to the Department upon
20 its lawful demand any license or identification card
21 which has been suspended, revoked or canceled,

22 e. to permit any unlawful use of a license or
23 identification card issued to oneself,

24

1 f. to do any act forbidden or fail to perform any act
2 required by this chapter, excepting those acts as
3 provided in paragraph 2 of this section,

4 g. to display or represent as one's own, any license or
5 identification card not issued to such person, unless
6 under conditions provided in subparagraph e of
7 paragraph 2 of this section, or

8 h. to add to, delete from, alter, or deface the required
9 information on a driver license or identification
10 card.

11 2. It is a felony for any person:

12 a. to create, publish or otherwise manufacture an
13 Oklahoma or other state license or identification card
14 or facsimile thereof, or to create, manufacture or
15 possess an engraved plate or other such device, card,
16 laminate, digital image or file, or software for the
17 printing of an Oklahoma or other state license or
18 identification card or facsimile thereof, except as
19 authorized pursuant to this title,

20 b. to display or cause or permit to be displayed or to
21 knowingly possess any state counterfeit or fictitious
22 license or identification card,
23
24

- 1 c. to display or cause to be displayed or to knowingly
2 possess any state license or identification card
3 bearing a fictitious or forged name or signature,
- 4 d. to display or cause to be displayed or to knowingly
5 possess any state license or identification card
6 bearing the photograph of any person, other than the
7 person named thereon as licensee,
- 8 e. to display or represent as one's own, any license or
9 identification card not issued to him, for the purpose
10 of committing a fraud in any commercial transaction or
11 to mislead a peace officer in the performance of his
12 duties, or
- 13 f. to use a false or fictitious name in any application
14 for a license or identification card or to knowingly
15 make a false statement or to knowingly conceal a
16 material fact or otherwise commit a fraud in any such
17 application.

18 3. It is a felony for any employee or person authorized to
19 issue or approve the issuance of licenses or identification cards
20 under this title to knowingly issue or attempt to issue a license or
21 identification card or to knowingly give approval for, cause, or
22 attempt to cause a license or identification card to be issued:

- 23 a. to a person not entitled thereto,
24 b. bearing erroneous information thereon, or

1 c. bearing the photograph of a person other than the
2 person named thereon.

3 Such conduct shall be grounds for termination of employment of the
4 employee.

5 4. The violation of any of the provisions of paragraph 1 of
6 this section shall constitute a misdemeanor and shall, upon
7 conviction thereof, be punishable by a fine of not less than Twenty-
8 five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00);
9 the violation of any of the provisions of paragraph 2 or 3 of this
10 section shall constitute a Class D1 felony and shall, upon
11 conviction thereof, be punishable ~~by a fine not exceeding Ten~~
12 ~~Thousand Dollars (\$10,000.00) or a term of imprisonment in the State~~
13 ~~Penitentiary not to exceed seven (7) years, or by both such fine and~~
14 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
15 act.

16 5. Notwithstanding any provision of this section, the
17 Commissioner of the Department of Public Safety may, upon the
18 request of the chief administrator of a law enforcement, military,
19 or intelligence agency, authorize the issuance to and display, and
20 possession by a person of a license which would otherwise be a
21 violation of this section, for the sole purpose of aiding in a
22 criminal investigation or a military or intelligence operation.
23 While acting pursuant to such authorization by the Commissioner,
24 such person shall not be prosecuted for a violation under this

1 section. Upon termination of such investigation or operation or
2 upon request of the Commissioner, the chief administrator shall
3 forthwith cause such license to be returned to the Commissioner.

4 SECTION 512. AMENDATORY 47 O.S. 2021 Section 6-302, is
5 amended to read as follows:

6 Section 6-302. Any person who makes any false affidavit, or
7 knowingly swears or affirms falsely to any matter or thing required
8 by the terms of this chapter to be sworn to or affirmed, is guilty
9 of perjury, a Class D1 felony, and upon conviction shall be
10 ~~punishable~~ punished by fine or ~~imprisonment as other persons~~
11 ~~committing perjury are punishable~~ shall be punished in accordance
12 with the provisions of Section 17 of this act.

13 SECTION 513. AMENDATORY 47 O.S. 2021 Section 7-612, is
14 amended to read as follows:

15 Section 7-612. A. It is a misdemeanor for any person:

16 1. To purchase a security verification form which bears altered
17 or fictitious information concerning the existence of security
18 required by the Compulsory Insurance Law;

19 2. To display or cause or permit to be displayed or to possess
20 a security verification form which the person knows bears altered or
21 fictitious information concerning the existence of security required
22 by the Compulsory Insurance Law; or

23 3. To display or cause or permit to be displayed or to possess
24 any security verification form that is counterfeit.

1 B. It is a felony for anyone, other than an insurer or
2 insurance producer as defined by Section 1435.2 of Title 36 of the
3 Oklahoma Statutes, to:

4 1. Create or otherwise manufacture a security verification form
5 or facsimile thereof, or to create, manufacture or possess an
6 engraved plate or other such device for the printing of security
7 verification forms; or

8 2. Issue or sell security verification forms.

9 C. 1. The violation of any of the provisions of subsection A
10 of this section shall constitute a misdemeanor punishable by a fine
11 of not less than Twenty-five Dollars (\$25.00), nor more than Two
12 Hundred Fifty Dollars (\$250.00) and by mandatory suspension of the
13 person's driving privilege for:

14 a. two (2) months, for a first offense,

15 b. six (6) months, for a second offense, or

16 c. one (1) year, for a third or subsequent offense.

17 The suspension imposed under this subsection shall not be modified.

18 2. The violation of any of the provisions of subsection B of
19 this section shall constitute a Class C2 felony punishable ~~by a fine~~
20 ~~not exceeding Ten Thousand Dollars (\$10,000.00) or a term of~~
21 ~~imprisonment in the custody of the Department of Corrections not to~~
22 ~~exceed seven (7) years, or by both such fine and imprisonment in~~
23 accordance with the provisions of Section 17 of this act.

24

1 D. The suspension required in subsection C of this section
2 shall remain in effect until payment is made of the fees provided
3 for in Section 6-212 of this title and proof of security is
4 furnished to the Department of Public Safety which complies with the
5 requirements of Section 7-601 of this title. Suspension under this
6 section shall be effective when notice is given pursuant to Section
7 2-116 of this title.

8 E. Any person whose driving privilege has been suspended
9 pursuant to the provisions of subsection C of this section shall
10 surrender to the Department his or her driver license within thirty
11 (30) days from the date of the suspension. Any owner failing to
12 surrender his or her driver license to the Department within such
13 time shall pay a fee of Fifty Dollars (\$50.00) which shall be in
14 addition to the fees provided for in Section 6-212 of this title.

15 SECTION 514. AMENDATORY 47 O.S. 2021 Section 10-102, is
16 amended to read as follows:

17 Section 10-102. A. The driver of any vehicle involved in an
18 accident resulting in a nonfatal injury to any person shall
19 immediately stop such vehicle at the scene of such accident or as
20 close thereto as possible but shall then forthwith return to and in
21 every event shall remain at the scene of the accident until he has
22 fulfilled the requirements of Section 10-104 of this title. Every
23 such stop shall be made without obstructing traffic more than is
24 necessary.

1 B. Any person willfully, maliciously, or feloniously failing to
2 stop to avoid detection or prosecution or to comply with said
3 requirements under such circumstances, shall, upon conviction, be
4 guilty of a Class B5 felony punishable ~~by imprisonment for not less~~
5 ~~than ten (10) days nor more than two (2) years, or by a fine of not~~
6 ~~less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars~~
7 ~~(\$1,000.00), or by both such fine and imprisonment~~ in accordance
8 with the provisions of Section 14 of this act.

9 C. The Commissioner of Public Safety shall revoke the license
10 or permit to drive and any nonresident operating privilege of the
11 person so convicted.

12 SECTION 515. AMENDATORY 47 O.S. 2021 Section 10-102.1,
13 is amended to read as follows:

14 Section 10-102.1. The driver of any vehicle involved in an
15 accident resulting in the death of any person shall immediately stop
16 such vehicle at the scene of such accident or as close thereto as
17 possible but shall then forthwith return to and in every event shall
18 remain at the scene of the accident until he has fulfilled the
19 requirements of Section 10-104 of this title. Every such stop shall
20 be made without obstructing traffic more than is necessary.

21 B. Any person willfully, maliciously, or feloniously failing to
22 stop to avoid detection or prosecution, or to comply with said
23 requirements under such circumstances, shall upon conviction be
24 guilty of a Class B4 felony punishable ~~by imprisonment for not less~~

1 ~~than one (1) year nor more than ten (10) years, or by a fine of not~~
2 ~~less than One Thousand Dollars (\$1,000.00) nor more than Ten~~
3 ~~Thousand Dollars (\$10,000.00), or by both such fine and imprisonment~~
4 in accordance with the provisions of Section 13 of this act.

5 C. The Commissioner of Public Safety shall revoke the license
6 or permit to drive and any nonresident operating privilege of the
7 person so convicted.

8 SECTION 516. AMENDATORY 47 O.S. 2021, Section 11-207, is
9 amended to read as follows:

10 Section 11-207. A. No person shall, without lawful authority,
11 attempt to or in fact alter, deface, injure, knock down or remove
12 any official traffic-control device, including any nine-one-one
13 (911) emergency telephone service route markers, or any railroad
14 sign or signal or any inscription, shield or insignia thereon, or
15 any other part thereof.

16 B. If a violation of subsection A of this section results in
17 personal injury to or death of any person, the person committing the
18 violation shall, upon conviction, be guilty of a Class D1 felony
19 ~~punishable by imprisonment in the custody of the Department of~~
20 ~~Corrections for not more than two (2) years, or by a fine of not~~
21 ~~more than One Thousand Dollars (\$1,000.00), or by both such fine and~~
22 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
23 act.

24

1 SECTION 517. 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 Class C2 felony and shall participate in an assessment and
7 evaluation pursuant to subsection G of this section and shall be
8 sentenced to:

- 9 a. follow all recommendations made in the assessment and
10 evaluation for treatment at the defendant's expense,
11 or
- 12 b. ~~placement in the custody of the Department of~~
13 ~~Corrections for not less than one (1) year and not to~~
14 ~~exceed five (5) years~~ punishment in accordance with
15 the provisions of Section 17 of this act ~~and a fine of~~
16 ~~not more than Two Thousand Five Hundred Dollars~~
17 ~~(\$2,500.00),~~ or
- 18 c. treatment, ~~imprisonment~~ punishment in accordance with
19 the provisions of Section 17 of this act and a fine
20 within the limitations prescribed in subparagraphs a
21 and b of this paragraph.

22 However, if the treatment in subsection G of this section does
23 not include residential or inpatient treatment for a period of not
24

1 less than five (5) days, the person shall serve a term of
2 imprisonment of at least five (5) days.

3 3. Any person who commits a violation of this section after
4 having been convicted of a felony offense pursuant to the provisions
5 of this section or a violation pursuant to the provisions of any law
6 of this state or another state prohibiting the offenses provided for
7 in this section, Section 11-904 of this title or paragraph 4 of
8 subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes
9 shall be guilty of a Class B4 felony and participate in an
10 assessment and evaluation pursuant to subsection G of this section
11 and shall be sentenced to:

12 a. follow all recommendations made in the assessment and
13 evaluation for treatment at the defendant's expense,
14 two hundred forty (240) 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, or

18 b. ~~placement in the custody of the Department of~~
19 ~~Corrections for not less than one (1) year and not to~~
20 ~~exceed ten (10) years~~ punishment in accordance with
21 the provisions of Section 13 of this act ~~and a fine of~~
22 ~~not more than Five Thousand Dollars (\$5,000.00), or~~

23 c. treatment, ~~imprisonment~~ punishment in accordance with
24 the provisions of Section 13 of this act and a fine

1 within the limitations prescribed in subparagraphs a
2 and b of this paragraph.

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

7 4. Any person who commits a violation of this section after
8 having been twice convicted of a felony offense pursuant to the
9 provisions of this section or a violation pursuant to the provisions
10 of any law of this state or another state prohibiting the offenses
11 provided for in this section, Section 11-904 of this title or
12 paragraph 4 of subsection A of Section 852.1 of Title 21 of the
13 Oklahoma Statutes shall be guilty of a Class B3 felony and
14 participate in an assessment and evaluation pursuant to subsection G
15 of this section and shall be sentenced to:

- 16 a. follow all recommendations made in the assessment and
17 evaluation for treatment at the defendant's expense,
18 followed by not less than one (1) year of supervision
19 and periodic testing at the defendant's expense, four
20 hundred eighty (480) hours of community service, and
21 use of an ignition interlock device, as provided by
22 subparagraph n of paragraph 1 of subsection A of
23 Section 991a of Title 22 of the Oklahoma Statutes, for
24 a minimum of thirty (30) days, or

- 1 b. ~~placement in the custody of the Department of~~
2 ~~Corrections for not less than one (1) year and not to~~
3 ~~exceed twenty (20) years~~ punishment in accordance with
4 the provisions of Section 12 of this act ~~and a fine of~~
5 ~~not more than Five Thousand Dollars (\$5,000.00), or~~
6 c. treatment, ~~imprisonment~~ punishment in accordance with
7 the provisions of Section 12 of this act and a fine
8 within the limitations prescribed in subparagraphs a
9 and b of this paragraph.

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

13 5. Any person who, after a previous conviction of a violation
14 of murder in the second degree or manslaughter in the first degree
15 in which the death was caused as a result of driving under the
16 influence of alcohol or other intoxicating substance, is convicted
17 of a violation of this section shall be guilty of a Class A2 felony
18 and shall be punished by imprisonment in the custody of the
19 Department of Corrections for not less than five (5) years and not
20 to exceed twenty (20) years, and a fine of not more than Ten
21 Thousand Dollars (\$10,000.00).

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

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

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

9 D. Any person who is convicted of a violation of driving under
10 the influence with a blood or breath alcohol concentration of
11 fifteen-hundredths (0.15) or more pursuant to this section shall be
12 deemed guilty of aggravated driving under the influence, which is a
13 Class B3 felony. A person convicted of aggravated driving under the
14 influence shall participate in an assessment and evaluation pursuant
15 to subsection G of this section and shall comply with all
16 recommendations for treatment. Such person shall be ~~sentenced as~~
17 ~~provided in paragraph 1, 2, 3, 4 or 5 of subsection C of this~~
18 ~~section~~ punished in accordance with the provisions of Section 12 of
19 this act and to:

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

22 2. An ignition interlock device or devices, as provided by
23 subparagraph n of paragraph 1 of subsection A of Section 991a of
24

1 Title 22 of the Oklahoma Statutes, for a minimum of ninety (90)
2 days.

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

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

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

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

24

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

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

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

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

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

24

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

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

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

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

23 M. Any plea of guilty, nolo contendere or finding of guilt for
24 a violation of this section or a violation pursuant to the

1 provisions of any law of this state or another state prohibiting the
2 offenses provided for in this section, Section 11-904 of this title,
3 or paragraph 4 of subsection A of Section 852.1 of Title 21 of the
4 Oklahoma Statutes, shall constitute a conviction of the offense for
5 the purpose of this section; provided, any deferred judgment shall
6 only be considered to constitute a conviction for a period of ten
7 (10) years following the completion of any court-imposed
8 probationary term.

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

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

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

24

1 SECTION 518. AMENDATORY 47 O.S. 2021 Section 11-904, is
2 amended to read as follows:

3 Section 11-904. A. Any person who is involved in a personal
4 injury accident while driving or operating a motor vehicle within
5 this state and who is in violation of the provisions of subsection A
6 of Section 11-902 of this title may be charged with a violation of
7 the provisions of this subsection as follows:

8 1. Any person who is convicted of a violation of the provisions
9 of this subsection shall be deemed guilty of a misdemeanor for the
10 first offense and shall be punished by imprisonment in the county
11 jail for not less than ninety (90) days nor more than one (1) year,
12 and a fine of not more than Two Thousand Five Hundred Dollars
13 (\$2,500.00); and

14 2. Any person who is convicted of a violation of the provisions
15 of this subsection after having been previously convicted of a
16 violation of this subsection or of Section 11-902 of this title
17 shall be deemed guilty of a Class B5 felony and shall be punished ~~by~~
18 ~~imprisonment in the custody of the Department of Corrections for not~~
19 ~~less than one (1) year and not more than five (5) years, and a fine~~
20 ~~of not more than Five Thousand Dollars (\$5,000.00) in accordance~~
21 with the provisions of Section 14 of this act.

22 B. 1. Any person who causes an accident resulting in great
23 bodily injury to any person other than himself while driving or
24 operating a motor vehicle within this state and who is in violation

1 of the provisions of subsection A of Section 11-902 of this title
2 may be charged with a violation of the provisions of this
3 subsection. Any person who is convicted of a violation of the
4 provisions of this subsection shall be deemed guilty of a Class B1
5 ~~felony punishable by imprisonment in the custody of the Department~~
6 ~~of Corrections for not less than four (4) years and not more than~~
7 ~~twenty (20) years, and a fine of not more than Five Thousand Dollars~~
8 ~~(\$5,000.00)~~ in accordance with the provisions of Section 10 of this
9 act.

10 2. As used in this subsection, "great bodily injury" means
11 bodily injury which creates a substantial risk of death or which
12 causes serious, permanent disfigurement or protracted loss or
13 impairment of the function of any bodily member or organ.

14 SECTION 519. AMENDATORY 47 O.S. 2021 Section 11-905, is
15 amended to read as follows:

16 Section 11-905. A. Any person who, while operating a vehicle
17 in this state without a valid driver license for the class of
18 vehicle being operated, or while knowingly disqualified to operate a
19 motor vehicle in this state, or while such person knows or should
20 have known that his or her driver license is canceled, denied,
21 suspended or revoked, causes an accident which results in personal
22 injury to any other person, may be charged with a violation of the
23 provisions of this subsection. Any person who is convicted of a
24 violation of the provisions of this subsection shall be deemed

1 guilty of a misdemeanor punishable by imprisonment in the county
2 jail for a term not more than one (1) year, or by a fine in an
3 amount not exceeding Two Thousand Dollars (\$2,000.00), or by both
4 such fine and imprisonment.

5 B. 1. Any person who, while operating a vehicle in this state
6 without a valid driver license for the class of vehicle being
7 operated, or while knowingly disqualified to operate a motor vehicle
8 in this state, or while such person knows or should have known that
9 his or her driver license is canceled, denied, suspended or revoked,
10 causes an accident resulting in great bodily injury to any other
11 person, may be charged with a violation of the provisions of this
12 subsection. Any person who is convicted of a violation of the
13 provisions of this subsection shall be deemed guilty of a Class C2
14 ~~felony punishable by imprisonment in the custody of the Department~~
15 ~~of Corrections for a term not more than five (5) years, or by a fine~~
16 ~~in an amount not exceeding Three Thousand Dollars (\$3,000.00), or by~~
17 ~~both such fine and imprisonment~~ in accordance with the provisions of
18 Section 17 of this act.

19 2. As used in this subsection, "great bodily injury" means
20 bodily injury which creates a substantial risk of death or which
21 causes serious, permanent disfigurement or protracted loss or
22 impairment of the function of any bodily member or organ.

23 C. Any person who, while operating a vehicle in this state
24 without a valid driver license for the class of vehicle being

1 operated, or while knowingly disqualified to operate a motor vehicle
2 in this state, or while such person knows or should have known that
3 his or her driver license is canceled, denied, suspended or revoked,
4 causes an accident resulting in the death of any other person, may
5 be charged with a violation of the provisions of this subsection.
6 Any person who is convicted of a violation of the provisions of this
7 subsection shall be deemed guilty of a Class B4 felony punishable ~~by~~
8 ~~imprisonment in the custody of the Department of Corrections for a~~
9 ~~term not more than five (5) years, or by a fine in an amount not~~
10 ~~exceeding Five Thousand Dollars (\$5,000.00), or by both such fine~~
11 ~~and imprisonment~~ in accordance with the provisions of Section 13 of
12 this act.

13 D. The provisions of this section may be charged in addition to
14 any other chargeable offense allowed by law.

15 SECTION 520. AMENDATORY 47 O.S. 2021 Section 11-1111, is
16 amended to read as follows:

17 Section 11-1111. A. No person shall willfully throw or drop
18 any substance at a moving vehicle or any occupant thereof.

19 B. No person shall willfully throw or drop any object from a
20 bridge or overpass with intent to damage any property or injure any
21 person.

22 C. Any violation of subsection A or B of this section shall be
23 deemed a Class B4 felony and, upon conviction, shall be ~~punishable~~
24 ~~by imprisonment in the Department of Corrections for a term of not~~

1 ~~more than ten (10) years, or by a fine not exceeding Ten Thousand~~
2 ~~Dollars (\$10,000.00), or by both such fine and imprisonment~~ punished
3 in accordance with the provisions of Section 13 of this act.

4 SECTION 521. AMENDATORY 47 O.S. 2021, Section 579.1, is
5 amended to read as follows:

6 Section 579.1. A. It shall be unlawful to be a broker. B.
7 For the purposes of this section, "broker" means a person who, for a
8 fee, commission or other valuable consideration, arranges or offers
9 to arrange a transaction involving the sale of a new motor vehicle,
10 and who is not:

- 11 1. A new motor vehicle dealer or employee of such a dealer;
- 12 2. A distributor or employee of such a distributor;
- 13 3. A motor vehicle manufacturer or employee of such a
14 manufacturer; or
- 15 4. An auctioneer or any other person engaged in the auto
16 auction business.

17 However, an individual shall not be deemed to be a broker if the
18 individual is the owner of the new or used motor vehicle which is
19 the object of the brokering transaction.

20 C. Any person convicted of being a broker as defined by this
21 section shall, upon conviction, be guilty of a misdemeanor
22 punishable by imprisonment in the county jail for not more than one
23 (1) year and a fine of not more than One Thousand Dollars
24 (\$1,000.00). Any person convicted of a second or subsequent offense

1 shall be guilty of a ~~Schedule G Class D3~~ felony offense, and the
2 ~~fine for a felony violation of this section shall be not less than~~
3 ~~One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars~~
4 ~~(\$5,000.00)~~ punishable in accordance with the provisions of Section
5 20 of this act.

6 SECTION 522. AMENDATORY 47 O.S. 2021, Section 592.9, is
7 amended to read as follows:

8 Section 592.9. A. Rulemaking Power. The Oklahoma Used Motor
9 Vehicle and Parts Commission may adopt, amend and repeal such rules
10 as are necessary for the enforcement of the provisions of the
11 Oklahoma Crusher Act and consistent with its provisions.

12 B. Criminal Penalties.

13 1. Any person who engages in the business of operating as a
14 crusher without first obtaining the license prescribed in the
15 Oklahoma Crusher Act or any person who receives, obtains or
16 possesses and crushes any vehicle or other property which the person
17 knows to be subject to an outstanding lien shall be guilty of a
18 misdemeanor and upon conviction thereof shall be punished by a fine
19 not in excess of One Thousand Dollars (\$1,000.00), by confinement in
20 the county jail for not more than six (6) months, or by both.

21 2. Any person who engages in the business of operating as a
22 crusher without first obtaining the license prescribed in the
23 Oklahoma Crusher Act and who receives, obtains or possesses any
24 vehicle or other property which he or she knows to be stolen shall

1 be guilty of a Class C2 felony offense of receiving, obtaining or
2 possessing stolen property and, upon conviction, shall be ~~subject to~~
3 ~~the penalties which may be imposed for such crime~~ punished in
4 accordance with the provisions of Section 17 of this act.

5 3. Any person selling a vehicle or other property to a crusher
6 who uses false or altered identification or makes a false
7 declaration of ownership or lien status as related to the provisions
8 of the Oklahoma Crusher Act shall be guilty of a Class C2 felony,
9 and upon conviction shall be punished ~~by imprisonment in the custody~~
10 ~~of the Department of Corrections for a term of not more than five~~
11 ~~(5) years, or in the county jail for a term of not more than one (1)~~
12 ~~year, or by a fine not exceeding One Thousand Dollars (\$1,000.00),~~
13 ~~or by both such fine and imprisonment~~ in accordance with the
14 provisions of Section 17 of this act.

15 4. Any person who fails to repay a crusher the full amount
16 received from the sale of a vehicle or other property after being
17 officially notified by a peace officer or the Commission that the
18 vehicle or other property the person sold to the crusher was stolen
19 shall be guilty of a misdemeanor and upon conviction shall be
20 punished by imprisonment in the county jail for a term of not to
21 exceed six (6) months, or a fine not to exceed One Thousand Dollars
22 (\$1,000.00), or by both such fine and imprisonment.

23 C. Injunctive Action. The Commission may institute, in the
24 name of the State of Oklahoma ex rel. Oklahoma Used Motor Vehicle

1 and Parts Commission, any necessary action to enjoin any person,
2 firm, or corporation from engaging in the business of a crusher
3 without a license, or for any violations of this act. An injunction
4 shall issue without the requirement of a bond of any kind from the
5 state. The venue of any action authorized by this section shall be
6 in the county wherein the business activity complained of is
7 conducted.

8 SECTION 523. AMENDATORY 47 O.S. 2021, Section 1503, is
9 amended to read as follows:

10 Section 1503. A. Any person who knowingly and with intent that
11 a violation of this section be committed:

12 1. Owns, operates, or conducts a chop shop;

13 2. Transports any motor vehicle or motor vehicle part to or
14 from a location knowing it to be a chop shop; or

15 3. Sells, transfers, purchases, or receives any motor vehicle
16 or motor vehicle part either to or from a location knowing it to be
17 a chop shop,

18 upon conviction, is guilty of a Class C2 felony, punishable by
19 ~~imprisonment for not more than ten (10) years, or by a fine of not~~
20 ~~more than One Hundred Thousand Dollars (\$100,000.00), or both such~~
21 ~~imprisonment and fine~~ in accordance with the provisions of Section
22 17 of this act.

23 B. Any person who knowingly alters, counterfeits, defaces,
24 destroys, disguises, falsifies, forges, obliterates, or knowingly

1 removes a vehicle identification number, with the intent to
2 misrepresent the identity or prevent the identification of a motor
3 vehicle or motor vehicle part, upon conviction is guilty of a Class
4 C2 felony, ~~punishable by imprisonment for not more than ten (10)~~
5 ~~years, or by a fine of not more than One Hundred Thousand Dollars~~
6 ~~(\$100,000.00), or both such imprisonment and fine~~ in accordance with
7 the provisions of Section 17 of this act.

8 C. 1. Any person who buys, disposes, sells, transfers, or
9 possesses a motor vehicle or motor vehicle part, with knowledge that
10 the vehicle identification number of the motor vehicle or motor
11 vehicle part has been altered, counterfeited, defaced, destroyed,
12 disguised, falsified, forged, obliterated, or removed, upon
13 conviction is guilty of a Class D1 felony, ~~punishable by~~
14 ~~imprisonment for not more than five (5) years, or by a fine of not~~
15 ~~more than Fifty Thousand Dollars (\$50,000.00), or by both such~~
16 ~~imprisonment and fine~~ in accordance with the provisions of Section
17 18 of this act.

18 2. The provisions of paragraph 1 of this subsection shall not
19 apply to a motor vehicle scrap processor who, in the normal legal
20 course of business and in good faith, processes a motor vehicle or
21 motor vehicle part by crushing, compacting, or other similar
22 methods, provided that any vehicle identification number is not
23 removed from the motor vehicle or motor vehicle part prior to or
24 during any such processing.

1 3. The provisions of paragraph 1 of this subsection shall not
2 apply to any owner or authorized possessor of a motor vehicle or
3 motor vehicle part which has been recovered by law enforcement
4 authorities after having been stolen or where the condition of the
5 vehicle identification number of the motor vehicle or motor vehicle
6 part is known to or has been reported to law enforcement
7 authorities. It shall be presumed that law enforcement authorities
8 have knowledge of all vehicle identification numbers on a motor
9 vehicle or motor vehicle part which are altered, counterfeited,
10 defaced, disguised, falsified, forged, obliterated, or removed, when
11 law enforcement authorities deliver or return the motor vehicle or
12 motor vehicle part to its owner or authorized possessor after it has
13 been recovered by law enforcement authorities after having been
14 reported stolen.

15 D. A person commits an attempt when, with intent to commit a
16 violation proscribed by subsections A, B or C of this section the
17 person does any act which constitutes a substantial step toward the
18 commission of the violation proscribed by subsections A, B or C of
19 this section, and upon conviction is guilty of a Class D1 felony,
20 ~~punishable by imprisonment for not more than five (5) years, or by a~~
21 ~~fine of not more than Fifty Thousand Dollars (\$50,000.00), or by~~
22 ~~both such imprisonment and fine~~ in accordance with the provisions of
23 Section 18 of this act.

24

1 E. A person commits conspiracy when, with an intent that a
2 violation proscribed by subsections A, B or C of this section be
3 committed, the person agrees with another to the commission of the
4 violation proscribed by subsections A, B or C of this section, and
5 upon conviction is guilty of Class D3 felony punishable ~~by~~
6 ~~imprisonment for not more than two (2) years, or by a fine of not~~
7 ~~more than Twenty five Thousand Dollars (\$25,000.00), or by both such~~
8 ~~imprisonment and fine~~ in accordance with the provisions of Section
9 20 of this act. No person may be convicted of conspiracy under this
10 section unless an act in furtherance of such agreement is alleged
11 and proved to have been committed by that person or a coconspirator.

12 F. A person commits solicitation when, with intent that a
13 violation proscribed by subsections A, B or C of this section be
14 committed, the person commands, encourages, or requests another to
15 commit the violation proscribed by subsections A, B or C of this
16 section, and upon conviction is guilty of a Class D3 felony,
17 ~~punishable by imprisonment for not more than two (2) years, or by a~~
18 ~~fine of not more than Ten Thousand Dollars (\$10,000.00), or by both~~
19 ~~such imprisonment and fine~~ in accordance with the provisions of
20 Section 20 of this act.

21 G. A person commits aiding and abetting when, either before or
22 during the commission of a violation proscribed by subsections A, B
23 or C of this section, with the intent to promote or facilitate such
24 commission, the person aids, abets, agrees or attempts to aid

1 another in the planning or commission of the violation proscribed by
2 subsections A, B or C of this section, and upon conviction is guilty
3 of a Class D3 felony, punishable ~~by imprisonment for not more than~~
4 ~~one (1) year, or by a fine of not more than Five Thousand Dollars~~
5 ~~(\$5,000.00), or by both such imprisonment and fine~~ in accordance
6 with the provisions of Section 20 of this act.

7 H. A person is an accessory after the fact who maintains,
8 assists, or gives any other aid to an offender while knowing or
9 having reasonable grounds to believe the offender to have committed
10 a violation under subsections A, B, C, D, E, F or G of this section,
11 and upon conviction is guilty of a Class D3 felony punishable ~~by~~
12 ~~imprisonment for not more than one (1) year, or by a fine of not~~
13 ~~more than Five Thousand Dollars (\$5,000.00), or by both such~~
14 ~~imprisonment and fine~~ in accordance with the provisions of Section
15 20 of this act.

16 I. No prosecution shall be brought, and no person shall be
17 convicted, of any violation under this section, where acts of the
18 person, otherwise constituting a violation were done in good faith
19 in order to comply with the laws or regulations of any state or
20 territory of the United States, or of the federal government of the
21 United States.

22 J. The sentence imposed upon a person convicted of any
23 violation of this section shall not be reduced to less than one (1)
24 year imprisonment for a second conviction of any violation, or less

1 than five (5) years for a third or subsequent conviction of any
2 violation of this section, and no sentence imposed upon a person for
3 a second or subsequent conviction of any violation of this section
4 shall be suspended, or reduced, until such person shall have served
5 the minimum period of imprisonment provided for herein. A person
6 convicted of a second or subsequent violation of this section shall
7 not be eligible for probation, parole, furlough or work release.

8 K. 1. In addition to any other punishment, a person who
9 violates this section, shall be ordered to make restitution to the
10 lawful owner or owners of the stolen motor vehicle or vehicles or
11 the stolen motor vehicle part or parts, or to the owner's insurer to
12 the extent that the owner has been compensated by the insurer, and
13 to any other person for any financial loss sustained as a result of
14 a violation of this section.

15 Financial loss shall include, but not be limited to, loss of
16 earnings, out-of-pocket and other expenses, repair and replacement
17 costs and claims payments. Lawful owner shall include an innocent
18 bona fide purchaser for value of a stolen motor vehicle or stolen
19 motor vehicle part who does not know that the motor vehicle or part
20 is stolen; or an insurer to the extent that such insurer has
21 compensated a bona fide purchaser for value.

22 2. The court shall determine the extent and method of
23 restitution. In an extraordinary case, the court may determine that
24 the best interests of the victim and justice would not be served by

1 ordering restitution. In any such case, the court shall make and
2 enter specific written findings on the record concerning the
3 extraordinary circumstances presented which militated against
4 restitution.

5 SECTION 524. AMENDATORY 51 O.S. 2021 Section 36.5, is
6 amended to read as follows:

7 Section 36.5. Every public officer or employee who, in taking
8 and subscribing to the oath or affirmation required by this act,
9 states as true any material matter which he knows to be false, shall
10 be guilty of the felony of perjury, a Class C2 felony, and upon
11 conviction shall be punished ~~by imprisonment in the state prison for~~
12 ~~not less than one (1) year nor more than fourteen (14) years in~~
13 accordance with the provisions of Section 17 of this act, and in
14 addition thereto, the person shall forfeit any public office or
15 employment held by the person.

16 SECTION 525. AMENDATORY 51 O.S. 2021 Section 36.6, is
17 amended to read as follows:

18 Section 36.6. Every public officer or employee having taken and
19 subscribed to the oath or affirmation required by this act and
20 having entered upon the duties of his office or employment, who,
21 while holding his office or while being so employed, advocates by
22 the medium of teaching, or justifies, directly or indirectly, or
23 becomes a member of or affiliated with the Communist Party or the
24 Cominform, or with any party or organization, political or

1 otherwise, known by him to advocate by the medium of teaching, or
2 justify, directly or indirectly, revolution, sedition, treason or a
3 program of sabotage, or the overthrow of the government of the
4 United States or of the State of Oklahoma or a change in the form of
5 government thereof by force, violence, or other unlawful means,
6 shall be guilty of a Class C2 felony and, upon conviction, be
7 ~~punished by imprisonment in the state prison for not less than one~~
8 ~~(1) year nor more than fourteen (14) years~~ in accordance with the
9 provisions of Section 17 of this act; and in addition thereto, the
10 person shall forfeit his or her office or employment.

11 SECTION 526. AMENDATORY 52 O.S. 2021, Section 47.6, is
12 amended to read as follows:

13 Section 47.6. A. Any person who has been determined by the
14 Commission to have violated any provisions of the Hazardous Liquid
15 Transportation System Safety Act or any rule, regulation or order
16 issued pursuant to the provisions of the Hazardous Liquid
17 Transportation System Safety Act shall be liable for an
18 administrative penalty of not more than Two Hundred Thousand Dollars
19 (\$200,000.00) for each day that the violation continues. The
20 maximum administrative penalty shall not exceed Two Million Dollars
21 (\$2,000,000.00) for any related series of violations.

22 B. 1. The amount of the penalty shall be assessed by the
23 Commission pursuant to the provisions of subsection A of this
24 section, after notice and hearing. In determining the amount of the

1 penalty, the Commission shall include but not be limited to
2 consideration of the nature, circumstances, and gravity of the
3 violation and, with respect to the person found to have committed
4 the violation, the degree of culpability, the effect on ability of
5 the person to continue to do business, and any show of good faith in
6 attempting to achieve compliance with the provisions of the
7 Hazardous Liquid Transportation System Safety Act.

8 2. All penalties collected pursuant to the provisions of this
9 subsection shall be deposited in the Pipeline Enforcement Fund.

10 C. Any person who willfully and knowingly injures or destroys,
11 or attempts to injure or destroy, any hazardous liquid
12 transportation system, upon conviction thereof, shall be guilty of a
13 Class B3 felony and shall be ~~subject for each offense to a fine of~~
14 ~~not more than Twenty-five Thousand Dollars (\$25,000.00),~~
15 ~~imprisonment for a term not less than five (5) years and not to~~
16 ~~exceed fifteen (15) years, or by both such fine and imprisonment~~
17 punished in accordance with the provisions of Section 12 of this
18 act.

19 SECTION 527. AMENDATORY 52 O.S. 2021, Section 108, is
20 amended to read as follows:

21 Section 108. Every person who, having taken an oath that he
22 will testify, declare or depose before the Commission, in any
23 proceeding, or at any hearing before said Commission, authorized and
24 provided for under the provisions of this act, shall willfully and

1 contrary to such oath state any material matter which he knows to be
2 false, is guilty of ~~the~~ a Class D1 felony of perjury, and upon
3 conviction, shall be punished ~~by imprisonment in the State~~
4 ~~Penitentiary for not more than five (5) years~~ in accordance with the
5 provisions of Section 18 of this act.

6 SECTION 528. AMENDATORY 52 O.S. 2021 Section 109, is
7 amended to read as follows:

8 Section 109. Any person who shall verify under oath any report,
9 map or drawing or other statement or document authorized or required
10 by the provisions of this act, or by any order, rule or regulation
11 of the Commission made under the provisions of this act to be filed
12 with the Commission or with the Secretary of the Commission, or with
13 any other officer, and who files or causes the same to be filed with
14 the Secretary of the Commission or other officer, which states or
15 contains any material matter which he knows to be false is guilty of
16 the felony of perjury, a Class C2 felony, and upon conviction
17 thereof shall be punished ~~by imprisonment in the State Penitentiary~~
18 ~~for not less than two (2) years, nor more than ten (10) years~~ in
19 accordance with the provisions of Section 17 of this act.

20 SECTION 529. AMENDATORY 52 O.S. 2021, Section 114, is
21 amended to read as follows:

22 Section 114. Any person who knowingly and willfully delays or
23 obstructs any Proration Umpire, any assistant or deputy of the
24 Proration Umpire, or any agent or employee of the Commission, in the

1 performance of any duty enjoined upon such proration umpire,
2 assistant or deputy of such Proration Umpire, or agent, or employee
3 of the Commission, by the provisions of this act or by any lawful
4 order, rule or regulation of the Commission; or who knowingly and
5 willfully delays or obstructs any public officer of the state, or of
6 any municipal subdivision thereof in the discharge or attempted
7 discharge of any duty of his office, arising by virtue of or growing
8 out of the enforcement of or an attempt to enforce the provisions of
9 this act, or any lawful order, rule, or regulation of the Commission
10 made in pursuance of the provisions hereof; or who attempts by means
11 of any threat or violence to deter or prevent any such Proration
12 Umpire, assistant, or deputy of the Proration Umpire, or any agent
13 or employee of the Commission from performing any duty imposed upon
14 them when such duty arises by virtue of or grows out of the attempt
15 to enforce the provisions of this act or of any lawful order, rule,
16 or regulation of the Commission made hereunder, shall be guilty of a
17 misdemeanor and upon conviction thereof may be punished by fine not
18 exceeding Five Hundred Dollars (\$500.00), or by confinement in the
19 county jail not exceeding six (6) months, or both. If such threat
20 or violence, or such attempted interference or obstruction is
21 accompanied by the use or attempted use of firearms by any such
22 person so offending, then such person shall be guilty of a Class D1
23 felony and, upon conviction, ~~may be punished by imprisonment in the~~
24 ~~State Penitentiary for a period of not less than one (1) year nor~~

1 ~~more than five (5) years~~ punished in accordance with the provisions
2 of Section 18 of this act.

3 SECTION 530. AMENDATORY 52 O.S. 2021, Section 115, is
4 amended to read as follows:

5 Section 115. If two or more persons conspire to violate any
6 provision of this act, or any lawful order, rule, or regulation of
7 the Commission fixing the method, manner, amount and rate of
8 production of oil or gas from any common source of supply in the
9 State of Oklahoma or conspire to produce oil or gas from any well or
10 wells in any common source of supply in the State of Oklahoma in
11 excess of the allowable production permitted from such well or wells
12 as fixed and determined by any lawful order, rule, or regulation of
13 the Commission or conspire to avoid making or filing any report, map
14 or drawing, or to file any false report, map or drawing with respect
15 to the method, manner, time, place, amount, or rate of production of
16 oil or gas from any well or wells in any common source of supply in
17 the State of Oklahoma, or conspire to avoid the making or filing of
18 any report, map or drawing, or to file any false report, map or
19 drawing, with respect to the removal or transportation of oil or gas
20 by any means whatsoever, from any common source of supply, as may be
21 prescribed or required by this act or by any lawful order, rule, or
22 regulation of the Commission; or conspire to make any false
23 statement therein with respect to any material matter contained
24 therein, and one or more such parties shall do any act to effect the

1 object of any such conspiracy, then each of the parties to any such
2 conspiracy shall, upon conviction, be guilty of a Class D1 felony in
3 any court having jurisdiction of the offense, ~~be fined not more than~~
4 ~~Five Thousand Dollars (\$5,000.00) or imprisoned in the State~~
5 ~~Penitentiary for a period of not exceeding five (5) years, or both~~
6 and shall be punished in accordance with the provisions of Section
7 18 of this act.

8 SECTION 531. AMENDATORY 52 O.S. 2021, Section 117, is
9 amended to read as follows:

10 Section 117. Whoever corruptly gives, offers or promises to
11 give to any member of the Commission, Proration Umpire, assistant or
12 deputy of a Proration Umpire, Proration Attorney, or agent or
13 employee of the Commission, any gift or gratuity whatsoever with an
14 intent to influence any such officer or person in his acts or
15 conduct with respect to (a) enforcing any order, rule or regulation
16 of the Commission made under this act, or (b) the discharge of any
17 duty by any such officer or person imposed upon him by the
18 provisions of this act, or by any order, rule, or regulation of the
19 Commission issued and promulgated under the provisions of this act,
20 shall be guilty of a Class D1 felony and shall be punished ~~by~~
21 ~~imprisonment in the State Penitentiary not exceeding five (5) years,~~
22 ~~and by a fine not exceeding Five Thousand Dollars (\$5,000.00) in~~
23 accordance with the provisions of Section 18 of this act.

24

1 SECTION 532. AMENDATORY 52 O.S. 2021 Section 118, is
2 amended to read as follows:

3 Section 118. Any member of the Commission, Proration Umpire,
4 assistant, deputy, agent or employee of the Proration Umpire,
5 Proration Attorney, or any agent or employee of the Commission who
6 asks, receives or agrees to receive any gift or gratuity upon any
7 agreement or understanding that his acts or conduct with respect to
8 (a) enforcing any provision of this act or of any order, rule, or
9 regulation of the Commission made under or in pursuance of this act,
10 or (b) the discharge of any duty by any such officer or person
11 imposed upon him by the provisions of this act, or by any order,
12 rule, or regulation of the Commission issued and promulgated under
13 the provisions of this act, shall be influenced thereby shall be
14 guilty of a Class C2 felony punishable ~~by imprisonment in the State~~
15 ~~Penitentiary not exceeding ten (10) years, and by a fine not~~
16 ~~exceeding Ten Thousand Dollars (\$10,000.00)~~ in accordance with the
17 provisions of Section 17 of this act.

18 SECTION 533. AMENDATORY 52 O.S. 2021, Section 235, is
19 amended to read as follows:

20 Section 235. Any person or agent of a corporation, who takes
21 gas, or aids or abets in the taking of gas, except as herein
22 provided, either directly or indirectly, as an individual, officer,
23 agent, or employee of any corporation, shall be guilty of ~~the~~ a
24 Class D1 felony ~~of grand larceny~~, and, upon conviction thereof,

1 shall be ~~sentenced to the State Penitentiary not to exceed five (5)~~
2 ~~years~~ punished in accordance with the provisions of Section 18 of
3 this act.

4 SECTION 534. AMENDATORY 56 O.S. 2021, Section 26.18, is
5 amended to read as follows:

6 Section 26.18. Every applicant for emergency relief or general
7 assistance shall make a written application, containing a written
8 certification, under penalty of perjury, alleging that all facts set
9 out in such application are true and correct. And said application
10 shall be forthwith acted upon, with dispatch and without delay.

11 Any person, whose duty it is to pass upon the eligibility of
12 persons to participate in any benefits provided in this act, who
13 shall knowingly, willfully or intentionally allow, or cause to be
14 allowed, any claim to any person known to be ineligible for such
15 relief, or, who aids, or abets, or persuades any person to sign an
16 application to obtain by means of a willfully false statement or
17 representation or other fraudulent device, assistance to which an
18 applicant is not entitled or assistance greater than that to which
19 an applicant is justly entitled shall be guilty of a Class D1
20 ~~felony, and upon conviction thereof shall be imprisoned not less~~
21 ~~than one (1) year or more than five (5) years or be fined not less~~
22 ~~than One Hundred Dollars (\$100.00) or more than One Thousand Dollars~~
23 ~~(\$1,000.00), or be both so fined and imprisoned in the discretion of~~

24

1 ~~the court~~ punished in accordance with the provisions of Section 18
2 of this act.

3 SECTION 535. AMENDATORY 56 O.S. 2021, Section 183, is
4 amended to read as follows:

5 Section 183. A. This section shall be known and may be cited
6 as "Kelley's Law".

7 B. All applications, information and records concerning any
8 applicant or recipient obtained pursuant to law or as authorized by
9 law by the Department of Human Services or any other public or
10 private entity shall be confidential and shall be open to inspection
11 only:

12 1. To persons duly authorized by the Department of Human
13 Services pursuant to rule promulgated in compliance with Article I
14 of the Administrative Procedures Act or by the United States in
15 connection with the performance of their official duties; or

16 2. As otherwise authorized by law.

17 Provided, however, the Department of Human Services shall maintain a
18 process to allow an authorized representative of a client of the
19 Department of Human Services to have access to confidential
20 information when necessary for eligibility determination and the
21 appeals process. For purposes of this section, "authorized
22 representative" shall mean any person designated by a client of the
23 Department of Human Services to review confidential information

24

1 about the client pertinent to eligibility determination and the
2 appeals process.

3 C. The Developmental Disabilities Services Division of the
4 Department of Human Services shall require all authorized persons
5 accessing service recipient information within a home record to sign
6 a form certifying that they have been informed and understand the
7 penalties for misuse of confidential and protected information
8 within the home record. The form shall include criminal penalties
9 related to identity theft.

10 D. It shall be unlawful and a misdemeanor for any public
11 officer or employee, to furnish or permit to be taken off of the
12 records any information therein contained for commercial or
13 political purposes.

14 E. It shall also be a Class D3 felony, punishable by
15 ~~imprisonment in the custody of the Department of Corrections for not~~
16 ~~to exceed two (2) years~~ in accordance with the provisions of Section
17 20 of this act, for any person, firm or corporation to publish, or
18 to use for commercial or political purposes, any list or names
19 obtained through access to such information or records.

20 SECTION 536. AMENDATORY 56 O.S. 2021, Section 185, is
21 amended to read as follows:

22 Section 185. A. Any person who:

23 1. Obtains or attempts to obtain, or aids, abets or assists any
24 person to obtain, by means of a false statement or representation,

1 by false impersonation, by a fictitious transfer, conveyance or
2 encumbrance of property or income, by a knowing and willful failure
3 to report to the Department of Human Services income, personal
4 property, real property, household members, or other material
5 eligibility factors at the time of application or during the receipt
6 of assistance, or by other fraudulent device, assistance to which an
7 applicant is not entitled or assistance greater than that to which
8 an applicant is justly entitled; or

9 2. By sale, barter, purchase, theft, acquisition, possession or
10 use of any electronic benefits or debit card or any other device
11 authorizing participation in the Temporary Assistance for Needy
12 Families or other program of the Department, knowingly obtains,
13 aids, abets or assists any person to obtain or attempt to obtain
14 assistance to which a person is not entitled,
15 shall be guilty of a misdemeanor, if the aggregate amount of
16 assistance received as a result thereof is Five Hundred Dollars
17 (\$500.00) or less. Upon conviction thereof, such person shall be
18 fined not more than Five Hundred Dollars (\$500.00) or be imprisoned
19 for not more than three (3) months or be both so fined and
20 imprisoned in the discretion of the court; provided, however, if the
21 aggregate amount of assistance received as a result thereof is in
22 excess of Five Hundred Dollars (\$500.00), such person shall be
23 guilty of a Class D3 felony and, upon conviction thereof, shall be
24 ~~fined not more than Five Thousand Dollars (\$5,000.00) or be~~

1 ~~imprisoned in the State Penitentiary for a term of not more than two~~
2 ~~(2) years, or be subject to both such fine and imprisonment in the~~
3 ~~discretion of the court~~ punished in accordance with the provisions
4 of Section 20 of this act.

5 B. Every county Department of Human Services office in this
6 state shall conspicuously post a sign in an area clearly visible to
7 all visitors of the county office which shall provide information
8 about how to report individuals who have obtained public assistance
9 through fraudulent means or who have used public assistance in a
10 manner not consistent with its intended use. The sign shall make
11 reference to the Department of Human Services fraud hotline and
12 provide the current phone number for the hotline. The sign shall
13 also contain notification that all reports to the hotline may be
14 filed anonymously by persons suspecting fraudulent activity.

15 C. Notwithstanding any other provision of law, the identity of
16 any person making a report on another individual who may have
17 obtained public assistance through fraudulent means, or an
18 individual using public assistance in a manner not consistent with
19 its intended use, shall not be revealed without the permission of
20 the person making the report.

21 SECTION 537. AMENDATORY 56 O.S. 2021, Section 243, is
22 amended to read as follows:

23 Section 243. A. No person shall:

24 1. Obtain;

- 1 2. Attempt to obtain;
- 2 3. Aid;
- 3 4. Abet;
- 4 5. Assist any person to obtain, by means of:
 - 5 a. a false statement or representation,
 - 6 b. false impersonation,
 - 7 c. a fictitious transfer, conveyance or encumbrance of
8 property or income,
 - 9 d. knowing and willful failure to report to the
10 Department of Human Services:
 - 11 (1) income,
 - 12 (2) personal property,
 - 13 (3) real property,
 - 14 (4) household members, or
 - 15 (5) other eligibility factors,at the time of application or during a period of
16 receipt of assistance, or
 - 17 e. any other fraudulent device:
 - 18 (1) food stamps or coupons, or any benefit or debit
19 card or any other device authorizing
20 participation in the food stamp program, to which
21 such applicant for food stamps or coupons, or any
22 benefit or debit card or any other device
23 benefit or debit card or any other device

1 authorizing participation in the food stamp
2 program is not entitled, or

3 (2) a greater amount of food stamps or coupons, or a
4 greater number of benefit or debit cards or any
5 other device authorizing participation in the
6 food stamp program than that amount or number
7 which such applicant for food stamps or coupons,
8 or any benefit or debit card or any other device
9 authorizing participation in the food stamp
10 program is justly entitled to;

11 6. Acquire, possess, use or transfer food stamps or coupons, or
12 any benefit or debit card or any other device authorizing
13 participation in the food stamp program that has been issued to
14 another person, except as authorized by this act and the rules of
15 the Department of Human Services;

16 7. Acquire or transfer food stamps or coupons, or any benefit
17 or debit card or any other device authorizing participation in the
18 food stamp program, except in exchange for food or food products for
19 human consumption. For purposes of this paragraph, the phrase "food
20 or food products for human consumption" shall not be construed as
21 including alcoholic beverages, tobacco, beer, or imported foods; or

22 8. Transfer any food stamps or coupons, or any benefit or debit
23 card or any other device authorizing participation in the food stamp
24 program, to a person who is not authorized by this act and rules of

1 the Department of Human Services to acquire, possess, or use the
2 transferred food stamps or coupons, or any benefit or debit card or
3 any other device authorizing participation in the food stamp
4 program.

5 B. 1. Any person, firm or corporation who violates any of the
6 provisions of this section shall be guilty of a:

7 a. misdemeanor, if the aggregate amount of food stamps or
8 coupons, or the aggregate value of any benefit or
9 debit card or any other device authorizing
10 participation in the food stamp program obtained or
11 transferred is Five Hundred Dollars (\$500.00) or less,
12 and, upon conviction thereof, shall be punishable by a
13 fine of not more than Five Hundred Dollars (\$500.00),
14 or by imprisonment in the county jail for not more
15 than three (3) months, or by both such fine and
16 imprisonment, in the discretion of the court, or

17 b. Class D3 felony, if the aggregate amount of food
18 stamps or coupons, or the aggregate value of any
19 benefit card or debit card or any other device
20 authorizing participation in the food stamp program
21 obtained or transferred is in excess of Five Hundred
22 Dollars (\$500.00), and, upon conviction thereof, shall
23 be punishable by a fine of not more than Five Thousand
24 Dollars (\$5,000.00), or by imprisonment in the State

1 ~~Penitentiary for not more than two (2) years, or by~~
2 ~~both such fine and imprisonment, in the discretion of~~
3 ~~the court~~ in accordance with the provisions of Section
4 20 of this act, or.

5 2. Any store which allows purchases of prohibited items shall
6 not be allowed to participate in the program.

7 3. Any person, firm or corporation who knowingly traffics in
8 food stamps or coupons of an aggregate value of One Hundred Dollars
9 (\$100.00) or less, or any benefit or debit card or any other device
10 authorizing participation in the food stamp program with an
11 aggregate value of One Hundred Dollars (\$100.00) or less, shall,
12 upon conviction, be guilty of a misdemeanor, punishable by a fine of
13 not more than Five Hundred Dollars (\$500.00), by imprisonment in the
14 county jail for not more than three (3) months, or by both such fine
15 and imprisonment, in the discretion of the court.

16 4. Any person, firm or corporation who knowingly traffics in
17 food stamps or coupons of an aggregate value exceeding One Hundred
18 Dollars (\$100.00), or any benefit or debit card or any other device
19 authorizing participation in the food stamp program with an
20 aggregate value exceeding One Hundred Dollars (\$100.00), shall, upon
21 conviction, be guilty of a Class D3 felony, ~~punishable by a fine of~~
22 ~~not more than Five Thousand Dollars (\$5,000.00), by imprisonment in~~
23 ~~the State Penitentiary for not more than two (2) years, or by both~~

1 ~~such fine and imprisonment, in the discretion of the court in~~
2 ~~accordance with the provisions of Section 20 of this act.~~

3 5. Any district attorney who enters into a deferred
4 adjudication or who negotiates for a deferred sentence with a
5 defendant charged with a violation of the provisions of this section
6 shall present the defendant with a disqualification consent
7 agreement as part of the deferred adjudication or sentence.

8 C. As used in this section, "to traffic or trafficking in food
9 stamps" means:

10 1. The buying, selling, stealing, or otherwise effecting an
11 exchange of food stamp benefits issued and accessed via electronic
12 benefit transfer cards, benefit or debit cards, card numbers and
13 personal identification numbers, or by manual voucher and signature,
14 for cash or consideration other than eligible food, either directly,
15 indirectly, in complicity or collusion with others, or acting alone;

16 2. The exchange of firearms, ammunition, explosives, or
17 controlled substances, as defined in Section 802 of Title 21 of the
18 United States Code, for food stamp benefits or food stamp electronic
19 benefit transfer cards, benefit or debit cards;

20 3. The possession of stolen food stamp electronic benefit
21 transfer cards, benefit or debit cards;

22 4. Purchasing a product with food stamp benefits that has a
23 container requiring a return deposit with the intent of obtaining
24 cash by discarding the product and returning the container for the

1 deposit amount, intentionally discarding the product, and
2 intentionally returning the container for the deposit amount;

3 5. Purchasing a product with food stamp benefits with the
4 intent of obtaining cash or consideration other than eligible food
5 by reselling the product, and subsequently intentionally reselling
6 the product purchased with food stamp benefits in exchange for cash
7 or consideration other than eligible food; or

8 6. Intentionally purchasing products originally purchased with
9 food stamp benefits in exchange for cash or consideration other than
10 eligible food.

11 SECTION 538. AMENDATORY 56 O.S. 2021, Section 1005.1, is
12 amended to read as follows:

13 Section 1005.1. A. As used in this section:

14 1. "Administrative sanction" means the court may enter an order
15 making an individual who violates a provision of this section
16 ineligible for assistance for a specified period of time. Such
17 order shall be communicated to the Oklahoma Health Care Authority
18 Legal Division; and

19 2. "Insure Oklahoma" means the program administered by the
20 Oklahoma Health Care Authority pursuant to Sections 1010.1 through
21 1010.13 of Title 56 of the Oklahoma Statutes.

22 B. Any individual who:

23 1. Obtains or attempts to obtain, or aids, abets or assists any
24 individual to obtain, by means of a false statement or

1 representation, or by false impersonation, or by a fictitious
2 transfer, conveyance or encumbrance of property or income, or by a
3 knowing and willful failure to report to the Department of Human
4 Services or the Oklahoma Health Care Authority income, personal
5 property, real property, household members, or other material
6 eligibility factors at the time of application or during the receipt
7 of assistance, or by other fraudulent device, assistance to which an
8 applicant is not entitled or assistance greater than that to which
9 an applicant is justly entitled shall be guilty of a misdemeanor or
10 a felony;

11 2. By sale, barter, purchase, theft, acquisition, possession or
12 use of any medical identification card or any other device
13 authorizing participation in the Oklahoma Medicaid Program,
14 knowingly obtains, aids, abets or assists any individual to obtain
15 or attempt to obtain assistance to which an individual is not
16 entitled shall be guilty of a misdemeanor or a felony; or

17 3. Attempts to obtain Medicaid or Insure Oklahoma benefits by
18 omitting income, personal property, household members, or other
19 material eligibility factors shall, upon conviction, be guilty of a
20 misdemeanor punishable by either a fine of three times the amount of
21 assistance, or up to three (3) months in the county jail. In
22 addition, the individual may also be punished by an administrative
23 sanction regarding Medicaid benefits. The court shall have
24 discretion in determining penalties.

1 C. If the acts in either paragraph 1 or 2 of subsection B of
2 this section or both paragraphs 1 and 2 of subsection B of this
3 section cause the Oklahoma Health Care Authority to determine that
4 an individual or family is eligible for Medicaid or the Insure
5 Oklahoma program and the aggregate amount of assistance paid on
6 behalf of the individual or individuals is less than Five Thousand
7 Dollars (\$5,000.00), the penalty, upon conviction, shall be a
8 misdemeanor punishable by fine or imprisonment, or both a fine and
9 imprisonment for three (3) months or an administrative sanction
10 regarding Medicaid benefits in the discretion of the court. If the
11 acts in paragraph 1 or 2 of subsection B of this section or both
12 paragraphs 1 and 2 of subsection B of this section cause the
13 Oklahoma Health Care Authority to determine an individual or family
14 eligible for Medicaid or the Insure Oklahoma program and the
15 aggregate amount of assistance paid on behalf of the individual or
16 individuals is equal to or greater than Five Thousand Dollars
17 (\$5,000.00), the penalty, upon conviction, shall be a Class D1
18 ~~felony punishable by fine or imprisonment~~ or both a fine and
19 ~~imprisonment for not more than five (5) years~~ in accordance with the
20 provisions of Section 18 Of this act or an administrative sanction
21 regarding Medicaid benefits in the discretion of the court.

22 SECTION 539. AMENDATORY 56 O.S. 2021, Section 1006, is
23 amended to read as follows:
24

1 Section 1006. A. Any person found to have committed any
2 violation of paragraphs 1 through 6 of subsection A of Section 1005
3 of this title shall be deemed guilty of Medicaid fraud.

4 B. 1. Any person committing Medicaid fraud where the aggregate
5 amount of payments illegally claimed or received is Two Thousand
6 Five Hundred Dollars (\$2,500.00) or more shall be guilty of a Class
7 D1 felony, and upon conviction thereof shall ~~pay a fine of not more~~
8 ~~than three times the amount of payments illegally claimed or~~
9 ~~received or Ten Thousand Dollars (\$10,000.00) whichever is greater,~~
10 ~~or be imprisoned for not more than three (3) years, or both such~~
11 ~~fine and imprisonment~~ be punished in accordance with the provisions
12 of Section 18 of this act.

13 2. Any person committing Medicaid fraud where the aggregate
14 amount of payments illegally claimed or received is less than Two
15 Thousand Five Hundred Dollars (\$2,500.00) shall be guilty of a
16 misdemeanor and upon conviction thereof shall pay a fine of not more
17 than three times the amount of payments illegally claimed or
18 received or One Thousand Dollars (\$1,000.00) whichever is greater,
19 or imprisoned for not more than one (1) year, or both such fine and
20 imprisonment.

21 Any person who violates paragraph 7 of subsection A of Section
22 1005 of this title shall be guilty of a Class D1 felony punishable
23 in accordance with the provisions of Section 18 of this act.

24

1 SECTION 540. AMENDATORY 57 O.S. 2021, Section 13, is
2 amended to read as follows:

3 Section 13. If any person committed to prison, for the purpose
4 of detaining him for trial, for a capital offense, shall break
5 prison and escape, he shall be guilty of a Class D3 felony ~~and shall~~
6 ~~be imprisoned in the state prison for the term of two (2) years~~
7 punishable in accordance with the provisions of Section 20 of this
8 act.

9 SECTION 541. AMENDATORY 57 O.S. 2021, Section 21, is
10 amended to read as follows:

11 Section 21. A. Any person who, without authority, brings into
12 or has in his or her possession in any jail or state penal
13 institution or other place where prisoners are located, any gun,
14 knife, bomb or other dangerous instrument, any controlled dangerous
15 substance as defined by the Uniform Controlled Dangerous Substances
16 Act, any alcoholic beverage as defined by Section 1-103 of Title 37A
17 of the Oklahoma Statutes, money or financial documents for a person
18 other than the inmate or a spouse of the inmate, including but not
19 limited to tax returns, shall be guilty of a Class D1 felony and,
20 upon conviction, shall be punished ~~by imprisonment in the custody of~~
21 ~~the Department of Corrections for a term of not less than one (1)~~
22 ~~year nor more than five (5) years, or by a fine of not less than One~~
23 ~~Hundred Dollars (\$100.00) nor more than One Thousand Dollars~~
24 ~~(\$1,000.00), or by both such fine and imprisonment~~ in accordance

1 with the provisions of Section 18 of this act. Provided, the
2 provisions of this subsection shall not prohibit any Department of
3 Corrections employee who has a valid handgun license pursuant to the
4 Oklahoma Self-Defense Act to keep a firearm in a vehicle on any
5 property set aside for the parking of any vehicle, whether occupied
6 or unoccupied, at any state-owned prison facility, provided the
7 employee has provided annual notification to the Department of
8 Corrections of the brand name, model, serial number, and owner
9 identification information of the firearm, and the firearm is
10 secured and stored in a locked metal storage container located in a
11 locked vehicle. The storage container will be secured in the
12 vehicle by a lockable chain or cable or by utilizing hardware
13 provided by the manufacturer.

14 B. If an inmate is found to be in possession of any item
15 prohibited by this section, upon conviction, such inmate shall be
16 guilty of a Class D1 felony and shall be punished ~~by imprisonment~~
17 ~~for a term of not less than five (5) years nor more than twenty (20)~~
18 ~~years in the custody of the Department of Corrections~~ in accordance
19 with the provisions of Section 18 of this act.

20 C. If the person found to be in possession of any item
21 prohibited by this section has committed, prior to the commission of
22 an offense in violation of this section, two or more felony
23 offenses, and the possession of contraband in violation of this
24 section is within ten (10) years of the completion of the execution

1 of the sentence for any prior offense, such person, upon conviction,
2 shall be guilty of a Class B3 felony and shall be punished by
3 ~~imprisonment in the custody of the Department of Corrections for a~~
4 ~~term of not less than twenty (20) years~~ in accordance with the
5 provisions of Section 12 of this act. Felony offenses relied upon
6 shall not have arisen out of the same transaction or occurrence or
7 series of events closely related in time and location.

8 D. Any person who, without authority, brings into or has in his
9 or her possession in any jail or state penal institution or other
10 place where prisoners are located, cigarettes, cigars, snuff,
11 chewing tobacco or any other form of tobacco product shall, upon
12 conviction, be guilty of a misdemeanor punishable by imprisonment in
13 the county jail not to exceed one (1) year, or by a fine not
14 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
15 imprisonment.

16 E. Any person who knowingly, willfully and without authority
17 brings into or has in his or her possession in any secure area of a
18 jail or state penal institution or other secure place where
19 prisoners are located any cellular phone or electronic device
20 capable of sending or receiving any electronic communication shall,
21 upon conviction, be guilty of a Class D1 felony ~~punishable by~~
22 ~~imprisonment in the custody of the Department of Corrections for a~~
23 ~~term not exceeding two (2) years, or by a fine not exceeding Two~~
24 ~~Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and~~

1 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
2 act.

3 F. Any contraband item prohibited by the provisions of this
4 section that is seized as a result of a violation of this section
5 may be forfeited by the agency that seized the contraband item
6 following the procedures outlined in Section 2-506 of Title 63 of
7 the Oklahoma Statutes.

8 G. "Electronic communication" means any transfer of signs,
9 signals, writings, images, sounds, data or intelligence of any
10 nature transmitted in whole or part by a wire, radio,
11 electromagnetic, photo-electronic or photo-optical system, and
12 includes, but is not limited to, the transfer of that communication
13 through the Internet.

14 SECTION 542. AMENDATORY 57 O.S. 2021, Section 22, is
15 amended to read as follows:

16 Section 22. A. Except as otherwise provided in this section,
17 any detention officer, deputy sheriff, or other person employed as
18 jail operations staff by a county, city, or other entity that
19 operates a jail who receives compensation from any person other than
20 the sheriff or jail administrator for providing goods, tobacco
21 products, or services for the benefit of an inmate, upon conviction,
22 shall be guilty of a misdemeanor if the compensation is an amount of
23 less than Five Hundred Dollars (\$500.00), punishable by up to six
24 (6) months in the county jail, or a fine of not more than One

1 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment
2 and shall be guilty of a Class D1 felony if the compensation is an
3 amount of Five Hundred Dollars (\$500.00) or more, punishable ~~by~~
4 ~~imprisonment in the custody of the Department of Corrections for not~~
5 ~~more than two (2) years, or a fine of not more than Five Thousand~~
6 ~~Dollars (\$5,000.00), or by both such fine and imprisonment~~ in
7 accordance with the provisions of Section 18 of this act.

8 B. The provisions of this section shall not apply to any person
9 operating, or employed by, a vendor facility licensed by the State
10 Department of Rehabilitation Services pursuant to Sections 71
11 through 78 of Title 7 of the Oklahoma Statutes for purposes of
12 carrying out the provisions of the Randolph-Sheppard Act, 20
13 U.S.C.A., Section 107 et seq., or any other duly authorized vendor.

14 SECTION 543. AMENDATORY 57 O.S. 2021, Section 222, is
15 amended to read as follows:

16 Section 222. A. It shall be unlawful to use prisoners assigned
17 to said public works project on any property other than public
18 property, except that inmate labor may be used on private property
19 for a public purpose.

20 B. As used in this section "public purpose" means a purpose
21 affecting the inhabitants of the state or political subdivision
22 utilizing the inmate labor, as a group, and not merely as
23 individuals. The work performed shall be essentially public and for
24 the general good of the inhabitants of the state or political

1 subdivision, and may include eradication of graffiti on private
2 buildings or harvesting Eastern Red Cedar trees. For purposes of
3 this section:

4 1. "Graffiti" shall include but not be limited to any
5 inscription, slogan or drawing, crudely scratched, drawn, printed,
6 painted or scribbled on a wall or other surface visible to the
7 public and which is likely to endanger the health or safety of the
8 public. Provided, however, that this definition shall never be
9 construed to include any sign or advertising device lawfully erected
10 or installed by the owner of property, lessee or authorized agent;
11 and

12 2. "Owner" means the owner of record as shown by the most
13 current tax rolls of the county treasurer.

14 C. The purpose of the work performed shall be to aid the
15 federal government, a state agency or a political subdivision,
16 utilizing the inmate labor in the exercise of a governmental
17 function. Any person convicted of willfully violating the
18 provisions of this section shall be guilty of a Class D1 felony
19 punishable in accordance with the provisions of Section 18 of this
20 act.

21 SECTION 544. AMENDATORY 57 O.S. 2021 Section 587, is
22 amended to read as follows:

23 Section 587. A. Any person required to register pursuant to
24 the provisions of the Sex Offenders Registration Act who violates

1 any provision of said act shall, upon conviction, be guilty of a
2 Class B5 felony. Any person convicted of a violation of this
3 section shall be punished ~~by imprisonment in the custody of the~~
4 ~~Department of Corrections for not more than five (5) years, a fine~~
5 ~~not to exceed Five Thousand Dollars (\$5,000.00), or both such fine~~
6 ~~and imprisonment~~ in accordance with the provisions of Section 14 of
7 this act.

8 B. Any person required to register pursuant to the Sex
9 Offenders Registration Act who fails to comply with the established
10 guidelines for global position system (GPS) monitoring shall, upon
11 conviction, be guilty of a Class B5 felony punishable ~~by a fine not~~
12 ~~to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in~~
13 ~~the custody of the county jail for not more than one (1) year, or by~~
14 ~~both such fine and imprisonment~~ or in accordance with the provisions
15 of Section 14 of this act.

16 SECTION 545. AMENDATORY 57 O.S. 2021 Section 590, is
17 amended to read as follows:

18 Section 590. A. It is unlawful for any person registered
19 pursuant to the Sex Offenders Registration Act to reside, either
20 temporarily or permanently, within a two-thousand-foot radius of any
21 public or private school site, educational institution, property or
22 campsite used by an organization whose primary purpose is working
23 with children, a playground or park that is established, operated or
24 supported in whole or in part by a homeowners' association or a

1 city, town, county, state, federal or tribal government, a licensed
2 child care center or family child care home as defined in the
3 Oklahoma Child Care Facilities Licensing Act or the residence of his
4 or her victim. Establishment of a licensed child care center,
5 family child care home or park in the vicinity of the residence of a
6 registered sex offender will not require the relocation of the sex
7 offender or the sale of the property. On June 7, 2006, the distance
8 indicated in this section shall be measured from the nearest
9 property line of the residence of the person to the nearest property
10 line of the public or private school site, educational institution,
11 property or campsite used by an organization whose primary purpose
12 is working with children, playground, park, licensed child care
13 center, family child care home or residence of his or her victim;
14 provided, any nonprofit organization established and housing sex
15 offenders prior to the effective date of this provision shall be
16 allowed to continue its operation.

17 Nothing in this provision shall require any person to sell or
18 otherwise dispose of any real estate or home acquired or owned prior
19 to the conviction of the person as a sex offender.

20 B. It shall be unlawful for any person who is required to
21 register pursuant to the Sex Offenders Registration Act for any
22 offense in which a minor child was the victim to reside with a minor
23 child or establish any other living accommodation where a minor
24 child resides. Provided, however, the person may reside with a

1 minor child if the person is the parent, stepparent or grandparent
2 of the minor child and the minor child was not the victim of the
3 offense for which the person is required to register. Any person
4 subject to the provisions of the Sex Offenders Registration Act who
5 resides with a minor child must report to the statewide centralized
6 hotline of the Department of Human Services the name and date of
7 birth of any and all minor children residing in the same household
8 and the offenses for which the person is required to register
9 pursuant to the Sex Offenders Registration Act within three (3) days
10 of intent to reside with a minor child.

11 Nothing in the provisions of this subsection shall prevent the
12 Department of Human Services from conducting and completing a safety
13 evaluation when a registered sex offender resides in the home of a
14 minor child.

15 C. The provisions of this section shall not apply to any
16 registered sex offender residing in a hospital or other facility
17 certified or licensed by the State of Oklahoma to provide medical
18 services.

19 D. Any person willfully violating the provisions of this
20 section by:

21 1. Intentionally moving into any neighborhood or to any real
22 estate or home within the prohibited distance; or
23
24

1 2. Intentionally moving into a residence with a minor child or
2 establishing any other living accommodation where a minor child
3 resides as specified in subsection B of this section,
4 shall, upon conviction, be guilty of a Class B5 felony punishable by
5 a fine not to exceed Three Thousand Dollars (\$3,000.00), or ~~by~~
6 ~~imprisonment in the custody of the Department of Corrections for a~~
7 ~~term of not less than one (1) year nor more than three (3) years, or~~
8 ~~by both such fine and imprisonment~~ in accordance with the provisions
9 of Section 14 of this act. Any person convicted of a second or
10 subsequent violation of this section shall, upon conviction, be
11 guilty of a Class B2 felony and shall be punished by a fine not to
12 ~~exceed Three Thousand Dollars (\$3,000.00), or by imprisonment in the~~
13 ~~custody of the Department of Corrections for a term of not less than~~
14 ~~three (3) years, or by both such fine and imprisonment~~ in accordance
15 with the provisions of Section 11 of this act.

16 SECTION 546. AMENDATORY 57 O.S. 2021 Section 590.1, is
17 amended to read as follows:

18 Section 590.1. A. 1. It is unlawful for two or more persons
19 required to register as sex offenders to reside together in any
20 individual dwelling during the term of registration as a sex
21 offender. Every person violating this provision shall be guilty,
22 upon conviction, of a misdemeanor punishable by imprisonment in the
23 county jail for a term not more than one (1) year and a fine in an
24 amount not to exceed One Thousand Dollars (\$1,000.00). Every person

1 convicted of a second or subsequent violation of this section shall
2 be guilty of a Class B5 felony ~~punishable by imprisonment in the~~
3 ~~custody of the Department of Corrections for a term not more than~~
4 ~~five (5) years and a fine in an amount not to exceed Two Thousand~~
5 ~~Dollars (\$2,000.00)~~ and shall be punished in accordance with the
6 provisions of Section 14 of this act.

7 2. The provisions of paragraph 1 of this subsection shall not
8 be construed to prohibit a registered sex offender from residing in
9 any properly zoned and established boarding house, apartment
10 building or other multi-unit structure; provided the individual
11 dwellings are separate for each registered person. Nothing in this
12 subsection shall prohibit the sharing of living quarters, jail or
13 prison space, or any multi-person or dormitory-style housing of sex
14 offenders in the custody of any jail or correctional facility or any
15 properly zoned facility under contract with a jail or correctional
16 agency for the purpose of housing prisoners, or any properly
17 established treatment or nonprofit facility located in a properly
18 zoned area determined by the local governing authority and housing
19 persons for purposes of sex offender services and treatment.

20 Nothing in this subsection shall prohibit married persons, both of
21 whom are required to register as sex offenders, or two or more blood
22 relatives who are required to register as sex offenders, from
23 residing in any individual dwelling during the term of registration
24 as a sex offender.

1 3. For purposes of this subsection, "individual dwelling"
2 means:

- 3 a. a private residential property, whether owned, leased
4 or rented, including all real property zoned as
5 single-family residential property or zoned as multi-
6 family residential property due to any adjacent,
7 detached or separate living quarters of any kind on
8 such property,
- 9 b. any room available within any boarding house or group
10 home as such term is defined by subsection D of this
11 section,
- 12 c. any single apartment for rent or lease within an
13 apartment building, or
- 14 d. any separate residential unit made available for sale,
15 rent or lease within a multi-unit structure, including
16 a condominium, duplex, triplex, quadriplex or any unit
17 that is constructed together with other separate units
18 into one structure.

19 4. For purposes of this section, "multi-unit structure" means a
20 structure with multiple residential units that provide independent
21 living facilities for living, sleeping, cooking, eating, and
22 sanitation within each individual unit. Manufactured homes, mobile
23 homes, trailers, and recreational vehicles that do not meet the
24 descriptions of this paragraph are not multi-unit structures.

1 B. The Department of Corrections is prohibited from contracting
2 for the housing of any person required to register as a sex offender
3 in any individual dwelling, as defined by paragraph 3 of subsection
4 A of this section, where another person required to register as a
5 sex offender also resides.

6 C. No halfway house, nonprofit organization, or private entity
7 shall contract with the Department of Corrections or any jail to
8 house any person required to register as a sex offender or offer
9 housing independently to any person required to register as a sex
10 offender if such housing facility is located within a single-family
11 zoned residential neighborhood or is not properly zoned as a multi-
12 unit housing structure, jail or correctional facility.

13 D. No person or entity shall knowingly establish or operate a
14 boarding house or group home, or otherwise knowingly rent or lease
15 rooms, for the residency of persons required to register pursuant to
16 the Sex Offenders Registration Act unless treatment services are
17 provided. Said facility must also be in a properly zoned area
18 determined by the local governing authority. For purposes of this
19 subsection, "boarding house or group home" means a dwelling that is
20 used for the residency of two or more unrelated persons.

21 E. No person or entity shall knowingly establish, lease,
22 operate, or own any structure or portion of a structure where
23 persons required to register pursuant to the Sex Offenders
24

1 Registration Act are allowed to reside together in violation of this
2 section or knowingly allow any other violation of this section.

3 F. Every person convicted of a first violation of subsection E
4 of this section shall be guilty of a misdemeanor and shall be
5 punished by a fine of not more than Five Hundred Dollars (\$500.00),
6 or by imprisonment in the county jail for not more than one (1)
7 year, or by both such fine and imprisonment. Any person convicted
8 of a second violation shall be guilty of a misdemeanor and shall be
9 punished by a fine of not more than Two Thousand Five Hundred
10 Dollars (\$2,500.00), or by imprisonment in the county jail for not
11 more than one (1) year, or by both such fine and imprisonment. Any
12 person convicted of a third or subsequent violation shall be guilty
13 of a Class B5 felony and shall be punished ~~by a fine of not less~~
14 ~~than Two Thousand Five Hundred Dollars (\$2,500.00) and not more than~~
15 ~~Five Thousand Dollars (\$5,000.00), or by imprisonment in the custody~~
16 ~~of the Department of Corrections for not more than five (5) years,~~
17 ~~or by both such fine and imprisonment~~ in accordance with the
18 provisions of Section 14 of this act.

19 SECTION 547. AMENDATORY 57 O.S. 2021, Section 599, is
20 amended to read as follows:

21 Section 599. Any person required to register pursuant to the
22 provisions of the Mary Rippe Violent Crime Offenders Registration
23 Act who violates any provision of the act shall, upon conviction, be
24 guilty of a Class D1 felony. Any person convicted of a violation of

1 this section shall be punished ~~by incarceration in a correctional~~
2 ~~facility for not more than five (5) years, a fine not to exceed Five~~
3 ~~Thousand Dollars (\$5,000.00), or both such fine and imprisonment in~~
4 accordance with the provisions of Section 18 of this act.

5 SECTION 548. AMENDATORY 59 O.S. 2021, Section 15.26, is
6 amended to read as follows:

7 Section 15.26. Any individual holding a certificate or license
8 who knowingly falsifies any report or statement bearing on any
9 attestation, investigation, or audit made by the individual or
10 subject to the individual's direction shall be guilty of a Class D3
11 felony, and upon conviction shall be punishable ~~by imprisonment for~~
12 ~~a period of not more than one (1) year, or by a fine of not more~~
13 ~~than Twenty-five Thousand Dollars (\$25,000.00) per occurrence, or by~~
14 ~~both such fine and imprisonment~~ in accordance with the provisions of
15 Section 20 of this act.

16 SECTION 549. AMENDATORY 59 O.S. 2021, Section 328.49, is
17 amended to read as follows:

18 Section 328.49. A. The Board of Dentistry shall be responsible
19 for the enforcement of the provisions of the State Dental Act
20 against all persons who are in violation thereof, including, but not
21 limited to, individuals who practice or attempt to practice
22 dentistry or dental hygiene without proper authorization from the
23 Board.

24

1 B. 1. It shall be unlawful for any person, except a licensed
2 dentist, to:

- 3 a. practice or attempt to practice dentistry,
- 4 b. hold oneself out to the public as a dentist or as a
5 person who practices dentistry, or
- 6 c. employ or use the words "Doctor" or "Dentist", or the
7 letters "D.D.S." or "D.M.D.", or any modification or
8 derivative thereof, when such use is intended to give
9 the impression that the person is a dentist.

10 2. It shall be unlawful for any person, except a registered
11 dental hygienist, to:

- 12 a. practice or attempt to practice dental hygiene,
- 13 b. hold oneself out to the public as a dental hygienist
14 or as a person who practices dental hygiene, or
- 15 c. employ or use the words "Registered Dental Hygienist",
16 or the letters "R.D.H.", or any modification or
17 derivative thereof, when such use is intended to give
18 the impression that the person is a dental hygienist.

19 3. It shall be unlawful for any person to:

- 20 a. give false or fraudulent evidence or information to
21 the Board in an attempt to obtain any license or
22 permit from the Board, or
- 23 b. aid or abet another person in violation of the State
24 Dental Act.

1 4. Each day a person is in violation of any provision of this
2 subsection shall constitute a separate criminal offense and, in
3 addition, the district attorney may file a separate charge of
4 medical battery for each person who is injured as a result of
5 treatment performed in violation of this subsection.

6 C. 1. If a person violates any of the provisions of subsection
7 B of this section, the Board shall refer the alleged violation to
8 the district attorney of the county in which the violation is
9 alleged to have occurred to bring a criminal action in that county
10 against the person. At the request of the Board, district attorney
11 or Attorney General, attorneys employed or contracted by the Board
12 may assist the district attorney or Attorney General in prosecuting
13 charges under the State Dental Act or any violation of law relating
14 to or arising from an investigation conducted by the Board of
15 Dentistry upon approval of the Board or the Executive Director.

16 2. Any person who violates any of the provisions of paragraph 1
17 or 3 of subsection B of this section, upon conviction, shall be
18 guilty of a Class D1 felony punishable ~~by a fine in an amount not~~
19 ~~less than One Thousand Dollars (\$1,000.00) nor more than Ten~~
20 ~~Thousand Dollars (\$10,000.00), or by imprisonment in the county jail~~
21 ~~for a term of not more than one (1) year or imprisonment in the~~
22 ~~eustody of the Department of Corrections for a term of not more than~~
23 ~~four (4) years, or by both such fine and imprisonment in accordance~~
24 with the provisions of Section 18 of this act.

1 Any person who violates any of the provisions of paragraph 2 of
2 subsection B of this section, upon conviction, shall be guilty of a
3 misdemeanor punishable by a fine in an amount not less than Five
4 Hundred Dollars (\$500.00) nor more than Two Thousand Five Hundred
5 Dollars (\$2,500.00), or by imprisonment in the county jail for a
6 term of not more than ninety (90) days, or by both such fine and
7 imprisonment. Any second or subsequent violation of paragraph 2 of
8 subsection B of this section, upon conviction, shall be a Class D3
9 felony punishable ~~by a fine in an amount not less than One Thousand~~
10 ~~Five Hundred Dollars (\$1,500.00) nor more than Five Thousand Dollars~~
11 ~~(\$5,000.00), or by imprisonment in the county jail for a term of not~~
12 ~~more than one (1) year or imprisonment in the custody of the~~
13 ~~Department of Corrections for a term of not more than two (2) years,~~
14 ~~or by both such fine and imprisonment~~ in accordance with the
15 provisions of Section 20 of this act.

16 D. The Board may initiate a civil action, pursuant to Chapter
17 24 of Title 12 of the Oklahoma Statutes, seeking a temporary
18 restraining order or injunction, without bond, commanding a person
19 to refrain from engaging in conduct which constitutes a violation of
20 any of the provisions of subsection B of this section. In a civil
21 action filed pursuant to this subsection, the prevailing party shall
22 be entitled to recover costs and reasonable attorney fees.

23 E. In addition to any other penalties provided herein, any
24 person found guilty of contempt of court by reason of the violation

1 of any injunction prohibiting the unlicensed practice of dentistry
2 now in effect or hereafter entered pursuant to any provision of the
3 State Dental Act or any preceding state dental act, shall be
4 punished by imprisonment in the county jail for a term of not less
5 than thirty (30) days nor more than one (1) year, and by a fine of
6 not less than Five Hundred Dollars (\$500.00) nor more than One
7 Thousand Dollars (\$1,000.00). The court may also require the
8 defendant to furnish a good and sufficient bond in a penal sum to be
9 set by the court, not less than One Thousand Dollars (\$1,000.00),
10 which shall be conditioned upon future compliance in all particulars
11 with the injunction entered, and in the event of failure of the
12 defendant to furnish such bond when so ordered, the defendant shall
13 be confined in the county jail pending compliance therewith. Such
14 bond shall be mandatory as to any person hereafter found guilty of a
15 second contempt of court for violation of any injunction entered
16 pursuant to the State Dental Act, or any preceding state dental act.

17 SECTION 550. AMENDATORY 59 O.S. 2021, Section 353.17A,
18 is amended to read as follows:

19 Section 353.17A. It shall be unlawful to impersonate a
20 pharmacist. If a person impersonates a pharmacist and causes
21 patient harm, then, upon conviction, it shall be a Class D1 felony
22 punishable in accordance with the provisions of Section 18 of this
23 act.
24

1 SECTION 551. AMENDATORY 59 O.S. 2021, Section 353.24, is
2 amended to read as follows:

3 Section 353.24. A. It shall be unlawful for any licensee or
4 other person to:

5 1. Forge or increase the quantity of drug in any prescription,
6 or to present a prescription bearing forged, fictitious or altered
7 information or to possess any drug secured by such forged,
8 fictitious or altered prescription;

9 2. Sell, offer for sale, barter or give away any unused
10 quantity of drugs obtained by prescription, except through a program
11 pursuant to the Utilization of Unused Prescription Medications Act
12 or as otherwise provided by the State Board of Pharmacy;

13 3. Sell, offer for sale, barter or give away any drugs damaged
14 by fire, water, or other causes without first obtaining the written
15 approval of the Board or the State Department of Health;

16 4. No person, firm or business establishment shall offer to the
17 public, in any manner, their services as a "pick-up station" or
18 intermediary for the purpose of having prescriptions filled or
19 delivered, whether for profit or gratuitously. Nor may the owner of
20 any pharmacy or drug store authorize any person, firm or business
21 establishment to act for them in this manner with these exceptions:

22 a. patient-specific filled prescriptions may be delivered
23 or shipped to a prescriber's clinic for pick-up by
24 those patients whom the prescriber has individually

1 determined and documented do not have a permanent or
2 secure mailing address,

3 b. patient-specific filled prescriptions for drugs which
4 require special handling written by a prescriber may
5 be delivered or shipped to the prescriber's clinic for
6 administration or pick-up at the prescriber's office,

7 c. patient-specific filled prescriptions, including
8 sterile compounded drugs, may be delivered or shipped
9 to a prescriber's clinic where they shall be
10 administered,

11 d. patient-specific filled prescriptions for patients
12 with end-stage renal disease (ESRD) may be delivered
13 or shipped to a prescriber's clinic for administration
14 or final delivery to the patient,

15 e. patient-specific filled prescriptions for
16 radiopharmaceuticals may be delivered or shipped to a
17 prescriber's clinic for administration or pick-up, or

18 f. patient-specific filled prescriptions may be delivered
19 or shipped by an Indian Health Services (IHS) or
20 federally recognized tribal health organization
21 operating under the IHS in the delivery of the
22 prescriptions to a pharmacy operated by the IHS or a
23 federally recognized tribal health organization for
24 pick-up by an IHS or tribal patient.

1 However, nothing in this paragraph shall prevent a pharmacist or
2 an employee of the pharmacy from personally receiving a prescription
3 or delivering a legally filled prescription to a residence, office
4 or place of employment of the patient for whom the prescription was
5 written. Provided further, the provisions of this paragraph shall
6 not apply to any Department of Mental Health and Substance Abuse
7 Services employee or any person whose facility contracts with the
8 Department of Mental Health and Substance Abuse Services whose
9 possession of any dangerous drug, as defined in Section 353.1 of
10 this title, is for the purpose of delivery of a mental health
11 consumer's medicine to the consumer's home or residence. Nothing in
12 this paragraph shall prevent veterinary prescription drugs from
13 being shipped directly from an Oklahoma licensed wholesaler or
14 distributor registered with the Oklahoma Board of Veterinary Medical
15 Examiners to a client; provided, such drugs may be dispensed only on
16 prescription of a licensed veterinarian and only when an existing
17 veterinary-client-patient relationship exists. Nothing in this
18 paragraph shall prevent dialysate and peritoneal dialysis devices
19 from being shipped directly from an Oklahoma licensed manufacturer,
20 wholesaler or distributor to an ESRD patient or patient's designee,
21 consistent with subsection F of Section 353.18 of this title;

22 5. Sell, offer for sale or barter or buy any professional
23 samples except through a program pursuant to the Utilization of
24 Unused Prescription Medications Act;

1 6. Refuse to permit or otherwise prevent members of the Board
2 or such representatives thereof from entering and inspecting any and
3 all places, including premises, vehicles, equipment, contents, and
4 records, where drugs, medicine, chemicals or poisons are stored,
5 sold, vended, given away, compounded, dispensed, repackaged,
6 transported, or manufactured;

7 7. Interfere, refuse to participate in, impede or otherwise
8 obstruct any inspection, investigation or disciplinary proceeding
9 authorized by the Oklahoma Pharmacy Act;

10 8. Possess dangerous drugs without a valid prescription or a
11 valid license to possess such drugs; provided, however, this
12 provision shall not apply to any Department of Mental Health and
13 Substance Abuse Services employee or any person whose facility
14 contracts with the Department of Mental Health and Substance Abuse
15 Services whose possession of any dangerous drug, as defined in
16 Section 353.1 of this title, is for the purpose of delivery of a
17 mental health consumer's medicine to the consumer's home or
18 residence;

19 9. Fail to establish and maintain effective controls against
20 the diversion of drugs for any other purpose than legitimate
21 medical, scientific or industrial uses as provided by state, federal
22 and local law;

23 10. Fail to have a written drug diversion detection and
24 prevention policy;

1 11. Possess, sell, offer for sale, barter or give away any
2 quantity of dangerous drugs not listed as a scheduled drug pursuant
3 to Sections 2-201 through 2-212 of Title 63 of the Oklahoma Statutes
4 when obtained by prescription bearing forged, fictitious or altered
5 information.

6 a. A first violation of this section shall constitute a
7 misdemeanor and upon conviction shall be punishable by
8 imprisonment in the county jail for a term not more
9 than one (1) year and a fine in an amount not more
10 than One Thousand Dollars (\$1,000.00).

11 b. A second violation of this section shall constitute a
12 Class D1 felony and upon conviction shall be
13 ~~punishable by imprisonment in the Department of~~
14 ~~Corrections for a term not exceeding five (5) years~~
15 ~~and a fine in an amount not more than Two Thousand~~
16 ~~Dollars (\$2,000.00) in accordance with the provisions~~
17 ~~of Section 18 of this act;~~

18 12. Violate a Board order or agreed order;

19 13. Compromise the security of licensure examination materials;

20 or

21 14. Fail to notify the Board, in writing, within ten (10) days
22 of a licensee or permit holder's address change.

23 B. 1. It shall be unlawful for any person other than a
24 licensed pharmacist or physician to certify a prescription before

1 delivery to the patient or the patient's representative or
2 caregiver. Dialysate and peritoneal dialysis devices supplied
3 pursuant to the provisions of subsection F of Section 353.18 of this
4 title shall not be required to be certified by a pharmacist prior to
5 being supplied by a manufacturer, wholesaler or distributor.

6 2. It shall be unlawful for any person to institute or manage a
7 pharmacy unless such person is a licensed pharmacist or has placed a
8 licensed pharmacist in charge of such pharmacy.

9 3. No licensed pharmacist shall manage, supervise or be in
10 charge of more than one pharmacy.

11 4. No pharmacist being requested to sell, furnish or compound
12 any drug, medicine, chemical or other pharmaceutical preparation, by
13 prescription or otherwise, shall substitute or cause to be
14 substituted for it, without authority of the prescriber or
15 purchaser, any like drug, medicine, chemical or pharmaceutical
16 preparation.

17 5. No pharmacy, pharmacist-in-charge or other person shall
18 permit the practice of pharmacy except by a licensed pharmacist or
19 assistant pharmacist.

20 6. No person shall subvert the authority of the pharmacist-in-
21 charge of the pharmacy by impeding the management of the
22 prescription department to act in compliance with federal and state
23 law.

24

1 C. 1. It shall be unlawful for a pharmacy to resell dangerous
2 drugs to any wholesale distributor.

3 2. It shall be unlawful for a wholesale distributor to purchase
4 drugs from a pharmacy.

5 SECTION 552. AMENDATORY 59 O.S. 2021, Section 353.25, is
6 amended to read as follows:

7 Section 353.25. A. The violation of any provision of the
8 Oklahoma Pharmacy Act for which no penalty is specifically provided
9 shall be punishable as a misdemeanor.

10 B. Any person who shall willfully make any false
11 representations in procuring or attempting to procure for himself or
12 herself, or for another, licensure under the Oklahoma Pharmacy Act
13 shall be guilty of ~~the~~ a Class D1 felony of perjury punishable in
14 accordance with the provisions of Section 18 of this act.

15 SECTION 553. AMENDATORY 59 O.S. 2021, Section 396.33, is
16 amended to read as follows:

17 Section 396.33. Disposing of the body of a deceased person by
18 cremation or other similar means, within the State of Oklahoma,
19 except in a crematory duly licensed as provided for in Section 25 of
20 this act and under a special permit for cremation issued in
21 accordance with the provisions of Section 1-329.1 of Title 63 of the
22 Oklahoma Statutes, is hereby declared to be a Class D1 felony
23 punishable in accordance with the provisions of Section 18 of this
24 act.

1 SECTION 554. AMENDATORY 59 O.S. 2021, Section 491, is
2 amended to read as follows:

3 Section 491. A. 1. Every person before practicing medicine
4 and surgery or any of the branches or departments of medicine and
5 surgery, within the meaning of the Oklahoma Allopathic Medical and
6 Surgical Licensure and Supervision Act, the Oklahoma Osteopathic
7 Medicine Act, or the Oklahoma Interventional Pain Management and
8 Treatment Act, within this state, must be in legal possession of the
9 unrevoked license or certificate issued pursuant to the Oklahoma
10 Allopathic Medical and Surgical Licensure and Supervision Act or the
11 Oklahoma Osteopathic Medicine Act.

12 2. Any person practicing in such manner within this state, who
13 is not in the legal possession of a license or certificate, shall,
14 upon conviction, be guilty of a Class D1 felony, punishable ~~by a~~
15 ~~fine in an amount not less than One Thousand Dollars (\$1,000.00) nor~~
16 ~~more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in~~
17 ~~the county jail for a term of not more than one (1) year or~~
18 ~~imprisonment in the custody of the Department of Corrections for a~~
19 ~~term of not more than four (4) years, or by both such fine and~~
20 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
21 act.

22 3. Each day a person is in violation of any provision of this
23 subsection shall constitute a separate criminal offense and, in
24 addition, the district attorney may file a separate charge of

1 medical battery for each person who is injured as a result of
2 treatment or surgery performed in violation of this subsection.

3 4. Any person who practices medicine and surgery or any of the
4 branches or departments thereof without first complying with the
5 provisions of the Oklahoma Allopathic Medical and Surgical Licensure
6 and Supervision Act, the Oklahoma Osteopathic Medicine Act, or the
7 Oklahoma Interventional Pain Management and Treatment Act shall, in
8 addition to the other penalties provided therein, receive no
9 compensation for such medical and surgical or branches or
10 departments thereof services.

11 B. 1. If a license has been revoked or suspended pursuant to
12 the Oklahoma Allopathic Medical and Surgical Licensure and
13 Supervision Act or the Oklahoma Osteopathic Medicine Act whether for
14 disciplinary reasons or for failure to renew the license, the State
15 Board of Medical Licensure and Supervision may, subject to rules
16 promulgated by the Board, assess and collect an administrative fine
17 not to exceed Five Thousand Dollars (\$5,000.00) for each day after
18 revocation or suspension whether for disciplinary reasons or for
19 failure to renew such license that the person practices medicine and
20 surgery or any of the branches or departments thereof within this
21 state.

22 2. The Board may impose administrative penalties against any
23 person who violates any of the provisions of the Oklahoma
24 Interventional Pain Management and Treatment Act or any rule

1 promulgated pursuant thereto. The Board is authorized to initiate
2 disciplinary and injunctive proceedings against any person who has
3 violated any of the provisions of the Oklahoma Interventional Pain
4 Management and Treatment Act or any rule of the Board promulgated
5 pursuant thereto. The Board is authorized in the name of the state
6 to apply for relief by injunction in the established manner provided
7 in cases of civil procedure, without bond, to enforce the provisions
8 of the Oklahoma Interventional Pain Management and Treatment Act, or
9 to restrain any violation thereof. The members of the Board shall
10 not be personally liable for proceeding under this section.

11 3. Fines assessed shall be in addition to any criminal penalty
12 provided pursuant to subsection A of this section.

13 SECTION 555. AMENDATORY 59 O.S. 2021, Section 638, is
14 amended to read as follows:

15 Section 638. A. Each of the following acts shall constitute a
16 Class D1 felony, punishable, upon conviction, by a fine of not less
17 than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand
18 Dollars (\$10,000.00) or by imprisonment in the county jail for a
19 term of not more than one (1) year or imprisonment in the custody of
20 the Department of Corrections for a term of not more than four (4)
21 years, or by both such fine and imprisonment in accordance with the
22 provisions of Section 18 of this act:

23
24

1 1. The practice of osteopathic medicine or attempt to practice
2 osteopathic medicine without a license issued by the State Board of
3 Osteopathic Examiners;

4 2. Obtaining, or attempting to obtain, a license under the
5 Oklahoma Osteopathic Medicine Act by fraud or false statements;

6 3. Obtaining, or attempting to obtain, money or any other thing
7 of value, by fraudulent representation or false pretense;

8 4. Advertising as an osteopathic physician and surgeon, or
9 practicing or attempting to practice osteopathic medicine under a
10 false, assumed, or fictitious name, or a name other than the real
11 name; or

12 5. Allowing any person in the licensee's employment or control
13 to practice as an osteopathic physician and surgeon when not
14 actually licensed to do so.

15 B. Each day a person is in violation of any provision of
16 subsection A of this section shall constitute a separate criminal
17 offense and, in addition, the district attorney may file a separate
18 charge of medical battery for each person who is injured as a result
19 of treatment or surgery performed in violation of subsection A of
20 this section.

21 C. Any person making any willfully false oath or affirmation
22 whenever oath or affirmation is required by the Oklahoma Osteopathic
23 Medicine Act shall be deemed guilty of the felony of perjury, and
24

1 upon conviction, shall be punished as prescribed by the general laws
2 of this state.

3 SECTION 556. AMENDATORY 59 O.S. 2021, Section 1322, is
4 amended to read as follows:

5 Section 1322. A. Every bondsman shall file with the
6 undertaking an affidavit stating whether or not the bondsman or
7 anyone for the use of the bondsman has been promised or has received
8 any security or consideration for the undertaking, and if so, the
9 nature and description of security and amount thereof, and the name
10 of the person by whom the promise was made or from whom the security
11 or consideration was received. Any willful misstatement in the
12 affidavit relating to the security or consideration promised or
13 given shall ~~render the person making it subject to the same~~
14 ~~prosecution and penalty as one who commits the felony of perjury be~~
15 a Class D1 felony punishable in accordance with the provisions of
16 Section 18 of this act.

17 B. An action to enforce any indemnity agreement shall not lie
18 in favor of the surety against the indemnitor, except with respect
19 to agreements set forth in the affidavit. In an action by the
20 indemnitor against the surety to recover any collateral or security
21 given by the indemnitor, the surety shall have the right to retain
22 only the security or collateral as it mentioned in the affidavit
23 required by this section.

24

1 C. If security or consideration other than that reported on the
2 original affidavit is received after the affidavit is filed with the
3 court clerk, an amended affidavit shall be filed with the court
4 clerk indicating the receipt of security or consideration.

5 D. If a bondsman accepts a mortgage on real property as
6 collateral on a bond, the bondsman shall file a copy of the mortgage
7 with the bond within thirty (30) days of receipt of the mortgage.
8 The Commissioner shall have the authority to extend or waive this
9 requirement.

10 SECTION 557. AMENDATORY 59 O.S. 2021, Section 1335, is
11 amended to read as follows:

12 Section 1335. Whoever, having been admitted to bail for
13 appearance before any district court in the State of Oklahoma, (1)
14 incurs a forfeiture of the bail and willfully fails to surrender
15 himself within thirty (30) days following the date of such
16 forfeiture, or (2) willfully fails to comply with the terms of his
17 personal recognizance, shall be guilty of a Class D1 felony ~~and~~
18 ~~shall be fined not more than Five Thousand Dollars (\$5,000.00) or~~
19 ~~imprisoned not more than two (2) years, or both~~ punished in
20 accordance with the provisions of Section 18 of this act.

21 SECTION 558. AMENDATORY 59 O.S. 2021, Section 1350.2, is
22 amended to read as follows:

23 Section 1350.2. A. On and after February 1, 2015, no person
24 shall act or engage in, solicit or offer services, or represent

1 himself or herself, as a bail enforcer as defined by the Bail
2 Enforcement and Licensing Act without first having been issued a
3 valid license by the Council on Law Enforcement Education and
4 Training.

5 B. On or after February 1, 2015, any person who shall act or
6 engage in, solicit or offer services, or represent himself or
7 herself, as a bail enforcer without a valid license issued by the
8 Council shall be guilty of a Class D3 felony, upon conviction,
9 ~~punishable by a fine in an amount not exceeding Ten Thousand Dollars~~
10 ~~(\$10,000.00), or by imprisonment in the custody of the Department of~~
11 ~~Corrections for a term of not more than three (3) years, or by both~~
12 ~~such fine and imprisonment~~ in accordance with the provisions of
13 Section 20 of this act.

14 C. Any person violating the provisions of subsection B of this
15 section while having in his or her possession or under his or her
16 control any firearm or weapon, including a firearm under the
17 authority of the Oklahoma Self-Defense Act, shall be guilty of a
18 Class D3 felony and shall be punished, upon conviction, by an
19 ~~additional fine in an amount not exceeding Five Thousand Dollars~~
20 ~~(\$5,000.00), or by an additional term of imprisonment up to three~~
21 ~~(3) years, or by both such fine and imprisonment~~ in accordance with
22 the provisions of Section 20 of this act. In addition, the
23 authority to carry the firearm may be permanently revoked by the
24 issuing authority.

1 SECTION 559. AMENDATORY 59 O.S. 2021, Section 1350.4, is
2 amended to read as follows:

3 Section 1350.4. A. It shall be unlawful for any person whose
4 license as a bail enforcer has been suspended, revoked, surrendered
5 or denied, to perform, or assist in the performance of, any function
6 or service as a bail enforcer.

7 B. Except as provided in paragraph C of Section 1311.3 of this
8 title, it shall be unlawful for a bail enforcer licensed in this
9 state to assist, aid or conspire with an unlicensed person, or a
10 person whose license as a bail enforcer or bail bondsman has been
11 suspended, revoked, surrendered or denied, to engage in any function
12 or service as a bail enforcer. Provided, however, a commissioned
13 Oklahoma peace officer or reserve peace officer who is off-duty may
14 assist a bail enforcer without having been issued a bail enforcer
15 license. Any such peace officer engaged in a recovery and surrender
16 shall wear clothing clearly marked "bail enforcer" or "bail
17 enforcement" and shall not wear any clothing marked "police" or use
18 any other words or phrases that imply that such person is associated
19 with law enforcement or a government agency; or use any vehicle
20 marked "police" or with any other words or phrases that imply that
21 such a person is associated with law enforcement or a government
22 agency; or display an official peace officer badge, except when the
23 policies of the officer's employing law enforcement agency, and the

24

1 agency in whose jurisdiction the officer is engaged in a recovery
2 and surrender, allows the officer to do so.

3 C. ~~Any violation of this section shall be a violation of the~~
4 ~~Bail Enforcement and Licensing Act which is punishable as provided~~
5 ~~in Section 1350.2 of this title~~ person violating the provisions of
6 this section shall be guilty of a Class D3 felony and shall be
7 punished, upon conviction, in accordance with the provisions of
8 Section 20 of this act.

9 SECTION 560. AMENDATORY 59 O.S. 2021, Section 1350.6, is
10 amended to read as follows:

11 Section 1350.6. A. Notwithstanding any other provision of law,
12 it shall be unlawful for a bail enforcer to break into and enter the
13 dwelling house of any defendant or third-party for purposes of
14 recovery or attempted recovery of a defendant either:

15 1. By forcibly bursting or breaking the wall, or an outer door,
16 window, or shutter of a window of such house or the lock or bolts of
17 such door, or the fastening of such window or shutter;

18 2. By breaking in any other manner, being armed with a weapon
19 or being assisted or aided by one or more persons then actually
20 present; or

21 3. By unlocking an outer door by means of false keys or by
22 picking the lock thereof, or by lifting a latch or opening a window.

23 B. A person violating the provisions of this section shall be
24 guilty of ~~burglary in the first degree~~ a Class B2 felony and, upon

1 conviction, shall be punished as provided in Section 1436 of Title
2 21 of the Oklahoma Statutes in accordance with the provisions of
3 Section 11 of this act. Provided, however, the offense and penalty
4 stated in this section shall not apply to a licensed bail enforcer
5 during an active attempt at recovery of a felony defendant under the
6 following conditions:

- 7 a. the bail enforcer has first-hand or eyes-on knowledge
8 that the defendant entered the dwelling house during
9 an attempt to recover the defendant and the defendant
10 after reasonable request is refusing to surrender,
- 11 b. the bail enforcer has first-hand or eyes-on knowledge
12 that the defendant is actually within the dwelling
13 house and after reasonable request is refusing to
14 surrender, or
- 15 c. the bail enforcer has obtained knowledge confirming
16 beyond a reasonable doubt that the defendant is
17 actually within the dwelling house and after
18 reasonable request refuses to surrender.

19 For purposes of this subsection, "first-hand knowledge" means
20 information received from direct eye-witness testimony, actual
21 visual contact with and confirmed identification of the defendant by
22 a person who knows the defendant or resides at the dwelling house,
23 or other factual evidence provided directly to the licensed bail
24

1 enforcer that confirms the identity and presence of the defendant
2 within the dwelling house.

3 The exceptions to the offense and penalty in this section shall
4 not limit or restrict another person within or without the dwelling
5 house, or owning the dwelling house, from taking any action in
6 response to or to defend a forced entry into such dwelling house,
7 including use of a firearm as may be authorized by law. The use of
8 an exception provided in this subsection by a licensed bail enforcer
9 shall be a fact to be determined by the district attorney in
10 considering whether to prosecute an offense under this section. Any
11 person exercising his or her right to respond or protect the
12 dwelling house or its occupants shall not be liable for injury to
13 another who was forcing entry into such dwelling house. An owner or
14 occupant of a dwelling house may seek damages to his or her property
15 in a civil action if such damage resulted from a forced entry by a
16 licensed bail enforcer.

17 SECTION 561. AMENDATORY 59 O.S. 2021, Section 1350.12,
18 is amended to read as follows:

19 Section 1350.12. A. It shall be unlawful for any person
20 engaged in a recovery and surrender to mark any vehicle, wear any
21 apparel, or display any badge or identification card bearing the
22 words "police", "deputy", "detective", "officer", "agent",
23 "investigator", "fugitive agent", "recovery agent", "enforcement
24 officer", "bounty hunter", "bail agent", or "recovery detective" or

1 use any other words or phrases that imply that such person is
2 associated with law enforcement or a government agency except as
3 provided in paragraph B of Section 1350.4 of this title.

4 B. It shall be unlawful for any person not duly licensed or not
5 authorized to engage in a recovery and surrender pursuant to the
6 Bail Enforcement and Licensing Act to mark any vehicle, wear any
7 apparel, or display any badge or identification card bearing the
8 words "bail enforcer", "bail enforcement" or "bail enforcement
9 agency" or use any other words or phrases that imply that such
10 person is licensed or authorized to act under the Bail Enforcement
11 and Licensing Act or state or federal laws.

12 C. Any person duly licensed, or authorized to engage in a
13 recovery and surrender pursuant to the Bail Enforcement and
14 Licensing Act, shall wear apparel bearing the words "bail enforcer"
15 or "bail enforcement" during the recovery and surrender as provided
16 in paragraph B of Section 1350.4 of this title.

17 ~~D. Any violation shall be a violation of the Bail Enforcement~~
18 ~~and Licensing Act which is punishable as provided in Section 1350.2~~
19 ~~of this title, person violating the provisions of this section shall~~
20 ~~be guilty of a Class D3 felony and shall be punished, upon~~
21 ~~conviction, in accordance with the provisions of Section 20 of this~~
22 ~~act,~~ or the violator may be prosecuted for false impersonation of an
23 officer.

24

1 SECTION 562. AMENDATORY 59 O.S. 2021, Section 1350.16,
2 is amended to read as follows:

3 Section 1350.16. A. The words "Bail Enforcer" or "Bail
4 Enforcement" shall be displayed in bold letters on all clothing worn
5 during the recovery of a defendant and such words together with the
6 person's valid state-issued license number shall be on the badge
7 authorized by or issued by CLEET, which badge shall be in the
8 possession of and visibly displayed by the bail enforcer during the
9 recovery of a defendant.

10 B. Vehicles used by a bail enforcer, if marked, must bear the
11 words "Bail Enforcer" or "Bail Enforcement". No such vehicle shall
12 be equipped with a siren, a lamp with a red or blue lens, or an
13 overhead light or lights with red or blue lens.

14 C. ~~Any violation of provisions of this section shall be~~
15 ~~punishable as provided in Section 1350.2 of this title person~~
16 violating the provisions of this section shall be guilty of a Class
17 D3 felony and shall be punished, upon conviction, in accordance with
18 the provisions of Section 20 of this act. In addition, the Council
19 on Law Enforcement Education and Training may suspend or revoke the
20 license pursuant to the rules promulgated for such prohibited
21 conduct.

22 SECTION 563. AMENDATORY 59 O.S. 2021, Section 1425, is
23 amended to read as follows:

24

1 Section 1425. A. Any person found in violation of any
2 provision of the Oklahoma Scrap Metal Dealers Act, with the
3 exceptions as provided by subsections B, C and D of this section,
4 shall, upon conviction, be guilty of a misdemeanor and punished by a
5 fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00)
6 per offense. Any person convicted of a second violation of the
7 Oklahoma Scrap Metal Dealers Act shall be guilty of a misdemeanor
8 and punished by a fine of not more than Five Thousand Dollars
9 (\$5,000.00) per offense or by imprisonment in the county jail for a
10 period of not more than six (6) months. Any person convicted of a
11 third or subsequent violation of the Oklahoma Scrap Metal Dealers
12 Act shall be guilty of a Class D3 felony punishable ~~by a fine of not~~
13 ~~more than Ten Thousand Dollars (\$10,000.00) per offense or by~~
14 ~~imprisonment in the custody of the Department of Corrections for a~~
15 ~~period of not more than two (2) years, or by both such fine and~~
16 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
17 act.

18 B. Any person acting as a scrap metal dealer without a scrap
19 metal dealer license or a sales tax permit as required by the
20 Oklahoma Scrap Metal Dealers Act shall, upon conviction, be guilty
21 of a misdemeanor and punished by a fine of not more than Five
22 Hundred Dollars (\$500.00); provided, that each day of operation in
23 violation of the Oklahoma Scrap Metal Dealers Act shall constitute a
24 separate offense.

1 C. Any person who knowingly provides false information with
2 respect to the provisions of subsection I of Section 1423 of this
3 title shall, upon conviction, be guilty of a Class D3 felony and
4 ~~punished by a fine of Five Thousand Dollars (\$5,000.00), or by~~
5 ~~imprisonment in the custody of the Department of Corrections for a~~
6 ~~period of not more than two (2) years, or by both such fine and~~
7 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
8 act.

9 D. Any person convicted of purchasing or selling burnt copper
10 material or copper wire as prohibited by subsection G of Section
11 1423 of this title shall, upon first conviction, be guilty of a
12 misdemeanor and punished by a fine of Two Thousand Five Hundred
13 Dollars (\$2,500.00). Any person convicted of a second or subsequent
14 violation shall be guilty of a Class D3 felony punishable ~~by a fine~~
15 ~~of Five Thousand Dollars (\$5,000.00), or by imprisonment in the~~
16 ~~custody of the Department of Corrections for a period of not more~~
17 ~~than two (2) years, or by both such fine and imprisonment~~ in
18 accordance with the provisions of Section 20 of this act.

19 E. Each scrap metal dealer convicted of a violation of the
20 Oklahoma Scrap Metal Dealers Act shall be reported to the Oklahoma
21 Tax Commission by the clerk of the court rendering such verdict.

22 F. The Tax Commission shall revoke the sales tax permit of any
23 person convicted of three separate violations of the Oklahoma Scrap
24 Metal Dealers Act. The person shall not be eligible to receive a

1 sales tax permit for such purpose for a period of one (1) year
2 following the revocation. The revocation procedure shall be subject
3 to notice and hearing as required by Section 1426 of this title.

4 SECTION 564. AMENDATORY 59 O.S. 2021, Section 1512, as
5 last amended by Section 19, Chapter 116, O.S.L. 2018, is amended to
6 read as follows:

7 Section 1512. A. Rule Making Power. The Administrator shall
8 have the same authority to adopt, amend and repeal rules as is
9 conferred upon him by paragraph (e) of subsection (1), and
10 subsections (2) and (3) of Section 6-104 of Title 14A of the
11 Oklahoma Statutes, as applicable, and such rules shall have the same
12 effect as provided in subsection (4) of Section 6-104 thereunder.
13 In addition, the Administrator may adopt, amend and repeal such
14 other rules as are necessary for the enforcement of the provisions
15 of Section 1501 et seq. of this title and consistent with all its
16 provisions.

17 B. Administrative Enforcement. Compliance with the provisions
18 of this act may be enforced by the Administrator who may exercise,
19 for such purpose, all the powers enumerated in Part 1 of Article 6,
20 Title 14A of the Oklahoma Statutes, in the same manner as in
21 relation to consumer credit transactions under that act, as well as
22 those powers conferred in this act.

23 C. Criminal Penalties. 1. Any person who engages in the
24 business of operating a pawn shop without first securing the license

1 prescribed by this act shall be guilty of a misdemeanor and upon
2 conviction thereof shall be punished by a fine not in excess of One
3 Thousand Dollars (\$1,000.00), by confinement in the county jail for
4 not more than six (6) months or by both.

5 2. Any person selling or pledging property to a pawnbroker who
6 uses false or altered identification or a false declaration of
7 ownership as related to the provisions of Section 1515 of this title
8 shall be punished as follows:

9 a. if the value of the property is less than One Thousand
10 Dollars (\$1,000.00), the person shall, upon
11 conviction, be guilty of a misdemeanor punishable by
12 imprisonment in the county jail for a term not to
13 exceed one (1) year, or by a fine not to exceed Five
14 Hundred Dollars (\$500.00), or by both such
15 imprisonment and fine,

16 b. if the value of the property is One Thousand Dollars
17 (\$1,000.00) or more but less than Two Thousand Five
18 Hundred Dollars (\$2,500.00), the person shall, upon
19 conviction, be guilty of a Class D3 felony punishable
20 ~~by imprisonment in the custody of the Department of~~
21 ~~Corrections for a term not to exceed two (2) years or~~
22 ~~in the county jail for a term not to exceed one (1)~~
23 ~~year, or by a fine not to exceed Five Hundred Dollars~~
24 ~~(\$500.00), or by both such imprisonment and fine in~~

1 accordance in the provisions of Section 20 of this
2 act,

3 c. if the value of the personal property is Two Thousand
4 Five Hundred Dollars (\$2,500.00) or more but less than
5 Fifteen Thousand Dollars (\$15,000.00), the person
6 shall, upon conviction, be guilty of a Class D1 felony
7 punishable by ~~imprisonment in the custody of the~~
8 ~~Department of Corrections for a term not to exceed~~
9 ~~five (5) years or in the county jail for a term not to~~
10 ~~exceed one (1) year, or by a fine not to exceed Five~~
11 ~~Hundred Dollars (\$500.00), or by both such~~
12 ~~imprisonment and fine~~ in accordance with the
13 provisions of Section 18 of this act, or

14 d. if the value of the personal property is Fifteen
15 Thousand Dollars (\$15,000.00) or more, the person
16 shall, upon conviction, be guilty of a Class D1 felony
17 punishable by ~~imprisonment in the custody of the~~
18 ~~Department of Corrections for a term not to exceed~~
19 ~~eight (8) years, or by a fine not to exceed Five~~
20 ~~Hundred Dollars (\$500.00), or by both such~~
21 ~~imprisonment and fine~~ in accordance with the
22 provisions of Section 18 of this act.

23 3. Any person who fails to repay a pawnbroker the full amount
24 received from a pawn or buy transaction after being officially

1 notified by a peace officer that the goods he or she pledged or sold
2 in that transaction were stolen or embezzled shall, upon conviction,
3 be guilty of a misdemeanor punishable by imprisonment in the county
4 jail for a term not to exceed six (6) months, or a fine not to
5 exceed Five Hundred Dollars (\$500.00), or by both such fine and
6 imprisonment.

7 D. Private Enforcement. 1. If any person engages in the
8 business of operating a pawnshop without first securing the license
9 prescribed by this act, or if any pawnbroker contracts for, charges
10 or receives a pawn finance charge in excess of that authorized by
11 this act, the pawn transaction shall be void and the customer is not
12 obligated to pay either the amount financed or the pawn finance
13 charge in connection with the transaction, and upon the customer's
14 demand, the pawnbroker shall be obligated to return to the customer,
15 as a refund, all amounts paid in connection with the transaction by
16 the customer and the pledged goods delivered to the pawnbroker in
17 connection with the pawn transaction or their value if the goods
18 cannot be returned. If a customer is entitled to a refund under
19 this section and a pawnbroker liable to the customer refuses to make
20 the refund within a reasonable time after demand, the customer shall
21 have an action against the pawnbroker and in the case of a
22 successful action to enforce such liability, the costs of the action
23 together with attorney fees as determined by the court shall be
24 awarded to the customer.

1 2. A pawnbroker who fails to disclose information to a customer
2 entitled to the information under this act is liable to that person
3 in an amount equal to the sum of:

4 a. twice the amount of the pawn finance charge in
5 connection with the transaction, or One Hundred
6 Dollars (\$100.00), whichever is greater, and

7 b. in the case of a successful action to enforce the
8 liability under paragraph 1 of this subsection, the
9 costs of the action together with reasonable attorney
10 fees as determined by the court.

11 SECTION 565. AMENDATORY 59 O.S. 2021, Section 1529, is
12 amended to read as follows:

13 Section 1529. Willful violation of any of the provisions of
14 this act shall be a misdemeanor upon first conviction punishable by
15 not more than thirty (30) days in the county jail or by a fine not
16 to exceed Five Hundred Dollars (\$500.00) or both. Subsequent
17 convictions of a willful violation of this act shall be a Class D3
18 felony punishable by not more than three (3) years in the State
19 Penitentiary in accordance with the provisions of Section 20 of this
20 act.

21 SECTION 566. AMENDATORY 59 O.S. 2021, Section 1750.11,
22 is amended to read as follows:

23 Section 1750.11. A. Unless otherwise prescribed by law, any
24 person convicted of violating any provision of the Oklahoma Security

1 Guard and Private Investigator Act or a rule or regulation
2 promulgated pursuant to the Oklahoma Security Guard and Private
3 Investigator Act shall be guilty of a misdemeanor punishable by
4 imprisonment for not more than sixty (60) days, or by a fine of not
5 more than Two Thousand Dollars (\$2,000.00), or by both such
6 imprisonment and fine.

7 B. Any person who willfully makes a false statement, knowing
8 such statement is false, in any application to the Council on Law
9 Enforcement Education and Training for a license pursuant to the
10 Oklahoma Security Guard and Private Investigator Act, or who
11 otherwise commits a fraud in connection with such application, shall
12 be guilty of a Class D1 felony punishable ~~by a term of imprisonment~~
13 ~~for not less than two (2) years nor more than five (5) years, or by~~
14 ~~a fine of not more than Two Thousand Dollars (\$2,000.00), or by both~~
15 ~~such imprisonment and fine~~ in accordance with the provisions of
16 Section 18 of this act.

17 SECTION 567. AMENDATORY 61 O.S. 2021, Section 114, is
18 amended to read as follows:

19 Section 114. The chief administrative officer and members of
20 the governing body of the awarding public agency authorizing or
21 awarding or supervising the execution of a public construction
22 contract, and their relatives within the third degree of
23 consanguinity or affinity, are forbidden to be interested directly
24 or indirectly through stock ownership, partnership interest or

1 otherwise in any such contract. Contracts entered into in violation
2 of this section shall be void. Persons willfully violating this
3 section shall be guilty of a Class D3 felony punishable in
4 accordance with the provisions of Section 20 of this act and shall
5 be subject to removal from office.

6 SECTION 568. AMENDATORY 61 O.S. 2021, Section 115, is
7 amended to read as follows:

8 Section 115. Any agreement or collusion among bidders,
9 prospective bidders or material suppliers in restraint of freedom of
10 competition by agreement to bid at a fixed price or to refrain from
11 bidding, or otherwise, shall render the bids of such bidders void.
12 Persons willfully violating this section shall be guilty of a Class
13 D1 felony punishable in accordance with the provisions of Section 18
14 of this act. Each bidder shall accompany the bid with a sworn
15 statement that the bidder has not been a party to any such
16 agreement. The form of the statement shall be substantially as
17 provided in Section 85.22 of Title 74 of the Oklahoma Statutes, but
18 modified in wording to refer to the appropriate public agency
19 requesting bids.

20 SECTION 569. AMENDATORY 61 O.S. 2021, Section 116, is
21 amended to read as follows:

22 Section 116. A. Any disclosure by an employee of a public
23 agency of the terms of a bid submitted in response to a bid notice
24 issued by a public agency in advance of the time set for opening of

1 all bids so submitted shall be unlawful. It shall also be unlawful
2 for any person to solicit, possess or receive information which is
3 to be contained in a bid notice of a public agency, for use in
4 preparing a bid, in advance of the date on which said bid notice is
5 to be made equally and uniformly known to all prospective bidders
6 and the public, and it shall further be unlawful for any employee of
7 a public agency to withhold or impede the distribution of said
8 information after notice of the bid has been given, unless the
9 solicitation of bids has been withdrawn or the particular
10 information in question has been deleted or replaced through
11 alteration of the bid notice and said withdrawal or alteration has
12 been made equally and uniformly known. Any violation of this
13 subsection shall be a Class D1 felony punishable in accordance with
14 provisions of Section 18 of this act and shall render the
15 proceedings void and require solicitation and award anew.

16 B. The estimate of the actual cost of the project made by the
17 public agency, construction manager or consultant for the agency
18 shall not be considered confidential and shall be available to the
19 public in accordance with the Oklahoma Open Records Act.

20 SECTION 570. AMENDATORY 62 O.S. 2021, Section 81, is
21 amended to read as follows:

22 Section 81. Any official or employee thereof or any member or
23 employee of any state board or state commission who shall fail,
24 neglect or refuse to comply with the requirements of Section two (2)

1 hereof, or any other provision of this act, shall forfeit and pay to
2 the use of the State of Oklahoma the sum of Twenty-five Dollars
3 (\$25.00) per day for each and every day that he shall so fail,
4 neglect or refuse to comply with requirements of said act, and shall
5 forfeit and be removed from office; and any such official who shall
6 issue, sign, attest or utter any false or illegal voucher against
7 any monies deposited, as in this act provided, shall be liable to
8 the state on his official bond for a sum double in amount of any
9 such illegal or fraudulent voucher, and shall be deemed guilty of a
10 Class D1 felony, and upon conviction thereof shall be punished ~~by a~~
11 ~~fine in a sum of not less than One Hundred Dollars (\$100.00) nor~~
12 ~~more than One Thousand Dollars (\$1,000.00) and by imprisonment in~~
13 ~~the State Penitentiary for a term of not less than one (1) year nor~~
14 ~~more than five (5) years~~ in accordance with the provisions of
15 Section 18 of this act.

16 SECTION 571. AMENDATORY 62 O.S. 2021, Section 89.11, is
17 amended to read as follows:

18 Section 89.11. A. The State Treasurer shall develop and
19 implement a system of procedures to record and audit all
20 transactions, including electronic investment bidding transactions
21 with outside financial concerns. Said system of procedures shall be
22 promulgated pursuant to the Administrative Procedures Act and must
23 be approved by the Cash Management and Investment Oversight
24 Commission not later than October 1, 1994.

1 B. The Executive Review Committee must approve any proposed
2 destruction or changes of any transaction records, including
3 electronic investment bidding transactions. Any approved
4 destructions or changes of such transactions shall be detailed in
5 writing by the Executive Review Committee. The provisions of this
6 subsection shall not apply to corrections of scrivener error in
7 transaction records; however, for purposes of this section,
8 "scrivener error" shall not be defined to include any deliberate
9 change in a transaction record made:

10 1. For the purpose of causing a record to reflect a transaction
11 having occurred which did not in fact occur;

12 2. For the purpose of causing a record to reflect that a
13 transaction did not occur when in fact it did occur; or

14 3. Resulting in inaccuracy in a record which is material to
15 determining whether an act or omission occurred if such act or
16 omission constitutes a violation of any law, rule or requirement.

17 C. The State Auditor and Inspector, the Attorney General and
18 other authorized law enforcement officers are authorized to inspect
19 any transaction records or documents, including electronic
20 investment bidding transactions created pursuant to this section.

21 D. The willful interference with the inspections authorized by
22 subsection C of this section or the deliberate falsification or
23 destruction of transaction records, other than as permitted by
24 subsection B of this section, by the State Treasurer, any employee

1 of the State Treasurer, or any other person or firm shall, upon
2 conviction, be a Class D3 felony and shall be punishable by
3 ~~imprisonment in the State Penitentiary for a term not to exceed~~
4 ~~three (3) years, by a fine of Ten Thousand Dollars (\$10,000.00), or~~
5 ~~by both such imprisonment and fine~~ in accordance with the provisions
6 of Section 20 of this act, and shall also constitute grounds for
7 termination of such employee. A violation of the requirements of
8 subsection C of this section, shall be grounds for disciplinary
9 action, including termination from employment.

10 SECTION 572. AMENDATORY 62 O.S. 2021, Section 81, is
11 amended to read as follows:

12 Section 81. Any official or employee thereof or any member or
13 employee of any state board or state commission who shall fail,
14 neglect or refuse to comply with the requirements of Section two (2)
15 hereof, or any other provision of this act, shall forfeit and pay to
16 the use of the State of Oklahoma the sum of Twenty-five Dollars
17 (\$25.00) per day for each and every day that he shall so fail,
18 neglect or refuse to comply with requirements of said act, and shall
19 forfeit and be removed from office; and any such official who shall
20 issue, sign, attest or utter any false or illegal voucher against
21 any monies deposited, as in this act provided, shall be liable to
22 the state on his official bond for a sum double in amount of any
23 such illegal or fraudulent voucher, and shall be deemed guilty of a
24 Class D1 felony, and upon conviction thereof shall be punished by a

1 ~~fine in a sum of not less than One Hundred Dollars (\$100.00) nor~~
2 ~~more than One Thousand Dollars (\$1,000.00) and by imprisonment in~~
3 ~~the State Penitentiary for a term of not less than one (1) year nor~~
4 ~~more than five (5) years~~ in accordance with the provisions of
5 Section 18 of this act.

6 SECTION 573. AMENDATORY 62 O.S. 2021, Section 604, is
7 amended to read as follows:

8 Section 604. Any person who with intent to defraud uses on a
9 public security:

10 (a) A facsimile signature, or any reproduction of it, of any
11 authorized officer, or

12 (b) Any facsimile seal, or any reproduction of it, of this state
13 or of any of its departments, agencies, or other instrumentalities
14 or of any of its political subdivisions or districts
15 is guilty of a Class D1 felony and shall be punishable ~~as provided~~
16 ~~by Section 9 of Title 21 of the Oklahoma Statutes~~ in accordance with
17 the provisions of Section 18 of this act.

18 SECTION 574. AMENDATORY 63 O.S. 2021, Section 1-324.1,
19 is amended to read as follows:

20 Section 1-324.1. A. It shall be unlawful for any person to
21 commit any of the following specified acts in relation to birth,
22 death or stillbirth certificates issued by this state:

23 1. Create, issue, present or possess a fictitious birth, death
24 or stillbirth certificate;

1 2. Apply for a birth, death or stillbirth certificate under
2 false pretenses;

3 3. Alter information contained on a birth, death or stillbirth
4 certificate;

5 4. Obtain, display or represent a birth certificate of any
6 person as one's own by any person, other than the person named on
7 the birth certificate;

8 5. Obtain, display or represent a fictitious death or
9 stillbirth certificate for the purpose of fraud;

10 6. Make a false statement or knowingly conceal a material fact
11 or otherwise commit fraud in an application for a birth, death or
12 stillbirth certificate; or

13 7. Knowingly present a false or forged certificate for filing.

14 B. Except as otherwise provided in this subsection, it is a
15 Class D3 felony for any employee or person authorized to issue or
16 create a birth, death or stillbirth certificate or related record
17 under this title to knowingly issue such certificate or related
18 record to a person not entitled thereto, or to knowingly create or
19 record such certificate bearing erroneous information thereon. A
20 certifier who knowingly omits to list a lethal agent or improperly
21 states manner of death in violation of subsection E of Section 1-317
22 of this title shall be deemed to have engaged in unprofessional
23 conduct as described in paragraph 8 of Section 509 of Title 59 of
24 the Oklahoma Statutes.

1 C. Except as otherwise provided in subsection B of this
2 section, a violation of any of the provisions of this section shall
3 constitute a Class D3 felony and upon conviction, shall be punished
4 in accordance with the provisions of Section 20 of this act.

5 D. Notwithstanding any provision of this section, the State
6 Commissioner of Health or a designated agent, upon the request of a
7 chief administrator of a health or law enforcement agency, may
8 authorize the issuance, display or possession of a birth, death or
9 stillbirth certificate, which would otherwise be in violation of
10 this section, for the sole purpose of education with regard to
11 public health or safety; provided, however, any materials used for
12 such purposes shall be marked "void".

13 E. The provisions of this section shall not apply to any
14 request made to the State Department of Health pursuant to
15 subsection E of Section 1550.41 of Title 21 of the Oklahoma
16 Statutes.

17 SECTION 575. AMENDATORY 63 O.S. 2021, Section 1-731, is
18 amended to read as follows:

19 Section 1-731. A. No person shall perform or induce an
20 abortion upon a pregnant woman unless that person is a physician
21 licensed to practice medicine in the State of Oklahoma who is board-
22 certified in obstetrics and gynecology. Any person violating this
23 section shall be guilty of a Class D2 felony punishable by
24 ~~imprisonment for not less than one (1) year nor more than three (3)~~

1 ~~years in the custody of the Department of Corrections~~ in accordance
2 with the provisions of Section 19 of this act.

3 B. No person shall perform or induce an abortion upon a
4 pregnant woman subsequent to the end of the first trimester of her
5 pregnancy, unless such abortion is performed or induced in a general
6 hospital.

7 SECTION 576. AMENDATORY 63 O.S. 2021, Section 1-737.13,
8 is amended to read as follows:

9 Section 1-737.13. Whoever violates ~~Section 3 of this act~~ the
10 provisions of Section 1-737.9 of this title shall ~~be fined Ten~~
11 ~~Thousand Dollars (\$10,000.00), or imprisoned for not more than two~~
12 ~~(2) years or both~~ , upon conviction, be guilty of a Class D2 felony
13 punishable in accordance with the provisions of Section 19 of this
14 act or.

15 SECTION 577. AMENDATORY 63 O.S. 2021, Section 1-738.14,
16 is amended to read as follows:

17 Section 1-738.14. Any person who knowingly or recklessly
18 performs or attempts to perform an abortion in violation of the
19 Unborn Child Pain Awareness/Prevention Act shall be guilty of a
20 Class D2 felony punishable in accordance with the provisions of
21 Section 19 of this act. Any physician who knowingly or recklessly
22 submits a false report under subsection C of Section 13 of this act
23 shall be guilty of a misdemeanor. No penalty may be assessed
24 against the female upon whom the abortion is performed or attempted

1 to be performed. No penalty or civil liability may be assessed for
2 failure to comply with Section 8 of this act requiring a written
3 certification that the female has been informed of the opportunity
4 to review the information referred to in Section 8 of this act
5 unless the State Department of Health has made the printed materials
6 available at the time the physician or the agent of the physician is
7 required to inform the female of the right to review the materials.

8 SECTION 578. AMENDATORY 63 O.S. 2021, Section 1-740.4b,
9 is amended to read as follows:

10 Section 1-740.4b. A. A person who knowingly or recklessly uses
11 a false governmental record or makes a fraudulent representation or
12 statement in order to obtain an abortion for a minor in violation of
13 this title or intentionally causes, aids, abets or assists an
14 unemancipated minor to obtain an abortion without the consent
15 required by Section 1-740.2 of this title commits a Class D2 felony
16 punishable in accordance with the provisions of Section 19 of this
17 act.

18 B. A physician who intentionally or knowingly performs an
19 abortion on a pregnant unemancipated minor in violation of this
20 title commits a Class D2 felony punishable in accordance with the
21 provisions of Section 19 of this act.

22 C. 1. It is a defense to prosecution under subsection B of
23 this section if the person falsely representing himself or herself
24 as the parent or guardian of the minor displayed an apparently valid

1 governmental record of identification such that a reasonable person,
2 under similar circumstances, would have relied on the
3 representation.

4 2. The defense does not apply if the physician, or agent of the
5 physician, failed to use due diligence in determining the age of the
6 minor or the identity of the person represented as the parent or
7 guardian of the minor.

8 D. A person who knowingly or recklessly uses a false
9 governmental record or makes a fraudulent representation or
10 statement in order to obtain an abortion for a minor in violation of
11 this title or intentionally causes, aids, abets or assists an
12 unemancipated minor to obtain an abortion without the consent
13 required by Section 1-740.2 of this title or any physician who
14 intentionally or knowingly performs an abortion on a pregnant
15 unemancipated minor in violation of this title shall be civilly
16 liable to the minor and to the person or persons required to give
17 consent pursuant to the provisions of Section 1-740.2 of this title.
18 A court may award damages to the person or persons adversely
19 affected by a violation of this section including compensation for
20 emotional injury without the need for personal presence at the act
21 or event, and the court may further award attorney fees, litigation
22 costs, and punitive damages. Any adult who engages in or consents
23 to another person engaging in a sexual act with a minor, which

24

1 results in the minor's pregnancy, shall not be awarded damages under
2 this section.

3 E. A court of competent jurisdiction may enjoin conduct that
4 would be in violation of this section upon petition by the Attorney
5 General, a district attorney or any person adversely affected or who
6 reasonably may be adversely affected by such conduct, upon a showing
7 that such conduct:

8 1. Is reasonably anticipated to occur in the future; or

9 2. Has occurred in the past, whether with the same minor or
10 others, and that it is reasonably expected to be repeated.

11 F. It is not a defense to a claim brought pursuant to this
12 section that the minor gave informed and voluntary consent.

13 G. An unemancipated minor does not have the capacity to consent
14 to any action that violates this title.

15 SECTION 579. AMENDATORY 63 O.S. 2021, Section 1-745.7,
16 is amended to read as follows:

17 Section 1-745.7. Any person who knowingly or recklessly
18 performs or induces or attempts to perform or induce an abortion in
19 violation of the Pain-Capable Unborn Child Protection Act shall be
20 guilty of a Class D2 felony punishable in accordance with the
21 provisions of Section 19 of this act. No penalty may be assessed
22 against the woman upon whom the abortion is performed or induced or
23 attempted to be performed or induced.

24

1 SECTION 580. AMENDATORY 63 O.S. 2011, Section 1-746.7,
2 is amended to read as follows:

3 Section 1-746.7. Any person who knowingly or recklessly
4 performs or attempts to perform an abortion in violation of this act
5 shall be guilty of a Class D2 felony punishable in accordance with
6 the provisions of Section 19 of this act. No penalty may be
7 assessed against the female upon whom the abortion is performed or
8 attempted to be performed.

9 No penalty or civil liability may be assessed for failure to
10 comply with paragraph 1 or 2 of Section 2 of this act or that
11 portion of paragraph 3 of Section 2 of this act requiring a written
12 certification that the female has been informed of her opportunity
13 to review the information referred to in paragraph 1 of Section 2 of
14 this act unless the Board has made the printed materials available
15 at the time the physician or the physician's agent is required to
16 inform the female of her right to review them.

17 SECTION 581. AMENDATORY 63 O.S. 2021, Section 1-749, is
18 amended to read as follows:

19 Section 1-749. A. Any physician who performs an abortion on a
20 minor who is less than fourteen (14) years of age at the time of the
21 abortion shall preserve, in accordance with rules promulgated by the
22 Oklahoma State Bureau of Investigation, fetal tissue extracted
23 during such abortion. The physician shall submit the tissue to the
24 Oklahoma State Bureau of Investigation.

1 B. The Oklahoma State Bureau of Investigation shall adopt rules
2 to implement the provisions of this section. Such rules shall
3 contain, at a minimum:

4 1. The amount and type of fetal tissue to be preserved and
5 submitted by a physician pursuant to the provisions of this section;

6 2. Procedures for the proper preservation of such tissue for
7 the purposes of DNA testing and examination;

8 3. Procedures for documenting the chain of custody of such
9 tissue for use as evidence;

10 4. Procedures for the proper disposal of fetal tissue preserved
11 pursuant to this section;

12 5. A uniform reporting form mandated to be utilized by
13 physicians when submitting fetal tissue under this section, which
14 shall include the name and address of the physician submitting the
15 fetal tissue and the name and complete address of residence of the
16 parent or legal guardian of the minor upon whom the abortion was
17 performed; and

18 6. Procedures for communication with law enforcement regarding
19 evidence and information obtained pursuant to this section.

20 C. Failure of a physician to comply with any requirement of
21 this section or any rule adopted thereunder:

22 1. Shall constitute unprofessional conduct pursuant to the
23 provisions of Section 509 of Title 59 of the Oklahoma Statutes; and
24

1 2. Is a Class D2 felony punishable in accordance with the
2 provisions of Section 19 of this act.

3 SECTION 582. AMENDATORY 63 O.S. 2021, Section 1-757.10,
4 is amended to read as follows:

5 Section 1-757.10. A. Individuals or entities not certified
6 under the Oklahoma Abortion-Inducing Drug Certification Program that
7 provide drugs for the purpose of inducing abortion are in violation
8 of this act.

9 B. Individuals or entities that provide abortion-inducing drugs
10 to any person or entity that is not certified, or otherwise
11 authorized, to provide abortion-inducing drugs under the Oklahoma
12 Abortion-Inducing Drug Certification Program are in violation of
13 this act.

14 C. A person who intentionally, knowingly or recklessly violates
15 any provision of this act is guilty of a misdemeanor.

16 D. A person who intentionally, knowingly or recklessly violates
17 any provision of this act by fraudulent use of an abortion-inducing
18 drug, with or without the knowledge of the pregnant woman, is guilty
19 of a Class D3 felony and shall be punished in accordance with the
20 provisions of Section 20 of this act.

21 E. No civil or criminal penalty may be assessed against the
22 pregnant woman upon whom the drug-induced abortion is attempted,
23 induced or performed.

1 SECTION 583. AMENDATORY 63 O.S. 2021, Section 2-312.1,
2 is amended to read as follows:

3 Section 2-312.1. A. A licensed practitioner as defined in
4 Section 355 of Title 59 of the Oklahoma Statutes shall not
5 prescribe, dispense, deliver, or administer an anabolic steroid or
6 human growth hormone or cause an anabolic steroid or human growth
7 hormone to be administered under the direction or supervision of the
8 practitioner except for a valid medical purpose and in the course of
9 a professional practice. A valid medical purpose for the use of
10 anabolic steroids or human growth hormones shall not include
11 bodybuilding, muscle enhancement or increasing muscle bulk or
12 strength of a person who is in good health. This section shall not
13 prohibit the use of anabolic steroids for the treatment of livestock
14 or domestic animals in accordance with state or federal law.

15 B. The prescribing, dispensing, delivering or administering of
16 an anabolic steroid by a licensed practitioner in violation of the
17 provisions of subsection A of this section shall be grounds for
18 revocation or nonrenewal of the license of such licensed
19 practitioner to practice in this state. In addition, any licensed
20 practitioner prescribing, dispensing, delivering or administering an
21 anabolic steroid in violation of the provisions of subsection A of
22 this section, upon conviction thereof shall be guilty of a Class D3
23 felony punishable ~~by imprisonment in the State Penitentiary for a~~
24 ~~term of not more than three (3) years, or by a fine not to exceed~~

1 ~~Ten Thousand Dollars (\$10,000.00), or by both such imprisonment and~~
2 ~~fine~~ in accordance with the provisions of Section 20 of this act.

3 SECTION 584. AMENDATORY 63 O.S. 2021 Section 2-328, is
4 amended to read as follows:

5 Section 2-328. A. A person or business who manufactures,
6 sells, transfers, furnishes, or receives a precursor substance
7 defined in Section 2-322 of this title commits an offense if the
8 person:

9 1. Does not comply with the requirements of Section 2-322, 2-
10 323 or 2-326 of this title; or

11 2. Knowingly makes a false statement in a report or record
12 required by Section 2-323 or 2-326 of this title.

13 B. Except as provided by subsection C of this section, an
14 offense under subsection A of this section is a misdemeanor and
15 punishable by imprisonment in the county jail for a term not to
16 exceed one year or by a fine not to exceed Ten Thousand Dollars
17 (\$10,000.00).

18 C. A person who manufactures, sells, transfers, or otherwise
19 furnishes a precursor substance defined in Section 2-322 of this
20 title commits an offense if the person manufactures, sells,
21 transfers, or furnishes the substance with the knowledge or intent
22 that the recipient shall use the substance to unlawfully manufacture
23 a controlled substance or a controlled substance analog.

24

1 D. A second or subsequent violation of subsection A of this
2 section shall be a Class B4 felony punishable ~~by imprisonment in the~~
3 ~~State Penitentiary for a term of not more than ten (10) years or by~~
4 ~~a fine not to exceed Twenty five Thousand Dollars (\$25,000.00), or~~
5 ~~by both such fine and imprisonment~~ and shall be punished in
6 accordance with the provisions of Section 13 of this act,. Any
7 imprisonment imposed shall not run concurrent with other
8 imprisonment sentences for violations of other provisions of Title
9 63 of the Oklahoma Statutes.

10 E. A person who is required by Section 2-322 or 2-324 of this
11 title to have a permit for precursor substances commits an offense
12 if the person:

13 1. Purchases, obtains, or possesses a precursor substance
14 without having first obtained a permit;

15 2. Has in his possession or immediate control a precursor
16 substance with no attached permit;

17 3. Knowingly makes a false statement in an application or
18 report required by Section 2-324 or 2-326 of this title; or

19 4. Manufacturers, sells, transfers, or otherwise furnishes any
20 person or business a precursor substance defined in Section 2-322 of
21 this title, who does not have a permit.

22 F. An offense under subsection C or E of this section is a
23 Class B4 felony punishable ~~by imprisonment in the State Penitentiary~~
24 ~~for a term of not more than ten (10) years or by a fine not to~~

1 ~~exceed Twenty five Thousand Dollars (\$25,000.00), or by both such~~
2 ~~fine and imprisonment~~ in accordance with the provisions of Section
3 13 of this act. Any imprisonment imposed shall not run concurrent
4 with other imprisonment sentences for violations of other provisions
5 of Title 63 of the Oklahoma Statutes.

6 SECTION 585. AMENDATORY 63 O.S. 2021 Section 2-332, is
7 amended to read as follows:

8 Section 2-332. A. It shall be unlawful for a person to
9 knowingly and unlawfully possess a drug product containing
10 ephedrine, pseudoephedrine or phenylpropanolamine, or their salts,
11 isomers or salts of isomers with intent to use the product as a
12 precursor to manufacture methamphetamine or another controlled
13 substance.

14 B. Except as provided in this subsection, possession of a drug
15 product containing more than seven and two-tenths (7.2) grams of
16 ephedrine, pseudoephedrine or phenylpropanolamine, or their salts,
17 isomers or salts of isomers shall constitute a rebuttable
18 presumption of the intent to use the product as a precursor to
19 methamphetamine or another controlled substance. The rebuttable
20 presumption established by this subsection shall not apply to the
21 following persons who are lawfully possessing drug products in the
22 course of legitimate business:

23 1. A retail distributor of drug products or wholesaler;
24

1 2. A wholesale drug distributor, or its agents, licensed by the
2 Board of Pharmacy;

3 3. A manufacturer of drug products, or its agents, licensed by
4 the Board of Pharmacy;

5 4. A pharmacist licensed by the Board of Pharmacy; and

6 5. A licensed healthcare professional possessing the drug
7 products in the course of carrying out his profession.

8 C. A violation of subsection A of this section shall be a Class
9 B2 felony punishable as provided for in subsection C of Section 2-
10 401 of this title and shall be punished in accordance with the
11 provisions of Section 11 of this act.

12 D. Any wholesaler, manufacturer, or distributor of drug
13 products containing pseudoephedrine or phenylpropanolamine, or their
14 salts, isomers, or salts of isomers shall obtain a registration
15 annually from the Oklahoma State Bureau of Narcotics and Dangerous
16 Drugs Control. Any such wholesaler, manufacturer, or distributor
17 shall keep complete records of all transactions involving such drug
18 products including the names of all parties involved in the
19 transaction and amount of the drug products involved. The records
20 shall be kept readily retrievable and separate from all other
21 invoices or records of transactions not involving such drug
22 products, and shall be maintained for not less than three (3) years.

23 E. As used in this section:
24

1 1. "Manufacturer" means any person within this state who
2 produces, compounds, packages, or in any manner initially prepares
3 for sale or use any drug product described in subsection D of this
4 section, or any such person in another state if they cause the
5 products to be compounded, packaged, or transported into this state;

6 2. "Wholesaler" means any person within this state or another
7 state, other than a manufacturer, who sells, transfers, or in any
8 manner furnishes a drug product described in subsection A of this
9 section to any other person in this state for the purpose of being
10 resold;

11 3. "Distributor" means any person within this state or another
12 state, other than a manufacturer or wholesaler, who sells, delivers,
13 transfers, or in any manner furnishes a drug product described in
14 subsection A of this section to any person who is not the ultimate
15 user or consumer of the product; and

16 4. "Readily retrievable" means available for inspection without
17 prior notice at the registration address if that address is within
18 the State of Oklahoma. If the registration address is in a state
19 other than Oklahoma, it means records must be furnished within three
20 (3) working days by courier, facsimile, mail or electronic mail.

21 F. Any substances possessed without a registration as provided
22 in subsection D of this section shall be subject to forfeiture upon
23 conviction for a violation of this section.

24

1 G. In addition to any administrative penalties provided by law,
2 any violation of subsection D of this section shall be a
3 misdemeanor, punishable upon conviction by a fine only in an amount
4 not more than Ten Thousand Dollars (\$10,000.00).

5 SECTION 586. AMENDATORY 63 O.S. 2021 Section 2-333, is
6 amended to read as follows:

7 Section 2-333. A. It shall be unlawful for any person to
8 knowingly sell, transfer, distribute, or dispense any product
9 containing ephedrine, pseudoephedrine or phenylpropanolamine, or
10 their salts, isomers or salts of isomers if the person knows that
11 the purchaser will use the product as a precursor to manufacture
12 methamphetamine or another controlled illegal substance or if the
13 person sells, transfers, distributes or dispenses the product with
14 reckless disregard as to how the product will be used.

15 B. A violation of this section shall be a Class B4 felony
16 ~~punishable by imprisonment in the State Penitentiary for a term of~~
17 ~~not more than ten (10) years~~ that shall be punished in accordance
18 with the provisions of Section 13 of this act.

19 C. Any person who sells, transfers, distributes, dispenses, or
20 in any manner furnishes any product containing pseudoephedrine or
21 phenylpropanolamine, or their salts, isomers, or salts of isomers in
22 a negligent manner, with knowledge or reason to know that the
23 product will be used as a precursor to manufacture methamphetamine
24 or any other illegal controlled substance, or with reckless

1 disregard as to how the product will be used, shall be liable for
2 all damages, whether directly or indirectly caused by the sale,
3 transfer, distribution, dispensation, or furnishing.

4 1. Such damages may include, but are not limited to, any and
5 all costs of detecting, investigating, and cleaning up or
6 remediating clandestine or other unlawfully operated or maintained
7 laboratories where controlled dangerous substances are manufactured,
8 any and all costs of prosecuting criminal cases arising from such
9 manufacture, and any and all consequential and punitive damages
10 otherwise allowed by law.

11 2. A civil action to recover damages against persons,
12 corporations or other entities violating this subsection may be
13 brought only by the Attorney General, the Director of the Oklahoma
14 State Bureau of Narcotics and Dangerous Drugs Control or by any
15 district attorney in whose jurisdiction such person may be shown to
16 have committed such violation. Any funds recovered from such an
17 action shall be used for payment or reimbursement of costs arising
18 from investigating or prosecuting criminal or civil cases involving
19 the manufacture of controlled dangerous substances, for drug
20 education programs, or for payment or reimbursement of remediating
21 contaminated methamphetamine laboratory sites.

22 D. Violation of subsection A or C of this section shall be
23 considered to affect at the same time an entire community or
24 neighborhood, or any considerable number of persons, although the

1 extent of the annoyance or damage inflicted upon the individuals may
2 be unequal and is subject to the provisions of Section 2 of Title 50
3 of the Oklahoma Statutes and Section 1397 of Title 12 of the
4 Oklahoma Statutes.

5 SECTION 587. AMENDATORY 63 O.S. 2021, Section 2-401, is
6 amended to read as follows:

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

10 1. To distribute, dispense, transport with intent to distribute
11 or dispense, possess with intent to manufacture, distribute, or
12 dispense, a controlled dangerous substance or to solicit the use of
13 or use the services of a person less than eighteen (18) years of age
14 to cultivate, distribute or dispense a controlled dangerous
15 substance;

16 2. To create, distribute, transport with intent to distribute
17 or dispense, or possess with intent to distribute, a counterfeit
18 controlled dangerous substance; or

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

23 B. Any person who violates the provisions of this section with
24 respect to:

1 1. A substance classified in Schedule I or II, except for
2 marijuana, upon conviction, shall be guilty of transporting or
3 possessing with an intent to distribute a controlled dangerous
4 substance, a Class C2 felony, and shall be sentenced to a term of
5 ~~imprisonment in the custody of the Department of Corrections for not~~
6 ~~more than seven (7) years and a fine of not more than One Hundred~~
7 ~~Thousand Dollars (\$100,000.00), which shall be in addition to other~~
8 ~~punishment provided by law and shall not be imposed in lieu of other~~
9 ~~punishment~~ punishable in accordance with the provisions of Section
10 17 of this act. A second conviction for the violation of provisions
11 of this paragraph is a Class C2 felony punishable ~~by a term of~~
12 ~~imprisonment in the custody of the Department of Corrections for not~~
13 ~~more than fourteen (14) years~~ in accordance with the provisions of
14 Section 17 of this act. A third or subsequent conviction for the
15 violation of the provisions of this paragraph is a Class C2 felony
16 punishable ~~by a term of imprisonment in the custody of the~~
17 ~~Department of Corrections for not more than twenty (20) years~~ in
18 accordance with the provisions of Section 17 of this act;

19 2. Any other controlled dangerous substance classified in
20 Schedule III, IV, V or marijuana, upon conviction, shall be guilty
21 of a Class D2 felony and shall be sentenced to a term of
22 ~~imprisonment in the custody of the Department of Corrections for not~~
23 ~~more than five (5) years and a fine of not more than Twenty Thousand~~
24 ~~Dollars (\$20,000.00), which shall be in addition to other punishment~~

1 ~~provided by law and shall not be imposed in lieu of other punishment~~
2 punished in accordance with the provisions of Section 19 of this
3 act. A second conviction for the violation of the provisions of
4 this paragraph is a Class D2 felony punishable ~~by a term of~~
5 ~~imprisonment in the custody of the Department of Corrections for not~~
6 ~~more than ten (10) years~~ in accordance with the provisions of
7 Section 19 of this act. A third or subsequent conviction for the
8 violation of the provisions of this paragraph is a Class D2 felony
9 punishable ~~by a term of imprisonment in the custody of the~~
10 ~~Department of Corrections for not more than fifteen (15) years~~ in
11 accordance with the provisions of Section 19 of this act; or

12 3. An imitation controlled substance as defined by Section 2-
13 101 of this title, upon conviction, shall be guilty of a misdemeanor
14 and shall be sentenced to a term of imprisonment in the county jail
15 for a period of not more than one (1) year and a fine of not more
16 than One Thousand Dollars (\$1,000.00). A person convicted of a
17 second violation of the provisions of this paragraph shall be guilty
18 of a Class D2 felony ~~and shall be sentenced to a term of~~
19 ~~imprisonment in the custody of the Department of Corrections for not~~
20 ~~more than two (2) years and a fine of not more than Five Thousand~~
21 ~~Dollars (\$5,000.00), which shall be in addition to other punishment~~
22 ~~provided by law and shall not be imposed in lieu of other punishment~~
23 punishable in accordance with the provisions of Section 19 of this
24 act.

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

5 2. Any person convicted of violating the provisions of
6 paragraph 1 of this subsection with respect to distributing a
7 controlled substance is guilty of a Class C2 felony and shall be
8 ~~punished by imprisonment in the custody of the Department of~~
9 ~~Corrections for a term not to exceed ten (10) years and a fine of~~
10 ~~not more than Twenty-five Thousand Dollars (\$25,000.00), which shall~~
11 ~~be in addition to other punishment provided by law and shall not be~~
12 ~~imposed in lieu of other punishment~~ in accordance with the
13 provisions of Section 17 of this act.

14 3. A second conviction for the violation of the provisions of
15 paragraph 1 of this subsection with respect to distributing a
16 controlled substance is a Class C2 felony punishable ~~by imprisonment~~
17 ~~in the custody of the Department of Corrections for a term not less~~
18 ~~than two (2) years nor more than twenty (20) years~~ in accordance
19 with the provisions of Section 17 of this act. A third or
20 subsequent conviction for the violation of the provisions of this
21 paragraph is a Class C2 felony punishable ~~by imprisonment in the~~
22 ~~custody of the Department of Corrections for a term not less than~~
23 ~~ten (10) years nor more than life~~ in accordance with the provisions
24 of Section 17 of this act.

1 4. Any person convicted of violating the provisions of
2 paragraph 1 of this subsection with respect to manufacturing a
3 controlled substance is guilty of a Class C2 felony and shall be
4 ~~punished by imprisonment in the custody of the Department of~~
5 ~~Corrections for a term not to exceed ten (10) years and a fine of~~
6 ~~not more than Twenty five Thousand Dollars (\$25,000.00), which shall~~
7 ~~be in addition to other punishment provided by law and shall not be~~
8 ~~imposed in lieu of other punishment~~ in accordance with the
9 provisions of Section 17 of this act.

10 5. A second conviction for the violation of the provisions of
11 paragraph 1 of this subsection with respect to manufacturing a
12 controlled substance is a Class C2 felony punishable ~~by imprisonment~~
13 ~~in the custody of the Department of Corrections for a term not less~~
14 ~~than two (2) years nor more than twenty (20) years~~ in accordance
15 with the provisions of Section 17 of this act. A third or
16 subsequent conviction for the violation of the provisions of this
17 paragraph is a Class C2 felony punishable ~~by imprisonment in the~~
18 ~~custody of the Department of Corrections for a term not less than~~
19 ~~ten (10) years nor more than life~~ in accordance with the provisions
20 of Section 17 of this act.

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

1 E. Any person who is at least eighteen (18) years of age and
2 who violates the provisions of this section by using or soliciting
3 the use of services of a person less than eighteen (18) years of age
4 to distribute, dispense, transport with intent to distribute or
5 dispense or cultivate a controlled dangerous substance or by
6 distributing a controlled dangerous substance to a person under
7 eighteen (18) years of age, or in the presence of a person under
8 twelve (12) years of age, shall be guilty of a Class C1 felony and
9 upon conviction is punishable by:

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

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

16 ~~3. For a third or subsequent violation of this section, a term~~
17 ~~of imprisonment in the custody of the Department of Corrections for~~
18 ~~not less than ten (10) years nor more than life in accordance with~~
19 ~~the provisions of Section 16 of this act.~~

20 F. Any person who violates any provision of this section by
21 transporting with intent to distribute or dispense, distributing or
22 possessing with intent to distribute a controlled dangerous
23 substance to a person, or violation of subsection G of this section,
24 in or on, or within two thousand (2,000) feet of the real property

1 comprising a public or private elementary or secondary school,
2 public vocational school, public or private college or university,
3 or other institution of higher education, recreation center or
4 public park, including state parks and recreation areas, public
5 housing project, or child care facility as defined by Section 402 of
6 Title 10 of the Oklahoma Statutes, shall be guilty of a Class C1
7 felony and upon conviction shall be punished by:

8 ~~1. For a first offense, a term of imprisonment in the custody~~
9 ~~of the Department of Corrections, or by the imposition of a fine or~~
10 ~~by both, not exceeding twice that authorized by the appropriate~~
11 ~~provision of this section; or~~

12 ~~2. For a second or subsequent violation of this section, a term~~
13 ~~of imprisonment in the custody of the Department of Corrections, or~~
14 ~~by the imposition of a fine or by both, not exceeding thrice that~~
15 ~~authorized by the appropriate provision of this section in~~
16 ~~accordance with the provisions of Section 16 of this act.~~

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

20 G. 1. Except as authorized by the Uniform Controlled Dangerous
21 Substances Act, it shall be unlawful for any person to manufacture
22 or attempt to manufacture any controlled dangerous substance or
23 possess any substance listed in Section 2-322 of this title or any
24 substance containing any detectable amount of pseudoephedrine or its

1 salts, optical isomers or salts of optical isomers, iodine or its
2 salts, optical isomers or salts of optical isomers, hydriodic acid,
3 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or
4 organic solvents with the intent to use that substance to
5 manufacture a controlled dangerous substance.

6 2. Any person violating the provisions of this subsection with
7 respect to the unlawful manufacturing or attempting to unlawfully
8 manufacture any controlled dangerous substance, or possessing any
9 substance listed in this subsection or Section 2-322 of this title,
10 upon conviction, is guilty of a Class A2 felony and shall be
11 punished by imprisonment for not less than seven (7) years nor more
12 than life and by a fine of not less than Fifty Thousand Dollars
13 (\$50,000.00), which shall be in addition to other punishment
14 provided by law and shall not be imposed in lieu of other
15 punishment. The possession of any amount of anhydrous ammonia in an
16 unauthorized container shall be prima facie evidence of intent to
17 use such substance to manufacture a controlled dangerous substance.

18 3. Any person violating the provisions of this subsection with
19 respect to the unlawful manufacturing or attempting to unlawfully
20 manufacture any controlled dangerous substance in the following
21 amounts:

22 a. one (1) kilogram or more of a mixture or substance
23 containing a detectable amount of heroin,
24

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

3 (1) coca leaves, except coca leaves and extracts of
4 coca leaves from which cocaine, ecgonine, and
5 derivatives of ecgonine or their salts have been
6 removed,

7 (2) cocaine, its salts, optical and geometric
8 isomers, and salts of isomers,

9 (3) ecgonine, its derivatives, their salts, isomers,
10 and salts of isomers, or

11 (4) any compound, mixture, or preparation which
12 contains any quantity of any of the substances
13 referred to in divisions (1) through (3) of this
14 subparagraph,

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

18 d. one hundred (100) grams or more of phencyclidine (PCP)
19 or 1 kilogram or more of a mixture or substance
20 containing a detectable amount of phencyclidine (PCP),

21 e. ten (10) grams or more of a mixture or substance
22 containing a detectable amount of lysergic acid
23 diethylamide (LSD),
24

1 f. four hundred (400) grams or more of a mixture or
2 substance containing a detectable amount of N-phenyl-
3 N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100
4 grams or more of a mixture or substance containing a
5 detectable amount of any analogue of N-phenyl-N-[1-(2-
6 phenylethyl)-4-piperidinyl] propanamide,

7 g. one thousand (1,000) kilograms or more of a mixture or
8 substance containing a detectable amount of marihuana
9 or one thousand (1000) or more marihuana plants
10 regardless of weight, or

11 h. fifty (50) grams or more of methamphetamine, its
12 salts, isomers, and salts of its isomers or 500 grams
13 or more of a mixture or substance containing a
14 detectable amount of methamphetamine, its salts,
15 isomers, or salts of its isomers,

16 upon conviction, is guilty of aggravated manufacturing a controlled
17 dangerous substance a Class A1 felony punishable by imprisonment for
18 not less than twenty (20) years nor more than life and by a fine of
19 not less than Fifty Thousand Dollars (\$50,000.00), which shall be in
20 addition to other punishment provided by law and shall not be
21 imposed in lieu of other punishment. Any person convicted of a
22 violation of the provisions of this paragraph shall be required to
23 serve a minimum of eighty-five percent (85%) of the sentence
24 received prior to becoming eligible for state correctional earned

1 credits towards the completion of the sentence or eligible for
2 parole.

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

13 5. Any person who has been convicted of manufacturing or
14 attempting to manufacture methamphetamine pursuant to the provisions
15 of this subsection and who, after such conviction, purchases or
16 attempts to purchase, receive or otherwise acquire any product,
17 mixture, or preparation containing any detectable quantity of base
18 pseudoephedrine or ephedrine shall, upon conviction, be guilty of a
19 Class B3 felony punishable by imprisonment in the custody of the
20 Department of Corrections for a term in the range of twice the
21 minimum term provided for in paragraph 2 of this subsection in
22 accordance with the provisions of Section 12 of this act.

23 H. Any person convicted of any offense described in the Uniform
24 Controlled Dangerous Substances Act may, in addition to the fine

1 imposed, be assessed an amount not to exceed ten percent (10%) of
2 the fine imposed. Such assessment shall be paid into a revolving
3 fund for enforcement of controlled dangerous substances created
4 pursuant to Section 2-506 of this title.

5 I. Any person convicted of any offense described in this
6 section shall, in addition to any fine imposed, pay a special
7 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
8 deposited into the Trauma Care Assistance Revolving Fund created in
9 Section 1-2522 of this title.

10 J. For purposes of this section, "public housing project" means
11 any dwelling or accommodations operated as a state or federally
12 subsidized multifamily housing project by any housing authority,
13 nonprofit corporation or municipal developer or housing projects
14 created pursuant to the Oklahoma Housing Authorities Act.

15 K. When a person is found guilty of a violation of the
16 provisions of this section, the court shall order, in addition to
17 any other penalty, the defendant to pay a one-hundred-dollar
18 assessment to be deposited in the Drug Abuse Education and Treatment
19 Revolving Fund created in Section 2-503.2 of this title, upon
20 collection.

21 L. Any person convicted of a second or subsequent felony
22 violation of the provisions of this section, except for paragraphs 1
23 and 2 of subsection B of this section, paragraphs 2, 3, 4 and 5 of
24 subsection C of this section, paragraphs 1, 2, and 3 of subsection E

1 of this section and paragraphs 1 and 2 of subsection F of this
2 section, shall be punished as a habitual offender pursuant to
3 Section 51.1 of Title 21 of the Oklahoma Statutes.

4 SECTION 588. AMENDATORY 63 O.S. 2021 Section 2-403, is
5 amended to read as follows:

6 Section 2-403. A. Any person found guilty of larceny, burglary
7 or theft of controlled dangerous substances is guilty of a Class C2
8 ~~felony punishable by imprisonment for a period not to exceed ten~~
9 ~~(10) years~~ and shall be punished in accordance with the provisions
10 of Section 17 of this act. A second or subsequent offense under
11 this subsection is a Class C2 felony ~~punishable by imprisonment for~~
12 ~~not less than ten (10) years~~ and shall be punished in accordance
13 with the provisions of Section 17 of this act. Convictions for
14 second or subsequent violations of this subsection shall not be
15 subject to statutory provisions for suspended sentences, deferred
16 sentences or probation.

17 B. Any person found guilty of robbery or attempted robbery of
18 controlled dangerous substances from a practitioner, manufacturer,
19 distributor or agent thereof as defined in Section 2-101 of this
20 title is guilty of a Class D1 felony ~~punishable by imprisonment for~~
21 ~~a period of not less than five (5) years~~ and shall be punished in
22 accordance with the provisions of Section 18 of this act, and such
23 sentence shall not be subject to statutory provisions for suspended
24 sentences, deferred sentences or probation. A second or subsequent

1 offense under this subsection is a Class D1 felony ~~punishable by~~
2 ~~life imprisonment~~ and shall be punished in accordance with the
3 provisions of Section 18 of this act. Convictions for second or
4 subsequent offenses of this subsection shall not be subject to
5 statutory provisions for suspended sentences, deferred sentences or
6 probation.

7 SECTION 589. AMENDATORY 63 O.S. 2021, Section 2-404, is
8 amended to read as follows:

9 Section 2-404. A. It shall be unlawful for any person:

10 1. Who is subject to the requirements of Article III of this
11 act to distribute or dispense a controlled dangerous substance in
12 violation of Section 2-308 of this title;

13 2. Who is a registrant to manufacture, distribute, or dispense
14 a controlled dangerous substance not authorized by his registration
15 to another registrant or other authorized person;

16 3. To omit, remove, alter, or obliterate a symbol required by
17 the Federal Controlled Substances Act or this act;

18 4. To refuse or fail to make, keep, or furnish any record,
19 notification, order form, statement, invoice, or information
20 required under this act;

21 5. To refuse any entry into any premises or inspection
22 authorized by this act; or

23 6. To keep or maintain any store, shop, warehouse, dwelling
24 house, building, vehicle, boat, aircraft, or any place whatever,

1 which is resorted to by persons using controlled dangerous
2 substances in violation of this act for the purpose of using such
3 substances, or which is used for the keeping or selling of the same
4 in violation of this act.

5 B. Any person who violates this section is punishable by a
6 civil fine of not more than One Thousand Dollars (\$1,000.00);
7 provided, that, if the violation is prosecuted by an information or
8 indictment which alleges that the violation was committed knowingly
9 or intentionally, and the trier of fact specifically finds that the
10 violation was committed knowingly or intentionally, such person is
11 guilty of a Class D1 felony punishable ~~by imprisonment for not more~~
12 ~~than five (5) years, and a fine of not more than Ten Thousand~~
13 ~~Dollars (\$10,000.00), except that if such person is a corporation it~~
14 ~~shall be subject to a civil penalty of not more than One Hundred~~
15 ~~Thousand Dollars (\$100,000.00) in accordance with the provisions of~~
16 Section 18 of this act. ~~The fine provided for in this subsection~~
17 ~~shall be in addition to other punishments provided by law and shall~~
18 ~~not be in lieu of other punishment.~~

19 C. Any person convicted of a second or subsequent violation of
20 this section is punishable by a term of imprisonment twice that
21 otherwise authorized and by twice the fine otherwise authorized.
22 The fine provided for in this subsection shall be in addition to
23 other punishments provided by law and shall not be in lieu of other
24 punishment.

1 D. Any person convicted of any offense described in this
2 section shall, in addition to any fine imposed, pay a special
3 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
4 deposited into the Trauma Care Assistance Revolving Fund created in
5 Section 1-2522 of this title.

6 SECTION 590. AMENDATORY 63 O.S. 2011, Section 2-405, is
7 amended to read as follows:

8 Section 2-405. A. No person shall use tincture of opium,
9 tincture of opium camphorated, or any derivative thereof, by the
10 hypodermic method, either with or without a medical prescription
11 therefor.

12 B. No person shall use drug paraphernalia to plant, propagate,
13 cultivate, grow, harvest, manufacture, compound, convert, produce,
14 process, prepare, test, analyze, pack, repack, store, contain,
15 conceal, inject, ingest, inhale or otherwise introduce into the
16 human body a controlled dangerous substance in violation of the
17 Uniform Controlled Dangerous Substances Act, except those persons
18 holding an unrevoked license in the professions of podiatry,
19 dentistry, medicine, nursing, optometry, osteopathy, veterinary
20 medicine or pharmacy.

21 C. No person shall deliver, sell, possess or manufacture drug
22 paraphernalia knowing, or under circumstances where one reasonably
23 should know, that it will be used to plant, propagate, cultivate,
24 grow, harvest, manufacture, compound, convert, produce, process,

1 prepare, test, analyze, pack, repack, store, contain, conceal,
2 inject, ingest, inhale or otherwise introduce into the human body a
3 controlled dangerous substance in violation of the Uniform
4 Controlled Dangerous Substances Act.

5 D. Any person eighteen (18) years of age or over who violates
6 subsection C of this section by delivering or selling drug
7 paraphernalia to a person under eighteen (18) years of age shall,
8 upon conviction, be guilty of a Class D3 felony punishable in
9 accordance with the provisions of Section 20 of this act.

10 E. Any person who violates subsections A, B or C of this
11 section shall, upon conviction, be guilty of a misdemeanor
12 punishable as follows:

13 1. For a first offense the person shall be punished by
14 imprisonment in the county jail for not more than one (1) year or by
15 a fine of not more than One Thousand Dollars (\$1,000.00), or both
16 such fine and imprisonment;

17 2. For a second offense the person shall be punished by
18 imprisonment in the county jail for not more than one (1) year or by
19 a fine of not more than Five Thousand Dollars (\$5,000.00), or both
20 such fine and imprisonment; and

21 3. For a third or subsequent offense the person shall be
22 punished by imprisonment in the county jail for not more than one
23 (1) year or by a fine of not more than Ten Thousand Dollars
24 (\$10,000.00), or both such fine and imprisonment.

1 F. Any person convicted of any offense described in this
2 section shall, in addition to any fine imposed, pay a special
3 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
4 deposited into the Trauma Care Assistance Revolving Fund created in
5 Section 1-2522 of this title.

6 SECTION 591. AMENDATORY 63 O.S. 2021 Section 2-406, is
7 amended to read as follows:

8 Section 2-406. A. It shall be unlawful for any registrant
9 knowingly or intentionally:

10 1. To distribute, other than by dispensing or as otherwise
11 authorized by this act, a controlled dangerous substance classified
12 in Schedules I or II, in the course of his legitimate business,
13 except pursuant to an order form as required by Section 2-308 of
14 this title;

15 2. To use in the course of the manufacture or distribution of a
16 controlled dangerous substance a registration number which is
17 fictitious, revoked, suspended or issued to another person;

18 3. To acquire or obtain possession of a controlled dangerous
19 substance by misrepresentation, fraud, forgery, deception or
20 subterfuge;

21 4. To furnish false or fraudulent material information in, or
22 omit any material information from, any application, report, or
23 other document required to be kept or filed under this act, or any
24 record required to be kept by this act; and

1 5. To make, distribute, or possess any punch, die, plate,
2 stone, or other thing designed to print, imprint, or reproduce the
3 trademark, trade name, or other identifying mark, imprint, or device
4 of another or any likeness of any of the foregoing upon any drug or
5 container or labeling thereof so as to render such drug a
6 counterfeit controlled dangerous substance.

7 B. 1. Any person who violates paragraphs 1, 2, 4 or 5 of
8 subsection A of this section is, upon conviction, guilty of a Class
9 B3 felony punishable by imprisonment for not more than twenty (20)
10 years or a fine of not more than Two Hundred Fifty Thousand Dollars
11 (\$250,000.00), or both in accordance with the provisions of Section
12 12 of this act.

13 2. Any person who violates paragraph 3 of subsection A of this
14 section is, upon conviction, guilty of a Class C1 felony and shall
15 be punished in accordance with the provisions of Section 16 of this
16 act.

17 C. Any person convicted of a second or subsequent violation of
18 this section is punishable by ~~a term of imprisonment twice that~~
19 ~~otherwise authorized and by twice the fine otherwise authorized.~~
20 ~~Convictions for second or subsequent violations of this section~~
21 ~~shall not be subject to statutory provisions for suspended~~
22 ~~sentences, deferred sentences, or probation.~~

23 D. Any person convicted of any offense described in this
24 section shall, in addition to any fine imposed, pay a special

1 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
2 deposited into the Trauma Care Assistance Revolving Fund created in
3 Section 1-2522 of this title.

4 SECTION 592. AMENDATORY 63 O.S. 2021 Section 2-407, is
5 amended to read as follows:

6 Section 2-407. A. No person shall obtain or attempt to obtain
7 any preparation excepted from the provisions of the Uniform
8 Controlled Dangerous Substances Act pursuant to Section 2-313 of
9 this title in a manner inconsistent with the provisions of paragraph
10 1 of subsection B of Section 2-313 of this title, or a controlled
11 dangerous substance or procure or attempt to procure the
12 administration of a controlled dangerous substance:

13 1. By fraud, deceit, misrepresentation, or subterfuge;

14 2. By the forgery of, alteration of, adding any information to
15 or changing any information on a prescription or of any written
16 order;

17 3. By the concealment of a material fact;

18 4. By the use of a false name or the giving of a false address;
19 or

20 5. By knowingly failing to disclose the receipt of a controlled
21 dangerous substance or a prescription for a controlled dangerous
22 substance of the same or similar therapeutic use from another
23 practitioner within the previous thirty (30) days.

24

1 B. Except as authorized by this act, a person shall not
2 manufacture, create, deliver, or possess with intent to manufacture,
3 create, or deliver or possess a prescription form, an original
4 prescription form, or a counterfeit prescription form. This shall
5 not apply to the legitimate manufacture or delivery of prescription
6 forms, or a person acting as an authorized agent of the
7 practitioner.

8 C. Information communicated to a physician in an effort
9 unlawfully to procure a controlled dangerous substance, or
10 unlawfully to procure the administration of any such drug, shall not
11 be deemed a privileged communication.

12 D. Any person who violates this section is, upon conviction,
13 guilty of a Class C2 felony punishable ~~by imprisonment for not more~~
14 ~~than ten (10) years, by a fine of not more than Ten Thousand Dollars~~
15 ~~(\$10,000.00), or by both such fine and imprisonment in accordance~~
16 with the provisions of Section 17 of this act. A second or
17 subsequent offense under this section is, upon conviction, a Class
18 C2 felony punishable ~~by imprisonment for not less than four (4)~~
19 ~~years nor more than twenty (20) years, by a fine of not more than~~
20 ~~Twenty Thousand Dollars (\$20,000.00), or by both such fine and~~
21 ~~imprisonment~~ in accordance with the provisions of Section 17 of this
22 act.
23
24

1 E. Convictions for second or subsequent violations of this
2 section shall not be subject to statutory provisions for suspended
3 sentences, deferred sentences, or probation.

4 F. Any person convicted of any offense described in this
5 section shall, in addition to any fine imposed, pay a special
6 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
7 deposited into the Trauma Care Assistance Revolving Fund created in
8 Section 1-2530.9 of this title.

9 SECTION 593. AMENDATORY 63 O.S. 2021 Section 2-415, is
10 amended to read as follows:

11 Section 2-415. A. The provisions of the Trafficking in Illegal
12 Drugs Act shall apply to persons convicted of violations with
13 respect to the following substances:

- 14 1. Marijuana;
- 15 2. Cocaine or coca leaves;
- 16 3. Heroin;
- 17 4. Amphetamine or methamphetamine;
- 18 5. Lysergic acid diethylamide (LSD);
- 19 6. Phencyclidine (PCP);
- 20 7. Cocaine base, commonly known as "crack" or "rock";
- 21 8. 3,4-Methylenedioxy methamphetamine, commonly known as
22 "ecstasy" or MDMA;
- 23 9. Morphine;
- 24 10. Oxycodone;

1 11. Hydrocodone;

2 12. Benzodiazepine; or

3 13. Fentanyl and its analogs and derivatives.

4 B. Except as otherwise authorized by the Uniform Controlled
5 Dangerous Substances Act, it shall be unlawful for any person to:

6 1. Knowingly distribute, manufacture, bring into this state or
7 possess a controlled substance specified in subsection A of this
8 section in the quantities specified in subsection C of this section;

9 2. Possess any controlled substance with the intent to
10 manufacture a controlled substance specified in subsection A of this
11 section in quantities specified in subsection C of this section; or

12 3. Use or solicit the use of services of a person less than
13 eighteen (18) years of age to distribute or manufacture a controlled
14 dangerous substance specified in subsection A of this section in
15 quantities specified in subsection C of this section.

16 Violation of this section shall be known as "trafficking in
17 illegal drugs". Separate types of controlled substances described
18 in subsection A of this section when possessed at the same time in
19 violation of any provision of this section shall constitute a
20 separate offense for each substance.

21 Any person who commits the conduct described in paragraph 1, 2
22 or 3 of this subsection and represents the quantity of the
23 controlled substance to be an amount described in subsection C of
24 this section shall be punished under the provisions appropriate for

1 the amount of controlled substance represented, regardless of the
2 actual amount.

3 C. In the case of a violation of the provisions of subsection B
4 of this section, involving:

5 1. Marijuana:

6 a. twenty-five (25) pounds or more of a mixture or
7 substance containing a detectable amount of marijuana
8 shall be ~~punishable by a fine of not less than Twenty~~
9 ~~five Thousand Dollars (\$25,000.00) and not more than~~
10 ~~One Hundred Thousand Dollars (\$100,000.00)~~ a Class B3
11 felony that shall be punished in accordance with the
12 provisions of Section 12 of this act and, or

13 b. one thousand (1,000) pounds or more of a mixture or
14 substance containing a detectable amount of marijuana
15 shall be deemed aggravated trafficking, a Class B2
16 felony, punishable by a fine of not less than One
17 Hundred Thousand Dollars (\$100,000.00) and not more
18 than Five Hundred Thousand Dollars (\$500,000.00);

19 2. Cocaine, coca leaves or cocaine base:

20 a. twenty-eight (28) grams or more of a mixture or
21 substance containing a detectable amount of cocaine,
22 coca leaves or cocaine base shall be ~~punishable by a~~
23 ~~fine of not less than Twenty-five Thousand Dollars~~
24 ~~(\$25,000.00) and not more than One Hundred Thousand~~

1 ~~Dollars (\$100,000.00)~~ a Class B3 felony that shall be
2 punished in accordance with the provisions of Section
3 12 of this act and,

4 b. three hundred (300) grams or more of a mixture or
5 substance containing a detectable amount of cocaine,
6 coca leaves or cocaine base shall be ~~punishable by a~~
7 ~~fine of not less than One Hundred Thousand Dollars~~
8 ~~(\$100,000.00) and not more than Five Hundred Thousand~~
9 ~~Dollars (\$500,000.00)~~ a Class B3 felony that shall be
10 punished in accordance with the provisions of Section
11 12 of this act and, or

12 c. four hundred fifty (450) grams or more of a mixture or
13 substance containing a detectable amount of cocaine,
14 coca leaves or cocaine base shall be deemed aggravated
15 trafficking, a Class B2 felony, punishable by a fine
16 of not less than One Hundred Thousand Dollars
17 (\$100,000.00) and not more than Five Hundred Thousand
18 Dollars (\$500,000.00);

19 3. Heroin:

20 a. ten (10) grams or more of a mixture or substance
21 containing a detectable amount of heroin shall be
22 ~~punishable by a fine of not less than Twenty-five~~
23 ~~Thousand Dollars (\$25,000.00) and not more than Fifty~~
24 ~~Thousand Dollars (\$50,000.00)~~ a Class B3 felony that

1 shall be punished in accordance with the provisions of
2 Section 12 of this act and, or

3 b. twenty-eight (28) grams or more of a mixture or
4 substance containing a detectable amount of heroin
5 shall be deemed aggravated trafficking, a Class B2
6 felony, punishable by a fine of not less than Fifty
7 Thousand Dollars (\$50,000.00) and not more than Five
8 Hundred Thousand Dollars (\$500,000.00);

9 4. Amphetamine or methamphetamine:

10 a. twenty (20) grams or more of a mixture or substance
11 containing a detectable amount of amphetamine or
12 methamphetamine shall be ~~punishable by a fine of not~~
13 ~~less than Twenty-five Thousand Dollars (\$25,000.00)~~
14 ~~and not more than Two Hundred Thousand Dollars~~
15 ~~(\$200,000.00)~~ a Class B3 felony that shall be punished
16 in accordance with the provisions of Section 12 of
17 this act and,

18 b. two hundred (200) grams or more of a mixture or
19 substance containing a detectable amount of
20 amphetamine or methamphetamine shall be ~~punishable by~~
21 ~~a fine of not less than Fifty Thousand Dollars~~
22 ~~(\$50,000.00) and not more than Five Hundred Thousand~~
23 ~~Dollars (\$500,000.00)~~ a Class B3 felony that shall be

1 punished in accordance with the provisions of Section
2 12 of this act and, or

- 3 c. four hundred fifty (450) grams or more of a mixture or
4 substance containing a detectable amount of
5 amphetamine or methamphetamine shall be deemed
6 aggravated trafficking, a Class B2 felony, punishable
7 by a fine of not less than Fifty Thousand Dollars
8 (\$50,000.00) and not more than Five Hundred Thousand
9 Dollars (\$500,000.00) and;

10 5. Lysergic acid diethylamide (LSD):

- 11 a. one (1) gram or more of a mixture or substance
12 containing a detectable amount of lysergic acid
13 diethylamide (LSD) shall be trafficking ~~punishable by~~
14 ~~a term of imprisonment in the custody of the~~
15 ~~Department of Corrections not to exceed twenty (20)~~
16 ~~years and by a fine of not less than Fifty Thousand~~
17 ~~Dollars (\$50,000.00) and not more than One Hundred~~
18 ~~Thousand Dollars (\$100,000.00) , a Class B3 felony,~~
19 that shall be punished in accordance with the
20 provisions of Section 12 of this act, or
- 21 b. ten (10) grams or more of a mixture or substance
22 containing a detectable amount of lysergic acid
23 diethylamide (LSD) shall be aggravated trafficking, a
24 Class B2 felony, punishable by a term of imprisonment

1 in the custody of the Department of Corrections of not
2 less than two (2) years nor more than life and by a
3 fine of not less than One Hundred Thousand Dollars
4 (\$100,000.00) and not more than Two Hundred Fifty
5 Thousand Dollars (\$250,000.00);

6 6. Phencyclidine (PCP):

7 a. twenty (20) grams or more of a substance containing a
8 mixture or substance containing a detectable amount of
9 phencyclidine (PCP) shall be trafficking ~~punishable by~~
10 ~~a term of imprisonment in the custody of the~~
11 ~~Department of Corrections not to exceed twenty (20)~~
12 ~~years and by a fine of not less than Twenty Thousand~~
13 ~~Dollars (\$20,000.00) and not more than Fifty Thousand~~
14 ~~Dollars (\$50,000.00) , a Class B3 felony, that shall~~
15 be punished in accordance with the provisions of
16 Section 12 of this act, or

17 b. one hundred fifty (150) grams or more of a substance
18 containing a mixture or substance containing a
19 detectable amount of phencyclidine (PCP) shall be
20 aggravated trafficking, a Class B2 felony, punishable
21 by a term of imprisonment in the custody of the
22 Department of Corrections of not less than two (2)
23 years nor more than life and by a fine of not less
24

1 than Fifty Thousand Dollars (\$50,000.00) and not more
2 than Two Hundred Fifty Thousand Dollars (\$250,000.00);

3 7. Methylenedioxy methamphetamine:

4 a. thirty (30) tablets or ten (10) grams of a mixture or
5 substance containing a detectable amount of 3,4-
6 Methylenedioxy methamphetamine shall be trafficking
7 ~~punishable by a term of imprisonment in the custody of~~
8 ~~the Department of Corrections not to exceed twenty~~
9 ~~(20) years and by a fine of not less than Twenty-five~~
10 ~~Thousand Dollars (\$25,000.00) and not more than One~~
11 ~~Hundred Thousand Dollars (\$100,000.00) , a Class B3~~
12 felony, that shall be punished in accordance with the
13 provisions of Section 12 of this act, or

14 b. one hundred (100) tablets or thirty (30) grams of a
15 mixture or substance containing a detectable amount of
16 3,4-Methylenedioxy methamphetamine shall be deemed
17 aggravated trafficking punishable by a term of
18 imprisonment in the custody of the Department of
19 Corrections of not less than two (2) years nor more
20 than life by a fine of not less than One Hundred
21 Thousand Dollars (\$100,000.00) and not more than Five
22 Hundred Thousand Dollars (\$500,000.00);

23 8. Morphine: One thousand (1,000) grams or more of a mixture
24 containing a detectable amount of morphine shall be trafficking

1 ~~punishable by a term of imprisonment in the custody of the~~
2 ~~Department of Corrections not to exceed twenty (20) years and by a~~
3 ~~fine of not less than One Hundred Thousand Dollars (\$100,000.00) and~~
4 ~~not more than Five Hundred Thousand Dollars (\$500,000.00) , a Class~~
5 ~~B3 felony, that shall be punished in accordance with the provisions~~
6 of Section 12 of this act;

7 9. Oxycodone: Four hundred (400) grams or more of a mixture
8 containing a detectable amount of oxycodone shall be trafficking
9 ~~punishable by a term of imprisonment in the custody of the~~
10 ~~Department of Corrections not to exceed twenty (20) years and by a~~
11 ~~fine of not less than One Hundred Thousand Dollars (\$100,000.00) and~~
12 ~~not more than Five Hundred Thousand Dollars (\$500,000.00) , Class B3~~
13 ~~felony, that shall be punished in accordance with the provisions of~~
14 Section 12 of this act;

15 10. Hydrocodone: Three thousand seven hundred ~~and~~ fifty
16 (3,750) grams or more of a mixture containing a detectable amount of
17 hydrocodone shall be trafficking ~~punishable by a term of~~
18 ~~imprisonment in the custody of the Department of Corrections not to~~
19 ~~exceed twenty (20) years and by a fine of not less than One Hundred~~
20 ~~Thousand Dollars (\$100,000.00) and not more than Five Hundred~~
21 ~~Thousand Dollars (\$500,000.00) , a Class B3 felony, that shall be~~
22 punished in accordance with the provisions of Section 12 of this
23 act;

24

1 11. Benzodiazepine: Five hundred (500) grams or more of a
2 mixture containing a detectable amount of benzodiazepine shall be
3 trafficking ~~punishable by a term of imprisonment not to exceed~~
4 ~~twenty (20) years and by a fine of not less than One Hundred~~
5 ~~Thousand Dollars (\$100,000.00) and not more than Five Hundred~~
6 ~~Thousand Dollars (\$500,000.00), a Class B3 felony, that shall be~~
7 punished in accordance with the provisions of Section 12 of this
8 act; and

9 12. Fentanyl and its analogs and derivatives:

- 10 a. one (1) gram or more of a mixture containing fentanyl
11 or carfentanil, or any fentanyl analogs or derivatives
12 shall be trafficking ~~punishable by a term of~~
13 ~~imprisonment in the custody of the Department of~~
14 ~~Corrections not to exceed twenty (20) years and by a~~
15 ~~fine of not less than One Hundred Thousand Dollars~~
16 ~~(\$100,000.00) and not more than Two Hundred Fifty~~
17 ~~Thousand Dollars (\$250,000.00), a Class B3 felony,~~
18 that shall be punished in accordance with the
19 provisions of Section 12 of this act,, or
- 20 b. five (5) grams or more of a mixture containing
21 fentanyl or carfentanil, or any fentanyl analogs or
22 derivatives shall be aggravated trafficking, a Class
23 B1 felony, punishable by a term of imprisonment in the
24 custody of the Department of Corrections of not less

1 than two (2) years nor more than life and by a fine of
2 not less than Two Hundred Fifty Thousand Dollars
3 (\$250,000.00) and not more than Five Hundred Thousand
4 Dollars (\$500,000.00).

5 ~~D. Any person who violates the provisions of this section with~~
6 ~~respect to marijuana, cocaine, coca leaves, cocaine base, heroin,~~
7 ~~amphetamine or methamphetamine in a quantity specified in paragraphs~~
8 ~~1, 2, 3 and 4 of subsection C of this section shall, in addition to~~
9 ~~any fines specified by this section, be punishable by a term of~~
10 ~~imprisonment as follows:~~

11 ~~1. For trafficking, a first violation of this section, a term~~
12 ~~of imprisonment in the custody of the Department of Corrections not~~
13 ~~to exceed twenty (20) years;~~

14 ~~2. For trafficking, a second violation of this section, a term~~
15 ~~of imprisonment in the Department of Corrections of not less than~~
16 ~~four (4) years nor more than life, for which the person shall serve~~
17 ~~fifty percent (50%) of the sentence before being eligible for parole~~
18 ~~consideration;~~

19 ~~3. For trafficking, a third or subsequent violation of this~~
20 ~~section, a term of imprisonment in the custody of the Department of~~
21 ~~Corrections of not less than twenty (20) years nor more than life,~~
22 ~~of which the person shall serve fifty percent (50%) of the sentence~~
23 ~~before being eligible for parole consideration.~~

1 ~~Persons convicted of trafficking shall not be eligible for~~
2 ~~earned credits or any other type of credits which have the effect of~~
3 ~~reducing the length of sentence to less than fifty percent (50%) of~~
4 ~~the sentence imposed; and~~

5 If the person is convicted of aggravated trafficking, the person
6 shall serve eighty-five percent (85%) of such sentence before being
7 eligible for parole consideration.

8 ~~E. The penalties specified in subsections C and D of this~~
9 ~~section are subject to the enhancements enumerated in subsections E~~
10 ~~and F of Section 2-401 of this title.~~

11 ~~F.~~ Any person convicted of any offense described in this
12 section shall, in addition to any fine imposed, pay a special
13 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
14 deposited into the Trauma Care Assistance Revolving Fund created in
15 Section 1-2530.9 of this title and the assessment pursuant to
16 Section 2-503.2 of this title.

17 SECTION 594. AMENDATORY 63 O.S. 2021 Section 2-419.1, is
18 amended to read as follows:

19 Section 2-419.1. A. It shall be unlawful for any individual
20 eighteen (18) years of age or older to solicit, employ, hire, or use
21 an individual under eighteen (18) years of age to unlawfully
22 transport, carry, sell, give away, prepare for sale, or peddle any
23 controlled dangerous substance.

24

1 B. A person who violates subsection A of this section shall be
2 guilty of a Class C1 felony and, upon conviction, shall be
3 ~~punishable by a term of imprisonment, or fine, or both, not~~
4 ~~exceeding twice that authorized by Section 2-401 of Title 63 of the~~
5 ~~Oklahoma Statutes~~ punished in accordance with the provisions of
6 Section 16 of this act.

7 C. A person who violates subsection A of this section after a
8 previous conviction pursuant to that subsection which has become
9 final, shall be ~~punishable by a term of imprisonment not exceeding~~
10 ~~three times that authorized by Section 2-401 of Title 63 of the~~
11 ~~Oklahoma Statutes~~ guilty of a Class C1 felony and shall be punished
12 in accordance with the provisions of Section 16 of this act.

13 D. A person who violates subsection A of this section by
14 employing, hiring, or using an individual under fifteen (15) years
15 of age, ~~may shall, upon conviction, be imprisoned for not more than~~
16 ~~twenty-five (25) years, fined not more than One Hundred Thousand~~
17 ~~Dollars (\$100,000.00), or both, in addition to any other punishment~~
18 ~~authorized by this section~~ guilty of a Class B3 felony and shall be
19 punished in accordance with the provisions of Section 12 of this
20 act.

21 E. It shall not be a defense to this section that a person did
22 not know the age of an individual.

23 SECTION 595. AMENDATORY 63 O.S. 2021 Section 2-503.1, is
24 amended to read as follows:

1 Section 2-503.1. A. It is unlawful for any person knowingly or
2 intentionally to receive or acquire proceeds and to conceal such
3 proceeds, or engage in transactions involving proceeds, known to be
4 derived from any violation of the Uniform Controlled Dangerous
5 Substances Act, Section 2-101 et seq. of this title, or of any
6 statute of the United States relating to controlled dangerous
7 substances as defined by the Uniform Controlled Dangerous Substances
8 Act, Section 2-101 et seq. of this title. This subsection does not
9 apply to any transaction between an individual and the counsel of
10 the individual necessary to preserve the right to representation of
11 the individual, as guaranteed by the Oklahoma Constitution and by
12 the Sixth Amendment of the United States Constitution. However,
13 this exception does not create any presumption against or
14 prohibition of the right of the state to seek and obtain forfeiture
15 of any proceeds derived from a violation of the Uniform Controlled
16 Dangerous Substances Act, Section 2-101 et seq. of this title, or of
17 any statute of the United States relating to controlled dangerous
18 substances as defined by the Uniform Controlled Dangerous Substances
19 Act, Section 2-101 et seq. of this title.

20 B. It is unlawful for any person knowingly or intentionally to
21 give, sell, transfer, trade, invest, conceal, transport, or maintain
22 an interest in or otherwise make available anything of value which
23 that person knows is intended to be used for the purpose of
24 committing or furthering the commission of any violation of the

1 Uniform Controlled Dangerous Substances Act, Section 2-101 et seq.
2 of this title, or of any statute of the United States relating to
3 controlled dangerous substances as defined by the Uniform Controlled
4 Dangerous Substances Act, Section 2-101 et seq. of this title.

5 C. It is unlawful for any person knowingly or intentionally to
6 direct, plan, organize, initiate, finance, manage, supervise, or
7 facilitate the transportation or transfer of proceeds known to be
8 derived from any violation of the Uniform Controlled Dangerous
9 Substances Act, Section 2-101 et seq. of this title, or of any
10 statute of the United States relating to controlled dangerous
11 substances as defined by the Uniform Controlled Dangerous Substances
12 Act, Section 2-101 et seq. of this title.

13 D. It is unlawful for any person knowingly or intentionally to
14 conduct a financial transaction involving proceeds derived from a
15 violation of the Uniform Controlled Dangerous Substances Act,
16 Section 2-101 et seq. of this title, or of any statute of the United
17 States relating to controlled dangerous substances as defined by the
18 Uniform Controlled Dangerous Substances Act, Section 2-101 et seq.
19 of this title, when the transaction is designed in whole or in part
20 to conceal or disguise the nature, location, source, ownership, or
21 control of the proceeds known to be derived from a violation of the
22 Uniform Controlled Dangerous Substances Act, Section 2-101 et seq.
23 of this title, or of any statute of the United States relating to
24 controlled dangerous substances as defined by the Uniform Controlled

1 Dangerous Substances Act, Section 2-101 et seq. of this title, or to
2 avoid a transaction reporting requirement under state or federal
3 law.

4 E. Any person convicted of violating any of the provisions of
5 this section is guilty of a Class C2 felony and ~~may be punished by~~
6 ~~imprisonment for not less than two (2) years nor more than ten (10)~~
7 ~~years or by a fine of not more than Fifty Thousand Dollars~~
8 ~~(\$50,000.00) or by both said imprisonment and fine~~ shall be punished
9 in accordance with the provisions of Section 17 of this act.

10 SECTION 596. AMENDATORY 63 O.S. 2021 Section 2-503.1d,
11 is amended to read as follows:

12 Section 2-503.1d. A. No person shall sell, give, transfer,
13 trade, supply, or provide any money transmitter equipment, as
14 defined by the Oklahoma Financial Transaction Reporting Act, to any
15 person not licensed by the Oklahoma State Banking Commissioner. Any
16 person violating the provisions of this section shall be guilty upon
17 conviction of a misdemeanor, for a first offense, and a Class D1
18 felony for any second or subsequent offense. The misdemeanor
19 penalty shall be a fine not exceeding Three Thousand Dollars
20 (\$3,000.00), or imprisonment in the county jail not to exceed one
21 (1) year, or both such fine and imprisonment. The felony penalty
22 shall be ~~imprisonment in the custody of the Department of~~
23 ~~Corrections for five (5) years, or a fine not exceeding Five~~
24 ~~Thousand Dollars (\$5,000.00), or both such fine and imprisonment~~

1 punishable in accordance with the provisions of Section 18 of this
2 act.

3 B. Any person who encourages, facilitates, or allows access to
4 any money transmitter equipment in any manner to facilitate any
5 violation of Section 2-503.1 of ~~Title 63 of the Oklahoma Statutes~~
6 this title shall, upon conviction, be guilty of a Class C2 felony,
7 ~~upon conviction, punishable as provided in~~ and shall be punished in
8 accordance with the provisions Section & 17 of this act.

9 SECTION 597. AMENDATORY 63 O.S. 2021 Section 2-503.1e,
10 is amended to read as follows:

11 Section 2-503.1e. A. Any person who knowingly or intentionally
12 uses a money services business, as defined by the Oklahoma Financial
13 Transaction Reporting Act, or an electronic funds transfer network
14 for any purpose in violation of Section 2-503.1 of Title 63 of the
15 Oklahoma Statutes or Sections 1 through 9 of this act, or with
16 intent to facilitate any violation of the Uniform Controlled
17 Dangerous Substances Act or any statute of the United States
18 relating to controlled substances, or to commit any other crime
19 shall, upon conviction, be guilty, ~~upon conviction,~~ of a felony and
20 shall be punished in accordance with the provisions of Section 17 of
21 this act.

22 B. Any person who, by or through a money services business, as
23 defined in the Oklahoma Financial Transaction Reporting Act, or an
24 electronic funds transfer network, knowingly transmits, exchanges,

1 or processes any securities or negotiable instruments for any
2 purpose in violation of Section 2-503.1 of Title 63 of the Oklahoma
3 Statutes or Sections 1 through 9 of this act shall be guilty, upon
4 conviction, of a felony.

5 SECTION 598. AMENDATORY 63 O.S. 2021 Section 2-503.1f,
6 is amended to read as follows:

7 Section 2-503.1f. A. No person shall, for the purpose of
8 evading the reporting requirements set forth in 31 U.S.C., Section
9 5311, 31 C.F.R., Part 103, Title 6 or Sections 2-101 through 2-608
10 of Title 63 of the Oklahoma Statutes, or other federal laws
11 pertaining to money laundering:

12 1. Cause or attempt to cause the failure to file a report
13 required under Title 6 or Title 63 of the Oklahoma Statutes, or
14 federal monetary reporting requirements under law; or

15 2. Cause or attempt to cause the filing of a report required
16 under Title 6 or Title 63 of the Oklahoma Statutes, or federal
17 monetary reporting requirements under law, that contains a material
18 omission or misstatement of fact.

19 B. Any person violating the provisions of this section shall,
20 upon conviction, be guilty of a Class C1 felony and shall be
21 punished in accordance with the provisions of Section 16 of this
22 act.

23 SECTION 599. AMENDATORY 63 O.S. 2021 Section 2-503.1h,
24 is amended to read as follows:

1 Section 2-503.1h. A. Unless otherwise provided, any person
2 convicted of violating any of the provisions of this act is guilty
3 of a Class C2 felony and ~~may shall~~ be punished ~~by imprisonment for~~
4 ~~not less than two (2) years nor more than ten (10) years or by a~~
5 ~~fine of not more than Fifty Thousand Dollars (\$50,000.00) or an~~
6 ~~amount equal to twice the dollar amount of each transaction,~~
7 ~~whichever is greater, or by both such fine and imprisonment in~~
8 accordance with the provisions of Section 17 of this act.

9 B. For the purposes of this act, the terms, "money transmitter
10 equipment" or a "money transmitter service" shall include an entity
11 or person engaged in activity in violation of these provisions
12 regardless of whether the person or entity is licensed to conduct
13 such activity under the Oklahoma Financial Transaction Reporting
14 Act.

15 SECTION 600. AMENDATORY 63 O.S. 2021 Section 2-509, is
16 amended to read as follows:

17 Section 2-509. A. All species of plants from which controlled
18 dangerous substances in Schedules I and II may be derived are hereby
19 declared inimical to health and welfare of the public, and the
20 intent of the Legislature is to control and eradicate these species
21 of the plants in the State of Oklahoma.

22 B. It shall be unlawful for any person to cultivate or
23 produce, or to knowingly permit the cultivation, production, or wild
24 growing of any species of such plants, on any lands owned or

1 controlled by such person, and it is hereby declared the duty of
2 every such person to destroy all such plants found growing on lands
3 owned or controlled by the person.

4 C. 1. Whenever any peace officer of the state shall receive
5 information that any species of any such plants has been found
6 growing on any private lands in the State of Oklahoma, the peace
7 officer shall notify the sheriff and county commissioners of the
8 county wherein such plants are found growing. Within five (5) days
9 of receipt of such notice, the county commissioners shall notify the
10 owner or person in possession of such lands that such plants have
11 been found growing on the ~~the~~ lands and that the same must be
12 destroyed or eradicated within fifteen (15) days. When the fifteen
13 (15) days have elapsed, the reporting peace officer shall cause an
14 investigation to be made of the aforesaid lands, and if any such
15 plants be found growing thereon, the county commissioners shall
16 cause the same to be destroyed or eradicated by either cutting and
17 burning or by applications of herbicides approved for such purpose
18 and registered for use in Oklahoma by the Oklahoma Department of
19 Agriculture, Food, and Forestry in accordance with Section 2-505 of
20 this title.

21 2. Whenever any such plants are destroyed or eradicated by
22 order of the county commissioners as provided herein, the cost of
23 the same shall, if the work or labor be furnished by the county
24 commissioners, be taxed against the lands whereon the work was

1 performed, and shall be a lien upon such land in all manner and
2 respects as a lien of judgment, if the owner is charged with a
3 violation of subsection B of this section. If the violation of
4 subsection B of this section is by a person other than the owner of
5 the land, without the knowledge of the owner, the costs shall be
6 paid by the initiating law enforcement agency.

7 D. Knowingly violating the provisions of subsection B or
8 subsection H of this section is hereby declared, as to the owner, or
9 person in possession of such lands, to be a Class B4 felony and upon
10 conviction ~~punishable shall be punished as such by a fine not to~~
11 ~~exceed Fifty Thousand Dollars (\$50,000.00) and imprisonment in the~~
12 ~~custody of the Department of Corrections for not more than ten (10)~~
13 ~~years~~ in accordance with the provisions of Section 13 of this act.
14 The fine provided for in this subsection shall be in addition to
15 other punishments provided by law and shall not be in lieu of other
16 punishment. Any person convicted of a second violation of
17 subsection B or subsection H of this section is, upon conviction,
18 ~~punishable by a term of imprisonment in the custody of the~~
19 ~~Department of Corrections for not less than two (2) years nor more~~
20 ~~than twenty (20) years and by twice the fine otherwise authorized.~~
21 ~~Any person convicted of a third or subsequent violation of~~
22 ~~subsection B or subsection H of this section is punishable by a term~~
23 ~~of imprisonment in the custody of the Department of Corrections for~~
24 ~~not less than ten (10) years nor more than life~~ guilty of a Class B4

1 felony and shall be punished in accordance with the provisions of
2 Section 13 of this act.

3 E. It shall be the duty of any peace officer of the State of
4 Oklahoma who receives information of such plants growing in the
5 State of Oklahoma, to make notice, in writing, to the Oklahoma State
6 Bureau of Narcotics and Dangerous Drugs Control and the future
7 destruction or eradication of the annual growth of such plants shall
8 be supervised by the Oklahoma State Bureau of Narcotics and
9 Dangerous Drugs Control. Any destruction or eradication of the
10 annual growth of such plants supervised by the Bureau shall be by
11 cutting and burning the same or by destruction and eradication
12 through applications of herbicides approved for such purpose and
13 registered for use in Oklahoma by the Oklahoma Department of
14 Agriculture, Food, and Forestry.

15 F. Any application of herbicides authorized by this section
16 shall be made pursuant to the provisions of Section 2-505 of this
17 title.

18 G. In lieu of the eradication procedures provided for in
19 subsections B and C of this section, all species of plants from
20 which controlled dangerous substances in Schedules I and II of the
21 Uniform Controlled Dangerous Substances Act may be derived, may be
22 disposed of pursuant to the provisions of subsection C of Section 2-
23 505 of this title.

24

1 H. Except as authorized by the Uniform Controlled Dangerous
2 Substances Act, it shall be unlawful for any person to manufacture
3 or attempt to manufacture any controlled dangerous substance by
4 cooking, burning, or extracting and converting or attempting to
5 extract and convert marihuana or marihuana oil into hashish, hashish
6 oil or hashish powder.

7 SECTION 601. AMENDATORY 63 O.S. 2021, Section 2-701, is
8 amended to read as follows:

9 Section 2-701. A. There is hereby created within the Oklahoma
10 State Bureau of Narcotics and Dangerous Drugs Control a registry of
11 persons who, after November 1, 2010, have been convicted, whether
12 upon a verdict or plea of guilty or upon a verdict or plea of nolo
13 contendere, or received a suspended sentence or any deferred or
14 probationary term, or are currently serving a sentence or any form
15 of probation or parole for a crime or attempt to commit a crime
16 including, but not limited to, unlawful possession, conspiring,
17 endeavoring, manufacturing, distribution or trafficking of a
18 precursor or methamphetamines under the provisions of Section 2-322,
19 2-332, 2-401, 2-402, 2-408 or 2-415 of this title, or any crime
20 including, but not limited to, crimes involving the possession,
21 distribution, manufacturing or trafficking of methamphetamines or
22 illegal amounts of or uses of pseudoephedrine in any federal court,
23 Indian tribal court, or any court of another state if the person is

24

1 a resident of the State of Oklahoma or seeks to remain in the State
2 of Oklahoma in excess of ten (10) days.

3 B. It shall be unlawful for any person who knows that he or she
4 is subject to the registry created in subsection A of this section
5 to purchase, possess or have control of any Schedule V compound,
6 mixture, or preparation containing any detectable quantity of
7 pseudoephedrine, its salts or optical isomers, or salts of optical
8 isomers. A prescription for pseudoephedrine shall not provide an
9 exemption for any person to this law. Any person convicted of
10 violating the provisions of this subsection shall be guilty of a
11 Class B4 felony, punishable by imprisonment in the custody of the
12 Department of Corrections for not less than two (2) years and not
13 more than ten (10) years, or by a fine of not more than Five
14 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment
15 in accordance with the provisions of Section 13 of this act.

16 C. The registry created in subsection A of this section shall
17 be maintained by the Bureau. The registry shall be made available
18 for registrants who sell or dispense pseudoephedrine-related
19 products and to law enforcement agencies for law enforcement
20 purposes through the electronic methamphetamine precursor tracking
21 service. The electronic methamphetamine precursor tracking service
22 shall generate a stop-sale alert on any sale of pseudoephedrine to
23 any individual listed on the methamphetamine offender registry in
24 real time.

1 D. The registry shall consist of the following information:

2 1. Name and address of the person;

3 2. Date of birth of the person;

4 3. The offense or offenses which made the person eligible for
5 inclusion on the registry;

6 4. The date of conviction or the date that a plea of guilty or
7 nolo contendere was accepted by the court for any violation of an
8 offense provided for in subsection A of this section;

9 5. The county where the offense or offenses occurred; and

10 6. Such other identifying data as the Bureau determines is
11 necessary to properly identify the person.

12 E. Beginning November 1, 2010, all district court clerks shall
13 forward a copy of the judgment and sentence or other applicable
14 information relating to the disposition of the criminal case and
15 date of birth of all persons who are subject to the provisions of
16 the Oklahoma Methamphetamine Offender Registry Act for a violation
17 of the offenses described in subsection A of this section to the
18 Bureau. The information shall be sent in an electronic format in a
19 manner prescribed by the Bureau within ten (10) days of the date of
20 final disposition of the case. Any person subject to the registry
21 pursuant to subsection A of this section, having received a deferred
22 sentence or conviction in a federal court, Indian tribal court, or
23 any court of another state, shall be required to register and submit
24 a methamphetamine offender registration form in a format prescribed

1 by the Bureau within ten (10) days of entering the State of Oklahoma
2 or if incarcerated in a federal institution within the boundaries of
3 Oklahoma, within ten (10) days of release from the institution.
4 Knowingly failing to submit the form required by this subsection
5 shall constitute a misdemeanor.

6 F. Upon receipt of the information provided by the district
7 court clerk, the Bureau shall transmit in an electronic format to
8 the electronic methamphetamine precursor tracking service at least
9 every seven (7) days the name of any person placed on the
10 methamphetamine offender registry as provided in this section. The
11 information transmitted to the electronic tracking service shall
12 include the first, middle, and last name of the person, and the
13 address and the date of birth of the person. The electronic
14 methamphetamine precursor tracking service shall be designed to
15 generate a stop-sale alert for any person who is on the
16 methamphetamine offender registry and whose name, address and date
17 of birth have been transmitted by the Bureau to the electronic
18 tracking service.

19 G. The Bureau shall remove from the methamphetamine offender
20 registry the name and other identifying information of a person who
21 has been convicted of a violation of any of the offenses described
22 in subsection A of this section ten (10) years after the date of the
23 most recent judgment and sentence. Any person having received a
24 deferred sentence that expires prior to the ten-year time limitation

1 may apply to the Bureau to be removed from the registry upon the
2 completion of the deferred sentence by providing to the Bureau a
3 certified copy of the dismissal of the case by certified mail. The
4 Bureau may remove the person from the methamphetamine offender
5 registry upon expiration of the deferred sentence. The Bureau shall
6 also be required to notify the provider of the electronic
7 methamphetamine precursor tracking service when a person is removed
8 from the methamphetamine offender registry. Upon notification from
9 the Bureau, the provider of the electronic tracking service shall
10 remove the name of the person from the electronic methamphetamine
11 precursor tracking service and the person shall thereafter be
12 permitted to purchase pseudoephedrine-related products.

13 H. It shall be a violation for any person to assist another,
14 with knowledge that the person is subject to the registry, in the
15 purchase of any pseudoephedrine products. Any person convicted of
16 violating the provisions of this subsection shall, for a first
17 offense, be guilty of a misdemeanor, punishable by incarceration in
18 the county jail for not more than one (1) year, or by a fine of not
19 more than One Thousand Dollars (\$1,000.00), or by both such fine and
20 imprisonment. Any second or subsequent conviction for a violation
21 of this subsection shall be a Class D2 felony, punishable by
22 ~~incarceration in the custody of the Department of Corrections for~~
23 ~~not more than two (2) years, or by a fine of not less than Two~~
24 ~~Thousand Five Hundred Dollars (\$2,500.00) or by both such fine and~~

1 ~~imprisonment~~ in accordance with the provisions of Section 19 of this
2 act.

3 I. On or prior to November 1, 2011, the Oklahoma State Bureau
4 of Narcotics and Dangerous Drugs Control shall maintain a
5 methamphetamine offender registry website available for viewing by
6 the public.

7 J. For the purposes of this section, knowledge that a person
8 was subject to the methamphetamine offender registry may be proven
9 through court testimony or any other public notice or publicly
10 available record including, but not limited to, court records
11 maintained by the Oklahoma Supreme Court Network and the Oklahoma
12 Court Information System.

13 K. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
14 Control shall take necessary actions through the promulgation of
15 rules and cooperation with pharmacies and the courts to ensure that
16 notice of the provisions of this section is provided to those
17 persons subject to the methamphetamine offender registry as listed
18 in subsection A of this section.

19 SECTION 602. AMENDATORY 63 O.S. 2021 Section 124.8, is
20 amended to read as follows:

21 Section 124.8. A. Any firm, corporation, company or
22 partnership shall ensure that all personnel, field crews, magazine
23 attendants, truck drivers, supervisors and superintendents are fully
24 conversant with all provisions of this division and the rules

1 promulgated hereunder. The permit holder shall be responsible for
2 violations committed by employees working under the company or
3 corporation permit.

4 B. Any person violating any of the provisions of this division
5 or any rules or regulations made thereunder shall be guilty of a
6 Class D1 felony and shall be punished ~~by a fine of not more than~~
7 ~~Five Thousand Dollars (\$5,000.00) or by imprisonment for not more~~
8 ~~than five (5) years, or by both such fine and imprisonment in~~
9 ~~accordance with the provisions of Section 18 of this act.~~ If such
10 violation was committed with the knowledge or intent that any
11 explosive or blasting agent involved was to be used to kill, injure
12 or intimidate any person or unlawfully to damage any real or
13 personal property, the person or persons committing such violations,
14 upon conviction, shall be guilty of a Class B4 felony and shall be
15 punished ~~by a fine of not more than Ten Thousand Dollars~~
16 ~~(\$10,000.00) or imprisoned for not more than ten (10) years, or both~~
17 ~~in accordance with the provisions of Section 13 of this act.~~ If in
18 a case involving such knowledge or intent personal injury results,
19 such person shall be ~~imprisoned for not more than twenty (20) years,~~
20 ~~or fined not more than Twenty Thousand Dollars (\$20,000.00), or both~~
21 ~~guilty of a Class A1 felony and shall be punished in accordance with~~
22 ~~the provisions of Section 7 of this act;~~ and if death results such
23 person shall be ~~subject to imprisonment for any term of years or for~~
24

1 ~~life~~ guilty of a Class A1 felony and shall be punished in accordance
2 with the provisions of Section 7 of this act.

3 SECTION 603. AMENDATORY 63 O.S. 2021, Section 2200.16A,
4 is amended to read as follows:

5 Section 2200.16A. A. Except as otherwise provided in
6 subsection B of this section, a person that, for valuable
7 consideration, knowingly purchases or sells a part for
8 transplantation or therapy if removal of a part from an individual
9 is intended to occur after the individual's death commits a Class D1
10 ~~felony and upon conviction is subject to a fine of not more than~~
11 ~~Fifty Thousand Dollars (\$50,000.00) or imprisonment for not more~~
12 ~~than five (5) years, or both such fine and imprisonment shall be~~
13 punished in accordance with the provisions of Section 18 of this
14 act.

15 B. A person may charge a reasonable amount for the removal,
16 processing, preservation, quality control, storage, transportation,
17 implantation, or disposal of a part.

18 SECTION 604. AMENDATORY 63 O.S. 2021, Section 2200.17A,
19 is amended to read as follows:

20 Section 2200.17A. A person that, in order to obtain a financial
21 gain, intentionally falsifies, forges, conceals, defaces, or
22 obliterates a document of gift, an amendment or revocation of a
23 document of gift, or a refusal commits a Class D1 felony and upon
24 conviction ~~is subject to a fine of not more than Fifty Thousand~~

1 ~~Dollars (\$50,000.00) or imprisonment for not more than five (5)~~
2 ~~years, or both such fine and imprisonment shall be punished in~~
3 ~~accordance with the provisions of Section 18 of this act.~~

4 SECTION 605. AMENDATORY 63 O.S. 2021, Section 3101.11,
5 is amended to read as follows:

6 Section 3101.11. A. A physician or other health care provider
7 who willfully fails to arrange the care of a patient in accordance
8 with Section 3101.9 of this title shall be guilty of unprofessional
9 conduct.

10 B. A physician who willfully fails to record the determination
11 of the patient's condition in accordance with Section 3101.7 of this
12 title shall be guilty of unprofessional conduct.

13 C. Any person who willfully conceals, cancels, defaces, alters,
14 or obliterates the advance directive of another without the
15 declarant's consent, or who falsifies or forges a revocation of the
16 advance directive of another shall be, upon conviction, guilty of a
17 Class D3 felony punishable in accordance with the provisions of
18 Section 20 of this act.

19 D. A person who in any way falsifies or forges the advance
20 directive of another, or who willfully conceals or withholds
21 personal knowledge of a revocation as provided in Section 3101.6 of
22 this title shall be, upon conviction, guilty of a Class D3 felony
23 punishable in accordance with the provisions of Section 20 of this
24 act.

1 E. A person who requires or prohibits the execution of an
2 advance directive as a condition for being insured for, or
3 receiving, health care services shall be, upon conviction, guilty of
4 a Class D3 felony punishable in accordance with the provisions of
5 Section 20 of this act.

6 F. A person who coerces or fraudulently induces another to
7 execute an advance directive or revocation shall be, upon
8 conviction, guilty of a Class D3 felony punishable in accordance
9 with the provisions of Section 20 of this act.

10 G. The sanctions provided in this section do not displace any
11 sanction applicable under other law.

12 SECTION 606. AMENDATORY 63 O.S. 2021, Section 4009.1, is
13 amended to read as follows:

14 Section 4009.1. A. 1. The Department of Public Safety shall
15 promulgate rules specifying the location and manner in which serial
16 numbers for outboard motors shall be affixed. In promulgating such
17 rules, the Department shall consider the existence of voluntary
18 industry standards, the current state of technology and the overall
19 process of reducing vessel and motor thefts in this state.

20 2. Any outboard motor manufactured on or after October 1, 1985,
21 which is for sale in this state shall comply with the rules
22 promulgated pursuant to this section.

23 3. Any person, firm or corporation which sells or offers to
24 sell any outboard motor or outboard motor part manufactured on or

1 after October 1, 1985, which does not comply with this subsection
2 shall be, upon conviction, guilty of a misdemeanor, punishable by a
3 fine of up to Five Hundred Dollars (\$500.00), imprisonment in the
4 county jail for a period of up to one (1) year, or both such fine
5 and imprisonment.

6 B. 1. It is unlawful for any person to knowingly possess any
7 outboard motor or outboard motor part upon which the serial number
8 required by subsection A of this section has been removed, erased,
9 defaced or otherwise altered to prevent identification.

10 2. It is unlawful for any person to knowingly possess,
11 manufacture, sell or exchange, offer to sell or exchange, aid in
12 sale or exchange, supply in blank, authorize or direct, give away,
13 or to conspire to or attempt to commit any of the previously
14 mentioned acts, any counterfeit manufacturer's outboard motor or
15 outboard motor part serial number plate or decal, used for the
16 purpose of identification of any outboard motor or outboard motor
17 part, or to conspire or attempt to commit any of these acts.

18 3. Any person violating any provision of this subsection shall
19 be, upon conviction, guilty of a Class D3 felony punishable in
20 accordance with the provisions of Section 20 of this act.

21 C. If any serial number required by this section to identify
22 ownership of an outboard motor or outboard motor part does not exist
23 or has been removed, erased, defaced or otherwise altered to prevent
24 identification, and the true identity cannot be determined, the

1 outboard motor or outboard motor part may be seized by any peace
2 officer in this state and shall be subject to forfeiture pursuant to
3 the procedures established for the law enforcement agency by which
4 the seizing officer is employed. Such outboard motor or outboard
5 motor part may not be sold or used to propel a vessel on the waters
6 of this state unless and until the Department of Public Safety is
7 directed by the Oklahoma Tax Commission to issue to the outboard
8 motor or outboard motor part a replacement identifying number which
9 shall be affixed to the motor or part and shall thereafter be used
10 for identification purposes of the motor or part.

11 SECTION 607. AMENDATORY 63 O.S. 2021, Section 4209.1, is
12 amended to read as follows:

13 Section 4209.1. A person not entitled to the possession of a
14 vessel or motor who receives, possesses, sells or disposes of such
15 vessel or motor, knowing said vessel or motor to be stolen or
16 converted under circumstances constituting a crime, upon conviction,
17 shall be guilty of a Class D1 felony and shall be punished ~~by a fine~~
18 ~~of not more than One Thousand Dollars (\$1,000.00), or by~~
19 ~~imprisonment for not more than five (5) years, or by both such fine~~
20 ~~and imprisonment~~ in accordance with the provisions of Section 18 of
21 this act.

22 SECTION 608. AMENDATORY 63 O.S. 2021, Section 4209.2, is
23 amended to read as follows:

24 Section 4209.2. A. As used in this section:

1 1. "Identification number" includes any identifying number,
2 serial number, motor serial number or other distinguishing number or
3 mark, placed on a vessel or motor by its manufacturer or by
4 authority of the Oklahoma Tax Commission or in accordance with the
5 laws of another state or country;

6 2. "Remove" includes deface, cover and destroy; and

7 3. "Falsify" includes alter and forge.

8 B. Any person or persons who shall remove or falsify or cause
9 to be removed or falsified the hull identification number of a
10 vessel or motor in this state, without first giving notice of such
11 act to the Oklahoma Tax Commission, upon such form as the Commission
12 may prescribe, or any person who shall give a wrong description in
13 any application for the registration of any vessel or motor in this
14 state for the purpose of concealing or hiding the identity of such
15 vessel or motor, upon conviction, shall be guilty of a Class D1
16 ~~felony and shall be punished by imprisonment in the State~~
17 ~~Penitentiary for a term of not less than one (1) year and not more~~
18 ~~than five (5) years~~ in accordance with the provisions of Section 18
19 of this act.

20 C. A person who buys, receives, possesses, sells or disposes of
21 a vessel or motor, knowing that the identification number of the
22 vessel or motor has been removed or falsified, upon conviction,
23 shall be guilty of a misdemeanor.

1 D. A person who buys, receives, possesses, sells or disposes of
2 a vessel or motor, knowing that the identification number of the
3 vessel or motor has been removed or falsified and with intent to
4 conceal or misrepresent the identity of the vessel or motor, upon
5 conviction, shall be guilty of a Class D1 felony and shall be
6 ~~punished by a fine of not more than One Thousand Dollars~~
7 ~~(\$1,000.00), or by imprisonment for not more than five (5) years, or~~
8 ~~by both such fine and imprisonment~~ in accordance with the provisions
9 of Section 18 of this act.

10 E. An identification number may be placed on a vessel or motor
11 by its manufacturer in the regular course of business or placed or
12 restored on a vehicle or engine by authority of the Commission
13 without violating this section. An identification number so placed
14 or restored is not falsified.

15 SECTION 609. AMENDATORY 63 O.S. 2021, Section 4209.3, is
16 amended to read as follows:

17 Section 4209.3. Any person who shall knowingly make any false
18 statement of a material fact, either in his application for a
19 certificate of title, as provided for in this title, or in any
20 assignment thereof, or who, with intent to procure or pass title to
21 a vessel or motor which he knows or has reason to believe has been
22 stolen, or who shall receive or transfer possession of the same from
23 or to another, or who shall have in his possession any vessel or
24 motor which he knows or has reason to believe has been stolen, and

1 who is not a duly authorized peace officer of this state engaged at
2 the time in the performance of his duty as such officer, upon
3 conviction, shall be guilty of a Class D1 felony and shall be
4 ~~punished by a fine of not less than One Hundred Dollars (\$100.00)~~
5 ~~and not more than Five Thousand Dollars (\$5,000.00), or imprisonment~~
6 ~~in the State Penitentiary for a period of not less than one (1) year~~
7 ~~nor more than ten (10) years, or by both such fine and imprisonment,~~
8 ~~at the discretion of the court~~ in accordance with the provisions of
9 Section 18 of this act. This provision shall not be exclusive of
10 any other penalties prescribed by an existing or future law for the
11 larceny or unauthorized taking of a vessel or motor.

12 SECTION 610. AMENDATORY 63 O.S. 2021, Section 4209.4, is
13 amended to read as follows:

14 Section 4209.4. Any person who shall alter or forge, or cause
15 to be altered or forged, any certificate of title issued by the
16 Oklahoma Tax Commission, pursuant to the provisions of this title,
17 or any assignment thereof, or who shall hold or use any such
18 certificate or assignment, knowing the same to have been altered or
19 forged, upon conviction, shall be guilty of a Class D1 felony and
20 ~~shall be punished by a fine of not less than Fifty Dollars (\$50.00),~~
21 ~~and not more than Five Thousand Dollars (\$5,000.00), or by~~
22 ~~imprisonment in the State Penitentiary for a period of not less than~~
23 ~~one (1) year, nor more than ten (10) years, or by both such fine and~~

24

1 ~~imprisonment, at the discretion of the court~~ in accordance with the
2 provisions of Section 18 of this act.

3 SECTION 611. AMENDATORY 63 O.S. 2021, Section 4209, is
4 amended to read as follows:

5 Section 4209. A person not entitled to possession of a vessel
6 or motor who, without the consent of the owner and with intent to
7 deprive him of the vessel or motor or its possession, takes, uses,
8 or operates the vessel or motor, upon conviction, shall be guilty of
9 a Class D1 felony and shall be punished ~~by a fine of not more than~~
10 ~~One Thousand Dollars (\$1,000.00), or by imprisonment for not more~~
11 ~~than five (5) years, or by both such fine and imprisonment~~ in
12 accordance with the provisions of Section 18 of this act.

13 SECTION 612. AMENDATORY 63 O.S. 2021, Section 4253, is
14 amended to read as follows:

15 Section 4253. A. Any person who knowingly and with intent that
16 a violation of this section be committed:

17 1. Owns, operates, or conducts a chop shop;

18 2. Transports any vessel or motor or vessel or motor part to or
19 from a location knowing it to be a chop shop; or

20 3. Sells, transfers, purchases, or receives any vessel or motor
21 or vessel or motor part either to or from a location knowing it to
22 be a chop shop,

23 upon conviction, is guilty of a Class C1 felony, punishable ~~by~~
24 ~~imprisonment for not more than ten (10) years, or by a fine of not~~

1 ~~more than One Hundred Thousand Dollars (\$100,000.00), or both such~~
2 ~~imprisonment and fine~~ in accordance with the provisions of Section
3 16 of this act.

4 B. Any person who knowingly alters, counterfeits, defaces,
5 destroys, disguises, falsifies, forges, obliterates, or knowingly
6 removes a hull identification number, manufacturer's serial number
7 or other identification number with the intent to misrepresent the
8 identity or prevent the identification of a vessel or motor or
9 vessel or motor part, upon conviction, is guilty of a Class C2
10 ~~felony, punishable by imprisonment for not more than ten (10) years,~~
11 ~~or by a fine of not more than One Hundred Thousand Dollars~~
12 ~~(\$100,000.00), or both such imprisonment and fine~~ in accordance with
13 the provisions of Section 17 of this act.

14 C. 1. Any person who buys, disposes, sells, transfers, or
15 possesses a vessel or motor or vessel or motor part, with knowledge
16 that the hull identification number, manufacturer's serial number or
17 other identification number of the vessel or motor or vessel or
18 motor part has been altered, counterfeited, defaced, destroyed,
19 disguised, falsified, forged, obliterated, or removed, upon
20 conviction, is guilty of a Class D1 felony, punishable by
21 ~~imprisonment for not more than five (5) years, or by a fine of not~~
22 ~~more than Fifty Thousand Dollars (\$50,000.00), or both such~~
23 ~~imprisonment and fine~~ in accordance with the provisions of Section
24 18 of this act.

1 2. The provisions of paragraph 1 of this subsection shall not
2 apply to a vessel or motor scrap processor who, in the normal legal
3 course of business and in good faith, processes a vessel or motor or
4 vessel or motor part by crushing, compacting, or other similar
5 methods, provided that any hull identification number,
6 manufacturer's serial number or other identification number is not
7 removed from the vessel or motor or vessel or motor part prior to or
8 during any such processing.

9 3. The provisions of paragraph 1 of this subsection shall not
10 apply to any owner or authorized possessor of a vessel or motor or
11 vessel or motor part which has been recovered by law enforcement
12 authorities after having been stolen or where the condition of the
13 hull identification number, manufacturer's serial number or other
14 identification number of the vessel or motor or vessel or motor part
15 is known to or has been reported to law enforcement authorities. It
16 shall be presumed that law enforcement authorities have knowledge of
17 all hull identification numbers, manufacturer's serial numbers or
18 other identification numbers on a vessel or motor or vessel or motor
19 part which are altered, counterfeited, defaced, disguised,
20 falsified, forged, obliterated, or removed, when law enforcement
21 authorities deliver or return the vessel or motor or vessel or motor
22 part to its owner or authorized possessor after it has been
23 recovered by law enforcement authorities after having been reported
24 stolen.

1 D. A person commits an attempt when, with intent to commit a
2 violation proscribed by subsection A, B or C of this section, the
3 person does any act which constitutes a substantial step toward the
4 commission of the violation proscribed by subsection A, B or C of
5 this section, and upon conviction is guilty of a Class C2 felony,
6 ~~punishable by imprisonment for not more than five (5) years, or by a~~
7 ~~fine of not more than Fifty Thousand Dollars (\$50,000.00), or both~~
8 ~~such imprisonment and fine~~ in accordance with the provisions of
9 Section 17 of this act.

10 E. A person commits conspiracy when, with an intent that a
11 violation proscribed by subsection A, B or C of this section be
12 committed, the person agrees with another to the commission of the
13 violation proscribed by subsection A, B or C of this section, and
14 upon conviction is guilty of a Class D3 felony, punishable ~~by~~
15 ~~imprisonment for not more than two (2) years, or by a fine of not~~
16 ~~more than Twenty-five Thousand Dollars (\$25,000.00), or both such~~
17 ~~imprisonment and fine~~ in accordance with the provisions of Section
18 20 of this act. No person may be convicted of conspiracy under this
19 section unless an act in furtherance of such agreement is alleged
20 and proved to have been committed by that person or a coconspirator.

21 F. A person commits solicitation when, with intent that a
22 violation proscribed by subsection A, B or C of this section be
23 committed, the person commands, encourages, or requests another to
24 commit the violation proscribed by subsection A, B or C of this

1 section, and upon conviction is guilty of a Class D3 felony,
2 punishable by imprisonment for not more than two (2) years, or by a
3 fine of not more than Ten Thousand Dollars (\$10,000.00), or both
4 such imprisonment and fine in accordance with the provisions of
5 Section 20 of this act.

6 G. A person commits aiding and abetting when, either before or
7 during the commission of a violation proscribed by subsection A, B
8 or C of this section, with the intent to promote or facilitate such
9 commission, the person aids, abets, agrees or attempts to aid
10 another in the planning or commission of the violation proscribed by
11 subsection A, B or C of this section, and upon conviction is guilty
12 of a Class D3 felony, punishable by imprisonment for not more than
13 one (1) year, or by a fine of not more than Five Thousand Dollars
14 (\$5,000.00), or both such imprisonment and fine in accordance with
15 the provisions of Section 20 of this act.

16 H. A person is an accessory after the fact who maintains,
17 assists, or gives any other aid to an offender while knowing or
18 having reasonable grounds to believe the offender to have committed
19 a violation under subsection A, B, C, D, E, F or G of this section,
20 and upon conviction is guilty of a Class D3 felony, punishable by
21 imprisonment for not more than one (1) year, or by a fine of not
22 more than Five Thousand Dollars (\$5,000.00), or both such
23 imprisonment and fine in accordance with the provisions of Section
24 20 of this act.

1 I. No prosecution shall be brought and no person shall be
2 convicted of any violation under this section, where acts of the
3 person, otherwise constituting a violation, were done in good faith
4 in order to comply with the laws or regulations of any state or
5 territory of the United States, or of the federal government of the
6 United States.

7 J. The sentence imposed upon a person convicted of any
8 violation of this section shall not be reduced to less than one (1)
9 year imprisonment for a second conviction of any violation, or less
10 than five (5) years for a third or subsequent conviction of any
11 violation of this section, and no sentence imposed upon a person for
12 a second or subsequent conviction of any violation of this section
13 shall be suspended or reduced, until such person shall have served
14 the minimum period of imprisonment provided for herein. A person
15 convicted of a second or subsequent violation of this section shall
16 not be eligible for probation, parole, furlough or work release.

17 K. 1. In addition to any other punishment, a person who
18 violates this section shall be ordered to make restitution to the
19 lawful owner or owners of the stolen vessel or motor or the stolen
20 vessel or motor part or parts, or to the owner's insurer to the
21 extent that the owner has been compensated by the insurer, and to
22 any other person for any financial loss sustained as a result of a
23 violation of this section.

24

1 Financial loss shall include, but not be limited to, loss of
2 earnings, out-of-pocket and other expenses, repair and replacement
3 costs and claims payments. "Lawful owner" shall include an innocent
4 bona fide purchaser for value of a stolen vessel or motor or stolen
5 vessel or motor part who does not know that the vessel or motor or
6 part is stolen; or an insurer to the extent that such insurer has
7 compensated a bona fide purchaser for value.

8 2. The court shall determine the extent and method of
9 restitution. In an extraordinary case, the court may determine that
10 the best interests of the victim and justice would not be served by
11 ordering restitution. In any such case, the court shall make and
12 enter specific written findings on the record concerning the
13 extraordinary circumstances presented which militated against
14 restitution.

15 SECTION 613. AMENDATORY 64 O.S. 2021, Section 1017, is
16 amended to read as follows:

17 Section 1017. Any person who shall execute or make any sworn
18 statement or affidavit containing false information in connection
19 with any transaction made from the funds held by the Commissioners
20 of the Land Office shall be guilty of ~~the~~ a Class D3 felony ~~of~~
21 ~~perjury~~ and, upon conviction thereof, shall be punished ~~by a fine~~
22 ~~not to exceed Five Thousand Dollars (\$5,000.00) or by imprisonment~~
23 ~~in the custody of the Department of Corrections for a term not to~~

24

1 ~~exceed one (1) year, or by both fine and imprisonment~~ in accordance
2 with the provisions of Section 20 of this act, or.

3 SECTION 614. AMENDATORY 64 O.S. 2021, Section 1018, is
4 amended to read as follows:

5 Section 1018. Any person, firm, business, or other entity who,
6 without written authority from the Commissioners of the Land Office,
7 trespasses, uses, cuts timber, injures or destroys surface or
8 subsurface lands or improvements, removes anything of value from the
9 surface or subsurface, assumes possession without a lease or other
10 legal interest in the lands, or who refuses to surrender possession
11 at the expiration, rescission or termination of a lease or easement
12 shall be subject to a civil action for actual damages, possession of
13 the land, injunction, civil penalties equal to the amount of actual
14 damages, attorney fees, litigation expenses, sheriff fees and court
15 costs. Damage claims shall carry sixteen-percent interest from the
16 date of injury. The person, business or other entity, ~~shall also be~~
17 ~~subject to criminal penalties as may be provided by law~~ upon
18 conviction, shall be guilty of a Class D3 felony punishable in
19 accordance with the provisions of Section 20 of this act.

20 SECTION 615. AMENDATORY 64 O.S. 2021, Section 1026, is
21 amended to read as follows:

22 Section 1026. Any employee of the Commissioners of the Land
23 Office who shall knowingly and without authority and in violation of
24 the records destruction policy destroy, forge, falsify, steal,

1 mutilate, hide or intentionally misplace any of the records, files,
2 computer data or any other property of the Commissioners of the Land
3 Office, or who knowingly permits or causes the unlawful destruction,
4 forgery, falsifying, stealing, mutilating, hiding or intentional
5 misplacing of any of the records of the Commissioners of the Land
6 Office, shall be deemed guilty of a Class D1 felony, and upon
7 conviction shall be punished ~~by a fine of not more than One Thousand~~
8 ~~Dollars (\$1,000.00), or by imprisonment in the custody of the~~
9 ~~Department of Corrections not exceeding five (5) years or by both~~
10 ~~fine and imprisonment~~ in accordance with the provisions of Section
11 18 of this act, and shall be immediately discharged by the
12 Commissioners of the Land Office upon discovery of the acts.

13 SECTION 616. AMENDATORY 64 O.S. 2021, Section 1029, is
14 amended to read as follows:

15 Section 1029. The Cash Journal shall be balanced daily and the
16 total of the receipts of each day shall be deposited with the State
17 Treasurer as now required by the State Depository Law, except that
18 deposits placed at auction for the sale or lease of lands or
19 minerals pending finalization of a sale or lease transaction shall
20 be secured by the Secretary of the Land Office for safekeeping. The
21 deposits held by the Secretary shall be paid into the treasury
22 clearing account of the Commissioners of the Land Office within
23 three (3) business days following final approval and execution of
24 all required documents related to the transaction. A deposit shall

1 be returned to the payor of the deposit within three (3) business
2 days following the determination by the Commissioners of the Land
3 Office that the transaction will not be finalized. It shall be the
4 duty of the Commissioners of the Land Office to notify each debtor
5 to make their checks, drafts, or other transfer of monies payable to
6 the order of the Commissioners of the Land Office. The endorsements
7 on the checks, drafts or other evidence of transfers of monies shall
8 be in the following words:

9 "Pay to the order of the Treasury of the State of Oklahoma, for
10 credit only to the Commissioners of the Land Office". No person,
11 firm or corporation shall cash or pay out on any check, voucher,
12 draft, money order or other evidence of transfers of money, or its
13 equivalent, without the endorsements, and the endorsement of the
14 State Treasurer appearing thereon.

15 Any person, firm or corporation knowingly violating this
16 provision shall be guilty of a Class D3 felony and, upon conviction,
17 shall be punished ~~by a fine of not less than One Hundred Dollars~~
18 ~~(\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by~~
19 ~~imprisonment in the custody of the Department of Corrections for a~~
20 ~~term of not more than three (3) years or by both the fine and~~
21 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
22 act. In addition, the person, firm or corporation shall be civilly
23 liable to the Commissioners of the Land Office for the use and
24 benefit of the fund which has sustained the loss in double the

1 amount of the check, voucher, money order, draft or other evidence
2 of transfer of money, so cashed or paid.

3 All checks or vouchers drawn against any Special Agency Account
4 by the Commissioners of the Land Office shall be issued only by the
5 principal fiscal officer upon written application of the head of the
6 division of the School Land Department. Each check or voucher shall
7 be signed in the name of the Commissioners of the Land Office by the
8 Secretary or in the absence of the Secretary by the Assistant
9 Secretary and shall be countersigned by the principal fiscal
10 officer. The form of check or voucher shall be prescribed by the
11 State Treasurer and shall indicate on its face the purpose for which
12 drawn, the amount and the account to which chargeable. No check
13 shall leave the office until protected by use of a machine for
14 printing amounts on checks, as by perforations, so as to prevent
15 alterations.

16 SECTION 617. AMENDATORY 64 O.S. 2021, Section 1094, is
17 amended to read as follows:

18 Section 1094. Any person who prospects for minerals owned by
19 the State of Oklahoma, under the jurisdiction and control of the
20 Commissioners of the Land Office, without a prospecting permit, or
21 who removes any such minerals without a lease contract, contrary to
22 the provisions of this act, or who violates any other terms or
23 provisions of this act, shall be guilty of a Class D1 felony and
24 upon conviction shall be punished ~~by a fine of not less than Fifty~~

1 ~~Dollars (\$50.00) and not to exceed Fifty Thousand Dollars~~
2 ~~(\$50,000.00), or by imprisonment for not less than thirty (30) days~~
3 ~~and not to exceed ten (10) years, or by both such fine and~~
4 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
5 act.

6 SECTION 618. AMENDATORY 66 O.S. 2021, Section 304, is
7 amended to read as follows:

8 Section 304. A. The Department of Transportation is hereby
9 authorized and empowered:

10 1. To acquire, construct, reconstruct, repair, replace, operate
11 and maintain railroad rights-of-way and trackage projects at such
12 locations and on such routes as it shall determine to be feasible
13 and economically sound;

14 2. To enter into agreements with the owners of operating
15 railroads for the acquisition and/or use of railroad rights-of-way
16 and trackage on such terms, conditions, rates or rentals as the
17 Department may consider to be in the best interests of the state;

18 3. To enter directly into agreements with owners of operating
19 railroads or persons intending to operate as common carriers by rail
20 to sell, lease, or sell by lease-purchase agreement any state-owned
21 railroad property on such terms, conditions or amounts as the
22 Department may consider to be in the best interests of the state and
23 to promote the purposes of the Railroad Revitalization Act;

24

1 4. Prior to the sale of any railroad asset owned by the State
2 of Oklahoma or the Department of Transportation, a process of
3 request for proposal shall be initiated by the Department of
4 Transportation with consultation by the Office of Management and
5 Enterprise Services. Upon the issue date of a request for proposal
6 regarding the sale of any railroad asset owned by the State of
7 Oklahoma or the Department of Transportation, interested parties
8 will have no less than ninety (90) days to provide a response.
9 Following the close of the ninety-day response period, the
10 Department of Transportation will conduct an evaluation of all
11 submitted proposals, utilizing all available resources, and the
12 Department of Commerce shall conduct an economic impact and/or
13 activity study of all proposals. The Secretary of Transportation,
14 Secretary of Finance, Secretary of Commerce, Secretary of
15 Agriculture, and Secretary of Energy shall be responsible for
16 preparing a recommendation to the Transportation Commission, based
17 on its evaluation of all submitted proposals including the results
18 of the economic impact and/or activity study, provided the
19 recommendation meets all other statutory requirements needed for
20 action by the Commission. The Secretary of Transportation,
21 Secretary of Finance, Secretary of Commerce, Secretary of
22 Agriculture, and Secretary of Energy will have up to ninety (90)
23 days, upon the closing date of the request for proposal, to present
24 its recommendation to the Transportation Commission. The

1 Transportation Commission will be responsible for determining if the
2 sale of railroad assets within its jurisdiction is in the best
3 interests of the State of Oklahoma and for authorizing the sale of
4 such assets. If a determination is rendered by the Transportation
5 Commission that the sale of any railroad asset within its
6 jurisdiction is appropriate, notification must be made to the
7 Speaker of the House of Representatives and the President Pro
8 Tempore of the Senate in writing prior to the Commission meeting
9 where final action will take place. All proceeds from the sale
10 shall be deposited into the Railroad Maintenance Revolving Fund;

11 5. To acquire and hold real or personal property in the
12 exercise of its powers for the performance of its duties as
13 authorized by this act. Surplus property may be disposed of by the
14 Department;

15 6. To acquire in the name of the Department, by purchase or
16 otherwise on such terms and conditions and in such manner as it may
17 deem proper, or by exercise of the right of condemnation, such
18 public or private lands and personalty, including public parks,
19 playgrounds, or reservations, or parts thereof or rights therein,
20 rights-of-way, trackage, property, rights, easements, and interests,
21 as it may deem necessary for carrying out the provisions of the
22 Railroad Revitalization Act;

23 7. To make and enter into all contracts and agreements
24 necessary or incidental to the performance of its duties and the

1 execution of its powers under the Railroad Revitalization Act, and
2 to employ rail planning and management consultants, consulting
3 engineers, attorneys, accountants, construction and financial
4 consultants, superintendents, managers, and such other employees and
5 agents as may be necessary in its judgment, and to fix their
6 compensation; provided, that all such expenses shall be payable
7 solely from funds made available under and pursuant to the
8 provisions of the Railroad Revitalization Act or from revenues;
9 provided, further, no attorney employed by the Department, nor any
10 member of any law firm of which the member may be connected, shall
11 ever be paid any fee or compensation for any special or
12 extraordinary services;

13 8. To receive, accept and expend funds from the state, any
14 federal agency, or from private sources, for rail planning and for
15 administration of railroad assistance projects, and for or in aid of
16 the acquisition, construction, reconstruction, replacement, repair,
17 maintenance and operation of railroad rights-of-way and trackage and
18 for rail service continuation payments to railroad companies for
19 operating losses sustained by reasons of continuing service on a
20 line which may otherwise be abandoned or which may experience a
21 reduced level of service not in the public interest, where such
22 continuation of service is carried out under a written agreement
23 with the Department establishing the terms and conditions for such
24 payments, and to receive and accept funds, aid or contributions from

1 any source of either money, property, labor or other things of
2 value, to be held, used and applied only for the purposes for which
3 such funds, aid or contributions may be made;

4 9. To adopt such rules and to do any and all things necessary
5 to comply with rules, regulations or requirements of the United
6 States Department of Transportation, any successor thereof, the
7 Surface Transportation Board or any federal agency administering any
8 law enacted by the Congress of the United States or having funds
9 available for the purpose of the Department that are not
10 inconsistent with or contrary to the prohibitions and restrictions
11 of Oklahoma law or public interest;

12 10. To expend, not to exceed twenty percent (20%) of the funds
13 available in the Railroad Maintenance Revolving Fund during any one
14 (1) year, at locations approved by the Oklahoma Corporation
15 Commission, such Railroad Maintenance Revolving Fund monies as may
16 be budgeted by the Department of Transportation for the purposes of
17 installing signal lights, gate arms, or other active warning devices
18 where any public road, street, or highway crosses a railroad right-
19 of-way; provided, however, nothing in this act shall negate, change,
20 or otherwise modify any existing statutory or common law duty of a
21 railroad company;

22 11. To expend income and funds from the Railroad Maintenance
23 Revolving Fund in the exercise of any or all of the foregoing
24 powers; and

1 12. To do all things necessary or convenient to carry out the
2 powers expressly granted in this act.

3 B. It shall be unlawful for any member, officer or employee of
4 the Department to transact with the Department, either directly or
5 indirectly, any business for profit of such member, officer or
6 employee; and any person, firm or corporation knowingly
7 participating therein shall be equally liable for violation of this
8 provision.

9 The term "business for profit" shall include, but not be limited
10 to, the acceptance or payment of any fee, commission, gift, or
11 consideration to such member, officer or employee.

12 Violation of this provision shall constitute a Class D1 felony,
13 and upon conviction shall be punishable ~~by incarceration in the~~
14 ~~State Penitentiary for a term not to exceed five (5) years or by a~~
15 ~~fine of not less than Five Hundred Dollars (\$500.00) and not more~~
16 ~~than Five Thousand Dollars (\$5,000.00), or by both such imprisonment~~
17 ~~and fine~~ in accordance with the provisions of Section 18 of this
18 act.

19 C. All meetings of the Department shall be open public
20 meetings, and all records shall be public records, except when
21 considering personnel.

22 SECTION 619. AMENDATORY 66 O.S. 2021, Section 324, is
23 amended to read as follows:

24

1 Section 324. A. The Department of Transportation is hereby
2 authorized and empowered to:

3 1. Acquire, construct, reconstruct, repair, replace, operate
4 and maintain railroad rights-of-way and trackage projects at such
5 locations and on such passenger routes as it shall determine to be
6 feasible and economically sound;

7 2. Enter into agreements with the owners of operating railroads
8 for the acquisition and/or use of railroad rights-of-way and
9 trackage on such terms, conditions, rates or rentals as the
10 Department may consider to be in the best interests of the state;

11 3. Enter directly into agreements with owners of operating
12 passenger railroads to sell, lease, or sell by lease-purchase
13 agreement any state-owned railroad property on such terms,
14 conditions or amounts as the Department may consider to be in the
15 best interests of the state and to promote the purposes of this act;

16 4. Acquire and hold real or personal property in the exercise
17 of its powers for the performance of its duties as authorized by
18 this act. Surplus property may be disposed of by the Department;

19 5. Acquire in the name of the Department, by purchase or
20 otherwise on such terms and conditions and in such manner as it may
21 deem proper, or by exercise of the right of condemnation, such
22 public or private lands and personal~~ty~~, including public parks,
23 playgrounds, or reservations, or parts thereof or rights therein,
24 rights-of-way, trackage, property, rights, easements, and interests,

1 as it may deem necessary for carrying out the provisions of this
2 act;

3 6. Make and enter into all contracts and agreements necessary
4 or incidental to the performance of its duties and the execution of
5 its powers under this act, and to employ passenger rail planning and
6 management consultants, consulting engineers, attorneys,
7 accountants, construction and financial consultants,
8 superintendents, managers, and such other employees and agents as
9 may be necessary in its judgment, and to fix their compensation;
10 provided, that all such expenses shall be payable solely from funds
11 made available under and pursuant to the provisions of this act or
12 from revenues; provided, further, no attorney employed by the
13 Department, nor any member of any law firm of which he or she may be
14 connected, shall ever be paid any fee or compensation for any
15 special or extraordinary services;

16 7. Receive, accept and expend funds from the state, any federal
17 agency, or from private sources, for passenger rail planning and for
18 administration of passenger railroad assistance projects, and for,
19 or in aid of the acquisition, construction, reconstruction,
20 replacement, repair, maintenance and operation of passenger railroad
21 rights-of-way and trackage and for passenger rail service
22 continuation payments to railroad companies for operating losses
23 sustained by reasons of continuing service on a line which may
24 otherwise be abandoned or which may experience a reduced level of

1 service not in the public interest, where such continuation of
2 service is carried out under a written agreement with the Department
3 establishing the terms and conditions for such payments, and to
4 receive and accept funds, aid or contributions from any source of
5 either money, property, labor or other things of value, to be held,
6 used and applied only for the purposes for which such funds, aid or
7 contributions may be made;

8 8. Adopt such rules and to do any and all things necessary to
9 comply with rules, regulations or requirements of the United States
10 Department of Transportation, any successor thereof, the Interstate
11 Commerce Commission or any federal agency administering any law
12 enacted by the Congress of the United States or having funds
13 available for the purpose of the Department that are not
14 inconsistent with or contrary to the prohibitions and restrictions
15 of Oklahoma law or public interest;

16 9. Expend income and funds from the Oklahoma Tourism and
17 Passenger Rail Revolving Fund created in Section 5 of this act in
18 the exercise of any or all of the foregoing powers; and

19 10. Do all things necessary or convenient to carry out the
20 powers expressly granted in this act.

21 B. It shall be unlawful for any member, officer or employee of
22 the Department to transact with the Department, either directly or
23 indirectly, any business for profit of such member, officer or
24 employee; and any person, firm or corporation knowingly

1 participating therein shall be equally liable for violation of this
2 provision.

3 The term "business for profit" shall include, but not be limited
4 to, the acceptance or payment of any fee, commission, gift, or
5 consideration to such member, officer or employee.

6 Violation of this provision shall constitute a Class D1 felony
7 and, upon conviction, shall be punishable ~~by a fine of not less than~~
8 ~~Five Hundred Dollars (\$500.00) and not more than Five Thousand~~
9 ~~Dollars (\$5,000.00), or by imprisonment in the custody of the~~
10 ~~Department of Corrections for not more than five (5) years, or by~~
11 ~~both such fine and imprisonment~~ in accordance with the provisions of
12 Section 18 of this act.

13 C. All meetings of the Department shall be open public
14 meetings, and all records shall be public records, except when
15 considering personnel.

16 SECTION 620. AMENDATORY 67 O.S. 2021, Section 83, is
17 amended to read as follows:

18 Section 83. If any officer or person having possession, custody
19 or control of any record, book, paper taxroll, assessment, or any
20 other file or matter of record, authorized herein to be copied or
21 transcribed, shall fail, refuse, or neglect, or in any manner hinder
22 or delay, after demand shall have been made to permit such
23 transcribing or copying, or who shall destroy, mutilate, conceal or
24 remove any such record, book, paper, taxroll, assessment, or any

1 other file or matter of record, or other evidence so required to be
2 copied or transcribed, or who shall cause or permit to be removed
3 from its customary place any such record, book, paper, taxroll,
4 assessment, or any other file or matter of record, or who shall
5 refuse upon request to divulge the location of any such record,
6 book, paper, taxroll, assessment, or any other file or matter of
7 record, shall be deemed guilty of a Class D1 felony, and upon
8 conviction in any court of competent jurisdiction shall be ~~fin~~
9 ~~any sum not less than Two Hundred Fifty Dollars (\$250.00) nor more~~
10 ~~than Three Thousand Five Hundred Dollars (\$3,500.00) and confined in~~
11 ~~the State Penitentiary for a term of not less than one (1) year and~~
12 ~~not more than five (5) years~~ punished in accordance with the
13 provisions of Section 18 of this act, and any person so convicted
14 shall be forever barred from holding any office of profit or trust
15 within the State of Oklahoma.

16 SECTION 621. AMENDATORY 68 O.S. 2021, Section 218.1, is
17 amended to read as follows:

18 Section 218.1. A. Any person who shall knowingly give a false
19 or bogus check, as defined in this section, of a value less than
20 Five Hundred Dollars (\$500.00) in payment or remittance of any
21 taxes, fees, penalties, or interest levied pursuant to any state tax
22 law shall be, upon conviction, guilty of a misdemeanor punishable by
23 a fine not to exceed One Thousand Dollars (\$1,000.00), or by
24 imprisonment in the county jail for a term ~~of~~ not more than one (1)

1 year, or by both such fine and imprisonment. If the value of the
2 false or bogus check referred to in this subsection is Five Hundred
3 Dollars (\$500.00) or more, such person shall be, upon conviction,
4 guilty of a Class C2 felony punishable ~~by a fine not to exceed Five~~
5 ~~Thousand Dollars (\$5,000.00) or by imprisonment in the State~~
6 ~~Penitentiary for a term of not more than ten (10) years or by both~~
7 ~~such fine and imprisonment~~ in accordance with the provisions of
8 Section 17 of this act.

9 B. Any person who shall knowingly give two or more false or
10 bogus checks, the total sum of which is Five Hundred Dollars
11 (\$500.00) or more, even though each separate instrument is written
12 for less than Five Hundred Dollars (\$500.00), in payment or
13 remittance of any taxes, fees, penalties, or interest levied
14 pursuant to any state tax law shall be, upon conviction, guilty of a
15 Class C2 felony punishable ~~by a fine not to exceed Five Thousand~~
16 ~~Dollars (\$5,000.00) or by imprisonment in the State Penitentiary for~~
17 ~~a term of not more than ten (10) years, or by both such fine and~~
18 ~~imprisonment~~ in accordance with the provisions of Section 17 of this
19 act.

20 C. For purposes of this section, the term "false or bogus check
21 or checks" shall include any check or order which is not honored on
22 account of insufficient funds of the maker to pay same, or because
23 the check or order was drawn on a closed account or on a nonexistent
24 account. The making, drawing, uttering or delivering of a check or

1 order, the payment of which is refused by the drawee, shall be prima
2 facie evidence of the knowledge of insufficient funds, a closed
3 account, or a nonexistent account with such bank or other depository
4 drawee. Said term shall not include any check or order not honored
5 on account of insufficient funds if the maker or drawer shall pay
6 the drawee thereof the amount due within five (5) days from the date
7 the same is presented for payment nor any check or order that is not
8 presented for payment within thirty (30) days after same is
9 delivered and accepted.

10 SECTION 622. AMENDATORY 68 O.S. 2021, Section 240.1, is
11 amended to read as follows:

12 Section 240.1. A. Any taxpayer who, with intent to defraud the
13 state or evade the payment of any state tax, fee, interest, or
14 penalty which shall be due pursuant to any state tax law, shall fail
15 or refuse to file any report or return required to be filed pursuant
16 to the provisions of any state tax law, or shall fail or refuse to
17 furnish a supplemental return or other data required by the Tax
18 Commission, shall be guilty, upon conviction, of a Class D1 felony
19 and shall be punished ~~by imposition of a fine of not less than One~~
20 ~~Thousand Dollars (\$1,000.00) and not more than Fifty Thousand~~
21 ~~Dollars (\$50,000.00) or by imprisonment in the State Penitentiary~~
22 ~~for not less than two (2) years and not more than five (5) years, or~~
23 ~~by both such fine and imprisonment~~ in accordance with the provisions
24 of Section 18 of this act.

1 B. The venue for prosecutions arising pursuant to the
2 provisions of this section shall be in the district court of any
3 county in which such taxpayer resides or, if such taxpayer is not a
4 resident of this state, any county in which such taxpayer conducts
5 business or maintains an established place of business.

6 C. Failure or refusal of a taxpayer to file any report or
7 return required to be filed pursuant to the provisions of any state
8 law, or failure or refusal of a taxpayer to furnish a supplemental
9 return or other data required by the Tax Commission within thirty
10 (30) days after notice by personal service or by registered or
11 certified mail with return receipt requested of the due date of such
12 report or return, shall be, for purposes of this section, prima
13 facie evidence of intent of the taxpayer to defraud the state and
14 evade the payment of such tax. The provisions of this subsection
15 shall be set forth in full in such notice to the taxpayer.

16 D. The Tax Commission may grant additional time to the taxpayer
17 to furnish such return or other data. In such event, a failure of
18 the taxpayer to furnish such return or other data within thirty (30)
19 days from the date to which the time is extended shall, for purposes
20 of this section, be prima facie evidence of the intent of the
21 taxpayer to defraud the state and evade the payment of such tax.

22 SECTION 623. AMENDATORY 68 O.S. 2021, Section 241, is
23 amended to read as follows:
24

1 Section 241. A. Any person required to make, render, sign or
2 verify any report, return, statement, claim, application, or other
3 instrument, pursuant to the provisions of this title or of any state
4 tax law who, with intent to defeat or evade the payment of the tax,
5 shall make a false or fraudulent return, statement, report, claim,
6 invoice, application, or other instrument, or any person who shall
7 aid or abet another in filing with the Tax Commission such a false
8 or fraudulent report or statement, shall be guilty, upon conviction,
9 of a Class D1 felony and shall be punished ~~by the imposition of a~~
10 ~~fine of not less than One Thousand Dollars (\$1,000.00) and not more~~
11 ~~than Fifty Thousand Dollars (\$50,000.00), or shall be imprisoned in~~
12 ~~the State Penitentiary for not less than two (2) years and not more~~
13 ~~than five (5) years, or shall be punished by both said fine and~~
14 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
15 act.

16 B. The venue of prosecutions arising pursuant to the provisions
17 of this section shall be in the district court of any county where
18 such return or report was verified.

19 SECTION 624. AMENDATORY 68 O.S. 2021, Section 244, is
20 amended to read as follows:

21 Section 244. Any person, or member of any firm or association,
22 or any official, agent, or employee of any corporation, who shall
23 knowingly make false answer to any question which may be put to him
24 by the Tax Commission, touching the business, property, assets, or

1 effects of any such person, firm, association, or corporation, or
2 the valuation thereof, or the income or profits therefrom, or who
3 shall make or present any false affidavit concerning any list,
4 schedule, statement, report or return, or for any other purpose,
5 filed with said Tax Commission or required to be filed by this title
6 or by any state tax law, shall, upon conviction, be guilty of the
7 felony of perjury, a Class C2 felony and, ~~upon conviction~~, shall be
8 punished ~~as provided for in Section 246 of this title~~ in accordance
9 with the provisions of Section 17 of this act.

10 SECTION 625. AMENDATORY 68 O.S. 2021, Section 246, is
11 amended to read as follows:

12 Section 246. Any person who shall knowingly verify, by oath,
13 affirmation, or declaration, any false report or false return or
14 other matter which is false, which by statute is required to be
15 verified by oath, affirmation, or declaration and filed with the Tax
16 Commission, shall, upon conviction, be guilty, ~~upon conviction~~, of
17 the felony of perjury, a Class C2 felony, and shall be punished ~~by~~
18 ~~the imposition of a fine of not less than Five Hundred Dollars~~
19 ~~(\$500.00) or more than Five Thousand Dollars (\$5,000.00), or by~~
20 ~~imprisonment in the county jail for not less than ninety (90) days~~
21 ~~or more than one (1) year or by imprisonment in a state correctional~~
22 ~~institution for not less than ninety (90) days, or more than ten~~
23 ~~(10) years~~ in accordance with the provisions of Section 17 of this
24 act.

1 SECTION 626. AMENDATORY 68 O.S. 2021, Section 317, is
2 amended to read as follows:

3 Section 317. ~~(a)~~ A. Any person who shall, without the
4 authorization of the Tax Commission, make or manufacture, or who
5 shall falsely or fraudulently forge, counterfeit, reproduce, or
6 possess any stamps, impression, copy, facsimile, or other evidence
7 for the purpose of indicating the payment of the tax levied by the
8 Cigarette Stamp Tax Law, Sections 301 through 325, Title 68 of the
9 Oklahoma Statutes, prescribed for use in the administration of this
10 article, or who shall knowingly or by any deceptive act use or pass,
11 or tender as true, or affix, impress or imprint, by use of any
12 device, rubber stamp or by any other means, on any package
13 containing cigarettes, any unauthorized, false, altered, forged,
14 counterfeit or previously used stamps, impressions, copies,
15 facsimiles or other evidence of cigarette tax payment, shall, upon
16 conviction, be guilty of a Class C2 felony, ~~and upon conviction~~
17 ~~thereof~~ and shall be punished by imprisonment in the State
18 Penitentiary for a term of not more than twenty (20) years, or by a
19 fine of not more than Ten Thousand Dollars (\$10,000.00), or by both
20 ~~such imprisonment and fine~~ in accordance with the provisions of
21 Section 17 of this act.

22 ~~(b)~~ B. Each person violating any other provision of this
23 article shall be guilty of a misdemeanor, and upon conviction
24 thereof shall be punished by imprisonment in the county jail for a

1 period ~~of~~ not more than twelve (12) months, or by a fine ~~of~~ not more
2 than Five Hundred Dollars (\$500.00), or by both such imprisonment
3 and fine.

4 SECTION 627. AMENDATORY 68 O.S. 2021, Section 317.1, is
5 amended to read as follows:

6 Section 317.1. A. No person shall make a delivery sale of
7 cigarettes to any individual who is under the legal minimum purchase
8 age in this state.

9 B. Each person taking a delivery sale order shall comply with:

10 1. The age verification requirements set forth in Section 7 of
11 this act;

12 2. The disclosure requirements set forth in Section 8 of this
13 act;

14 3. The shipping requirements set forth in Section 9 of this
15 act;

16 4. The registration and reporting requirements set forth in
17 Section 10 of this act;

18 5. The tax collection requirements set forth in Section 11 of
19 this act; and

20 6. All other laws of Oklahoma generally applicable to sales of
21 cigarettes that occur entirely within Oklahoma, including, but not
22 limited to, those laws imposing:

23 a. excise taxes,

24 b. sales taxes,

- c. licensing and tax-stamping requirements, and
- d. escrow or other payment obligations.

C. A person in violation of this section, upon conviction, shall be guilty of a Class D3 felony punishable in accordance with the provisions of Section 20 of this act.

SECTION 628. AMENDATORY 68 O.S. 2021, Section 349.1, is amended to read as follows:

Section 349.1. A. Sales of cigarettes and other tobacco products by retailers licensed by noncompacting federally recognized Indian tribes or nations (hereinafter "tribe or nation") shall be subject to the cigarette excise tax imposed by Section 302 et seq. of this title and the excise tax on other tobacco products imposed by Section 402 et seq. of this title.

B. 1. Members of noncompacting federally recognized Indian tribes or nations may purchase cigarettes and other tobacco products, without payment of Oklahoma cigarette excise tax or Oklahoma other tobacco products excise tax, subject to the following conditions:

- a. the member of the noncompacting federally recognized Indian tribe (hereinafter "purchaser") is purchasing for his or her personal use, and not for sale, transfer or other disposition to another person or entity,

1 b. the purchaser is purchasing from a retailer licensed
2 by the federally recognized Indian tribe or nation of
3 which the purchaser is a member,

4 c. the licensed retailer of purchaser's federally
5 recognized Indian tribe or nation is located upon
6 "Indian country" of that licensing tribe or nation, as
7 that term is defined by 18 USC Section 1151(a) and
8 paragraph 3 of Section 348 of this title.

9 2. Members of noncompacting federally recognized tribes or
10 nations are not entitled to purchase cigarettes or other tobacco
11 products, free of Oklahoma excise tax, from retailers licensed by
12 any other tribe or nation, compacting or not, but have a right to
13 purchase cigarettes and other tobacco products, free of Oklahoma
14 excise tax, upon the "Indian country" of the tribe or nation of
15 which the purchaser is a member, per the United States Supreme Court
16 decision "Oklahoma Tax Commission v. Citizen Band Potawatomi Indian
17 Tribe of Oklahoma", 498 U.S. 505 (1991).

18 C. Cigarettes held for sale to members of a noncompacting tribe
19 or nation by licensed retailers of that tribe or nation, which are
20 located on the "Indian country" of that tribe or nation, as defined
21 by 18 USC Section 1151(a) and paragraph 3 of Section 348 of this
22 title, must bear a stamp issued by the Oklahoma Tax Commission
23 evidencing that cigarettes are purchased free of Oklahoma cigarette
24

1 excise tax. The following procedures shall apply to said stamps
2 (hereafter, "Native American tax free stamps"):

3 1. The probable demand for Native American tax free stamps for
4 each noncompacting tribe or nation shall be determined by the Tax
5 Commission by ascertaining the total membership in Oklahoma of the
6 tribe or nation from the Bureau of Indian Affairs or other reliable
7 source of public information regarding such membership, and
8 multiplying that number by the percentage of smokers in Oklahoma or
9 in the United States, whichever is greater, based on the most recent
10 data available from the State Department of Health and/or other
11 reliable source of public information. The product of that
12 calculation shall be multiplied by the average yearly consumption of
13 cigarettes by smokers in Oklahoma or the United States, whichever is
14 greater, based on the most recent data available from the State
15 Department of Health and/or other reliable source of public
16 information. The resulting number shall be deemed to constitute the
17 probable demand for Native American tax free stamps of such
18 noncompacting tribe or nation for a calendar year.

19 2. A preliminary determination of probable demand shall be
20 furnished to the governing authorities of each noncompacting tribe
21 or nation which may submit, for consideration by the Tax Commission,
22 any verifiable information in its possession regarding such probable
23 demand, including, but not limited to, a verifiable record of
24 previous sales to tribal members or other statistical evidence.

1 3. After consideration of all verifiable information furnished
2 by a noncompacting tribe or nation pursuant to paragraph 2 of this
3 subsection, the Tax Commission shall make its final determination of
4 probable demand, and furnish such determination to the subject
5 noncompacting tribe or nation and to all Oklahoma-licensed cigarette
6 wholesalers.

7 4. Each calendar year, the Tax Commission shall establish, as
8 to any and all Oklahoma-licensed cigarette wholesalers supplying
9 cigarettes to tribally licensed or owned retailers of each
10 noncompacting tribe or nation an allocation of the probable demand
11 for such tribe or nation, based upon each wholesaler's previous
12 year's reported sales of cigarettes to the tribally licensed or
13 owned retailers of such tribe or nation. In making such allocation,
14 the Tax Commission shall consider such other verifiable information
15 as may be submitted by a licensed wholesaler or such tribe or
16 nation. Upon reaching a final determination of allocation, the Tax
17 Commission shall advise the affected wholesaler and the tribe or
18 nation.

19 5. Oklahoma-licensed wholesalers may request and receive from
20 the Tax Commission, at the beginning of each quarter of the year,
21 their allocated share of Native American tax free stamps for the
22 tribally licensed or owned retailers of each noncompacting tribe or
23 nation. Once a wholesaler has received its allocated share of
24 Native American tax free stamps for the tribally licensed or owned

1 retailers of a noncompacting tribe or nation for the quarter, that
2 wholesaler may not receive any further Native American tax free
3 stamps for tribally licensed or owned retailers of that tribe or
4 nation during the quarter, absent good cause shown by verifiable
5 information submitted by the wholesaler and/or that tribe or nation,
6 which shall be considered and determined by the Tax Commission on a
7 case-by-case basis.

8 6. The Tax Commission is empowered and authorized to promulgate
9 such rules and regulations as, in its discretion, shall be deemed
10 necessary to implement and enforce the provisions of this section.

11 7. The sale of cigarettes bearing the Native American tax-free
12 stamp to a nonmember of the tribe or nation which licensed the
13 tribally owned or licensed retailer shall, in accordance with the
14 United States Supreme Court decision "Oklahoma Tax Commission v.
15 Citizen Band Potawatomi Indian Tribe of Oklahoma", 498 U.S. 505
16 (1991), obligate that tribal retailer for payment of the applicable
17 Oklahoma cigarette excise tax, together with the costs and attorney
18 fees associated with any civil action brought to collect the unpaid
19 Oklahoma cigarette excise tax. Such actions may be instituted in
20 the district court in and for the county in which the tribal
21 retailer is located.

22 D. The Oklahoma excise tax on all tobacco products other than
23 cigarettes (hereafter "other tobacco products") held for sale by
24 Oklahoma-licensed wholesalers shall be paid by the wholesaler and

1 stamps affixed thereto by the wholesaler pursuant to Section 403 of
2 this title, including those other tobacco products which may be
3 purchased by members of noncompacting tribes and nations on the
4 "Indian country" of such tribe or nation from a retailer licensed or
5 owned by such tribe or nation. The following procedures shall apply
6 to the tax-free sale of other tobacco products:

7 1. The probable demand for the tax-free consumption of other
8 tobacco products by members of each noncompacting tribe or nation
9 shall be determined by the Tax Commission by ascertaining the total
10 membership in Oklahoma of the tribe or nation from the Bureau of
11 Indian Affairs or other reliable source of public information
12 regarding such membership, and multiplying that number by the
13 percentage of users of such other tobacco products in Oklahoma or
14 the United States, whichever is greater, based on the most recent
15 data available from the State Department of Health and/or other
16 reliable source of public information. The product of that
17 calculation shall be multiplied by the average yearly consumption of
18 users of such other tobacco products in Oklahoma or the United
19 States, whichever is greater, based on the most recent data
20 available from the State Department of Health and/or other reliable
21 source of public information. The resulting number shall be deemed
22 to constitute the probable demand for the tax-free consumption of
23 other tobacco products by members of such noncompacting tribes or
24 nations for a calendar year.

1 2. A preliminary determination of probable demand shall be
2 furnished to the governing authorities of each noncompacting tribe
3 or nation, which may submit, for consideration by the Tax
4 Commission, any verifiable information in its possession regarding
5 such probable demand, including, but not limited to, a verifiable
6 record of previous sales to tribal members or other statistical
7 evidence.

8 3. After consideration of all verifiable information furnished
9 by a noncompacting tribe or nation pursuant to paragraph 2 of this
10 subsection, the Tax Commission shall make its final determination of
11 probable demand and furnish such determination to the subject
12 noncompacting tribe or nation and to all Oklahoma-licensed other
13 tobacco product wholesalers.

14 4. Each calendar year, the Tax Commission shall establish, as
15 to any and all Oklahoma-licensed other tobacco product wholesalers
16 supplying other tobacco products to the tribally licensed or owned
17 retailers of each noncompacting tribe or nation an allocation of the
18 probable demand for such tribe or nation, based upon each
19 wholesaler's previous year's reported sales of other tobacco
20 products to the tribally licensed or owned retailers of such tribe
21 or nation. In making such allocation, the Tax Commission shall
22 consider such other verifiable information as may be submitted by a
23 licensed wholesaler or such tribe or nation. Upon reaching a final
24

1 determination of allocation, the Tax Commission shall advise the
2 affected wholesaler and the tribe or nation.

3 5. Oklahoma-licensed wholesalers may request and receive from
4 the Tax Commission, on the 30th of each month, a refund and/or
5 credit for the previous month's tax-free sales of other tobacco
6 products, equal to the lesser of: one twelfth (1/12) of their
7 allocated share of tax-free sales of other tobacco products to the
8 tribally licensed or owned retailers of each noncompacting tribe or
9 nation or verifiable tax-free sales to the licensed or owned tribal
10 retailers of such tribe or nation. Once a wholesaler has received
11 such refund and/or credit for a previous month's tax-free sales to
12 the tribally licensed or owned retailers of each noncompacting tribe
13 or nation, that wholesaler may not receive any further refund and/or
14 credit for said previous month, absent good cause shown by
15 verifiable information submitted by the wholesaler and/or the
16 noncompacting tribe or nation, which shall be considered and
17 determined by the Tax Commission on a case-by-case basis.

18 6. The Tax Commission is empowered and authorized to promulgate
19 such rules and regulations as, in its discretion, shall be deemed
20 necessary to implement and enforce the provisions of this section.

21 7. The tax-free sale of other tobacco products to a nonmember
22 of the noncompacting tribe or nation which licenses the tribally
23 owned or licensed retailer shall, in accordance with the United
24 States Supreme Court decision "Oklahoma Tax Commission v. Citizen

1 Potawatomi Indian Tribe of Oklahoma", 498 U.S. 505 (1991), obligate
2 that tribal retailer for payment of the applicable Oklahoma other
3 tobacco product excise tax, together with the costs and attorney
4 fees associated with any civil action brought to collect the unpaid
5 Oklahoma other tobacco product excise tax. Such actions may be
6 instituted in the district court in and for the county in which the
7 tribal retailer is located.

8 E. The provisions of this section are intended to, and shall be
9 construed to apply only to, sales of cigarettes and other tobacco
10 products on the "Indian country" of noncompacting federally
11 recognized Indian tribes or nations to the members of such tribes or
12 nations. In the event that a noncompacting tribe or nation enters
13 into an agreement with the State of Oklahoma, pursuant to Section
14 346 of this title, the terms of such compact shall take precedence
15 over the provisions of this section, which shall have no application
16 to any tribe or nation, while any compact between the State of
17 Oklahoma and that tribe or nation is in force and effect.

18 F. All cigarettes which are sold or held for sale at tribally
19 owned or licensed stores shall have affixed thereto a stamp or
20 stamps evidencing payment or nonpayment of the Oklahoma cigarette
21 excise tax, as required by the provisions in this section.

22 G. It shall be unlawful for any person knowingly to ship,
23 transport, receive, possess, sell, distribute or purchase contraband
24 cigarettes. Any person who engages in shipping, transporting,

1 receiving, possessing, selling, distributing or purchasing
2 contraband cigarettes shall, upon conviction, be guilty of a
3 misdemeanor punishable by a fine ~~of~~ not more than One Thousand
4 Dollars (\$1,000.00). Any person convicted of a second or subsequent
5 violation hereof shall be guilty of a Class D3 felony ~~and shall be~~
6 ~~punishable by fine of not more than Five Thousand Dollars~~
7 ~~(\$5,000.00), by a term of imprisonment in the custody of the~~
8 ~~Department of Corrections for not more than two (2) years, or by~~
9 ~~both such fine and imprisonment~~ in accordance with the provisions of
10 Section 20 of this act.

11 H. Any person who knowingly engages in shipping, transporting,
12 receiving, processing, selling, distributing or purchasing
13 contraband cigarettes shall be subject to the forfeiture of property
14 as is provided by Section 305 of this title and assessment of
15 penalty as provided thereby and assessment for any delinquent taxes
16 found to be owing.

17 I. Pursuant to 25 C.F.R., Section 140.17, no trader shall sell
18 tobacco, cigars or cigarettes to any Indian or other person under
19 eighteen (18) years of age.

20 SECTION 629. AMENDATORY 68 O.S. 2021, Section 426, is
21 amended to read as follows:

22 Section 426. A. It shall be unlawful for any person knowingly
23 to ship, transport, receive, possess, sell, distribute or purchase
24 contraband tobacco products. Any person who engages in shipping,

1 transporting, receiving, possessing, selling, distributing or
2 purchasing contraband tobacco products shall, upon conviction, be
3 guilty of a misdemeanor punishable by a fine ~~of~~ not more than Two
4 Thousand Dollars (\$2,000.00). Any person convicted of a second or
5 subsequent violation hereof shall be guilty of a Class D3 felony ~~and~~
6 ~~shall be punishable by a fine of not more than Five Thousand Dollars~~
7 ~~(\$5,000.00), by a term of imprisonment in the custody of the~~
8 ~~Department of Corrections for not more than two (2) years, or by~~
9 ~~both such fine and imprisonment~~ in accordance with the provisions of
10 Section 20 of this act.

11 B. Any person who knowingly engages in shipping, transporting,
12 receiving, possessing, selling, distributing or purchasing
13 contraband tobacco products shall be subject to the forfeiture of
14 property as is provided by Section 417 of this title and assessment
15 of penalty as provided thereby and assessment for any delinquent
16 taxes found to be owing.

17 SECTION 630. AMENDATORY 68 O.S. 2021, Section 450.8, is
18 amended to read as follows:

19 Section 450.8. A. Any dealer violating the provisions of this
20 act, except Section 450.9 of this title, shall pay a civil penalty
21 of one hundred percent (100%) of the amount of the tax levied in
22 Section 450.2 of this title in addition to the actual tax levied in
23 said section.

24

1 B. Any dealer manufacturing, distributing, producing, shipping,
2 transporting, importing or possessing any controlled dangerous
3 substance without affixing the appropriate stamp, upon conviction,
4 is guilty of a Class D1 felony punishable ~~by imprisonment in the~~
5 ~~State Penitentiary for not more than five (5) years or by the~~
6 ~~imposition of a fine of not more than Ten Thousand Dollars~~
7 ~~(\$10,000.00), or by both such imprisonment and fine~~ in accordance
8 with the provisions of Section 18 of this act.

9 C. Nothing in this act may in any manner provide immunity for a
10 dealer from criminal prosecution pursuant to Oklahoma law.

11 SECTION 631. AMENDATORY 68 O.S. 2021, Section 450.9, is
12 amended to read as follows:

13 Section 450.9. A. No person shall willfully remove or
14 otherwise prepare any adhesive stamps, with intent to use, or cause
15 the same to be used, after it has already been used or knowingly or
16 willfully buy, sell, offer for sale, or give away, any such washed
17 or restored stamp to any person, or knowingly use the same, or have
18 in his possession any washed, restored, or altered stamp which has
19 been removed from the controlled dangerous substance to which it had
20 been previously affixed.

21 B. No person shall for the purpose of indicating the payment of
22 any tax levied by Section 450.2 of this title, reuse any stamp which
23 has heretofore been used for the purpose of paying any tax levied by
24

1 Section 450.2 of this title, or buy, sell, offer for sale, or have
2 in his possession, any counterfeit stamps.

3 C. Any person convicted of violating any provision of this
4 section shall be guilty of a Class D1 felony and shall be punished
5 ~~by a fine of not more than One Thousand Dollars (\$1,000.00), or by~~
6 ~~imprisonment for not more than five (5) years, or by both such fine~~
7 ~~and imprisonment~~ in accordance with the provisions of Section 18 of
8 this act.

9 SECTION 632. AMENDATORY 68 O.S. 2021, Section 1364, is
10 amended to read as follows:

11 Section 1364. Permits to do business. A. Every person
12 desiring to engage in a business within this state who would be
13 designated as a Group One or Group Three vendor, pursuant to Section
14 1363 of this title, shall be required to secure from the Oklahoma
15 Tax Commission every three (3) years a written permit for a fee of
16 Twenty Dollars (\$20.00) prior to engaging in such business in this
17 state. Each such person shall file with the Tax Commission an
18 application for a permit to engage in or transact business in this
19 state, setting forth such information as the Tax Commission may
20 require. The application shall be signed by the owner of the
21 business or representative of the business entity and as a natural
22 person, and, in the case of a corporation, as a legally constituted
23 officer thereof.

24

1 B. Upon receipt of an initial application, the Tax Commission
2 may issue a probationary permit effective for six (6) months which
3 will automatically renew for an additional thirty (30) months unless
4 the applicant receives written notification of the refusal of the
5 Commission to renew the permit. If the applicant receives a notice
6 of refusal, the applicant may request a hearing to show cause why
7 the permit should be renewed. Upon receipt of a request for a
8 hearing, the Tax Commission shall set the matter for hearing and
9 give ten (10) days' notice in writing of the time and place of the
10 hearing. At the hearing, the applicant shall set forth the
11 qualifications of the applicant for a permit and proof of compliance
12 with all state tax laws.

13 C. Holders of a probationary permit as provided in subsection B
14 of this section shall not be permitted to present the permit to
15 obtain a commercial license plate for their motor vehicle as
16 provided in Section 1133.1 of Title 47 of the Oklahoma Statutes.

17 D. Upon verification that the applicant is a Group Three
18 vendor, the Tax Commission may require such applicant to furnish a
19 surety bond or other security as the Commission may deem necessary
20 to secure payment of taxes under this article, prior to issuance of
21 a permit for the place of business set forth in the application for
22 permit. Provided, the Tax Commission is hereby authorized to set
23 guidelines, by adoption of regulations, for the issuance of sales
24 tax permits. Pursuant to said guidelines the Tax Commission may

1 refuse to issue permits to any Group Three vendors, or any class of
2 vendors included in the whole classification of Group Three vendors,
3 if the Tax Commission determines that it is likely this state will
4 lose tax revenue due to the difficulty of enforcing this article for
5 any reasons stated in subsection (T) of Section 1354 of this title.

6 E. A separate permit for each additional place of business to
7 be operated must be obtained from the Tax Commission for a fee of
8 Ten Dollars (\$10.00). Such permit shall be good for a period of
9 three (3) years. The Tax Commission shall grant and issue to each
10 applicant a separate permit for each place of business in this
11 state, upon proper application therefor and verification thereof by
12 the Tax Commission.

13 F. A permit is not assignable and shall be valid only for the
14 person in whose name it is issued and for the transaction of
15 business at the place designated therein. The permit shall at all
16 times be conspicuously displayed at the place of business for which
17 issued in a position where it can be easily seen. The permit shall
18 be in addition to all other permits required by the laws of this
19 state. Provided, if the location of the business is changed, such
20 person shall file with the Tax Commission an application for a
21 permit to engage in or transact business at the new location. Upon
22 issuance of the permit to the new location of such business, no
23 additional permit fee shall be due until the expiration of the
24 permit issued to the previous location of such business.

1 G. It shall be unlawful for any person coming within the class
2 designated as Group One or the class designated as Group Three to
3 engage in or transact a business of reselling tangible personal
4 property or services within this state unless a written permit or
5 permits shall have been issued to such person. Any person who
6 engages in a business subject to the provisions of this section
7 without a permit or permits, or after a permit has been suspended,
8 upon conviction, shall be guilty of a misdemeanor punishable by a
9 fine ~~of~~ not more than One Thousand Dollars (\$1,000.00). Any person
10 convicted of a second or subsequent violation hereof shall be guilty
11 of a Class D3 felony ~~and punishable by a fine of not more than Five~~
12 ~~Thousand Dollars (\$5,000.00) or by a term of imprisonment in the~~
13 ~~State Penitentiary for not more than two (2) years, or both such~~
14 ~~fine and imprisonment~~ in accordance with the provisions of Section
15 20 of this act.

16 H. Any person operating under a permit as provided in this
17 article shall, upon discontinuance of business by sale or otherwise,
18 return such permit to the Tax Commission for cancellation, together
19 with a remittance for any unpaid or accrued taxes. Failure to
20 surrender a permit and pay any and all accrued taxes will be
21 sufficient cause for the Tax Commission to refuse to issue a permit
22 subsequently to such person to engage in or transact any other
23 business in this state. In the case of a sale of any business, the
24 tax shall be deemed to be due on the sale of the fixtures and

1 equipment, and the Tax Commission shall not issue a permit to
2 continue or conduct the business to the purchaser until all tax
3 claims due the State of Oklahoma have been settled.

4 I. All permits issued under the provisions of this article
5 shall expire three (3) years from the date of issuance at the close
6 of business at each place or location of the business within this
7 state. No refund of the fee shall be made if the business is
8 terminated prior to the expiration of the permit.

9 J. Whenever a holder of a permit fails to comply with any
10 provisions of this article, the Tax Commission, after giving ten
11 (10) days' notice in writing of the time and place of hearing to
12 show cause why the permit should not be revoked, may revoke or
13 suspend the permit, the permit to be renewed upon removal of cause
14 or causes of revocation or suspension. However, if a holder of a
15 permit becomes delinquent for a period of three (3) months or more
16 in reporting or paying of any tax due under this article, any duly
17 authorized agent of the Tax Commission may remove the permit from
18 the taxpayer's premises and it shall be returned or renewed only
19 upon the filing of proper reports and payment of all taxes due under
20 this article.

21 K. Permits are not required of persons coming within the
22 classification designated as Group Two. The Oklahoma Tax Commission
23 shall issue a limited permit to Group Five vendors. The permit
24 shall be in such form as the Tax Commission may prescribe.

1 L. Nothing in this article shall be construed to allow a permit
2 holder to purchase, tax exempt, anything for resale that the permit
3 holder is not regularly in the business of reselling.

4 M. All monies received pursuant to issuance of such permits to
5 do business shall be paid to the State Treasurer and placed to the
6 credit of the General Revenue Fund of the State Treasury.

7 N. Notwithstanding the provisions of Section 205 of this title,
8 the Oklahoma Tax Commission is authorized to release the following
9 information contained in the Master Sales and Use Tax File to
10 vendors:

- 11 1. Permit number;
- 12 2. Name in which permit is issued;
- 13 3. Name of business operation if different from ownership
14 (DBA);
- 15 4. Mailing address;
- 16 5. Business address;
- 17 6. Business class or Standard Industrial Code (SIC); and
- 18 7. Effective date and expiration or cancellation date of
19 permit.

20 Release of such information shall be limited to tax remitters
21 for the express purpose of determining the validity of sales permits
22 presented as evidence of purchasers' sales tax resale status under
23 this Code.

24

1 The provisions of this subsection shall be strictly interpreted
2 and shall not be construed as permitting the disclosure of any other
3 information contained in the records and files of the Tax Commission
4 relating to sales tax or to any other taxes.

5 This information may be provided on a subscription basis, with
6 periodic updates, and sufficient fee charged, not to exceed One
7 Hundred Fifty Dollars (\$150.00) per year, to offset the
8 administrative costs of providing the list. All revenue received by
9 the Oklahoma Tax Commission from such fees shall be deposited to the
10 credit of the Oklahoma Tax Commission Revolving Fund. No liability
11 whatsoever, civil or criminal, shall attach to any member of the Tax
12 Commission or any employee thereof for any error or omission in the
13 disclosure of information pursuant to this subsection.

14 O. If the Tax Commission enters into the Streamlined Sales and
15 Use Tax Agreement under Section 1354.18 of this title, the Tax
16 Commission is authorized to participate in its online sales and use
17 tax registration system and shall not require the payment of the
18 registration fees or other charges provided in this section from a
19 vendor who registers within the online system if the vendor has no
20 legal requirement to register.

21 SECTION 633. AMENDATORY 68 O.S. 2021, Section 1625, is
22 amended to read as follows:

23 Section 1625. The following license fees shall be due and
24 payable on or before March 1 of each year to the Office of the State

1 Fire Marshal. Any licensed manufacturer, distributor or wholesaler
2 permitted to sell fireworks at wholesale or retail, pursuant to
3 Section 1623 of this title, may apply for a license.

4 1. A license fee of One Thousand Dollars (\$1,000.00) annually
5 shall be charged for the license to do business within this state as
6 a manufacturer. Provided, no manufacturer's license shall be issued
7 without:

8 a. proof of inspection by the State Fire Marshal pursuant
9 to Section 1633 of this title, and

10 b. proof of workers' compensation coverage pursuant to
11 the provisions of Title 85 of the Oklahoma Statutes.

12 2. A license fee of One Thousand Dollars (\$1,000.00) annually
13 shall be charged for the license to do business within this state as
14 a distributor.

15 3. A license fee of Five Hundred Dollars (\$500.00) annually
16 shall be charged for the license to do business within this state as
17 a wholesaler.

18 4. Any person operating a retail location where fireworks are
19 sold directly to the consumer shall be required to purchase a retail
20 fireworks license. The retail license fee shall be Ten Dollars
21 (\$10.00) annually and may be purchased from any licensed wholesaler,
22 manufacturer or distributor. These serially numbered licenses shall
23 be made available at any time to the licensed wholesalers,
24 manufacturers or distributors in books of twenty licenses to a book.

1 Retail licenses which are unsold may be exchanged for new licenses.
2 Any person purchasing a retail fireworks license pursuant to this
3 paragraph shall, at the time of purchasing such license, sign an
4 affidavit attesting to the fact that the name, mailing address and
5 telephone number of the purchaser as it appears on such license is
6 correct and that the purchaser operates a retail location where
7 fireworks are sold directly to the consumer. Said affidavit shall
8 be an integral but easily detachable part of the application form
9 for a retail fireworks license. Any person who signs said affidavit
10 as required by this paragraph when such person knows that it is not
11 true, upon conviction, shall be guilty of ~~the~~ a Class D3 felony of
12 perjury and shall be punished ~~as provided for by law~~ in accordance
13 with the provisions of Section 20 of this act.

14 Any person engaged in more than one of the licensed activities
15 provided in this section shall only pay one fee to be based on the
16 classification requiring the higher fee.

17 SECTION 634. AMENDATORY 68 O.S. 2021, Section 2003, is
18 amended to read as follows:

19 Section 2003. Any person who shall make any false oath to any
20 report required by the provisions of this Act, shall be deemed
21 guilty of perjury, a Class D1 felony punishable in accordance with
22 the provisions of Section 18 of this act.

23 SECTION 635. AMENDATORY 68 O.S. 2021, Section 2376, is
24 amended to read as follows:

1 Section 2376. A. Any person, natural or corporate, or any
2 officer or agent of any corporation who, with the intent to defraud
3 the state or evade the payment of any income tax, shall fail to file
4 a state income tax return when such person is required to do so by
5 the statutes of Oklahoma, and within the time in which such returns
6 are required to be filed, or within a time extension if obtained
7 from the Tax Commission shall be guilty, upon conviction, of a Class
8 D1 felony and shall be punished as provided for in Section 240.1 of
9 this title punishable in accordance with the provisions of Section
10 18 of this act.

11 B. Any person, natural or corporate, or any officer or agent of
12 any corporation who, with the intent to defraud the state, or evade
13 the payment of any income tax, files a state income tax return which
14 is false in any material items or particular, shall be guilty, upon
15 conviction, of a Class D1 felony and shall be punished as provided
16 for in subsection A of Section 241 of this title in accordance with
17 the provisions of Section 18 of this act.

18 C. Nothing in this section shall be construed to prevent the
19 state or any agency thereof from collecting any fees or penalties as
20 provided by law. Any corporate violator may be so fined.

21 D. Offenses defined in this section shall be reported to the
22 appropriate district attorney of this state by the Oklahoma Tax
23 Commission as soon as said offenses are discovered by the Commission
24 or its agents or employees. Any other provision of law to the

1 contrary notwithstanding, the Commission shall make available to the
2 appropriate district attorney, or to the authorized agent of said
3 district attorney, its records and files pertinent to such
4 prosecutions, and such records and files shall be fully admissible
5 for the purpose of such prosecutions.

6 SECTION 636. AMENDATORY 68 O.S. 2021, Section 2861, is
7 amended to read as follows:

8 Section 2861. A. A county board of equalization is hereby
9 created for each county in the state. Said board shall consist of
10 three (3) members.

11 B. Members of the county board of equalization shall be
12 appointed as follows:

13 1. One member shall be appointed by the Oklahoma Tax
14 Commission;

15 2. One member shall be appointed by the board of county
16 commissioners; and

17 3. One member shall be appointed by the district judge or a
18 majority of the district judges in all judicial districts where more
19 than one district judge is elected.

20 C. The tenure of office of each county board of equalization
21 member shall be coterminous with that of the first county
22 commissioner district and the third county commissioner district.

23 D. The qualifications of the members of the county board of
24 equalization shall be as follows:

1 1. The member must be a qualified elector and resident of the
2 county;

3 2. The member may not hold an elected office of the state,
4 county, school district or municipal subdivision;

5 3. The member may not file for any elected office of the state,
6 county, school district or municipal subdivision without first
7 resigning from the county board of equalization; and

8 4. Not more than one member shall live in any one county
9 commissioner's district; provided, any member serving on the
10 effective date of this act may continue to serve until completion of
11 the member's tenure of office pursuant to the provisions of
12 subsection C of this section notwithstanding the provisions of this
13 paragraph.

14 E. The county clerk shall serve as secretary and clerk of said
15 board without additional compensation.

16 F. If there is a conflict or dispute as to the membership, the
17 eligibility of any appointee for membership, the priority of an
18 appointment or appointments, one as opposed to another, or the right
19 of any appointee to serve in any county commissioner's district,
20 then, such conflict or dispute shall be resolved by a determination
21 and order of the Oklahoma Tax Commission.

22 G. It shall be unlawful for any member of the county board of
23 equalization to sell or contract to sell, or to lease or contract to
24 lease, or to represent any person, firm, corporation or association

1 in the sale or the lease of any machinery, supplies, equipment,
2 material, or other goods, wares, or merchandise to any county or
3 city or town of the county. It shall also be unlawful for any
4 member of the county board of equalization to serve as employee,
5 official, or attorney for any county or city, or town of the county,
6 or for any such member to represent any taxpayer before the board in
7 any manner, or to use the position as a board member to further the
8 member's own interests. It shall also be unlawful for any taxpayer
9 or interested party to employ any member of the county board of
10 equalization in any matter coming before the board.

11 H. Any person violating any of the provisions of this section
12 shall be deemed guilty of a Class D3 felony, and upon conviction
13 thereof shall be punished ~~by a fine of not less than Two Hundred~~
14 ~~Dollars (\$200.00) and not more than One Thousand Dollars (\$1,000.00)~~
15 ~~or by imprisonment in the State Penitentiary for not less than six~~
16 ~~(6) months or more than two (2) years, or by both such fine and~~
17 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
18 act.

19 I. Any action taken by a county excise board after August 24,
20 1989, and before May 30, 1990, are hereby declared to be official
21 actions of a duly constituted county excise board.

22 SECTION 637. AMENDATORY 68 O.S. 2021, Section 2920, is
23 amended to read as follows:

24

1 Section 2920. If any county treasurer in this state or his
2 deputy, or any other person shall knowingly and willfully make,
3 issue, and deliver any tax receipt, or duplicate tax receipt,
4 required to be issued, by fraudulently making the tax receipt and
5 its duplicate, or the paper purporting to be its duplicate,
6 different from each other with the intent to defraud the State of
7 Oklahoma or any county in said state or any person whomsoever, such
8 county treasurer or deputy treasurer or other person shall be deemed
9 guilty of a Class D1 felony, and on conviction thereof shall be
10 ~~sentenced to imprisonment in the State Penitentiary for a time not~~
11 ~~less than one (1) year nor more than five (5) years~~ punished in
12 accordance with the provisions of Section 18 of this act.

13 SECTION 638. AMENDATORY 68 O.S. 2021, Section 2945, is
14 amended to read as follows:

15 Section 2945. A. If any person shall knowingly and willfully
16 make or give under oath or affirmation a false and fraudulent list
17 of taxable personal property, or a false and fraudulent list of any
18 taxable personal property under the control of the person or
19 required to be listed by the person, or shall knowingly and
20 willfully make false answer to any question which may be put under
21 oath by any person, board or commission authorized to examine
22 persons under oath in relation to the value or amount of any taxable
23 personal property, the person shall be deemed guilty of ~~the~~ a Class
24 D1 ~~felony of perjury~~, and upon conviction shall be punished ~~as is~~

1 ~~provided by law for the punishment of the felony of perjury in~~
2 ~~accordance with the provisions of Section 18 of this act.~~

3 B. If any taxpayer, or any official, employee, or agent of the
4 taxpayer, shall fail or refuse, upon proper request, to permit the
5 inspection of any property or the examination of any books, records
6 and papers by any person authorized by the Ad Valorem Tax Code to do
7 so, or shall fail or refuse to comply with any subpoena duces tecum
8 legally issued under authority of this Code, the taxpayer shall be
9 stopped from questioning or contesting the amount or validity of any
10 assessment placed upon the property of the taxpayer to the board of
11 equalization. Nothing in this section shall impair or impede the
12 right of the taxpayer to appeal any order of the board of
13 equalization to the district court as provided for in Section 2880.1
14 of this title.

15 SECTION 639. AMENDATORY 68 O.S. 2021, Section 3609, is
16 amended to read as follows:

17 Section 3609. Any person making an application, claim for
18 payment or any report, return, statement or other instrument or
19 providing any other information pursuant to the provisions of this
20 act who willfully makes a false or fraudulent application, claim,
21 report, return, statement, invoice or other instrument or who
22 willfully provides any false or fraudulent information, or any
23 person who willfully aids or abets another in making such false or
24 fraudulent application, claim, report, return, statement, invoice or

1 other instrument or who willfully aids or abets another in providing
2 any false or fraudulent information, upon conviction, shall be
3 guilty of a Class D1 felony punishable ~~by the imposition of a fine~~
4 ~~of not less than One Thousand Dollars (\$1,000.00) and not more than~~
5 ~~Fifty Thousand Dollars (\$50,000.00), or imprisonment in the State~~
6 ~~Penitentiary for not less than two (2) years and not more than five~~
7 ~~(5) years, or by both such fine and imprisonment~~ in accordance with
8 the provisions of Section 18 of this act. Any person convicted of a
9 violation of this section shall be liable for the repayment of all
10 incentive payments which were paid to the establishment. Interest
11 shall be due on such payments at the rate of ten percent (10%) per
12 annum.

13 SECTION 640. AMENDATORY 68 O.S. 2021, Section 3807, is
14 amended to read as follows:

15 Section 3807. Any person making an application, claim for
16 payment or any report, return, statement or other instrument or
17 providing any other information pursuant to the provisions of the
18 Former Military Facility Development Act who willfully makes a false
19 or fraudulent application, claim, report, return, statement, invoice
20 or other instrument or who willfully provides any false or
21 fraudulent information, or any person who willfully aids or abets
22 another in making such false or fraudulent application, claim,
23 report, return, statement, invoice or other instrument or who
24 willfully aids or abets another in providing any false or fraudulent

1 application, claim, report, return, statement, invoice or other
2 instrument or who willfully aids or abets another in providing any
3 false or fraudulent information, upon conviction, shall be guilty of
4 a Class D1 felony punishable ~~by the imposition of a fine of not less~~
5 ~~than One Thousand Dollars (\$1,000.00) and not more than Fifty~~
6 ~~Thousand Dollars (\$50,000.00), or imprisonment in the State~~
7 ~~Penitentiary for not less than two (2) years and not more than five~~
8 ~~(5) years, or by both such fine and imprisonment~~ in accordance with
9 the provisions of Section 18 of this act. Any person convicted of a
10 violation of this section shall be liable for the repayment of all
11 incentive payments which were paid to the establishment. Interest
12 shall be due on such payments at the rate of ten percent (10%) per
13 annum.

14 SECTION 641. AMENDATORY 68 O.S. 2021, Section 3908, is
15 amended to read as follows:

16 Section 3908. Any person making an application, claim for
17 payment or any report, return, statement, invoice, or other
18 instrument or providing any other information pursuant to the
19 provisions of this act who willfully makes a false or fraudulent
20 application, claim, report, return, statement, invoice, or other
21 instrument or who willfully provides any false or fraudulent
22 information, or any person who willfully aids or abets another in
23 making such false or fraudulent application, claim, report, return,
24 statement, invoice, or other instrument or who willfully aids or

1 abets another in providing any false or fraudulent information, upon
2 conviction, shall be guilty of a Class D3 felony punishable in
3 accordance with the provisions of Section 20 of this act. ~~The fine~~
4 ~~for a violation of this provision shall not be less than One~~
5 ~~Thousand Dollars (\$1,000.00) nor more than Fifty Thousand Dollars~~
6 ~~(\$50,000.00).~~ Any person convicted of a violation of this section
7 shall be liable for the repayment of all incentive payments which
8 were paid to the establishment. Interest shall be due on such
9 payments at the rate of ten percent (10%) per annum.

10 SECTION 642. AMENDATORY 68 O.S. 2021, Section 4109, is
11 amended to read as follows:

12 Section 4109. Any person making an application, claim for
13 payment or any report, return, statement or other instrument or
14 providing any other information pursuant to the provisions of this
15 act who willfully makes a false or fraudulent application, claim,
16 report, return, statement, invoice or other instrument or who
17 willfully provides any false or fraudulent information, or any
18 person who willfully aids or abets another in making such false or
19 fraudulent application, claim, report, return, statement, invoice or
20 other instrument or who willfully aids or abets another in providing
21 any false or fraudulent information, upon conviction, shall be
22 guilty of a Class D1 felony punishable by the imposition of a fine
23 ~~not less than One Thousand Dollars (\$1,000.00) and not more than~~
24 ~~Fifty Thousand Dollars (\$50,000.00) or imprisonment in the State~~

1 ~~Penitentiary for not less than two (2) years and not more than five~~
2 ~~(5) years, or by both such fine and imprisonment~~ in accordance with
3 the provisions of Section 18 of this act. Any person convicted of a
4 violation of this section shall be liable for the repayment of all
5 investment payments which were paid to the establishment. Interest
6 shall be due on such payments at the rate of ten percent (10%) per
7 annum.

8 SECTION 643. AMENDATORY 68 O.S. 2021, Section 4209, is
9 amended to read as follows:

10 Section 4209. Any person making an application, claim for
11 payment or any report, return, statement or other instrument or
12 providing any other information pursuant to the provisions of this
13 act who willfully makes a false or fraudulent application, claim,
14 report, return, statement, invoice or other instrument or who
15 willfully provides any false or fraudulent information, or any
16 person who willfully aids or abets another in making such false or
17 fraudulent application, claim, report, return, statement, invoice or
18 other instrument or who willfully aids or abets another in providing
19 any false or fraudulent information, upon conviction, shall be
20 guilty of a Class D1 felony punishable ~~by the imposition of a fine~~
21 ~~not less than One Thousand Dollars (\$1,000.00) and not more than~~
22 ~~Fifty Thousand Dollars (\$50,000.00) or imprisonment in the State~~
23 ~~Penitentiary for not less than two (2) years and not more than five~~
24 ~~(5) years, or by both such fine and imprisonment~~ in accordance with

1 the provisions of Section 18 of this act. Any person convicted of a
2 violation of this section shall be liable for the repayment of all
3 incentive payments which were paid to the establishment. Interest
4 shall be due on such payments at the rate of ten percent (10%) per
5 annum.

6 SECTION 644. AMENDATORY 69 O.S. 2021, Section 310, is
7 amended to read as follows:

8 Section 310. ~~(a)~~ A. No official or employee of the Commission,
9 governing body or other governmental instrumentality who is
10 authorized in his official capacity to negotiate, make, accept, or
11 approve, or to take part in negotiating, making, accepting or
12 approving any contract or subcontract in connection with a project
13 shall have, directly or indirectly, any financial or other personal
14 interest in any such contract or subcontract. No engineer,
15 attorney, appraiser, inspector or other person performing services
16 for the Commission, governing body, or other governmental
17 instrumentality in connection with a project shall have, directly or
18 indirectly, a financial or other personal interest, other than his
19 employment or retention by the Commission, governing body, or other
20 governmental instrumentality, in any contract or subcontract in
21 connection with such project. No officer or employee of such person
22 retained by the Commission, governing body or other governmental
23 instrumentality shall have, directly or indirectly, any financial or
24 other personal interest in any real property acquired for a project

1 unless such interest is openly disclosed upon the public records of
2 the Commission, the governing body or other governmental
3 instrumentality, and such officer, employee or person has not
4 participated in such acquisition for and in behalf of the
5 Commission, the governing body or other governmental
6 instrumentality.

7 ~~(b)~~ B. Any official or employee of the Commission, governing
8 body or other governmental instrumentality, or officer or employee
9 of such person retained by the Commission, the governing body or
10 other governmental instrumentality who knowingly violates any of the
11 provisions of this section shall be guilty of a Class D1 felony and
12 upon conviction thereof shall be punished ~~by imprisonment in the~~
13 ~~State Penitentiary for a term not to exceed five (5) years, or by a~~
14 ~~fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both~~
15 ~~such imprisonment and fine~~ in accordance with the provisions of
16 Section 18 of this act. In addition, if the Commission or the
17 Director enters into any contract on the part of the Department in
18 which the Director or any member of the Commission is interested,
19 directly or indirectly, and the state suffers a loss due to
20 excessive charges or otherwise, the members of the Commission
21 knowingly voting to enter into or to approve such contract, and the
22 Director knowingly entering into, approving, or recommending any
23 such contract, and the contracting party, shall be jointly and
24 individually liable for any loss the state may suffer. The official

1 bonds of such officer shall be liable for such loss. The provisions
2 of this section shall be cumulative to existing law. The members of
3 the Commission and the Director found guilty of violating any of the
4 provisions of this section shall in addition to the penalty
5 heretofore set out forfeit their respective offices.

6 ~~(e)~~ C. Any employee of the Department, Director or Commission,
7 who in the course of such employment knowingly accepts, approves, or
8 recommends for approval or payment any material, service, job,
9 project, or structure, or any part thereof, which does not meet the
10 specifications therefor, or is to his knowledge otherwise more
11 deficient in quality, quantity or design than was provided for in
12 the plans, purchase orders or any minimum standard provided by any
13 state agency or official, or by law, shall be guilty of a Class D1
14 felony and, upon conviction, shall be punished ~~and penalized as~~
15 ~~provided by this section~~ in accordance with the provisions of
16 Section 18 of this act.

17 ~~(d)~~ D. The ownership by any member of the Commission, or the
18 Director, of less than five percent (5%) of the stocks or shares
19 actually issued by a corporation contracting with the Department
20 shall not be considered an interest, directly or indirectly, in a
21 contract with such corporation within the meaning of this section,
22 and such ownership shall not affect the validity of any contract, or
23 impose liability under this section unless the owner of such stock
24 or shares is also an officer or agent of the corporation or

1 association. Ownership shall include any stock or shares standing
2 in the name of a member of the Commissioners' or Director's
3 immediate family or a family trust.

4 SECTION 645. AMENDATORY 69 O.S. 2021, Section 1213, is
5 amended to read as follows:

6 Section 1213. ~~(a)~~ A. Any person or persons who shall willfully
7 or knowingly obstruct or damage any public road or highway by
8 obstructing the side or cross drain or ditches thereof, or by
9 turning water upon such road or highway or right-of-way, or by
10 throwing or depositing brush, trees, stumps, logs, or any refuse or
11 debris whatsoever in the road or highway, or on the sides or in the
12 ditches thereof, or by fencing across or upon the right-of-way of
13 the same, or by planting any hedge within the lines established for
14 such road or highway, or by changing the location thereof, or shall
15 obstruct said road, highway or drains in any other manner
16 whatsoever, or, except as provided in subsection ~~(b)~~ B of this
17 section, any person or persons who shall willfully or knowingly
18 deface, damage, destroy or remove any traffic-control device, road
19 sign, signboard, guide sign or signpost shall be deemed guilty of a
20 misdemeanor.

21 ~~(b)~~ B. If any person or persons willfully or knowingly defaces,
22 damages, destroys or removes any traffic-control device, road sign,
23 signboard, guide sign or signpost and such action results in
24 personal injury to or death of any person, the person or persons

1 responsible for such action shall be guilty of a Class D3 felony
2 punishable ~~by imprisonment in the custody of the Department of~~
3 ~~Corrections for not more than two (2) years, or by a fine of not~~
4 ~~more than One Thousand Dollars (\$1,000.00), or by both such fine and~~
5 ~~imprisonment~~ in accordance with the provisions of Section 20 of this
6 act. Notice of this provision shall be placed in the manual
7 provided by the Department of Public Safety which manual is issued
8 for purpose of passing driving privilege.

9 ~~(e)~~ C. The governing body who finds any road or highway
10 obstructed as above specified shall notify the person violating the
11 provisions of this section, verbally or in writing, to remove such
12 obstruction forthwith, and if such person does not remove the
13 obstruction within ten (10) days after being notified, he shall pay
14 the sum of Five Dollars (\$5.00) for each and every day after the
15 tenth day such obstruction is maintained or permitted to remain,
16 such fine to be recovered by suit brought by the governing body in
17 any court of competent jurisdiction.

18 SECTION 646. AMENDATORY 69 O.S. 2021, Section 1705, is
19 amended to read as follows:

20 Section 1705. The Oklahoma Turnpike Authority is hereby
21 authorized and empowered:

22 ~~(a)~~ A. To adopt bylaws for the regulation of its affairs and
23 conduct of its business.

24 ~~(b)~~ B. To adopt an official seal and alter the same at pleasure.

1 ~~(e)~~ C. To maintain an office at such place or places within the
2 state as it may designate.

3 ~~(d)~~ D. To sue and be sued in contract, reverse condemnation,
4 equity, mandamus and similar actions in its own name, plead and be
5 impleaded; provided, that any and all actions at law or in equity
6 against the Authority shall be brought in the county in which the
7 principal office of the Authority shall be located, or in the county
8 of the residence of the plaintiff, or the county where the cause of
9 action arose. All privileges granted to the Authority and duties
10 enjoined upon the Authority by the provisions of Sections 1701
11 through 1734 of this title may be enforced in a court of competent
12 jurisdiction in an action in mandamus.

13 ~~(e)~~ E. To construct, maintain, repair and operate turnpike
14 projects and highways, with their access and connecting roads, at
15 such locations and on such routes as it shall determine to be
16 feasible and economically sound; provided, that until specifically
17 authorized by the Legislature, the Authority shall be authorized to
18 construct and operate toll turnpikes only at the following
19 locations:

20 ~~(1)~~ 1. The Turner Turnpike between Oklahoma City and Tulsa.

21 ~~(2)~~ 2. The Southwestern (H.E. Bailey) Turnpike between Oklahoma
22 City and Wichita Falls, Texas.

23 ~~(3)~~ 3. The Northeastern (Will Rogers) Turnpike between Tulsa
24 and Joplin, Missouri.

1 ~~(4)~~ 4. The Eastern (Indian Nation) Turnpike between Tulsa and
2 Paris, Texas, including all or any part thereof between McAlester
3 and the Red River south of Hugo.

4 ~~(5)~~ 5. The Cimarron Turnpike between Tulsa and Interstate
5 Highway 35 north of Perry, including a connection to Stillwater.

6 ~~(6)~~ 6. The Muskogee Turnpike between Broken Arrow and
7 Interstate Highway 40 west of Webbers Falls.

8 ~~(7)~~ 7. All or any part of an extension of the Muskogee
9 Turnpike, beginning at a point on Interstate Highway 40 near the
10 present south terminus of the Muskogee Turnpike, and extending in a
11 southeasterly direction on an alignment near Stigler, Poteau and
12 Heavener to the vicinity of the Arkansas State Line to furnish
13 access to Hot Springs, Texarkana, Shreveport and New Orleans.

14 ~~(8)~~ 8. A tollgate on the Turner Turnpike in the vicinity of
15 Luther, Oklahoma, and in the vicinity of the intersection of State
16 Highway 33 and Turner Turnpike in Creek County, Oklahoma, or in the
17 vicinity of the intersection of State Highway 33 and Turner Turnpike
18 or U.S. Highway 66 in Creek County, Oklahoma, from any monies
19 available to the Authority.

20 ~~(9)~~ 9. Add on the Will Rogers Turnpike a northbound automatic
21 tollgate onto State Highway 28 and a southbound on-ramp from State
22 Highway 28.

23 ~~(10)~~ 10. A turnpike or any part or parts thereof beginning in
24 the vicinity of Duncan extending east to the vicinity of the City of

1 Davis, and extending in a northeasterly direction, by way of the
2 vicinity of the City of Ada, to a connection in the vicinity of
3 Henryetta or in the vicinity of the intersection of State Highway 48
4 and Interstate 40; and a turnpike or any part or parts thereof from
5 the vicinity of Snyder extending north to the vicinity of Woodward.

6 ~~(11)~~ 11. A turnpike or any part or parts thereof beginning at a
7 point in the vicinity of Ponca City, or at a point on the Kansas-
8 Oklahoma state boundary line east of the Arkansas River and west of
9 the point where Oklahoma State Highway No. 18 intersects said state
10 boundary line, and extending in a southeasterly direction to a
11 connection with the Tulsa Urban Expressway System in the general
12 area of the Port of Catoosa.

13 ~~(12)~~ 12. All or any part of an Oklahoma City toll expressway
14 system connecting the residential, industrial and State Capitol
15 Complex in the north part of Oklahoma City with the residential,
16 industrial and Will Rogers World Airport Complex in the south and
17 southwest parts of Oklahoma City.

18 ~~(13)~~ 13. A turnpike (The Industrial Parkway) or any part or
19 parts thereof beginning at a point on the Oklahoma-Kansas state
20 boundary line between the point where U.S. Highway 66 intersects the
21 boundary line and the northeast corner of Oklahoma and ending by
22 means of a connection or connections with Shreveport, Louisiana, and
23 Houston, Texas, in southeastern Oklahoma and at no point to exceed
24 thirty (30) miles west of the Missouri or Arkansas border.

1 ~~(14)~~ 14. A turnpike or any part or parts thereof beginning in
2 the vicinity of Velma or County Line to a point intersecting with
3 Interstate 35 in the area south of Davis.

4 ~~(15)~~ 15. A turnpike or any part or parts thereof beginning in
5 the vicinity of Watonga and extending south and/or east to the
6 vicinity of north and/or west Oklahoma City.

7 ~~(16)~~ 16. A tollgate on the Will Rogers Turnpike near the
8 intersection of State Highway 137 and the Will Rogers Turnpike,
9 located south of Quapaw.

10 ~~(17)~~ 17. A tollgate on the Muskogee Turnpike in the vicinity of
11 Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the
12 vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in
13 the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey
14 Turnpike at Elgin, Oklahoma, from any monies available to the
15 Authority.

16 ~~(18)~~ 18. A tollgate on the Turner Turnpike in the vicinity of
17 Wellston, Oklahoma, from any monies available to the Authority.

18 ~~(19)~~ 19. A tollgate on the Muskogee Turnpike in the vicinity of
19 Brushy Mountain, Oklahoma, and in the vicinity of Elm Grove,
20 Oklahoma, from any monies available to the Authority.

21 ~~(20)~~ 20. All or any part of an Oklahoma City Outer Loop
22 expressway system beginning in the vicinity of I-35 and the Turner
23 Turnpike and extending west into Canadian County and then south to
24 I-40; and then south and east to I-35 in the vicinity of Moore and

1 Norman; and then extending east and north to I-40 east of Tinker
2 Field; and then extending north to the Turner Turnpike to complete
3 the Outer Loop.

4 ~~(21)~~ 21. All or any part of the Tulsa south bypass expressway
5 system beginning in the vicinity of the Turner Turnpike near Sapulpa
6 and extending south and east to U.S. 75 in the vicinity of 96th
7 Street to 121st Street; and then east across the Arkansas River to a
8 connection with the Mingo Valley Expressway; and then south and/or
9 east to a point on the Tulsa-Wagoner County Line near 131st street
10 south in the city of Broken Arrow.

11 ~~(22)~~ 22. A new turnpike or any part thereof from near the west
12 gate of the Will Rogers Turnpike south to the west end of south
13 Tulsa Turnpike at the Tulsa-Wagoner County Line.

14 ~~(23)~~ 23. A new turnpike or any parts thereof from the vicinity
15 of the connection between State Highway 33 and U.S. 69 easterly to
16 the Arkansas State Line.

17 ~~(24)~~ 24. A four-lane extension of the Muskogee Turnpike from
18 Interstate Highway 40 west of Webbers Falls to the Poteau vicinity.

19 ~~(25)~~ 25. A new turnpike or any part or parts thereof beginning
20 at a point in the vicinity of northwest Tulsa, and extending in a
21 northwesterly direction, by means of a connection or connections
22 with the cities of Pawhuska and Newkirk, to a point intersecting in
23 the vicinity of US Highway No. 77 and the Kansas State Line.

24

1 ~~(26)~~ 26. A full access interchange on the Indian Nation
2 Turnpike south of Interstate 40, in the vicinity of Henryetta,
3 Oklahoma, and in the vicinity of the proposed theme park, museum or
4 an industrial facility which qualifies for the Oklahoma Quality Jobs
5 Program Act, from any monies available to the Authority.

6 ~~(27)~~ 27. A new turnpike beginning at a point directly west of
7 the Arkansas line and four-laning Highway 70 from that point to the
8 farthest western reach of Highway 70 creating a southern route
9 through Oklahoma.

10 ~~(28)~~ 28. A new turnpike and bridge or any parts thereof from a
11 point in the vicinity of the city of Mustang southerly across the
12 South Canadian River to the H.E. Bailey Turnpike in the vicinity of
13 the city of Tuttle; and then easterly across the South Canadian
14 River to a point in the vicinity of the city of Norman.

15 ~~(29)~~ 29. A new turnpike or any parts thereof beginning at a
16 point in the vicinity of the city of Altus and extending in a
17 northwesterly direction to a point in the vicinity of the city of
18 Sayre.

19 ~~(30)~~ 30. A new turnpike or any parts thereof beginning at a
20 point in the vicinity of the city of Enid and extending in a
21 westerly direction to a point in the vicinity of the city of
22 Woodward.

23 ~~(31)~~ 31. An on- and off-ramp or any parts thereof at Fletcher,
24 Oklahoma, in the vicinity of the Interstate 44 and State Highway 277

1 intersection. Any existing on- or off-ramp or any parts thereof in
2 the vicinity of Fletcher, Oklahoma, shall not be removed and shall
3 be maintained pursuant to Section 1701 et seq. of this title.

4 ~~(32)~~ 32. A new bridge crossing the Arkansas River between South
5 Delaware Avenue and Memorial Drive in Tulsa County. This project
6 shall commence upon a determination by the Oklahoma Transportation
7 Authority that such bridge shall be self-sufficient at some point
8 over a thirty-year time period from the toll charges associated with
9 the bridge project.

10 ~~(33)~~ 33. An exit ramp or any parts thereof from the eastbound
11 lane of the Turner Turnpike at 96th Street in Tulsa.

12 ~~(34)~~ 34. An on- and off-ramp or any parts thereof on the
13 Cimarron Turnpike in the vicinity of the northside of the Glencoe,
14 Oklahoma, municipal limits.

15 ~~(35)~~ 35. A new turnpike or any parts thereof beginning at
16 Interstate 44 at or near its intersection with 49th West Avenue,
17 past State Highway 64/412, turning northeasterly, crossing 41st West
18 Avenue, and continuing eastward to the L.L. Tisdale Expressway in
19 Tulsa, Oklahoma.

20 All access roads, interchanges, or lead roads connecting such
21 turnpikes with existing highways must be built by funds furnished by
22 the Authority.

23 The minimum and maximum wages for the construction of the roads,
24 highways and projects provided for in Sections 1701 through 1734 of

1 this title shall be in accordance with the schedules of wages used
2 or adopted by the Commission in construction of state highways.

3 The Authority is hereby authorized to enter into contracts or
4 agreements with agencies and instrumentalities of other states or
5 the national government for construction, maintenance and operation
6 of interstate turnpikes or highways.

7 The Authority is hereby required to construct and install
8 automatic tollgates on the Will Rogers Turnpike at State Highway No.
9 28 near Adair.

10 ~~(f)~~ F. To issue turnpike revenue bonds of the Authority,
11 payable solely from revenues, including the revenues accruing to the
12 trust fund created by Sections 1701 through 1734 of this title, for
13 the purpose of paying all or any part of the cost of any one or more
14 turnpike projects. Provided that any bonds issued for the
15 construction of the proposed turnpike referred to in subparagraphs
16 10 ~~(10)~~, 20 ~~(20)~~, 21 ~~(21)~~ and 22 ~~(22)~~ of paragraph E ~~(e)~~ of this
17 section shall be issued as one issue for all four of the proposed
18 turnpikes and shall be financed, constructed and operated under one
19 bond indenture.

20 ~~(g)~~ G. To fix and revise from time to time tolls for the use of
21 any turnpike projects.

22 Any common carrier having authority at the time of opening any
23 turnpike project to operate upon a highway approximately paralleling
24 the turnpike project shall be granted without further showing

1 authority to operate over the turnpike project to all municipalities
2 which such carrier is serving at the time the turnpike project is
3 opened to traffic. But nothing herein shall be construed as
4 granting any new operation rights to any common carriers.

5 ~~(h)~~ H. To acquire, hold, and dispose of real and personal
6 property in the exercise of its powers and the performance of its
7 duties.

8 ~~(i)~~ I. To acquire in the name of the Authority by purchase or
9 otherwise on such terms and conditions and in such manner as it may
10 deem proper, or by exercise of the right of condemnation in manner
11 hereinafter provided, such public or private lands, including public
12 parks, playgrounds, or reservations, or parts thereof or rights
13 therein, rights-of-way, property, rights, easements, and interests,
14 as it may deem necessary for carrying out the provisions of Sections
15 1701 through 1734 of this title; provided, that all public property
16 damaged in carrying out the powers granted by Sections 1701 through
17 1734 of this title shall be restored or repaired and placed in its
18 original condition as nearly as practicable.

19 ~~(j)~~ J. To designate, except as is provided for herein, the
20 location, and establish, limit and control such points of ingress to
21 and egress from each turnpike project as may be necessary or
22 desirable in the judgment of the Authority to insure the proper
23 operation and maintenance of such project, and to prohibit entrance
24 to such project from any point or points not so designated.

1 ~~(k)~~ K. To make and enter into all contracts and agreements
2 necessary or incidental to the performance of its duties and the
3 execution of its powers, and to employ consulting engineers,
4 attorneys, accountants, construction and financial experts,
5 superintendents, managers, and such other employees and agents as
6 may be necessary in its judgment, and to fix their compensation;
7 provided, that all such expenses shall be payable solely from the
8 proceeds of turnpike revenue bonds issued under the provisions of
9 Sections 1701 through 1734 of this title or from revenues; provided,
10 further, no attorney employed by the Authority, nor any member of
11 any law firm of which the attorney may be connected, shall ever be
12 paid any fee or compensation for any special or extraordinary
13 services.

14 ~~(l)~~ L. To receive and accept from any federal agency grants for
15 or in aid of the construction of any turnpike project, provided, the
16 acceptance of such grants will not reduce the amount of federal aid
17 for the construction, repair, or maintenance of farm-to-market roads
18 and other highways and bridges in this state; and to receive and
19 accept aid or contributions from any source of either money,
20 property, labor, or other things of value, to be held, used, and
21 applied only for the purposes for which such grants and
22 contributions may be made.

23 ~~(m)~~ M. To adopt such rules, and to do any and all things
24 necessary to comply with rules, regulations, or requirements of the

1 Bureau of Public Roads, Multistate Economic Development Regional
2 Commission, as defined in Sections 1151 through 1153, inclusive, of
3 Title 74 of the Oklahoma Statutes, Ozarka Region Commission or any
4 other federal agency administering any law enacted by the Congress
5 of the United States to aid or encourage the construction of
6 highways.

7 ~~(n)~~ N. To do all things necessary or convenient to carry out the
8 powers expressly granted in Sections 1701 through 1734 of this
9 title. The design standards for all paving shall comply with the
10 design standards of the American Association of State Highway and
11 Transportation Officials as modified by the Oklahoma Department of
12 Transportation. All contracts for construction work on turnpike
13 projects shall be let to the lowest responsible bidder, or bidders,
14 after notice by publication in a newspaper published in the county
15 where the work is to be done in two consecutive weekly issues of the
16 newspaper. In all cases where more than eight (8) miles of
17 construction is let at the same time and is not an advertisement for
18 a surface-treatment-only project, such advertisement shall provide
19 for bids on sections of the turnpike not to exceed eight (8) miles.
20 If the project advertised is a surface-treatment-only project of
21 more than twenty (20) miles of road, the advertisement shall provide
22 for bids on sections of the road no longer than twenty (20) miles,
23 as well as bids on the project as a whole. Subject to the following
24 restrictions and limitations, the Authority shall, when contracting

1 for construction work, divide such work into paving projects, bridge
2 projects, including underpasses and overpasses, and earthmoving or
3 miscellaneous projects, according to the type of work to be done.
4 Each project shall be let under a separate contract or contracts and
5 no contract or project shall include more than one of such types of
6 construction work. Each contract for construction work shall
7 contain a provision that ninety percent (90%) of all labor employed
8 on the project shall be residents of Oklahoma. However, contracts
9 for bridges may include earthwork and structures for the approaches
10 thereto.

11 ~~(e)~~ O. It shall be unlawful for any member, officer or employee
12 of the Authority to transact with the Authority, either directly or
13 indirectly, any business for profit of such member, officer, or
14 employee; and any person, firm, or corporation knowingly
15 participating therein shall be equally liable for violation of this
16 provision.

17 The term "business for profit" shall include, but not be limited
18 to, the acceptance or payment of any fee, commission, gift, or
19 consideration to such member, officer, or employee.

20 Violation of this provision shall constitute a Class D1 felony
21 ~~punishable by incarceration in the State Penitentiary for a term not~~
22 ~~to exceed five (5) years or a fine of not less than Five Hundred~~
23 ~~Dollars (\$500.00) and not more than Five Thousand Dollars~~

24

1 ~~(\$5,000.00), or both such imprisonment and fine~~ in accordance with
2 the provisions of Section 18 of this act.

3 ~~(p)~~ P. In the event of a national emergency, the Authority,
4 subject to any vested rights or claims, may enter into contracts
5 with the federal government or any authorized agency thereof to
6 allow the federal government or agency thereof to use such turnpikes
7 partly or exclusively during the existence of such emergency,
8 provided, that the federal government agrees in such contract to
9 pay, during the term of such contract, an amount sufficient, when
10 added to any tolls collected, to meet all operating and maintenance
11 expenses, interest payments, and the minimum sinking fund and
12 reserve requirements of the trust agreement for the turnpike covered
13 by the contract.

14 ~~(q)~~ Q. All meetings of the Authority shall be open public
15 meetings, and all records shall be public records, except when
16 considering personnel or litigation.

17 SECTION 647. AMENDATORY 69 O.S. 2021, Section 1802, is
18 amended to read as follows:

19 Section 1802. Any person who is convicted of a violation of any
20 of the provisions of this Code herein or by the laws of this state
21 declared to constitute a Class D1 felony, and for which another
22 penalty is not provided in this Code, shall be punished ~~by~~
23 ~~imprisonment for not less than one (1) year nor more than five (5)~~
24 ~~years, or by a fine of not less than Five Hundred Dollars (\$500.00)~~

1 ~~nor more than Five Thousand Dollars (\$5,000.00), or by both such~~
2 ~~fine and imprisonment~~ in accordance with the provisions of Section
3 18 of this act.

4 SECTION 648. AMENDATORY 70 O.S. 2021, Section 17-110, is
5 amended to read as follows:

6 Section 17-110. Any person who shall knowingly make any false
7 statement or shall falsify or permit to be falsified, any record or
8 records of this retirement system in any attempt to defraud such
9 system as a result of such act shall be guilty of a Class D3 felony
10 punishable in accordance with the provisions of Section 20 of this
11 act. Should any charge or error in the records result in any member
12 or beneficiary receiving from the retirement system more or less
13 than he would have been entitled to receive had the records been
14 correct, the Board of Trustees shall correct such error, and so far
15 as practicable, shall adjust the payment in such a manner that the
16 actuarial equivalent of the benefit to which such member or
17 beneficiary was correctly entitled shall be paid, and to take from
18 the Interest Fund sufficient to reimburse the Fund where an
19 overpayment had already been made, and any such overpayment
20 recovered from the member shall be placed in the Interest Fund.

21 SECTION 649. AMENDATORY 70 O.S. 2021, Section 23-106, is
22 amended to read as follows:

23 Section 23-106. The Authority is hereby authorized and
24 empowered:

- 1 1. To accept, assume and control the television channels
2 assigned by the Federal Communications Commission to the State of
3 Oklahoma for educational purposes;
- 4 2. To adopt bylaws for the regulation of its affairs and the
5 conduct of its business;
- 6 3. To adopt an official seal and alter the same at pleasure;
- 7 4. To maintain an office at such place or places within the
8 state as it may designate;
- 9 5. To sue and be sued in its own name, plead and be impleaded;
10 provided, however, that any and all actions, at law or in equity,
11 against the Authority shall be brought in the county in which the
12 principal office of the Authority shall be located, or in the county
13 of the residence of the plaintiff, or in the county where the cause
14 of action arose;
- 15 6. To construct, maintain, repair and operate television
16 facilities which with their access connections are designated
17 ultimately to extend to and include all sections and areas of the
18 State of Oklahoma;
- 19 7. To issue revenue bonds of the Authority, payable solely from
20 dedicated revenues, for the purpose of paying all or any part of the
21 cost of needed facilities;
- 22 8. To fix and revise from time to time any necessary charges
23 for the use of any facilities;
- 24

1 9. To pay for the annual cost of the operation, maintenance and
2 repair of such facilities;

3 10. To pay as and when due the principal and interest on the
4 revenue certificates or bonds issued to pay for such facilities;

5 11. To accumulate and maintain such reserves as are provided
6 for in the resolution or trust indenture under which such bonds are
7 issued or secured;

8 12. To acquire, hold, or dispose of real and personal property
9 in the exercise of its powers and the performance of its duties
10 under this act;

11 13. To acquire in the name of the Authority by purchase or
12 otherwise, on such terms and conditions and in such manner as it may
13 deem proper, or by the exercise of the right of condemnation in
14 manner hereinafter provided, such public or private lands, rights-
15 of-way, property, rights, easements, and interests, as it may deem
16 necessary for carrying out the provisions of this article; and it is
17 the intent of the Legislature that all public property damaged in
18 carrying out the powers granted by this article shall be restored or
19 repaired and placed in its original condition as nearly as
20 practicable;

21 14. To designate, except as is provided for herein, the
22 locations; and to establish, limit and control such points of
23 ingress to and egress from each facility as may be necessary or
24

1 desirable in the judgment of the Authority to insure the proper
2 operation and maintenance of such facility;

3 15. To make and enter into all contracts and agreements
4 necessary or incidental to the performance of its duties and the
5 execution of its powers under this article, and to employ consulting
6 engineers, attorneys, accountants, construction and financial
7 experts, superintendents, managers, and such other employees and
8 agents as may be necessary in its judgment, and to fix their
9 compensation;

10 16. To receive appropriations from the State Legislature and
11 accept from any federal agency grants for or in aid of the
12 construction and operation of any project; provided, the acceptance
13 of such grants or appropriations will not reduce the amount of
14 federal aid for other education in this state; and to receive and
15 accept aid or contributions from any source of either money,
16 property, labor, or other things of value;

17 17. To do any and all things necessary to comply with rules,
18 regulations, or requirements of the Federal Communications
19 Commission or any other federal agency administering any law enacted
20 by the Congress of the United States to aid or encourage education;

21 18. To do all things necessary or convenient to carry out the
22 powers expressly granted in this article.

23 It shall be unlawful for any member, officer, or employee of the
24 Authority to transact with the Authority, either directly or

1 indirectly, any business for profit of such member, officer, or
2 employee; and any person, firm or corporation knowingly
3 participating therein shall be equally liable for violation of this
4 provision.

5 The term "business for profit" shall include, but not be limited
6 to, the acceptance or payment of any fee, commission, gift or
7 consideration to such member, officer or employee.

8 Any person found guilty of violating any of the provisions of
9 this section shall be guilty of a Class D1 felony, and shall be
10 punishable ~~by a fine of not less than Five Hundred Dollars~~
11 ~~(\$500.00), and not more than Five Thousand Dollars (\$5,000.00), or~~
12 ~~by imprisonment in the State Penitentiary for not more than five (5)~~
13 ~~years, or by both such fine and imprisonment~~ in accordance with the
14 provisions of Section 18 of this act.

15 SECTION 650. AMENDATORY 70 O.S. 2021, Section 3909, is
16 amended to read as follows:

17 Section 3909. A. In addition to such other audits as may be
18 required of or desired by the various boards of regents responsible
19 for the institutions of The Oklahoma State System of Higher
20 Education, each board shall annually obtain the services of an
21 independent accounting firm or individual holding a permit to
22 practice public accounting in this state to perform a complete
23 financial audit for the preceding fiscal year of each institution
24 for which the board is responsible. The Oklahoma State Regents for

1 Higher Education shall likewise annually obtain the services of an
2 independent accounting firm or individual holding a permit to
3 practice public accounting in this state to perform a complete
4 financial audit of all the offices, operations, and accounts of the
5 State Regents which are not subject to the control of other boards
6 of regents. The audits shall be filed in accordance with the
7 requirements set forth for financial statement audits in Section
8 212A of Title 74 of the Oklahoma Statutes.

9 B. Each board of regents shall appoint a standing Audit
10 Committee of the board consisting of not fewer than three (3) board
11 members. The Audit Committee shall be responsible for establishing
12 the qualifications of any accounting firm or individual seeking to
13 be hired to perform an audit for the board and shall recommend to
14 the board the firms or individuals whom the board shall invite to
15 submit competitive bids. The full board shall select the auditor
16 from among the competitive bidders. Audit committees shall not
17 recommend any firm or individual unwilling to meet the following
18 specifications. The specifications shall be among the terms and
19 conditions of any contract awarded:

20 1. All revolving fund accounts, special accounts, special
21 agency accounts, auxiliary enterprise accounts, and technical area
22 school district accounts, if any, shall be included within the scope
23 of the audit;

24

1 2. Where operations of constituent agencies or technical area
2 school districts are relevant to the complete financial audit of the
3 institution, records of those enterprises shall be included within
4 the scope of the audit;

5 3. To the extent required by subsection D ~~(d)~~ of Section 4306
6 of this title, records of college- or university-related foundations
7 shall be included within the scope of the audit;

8 4. At the conclusion of the audit, the auditor shall meet with
9 the president of the institution and the Audit Committee to review
10 the audit report to be issued, the management letter or other
11 comments or suggestions to be issued, and any other findings; and

12 5. Findings of material weaknesses, qualifications of the
13 auditor's report other than those deriving from inadequate plant
14 records, and of defalcations, or a report of lack of such findings,
15 shall be communicated in writing to the board, the State Auditor and
16 Inspector, the Legislative Service Bureau, and the Oklahoma State
17 Regents for Higher Education with or in advance of the filing of the
18 audit report required by Section 452.10 of Title 74 of the Oklahoma
19 Statutes; and such written communications shall include any
20 responses or other comments which the president or the Audit
21 Committee wishes to have included.

22 C. The State Auditor and Inspector whenever he or she deems it
23 appropriate, or upon receiving a written request to do so by the
24 Governor, Attorney General, President Pro Tempore of the Senate, the

1 Speaker of the House of Representatives, the governing board of an
2 institution of higher education, the Oklahoma State Regents for
3 Higher Education or the president of an institution of higher
4 education, shall conduct a special audit of any institution of
5 higher education within The Oklahoma State System of Higher
6 Education. The special audit shall include, but not necessarily be
7 limited to, a compliance audit as defined in subsection C of Section
8 213 of Title 74 of the Oklahoma Statutes. The State Auditor and
9 Inspector shall have the power to take custody of any records
10 necessary to the performance of the audit but shall minimize actual
11 physical removal of or denial of access to such records. At the
12 conclusion of the audit, the State Auditor and Inspector shall meet
13 with the president of the institution and the Audit Committee of the
14 board which governs the component audited to review the audit report
15 to be issued. The report, when issued, shall include any responses
16 to the audit which the president or the Audit Committee wishes to
17 have included and shall be presented to the full board, the
18 Legislative Service Bureau, and the Oklahoma State Regents for
19 Higher Education with or in advance of the filing required by
20 Section 452.10 of Title 74 of the Oklahoma Statutes. The cost of
21 such audit shall be borne by the audited entity and may be defrayed
22 in whole or in part by any federal funds available for that purpose.

23 D. Each board of regents shall require the employment of a
24 sufficient number of internal auditors to meet the board's fiduciary

1 responsibilities. Internal audits shall be conducted in accordance
2 with the provisions of Sections 228 and 229 of Title 74 of the
3 Oklahoma Statutes. The internal auditors shall submit a report
4 directly and simultaneously to the audit committee of the board and
5 the president of the institution; all members of the board of
6 regents governing the institution, however, shall receive all
7 internal audit reports and the board of regents shall, at least
8 annually, review and prescribe the plan of work to be performed by
9 the internal auditors.

10 E. Any person who alters or destroys records needed for the
11 performance of an audit or causes or directs a subordinate to do
12 such acts shall be guilty of a Class D1 felony punishable ~~by~~
13 ~~imprisonment in the custody of the Department of Corrections for a~~
14 ~~period of not more than five (5) years or by a fine of not more than~~
15 ~~Twenty Thousand Dollars (\$20,000.00), or by both such fine and~~
16 ~~imprisonment~~ in accordance with the provisions of Section 18 of this
17 act. Such person shall also be subject to immediate removal from
18 office or employment.

19 SECTION 651. AMENDATORY 70 O.S. 2021, Section 4306, is
20 amended to read as follows:

21 Section 4306. A. All state higher educational institutions,
22 constituent agencies or other entities are hereby authorized to
23 accept and receive any and all grants or contracts of all kinds,
24 gifts, devises and bequests of money or property, either real or

1 personal, which may be, or which may heretofore have been tendered
2 to them by grant or contract, will or gift, conditionally or
3 unconditionally; and the Board of Regents of said institutions,
4 constituent agencies or other entities are hereby directed,
5 authorized and empowered to hold such funds or property in trust, or
6 invest or sell them and use either principal or interest or the
7 proceeds of sale for the benefit of such institutions or entities or
8 the students or others for whose benefit such institutions or
9 entities are conducted; all in any manner which is consistent with
10 the terms of the gift as stipulated by the donor and with the
11 provisions of any applicable laws. Money donated to a college- or
12 university-related foundation for student scholarships or grants to
13 students of an institution of The Oklahoma State System of Higher
14 Education shall not be loaned or given to any regent, officer,
15 director, or employee of such foundation or institution or to any
16 relative of such person within the third degree of affinity or
17 consanguinity. The following, however, shall not be prohibited:

18 1. Students in the employ of such foundation or institution may
19 be given scholarships; and

20 2. Scholarships may be awarded to an otherwise disqualified
21 relative of any faculty member, staff employee, foundation or
22 institution officer or maintenance worker of such foundation or
23 institution if such relative is meritoriously qualified.

24

1 B. Any person willfully violating the prohibitions of
2 subsection A of this section shall be guilty of a Class D1 felony
3 punishable ~~by imprisonment in the State Penitentiary for a period of~~
4 ~~not more than five (5) years or by a fine of not more than Twenty~~
5 ~~Thousand Dollars (\$20,000.00), or by both such fine and imprisonment~~
6 in accordance with the provisions of Section 18 of this act. Any
7 person found guilty of said violations shall also be subject to
8 immediate removal from office or employment where applicable.

9 C. The Oklahoma State Regents for Higher Education, any
10 institution or agency of The Oklahoma State System of Higher
11 Education or the regents or governing board of such institution or
12 agency shall not directly or indirectly transfer any funds to any
13 college- or university-related foundation or render services or
14 provide any thing of value to any such foundation without receiving
15 documented adequate payment or reimbursement therefor according to
16 written contract; provided, nothing herein shall be construed as
17 prohibiting payment by the institution or agency of claims for
18 expenses of fund raising for the benefit of the institution or
19 agency by state employees if such fund raising activities are
20 approved in advance by the governing board of regents responsible
21 for such institution or agency and made a part of the minutes of the
22 meeting of the board.

23 D. Neither the Oklahoma State Regents for Higher Education nor
24 any institution or agency of The Oklahoma State System of Higher

1 Education shall receive any funds, services, or thing of value from
2 any college- or university-related foundation which has any officers
3 or employees who are officers or employees of any institution or
4 agency of the State System or State Regents unless such foundation
5 makes all its financial records and documents, including work
6 papers, except for names of donors, available to auditors who are
7 performing audits of the institution or agency.

8 SECTION 652. AMENDATORY 71 O.S. 2021, Section 1-508, is
9 amended to read as follows:

10 Section 1-508. A. A person who willfully violates ~~this act~~ the
11 Oklahoma Uniform Securities Act of 2004, or a rule adopted or order
12 issued under ~~this act~~ the Oklahoma Uniform Securities Act of 2004,
13 except Section ~~32~~ 1-504 of this ~~act~~ title or the notice filing
14 requirements of Section ~~41~~ 1-302 or ~~22~~ 1-405 of this ~~act~~ title, or
15 that willfully violates Section ~~33~~ 1-505 of this ~~act~~ title knowing
16 the statement made to be false or misleading in a material respect,
17 shall, upon conviction, be guilty of a Class C2 felony and shall be
18 ~~fined not more than One Hundred Thousand Dollars (\$100,000.00) or~~
19 ~~imprisoned not more than ten (10) years, or both such fine and~~
20 ~~imprisonment~~ punished in accordance with the provisions of Section
21 17 of this act. An individual convicted of violating a rule adopted
22 or order issued under this act may be fined, but may not be
23 imprisoned, if the individual did not have knowledge of the rule or
24 order.

1 B. This act does not limit the power of this state to punish a
2 person for conduct that constitutes a crime under other laws of this
3 state.

4 C. On a criminal matter referred by the Administrator, the
5 prosecuting attorney may designate and appoint one or more lawyers
6 of the Department as special assistants as available for the purpose
7 of assisting in or conducting a criminal prosecution arising by
8 reason of an investigation or proceeding under this section.

9 SECTION 653. AMENDATORY 71 O.S. 2021, Section 460, is
10 amended to read as follows:

11 Section 460. A. Any person who violates, and a controlling
12 person of an offeror or target company who knowingly violates, any
13 provision of this act or any rule thereunder, or any order of the
14 Administrator of which this person has notice, shall be guilty of a
15 Class D1 felony and may be fined not more than Twenty-five Thousand
16 Dollars (\$25,000.00) or imprisoned not more than five (5) years, or
17 both punished in accordance with the provisions of Section 18 of
18 this act. Each of the acts specified shall constitute a separate
19 offense and a prosecution or conviction for any one of such offenses
20 shall not bar prosecution or conviction for any other offense. No
21 indictment or information may be returned under this act more than
22 two (2) years after the alleged violation.

23 B. The Administrator may refer such evidence as is available
24 concerning violations of this act or of any rule or order hereunder

1 to the Attorney General or the district attorney for the appropriate
2 county who may, with or without any reference, institute the
3 appropriate criminal proceedings under this act. If referred to a
4 district attorney, he shall, within ninety (90) days, file with the
5 Administrator a statement concerning any action taken or, if no
6 action is taken, the reasons therefor.

7 C. Nothing in this act limits the power of the state to punish
8 any person for any conduct which constitutes a crime under any other
9 statute.

10 D. All shares acquired from an Oklahoma resident in violation
11 of any provision of this act or any rule thereunder, or any order of
12 the Administrator of which the person has notice, shall be denied
13 voting rights for one (1) year after acquisition, the shares shall
14 be nontransferable on the books of the target company for one (1)
15 year after acquisition and the target company shall, during this
16 one-year period, have the option to call the shares for redemption
17 either at the price at which the shares were acquired or at book
18 value per share as of the last day of the fiscal quarter ended prior
19 to the date of the call for redemption. Such a redemption shall
20 occur on the date set in the call notice, but not later than sixty
21 (60) days after the call notice is given.

22 SECTION 654. AMENDATORY 71 O.S. 2021, Section 621, is
23 amended to read as follows:

24

1 Section 621. A. It is unlawful for any person to offer or
2 dispose of any interest in subdivided land located in this state or
3 to offer or dispose in this state of any subdivided land located
4 without this state unless it is registered under this Code or the
5 land or transaction is exempt under Sections 622 or 623 of this
6 Code.

7 B. It is unlawful for any subdivider or registrant of
8 subdivided lands registered under this Code, or any person in
9 control of, controlled by, or under common control with the
10 subdivider or registrant, or any agent, to offer or dispose of any
11 of the registered subdivided land if the subdivider or registrant is
12 in violation of this Code, or any rule promulgated under this Code,
13 or any order issued under this Code of which he has notice, or if
14 the registration statement relating to the subdivided lands, as of
15 the date of such offer or disposition, is incomplete in any material
16 respect or contains any statement which is false or misleading with
17 respect to any material fact.

18 C. A person who violations the provisions of this section, upon
19 conviction, shall be guilty of a Class D3 felony punishable in
20 accordance with the provisions of Section 20 of this act.

21 SECTION 655. AMENDATORY 71 O.S. 2021, Section 626, is
22 amended to read as follows:

23 Section 626. A. It shall be unlawful for a person to dispose
24 of an interest in subdivided lands, pursuant to a registration under

1 this Code, unless a current public offering statement is delivered
2 to the purchaser at the expense of the subdivider or his agent at
3 least forty-eight (48) hours prior to any sale, contract to sell or
4 option to purchase and unless the purchaser is afforded a reasonable
5 opportunity to examine and is permitted to retain the public
6 offering statement. The subdivider shall obtain and retain a
7 receipt, signed by the purchaser, acknowledging receipt of a copy of
8 the public offering statement prior to the execution by the
9 purchaser of any contract or agreement for the disposition of any
10 lot in a subdivision, which receipt shall be kept in the files of
11 the subdivider and be subject to inspection by the Administrator for
12 a period of three (3) years from the date the receipt is taken.

13 B. A public offering statement shall disclose fully and
14 accurately all material circumstances or features which affect the
15 subdivided lands or which would be a material consideration in
16 making the purchasing decision. The proposed public offering
17 statement shall be submitted to the Administrator as required by
18 paragraph 20 of Section 625 of this Code and shall be in such form
19 and contain such information as the Administrator by rule requires,
20 including:

21 1. The name, principal address and telephone number of the
22 subdivider, his offices and agents in this state;

23 2. A general description of the subdivided lands including a
24 statement of the total number of lots to be offered;

1 3. A statement as to whether the subdivider holds any option to
2 purchase adjacent properties and, if so, a description of such
3 option and the location and zoning of the adjacent properties;

4 4. The assistance, if any, that the subdivider, his agents or
5 affiliates will provide to the purchaser in the resale of the
6 property and the extent to which the subdivider, his agents or
7 affiliates will be in competition in the event of resale;

8 5. The material terms of any encumbrances, easements, liens and
9 restrictions including zoning and other regulations affecting the
10 subdivided lands and each unit or lot, the efforts to remove such
11 liens or encumbrances, the results of the success or failure
12 thereof, and all existing taxes and existing or proposed special
13 taxes or assessments which affect the subdivided lands;

14 6. The use for which the property is to be offered;

15 7. Information concerning existing or proposed improvements
16 including, but not limited to, streets, water supply, levees,
17 drainage control systems, irrigation systems, sewage disposal
18 systems and customary utilities and the estimated cost, date of
19 completion and responsibility for construction and maintenance of
20 existing and proposed improvements which are referred to in
21 connection with the offering or disposition of any lot in subdivided
22 lands;

23 8. Such financial statements of the subdivider as the
24 Administrator may require;

1 9. The topographic and climatic characteristics of the
2 subdivided lands and adjacent area;

3 10. A statement of the existing provisions for access of the
4 subdivision to community fire protection, the location of primary
5 and secondary schools, the proximity to municipalities and the
6 population thereof, the improvements installed or to be installed,
7 including off-site and on-site community and recreational
8 facilities, by whom they were or are to be installed, maintained or
9 paid for, and an estimate of completion thereof; and

10 11. Such additional information as may be required by the
11 Administrator including any of the information contained in the
12 application for registration.

13 C. The public offering statement shall not be used for any
14 promotional purpose before registration of the subdivided lands and
15 afterwards it shall be used only in its entirety. It shall be
16 unlawful for any person to advertise or represent that the
17 Administrator has approved or recommended the subdivided lands or a
18 disposition thereof. No portion of the public offering statement
19 may be underscored, italicized or printed in larger or heavier or
20 different colored type than the remainder of the statement unless
21 required or approved by the Administrator.

22 D. The Administrator may require the subdivider or his agent to
23 alter or amend the proposed public offering statement in order to
24 provide full and fair disclosure to prospective purchasers.

1 E. A person in violation of subsection A of this section, shall
2 be guilty of a Class D3 felony and upon conviction, shall be
3 punished in accordance with the provisions of Section 20 of this
4 act.

5 SECTION 656. AMENDATORY 71 O.S. 2021, Section 631, is
6 amended to read as follows:

7 Section 631. A. It is unlawful for any person to transact
8 business in this state as an agent unless he has obtained a real
9 estate broker's or real estate sales associate's license from his
10 state of residence, if required, and has obtained a license under
11 this Code to offer or dispose of subdivided lands, provided that the
12 provisions of this section shall not apply to a person whose
13 dealings relate solely to property exempt under Section 622 of this
14 title or to transactions exempt under Section 623 of this title.

15 B. Every license expires on the thirtieth day of June following
16 the date of issuance. It may be renewed under such rules as the
17 Administrator may establish.

18 C. Any license may be suspended, revoked or denied as provided
19 in Section 634 of this title.

20 D. The Administrator may, by rule or order, exempt from the
21 requirements of this section persons as to whom he finds licensing
22 under this Code is not necessary for the protection of purchasers.

23 E. A person in violation of subsection A of this section, shall
24 be guilty of a Class D3 felony and upon conviction, shall be

1 punished in accordance with the provisions of Section 20 of this
2 act.

3 SECTION 657. AMENDATORY 71 O.S. 2021, Section 641, is
4 amended to read as follows:

5 Section 641. A. It is unlawful for any subdivider, agent, or
6 affiliate of either, in connection with the offer or disposition in
7 this state of any subdivided land, directly or indirectly, to:

- 8 1. Employ any device, scheme or artifice to defraud;
- 9 2. Make any untrue statement of a material fact or omit to
10 state a material fact necessary in order to make the statements
11 made, in light of the circumstances under which they were made, not
12 misleading; or
- 13 3. Engage in any act, practice or course of business which
14 operates or would operate as a fraud or deceit upon any person.

15 B. A person in violation of this section, shall be guilty of a
16 Class D3 felony and upon conviction, shall be punished in accordance
17 with the provisions of Section 20 of this act.

18 SECTION 658. AMENDATORY 71 O.S. 2021, Section 653, is
19 amended to read as follows:

20 Section 653. A. It is unlawful for any person, in connection
21 with the offer or disposition of subdivided land, to publish,
22 circulate or use any advertising concerning the subdivided land
23 which contains:
24

1 1. Any untrue statement, omission or pictorial representation
2 of a material fact which under the circumstances makes the
3 statement, omission or pictorial representation misleading; or

4 2. Any statement which differs materially from the information
5 contained in a registration application or public offering
6 statement.

7 B. All advertising except advertising relating to subdivided
8 land or transactions exempt pursuant to Sections 622 and 623 shall
9 be filed with the Administrator not later than ten (10) days prior
10 to its use and shall not be used until a copy thereof has been
11 approved for use by the Administrator, except advertising which the
12 Administrator exempts by rule or order. Any advertising filed with
13 the Administrator pursuant to this section shall be accompanied by
14 the filing fee specified in Section 652 of this title.

15 C. A person in violation of subsection A of this section, shall
16 be guilty of a Class D3 felony and upon conviction, shall be
17 punished in accordance with the provisions of Section 20 of this
18 act.

19 SECTION 659. AMENDATORY 71 O.S. 2021, Section 654, is
20 amended to read as follows:

21 Section 654. A. It is unlawful for any person to make or cause
22 to be made, in any document filed under this Code or in any
23 proceeding under this Code, any false or misleading statement in any
24 material respect or, in connection with such statement, to omit to

1 state a material fact necessary in order to make the statements
2 made, in light of the circumstances under which they are made, not
3 misleading.

4 B. A person in violation of subsection A of this section, shall
5 be guilty of a Class D3 felony and upon conviction, shall be
6 punished in accordance with the provisions of Section 20 of this
7 act.

8 SECTION 660. AMENDATORY 71 O.S. 2021, Section 823, is
9 amended to read as follows:

10 Section 823. A. Any person who willfully violates Section 806,
11 subsection A of Section 808, subsection A of Section 809, ~~Sections~~
12 Section 811, subsection B of Section 812, Sections 819, 821 or 822
13 of this title or who willfully violates any rule under the act or
14 who willfully violates any order of which the person has notice, or
15 who violates Section 820 of this title knowing that the statement
16 made was false or misleading in any material respect, shall, upon
17 conviction, be guilty of a Class C2 felony and ~~may upon conviction~~
18 ~~be fined not more than Ten Thousand Dollars (\$10,000.00) or~~
19 ~~imprisoned not more than ten (10) years, or both, for each offense~~
20 shall be punished in accordance with the provisions of Section 17 of
21 this act. Each of the acts specified shall constitute a separate
22 offense and a prosecution or conviction for any one of such offenses
23 shall not bar prosecution or conviction for any other offense.

24

1 B. The Administrator may refer such evidence as may be
2 available concerning violations of the Oklahoma Business Opportunity
3 Sales Act or any rule or order hereunder to the Attorney General of
4 the State of Oklahoma or the district attorney for the county where
5 a violation occurred, who may, with or without such a reference,
6 institute the appropriate criminal proceedings under the act. The
7 Attorney General or district attorney may designate and appoint one
8 or more lawyers of the Department as special assistants available
9 for the purpose of assisting in or conducting all criminal
10 prosecutions arising by reason of proceedings under this section.

11 C. Nothing in the Oklahoma Business Opportunity Sales Act
12 limits the power of the state to punish any person for any conduct
13 which constitutes a crime under any other statute.

14 SECTION 661. AMENDATORY 72 O.S. 2021, Section 6-1, is
15 amended to read as follows:

16 Section 6-1. A. Any person who knowingly with intent to
17 impersonate and with intent to deceive, misrepresents himself or
18 herself as a member or veteran of the United States Armed Forces by
19 wearing any decoration or medal authorized by the Congress of the
20 United States for the Armed Forces of the United States, or any of
21 the service medals or badges awarded to the members of such forces,
22 or the ribbon, button, or rosette of any such badge, decoration or
23 medal, or any colorable imitation thereof, except when authorized
24 under regulations as authorized by the applicable federal law, shall

1 be guilty of a misdemeanor and shall be fined One Thousand Dollars
2 (\$1,000.00), or be imprisoned in the county jail for a period ~~of~~ not
3 more than six (6) months, or both.

4 B. If a decoration or medal involved in an offense under
5 subsection A of this section is a Congressional Medal of Honor, the
6 offender shall upon conviction be guilty of a Class D3 felony and
7 ~~fined an amount not to exceed Five Thousand Dollars (\$5,000.00) or~~
8 ~~be imprisoned in the county jail for a period of not more than one~~
9 ~~(1) year, or both~~ shall be punished in accordance with the
10 provisions of Section 20 of this act.

11 C. If a person presents any falsified or altered document as
12 proof of service or authorization for decoration or medal, such
13 person shall be guilty of a Class D3 felony and ~~fined an amount not~~
14 ~~to exceed Five Thousand Dollars (\$5,000.00) or be imprisoned in the~~
15 ~~county jail for a period of not more than one (1) year~~ shall be
16 punished in accordance with the provisions of Section 20 of this
17 act.

18 SECTION 662. AMENDATORY 74 O.S. 2021, Section 71, is
19 amended to read as follows:

20 Section 71. The taking or receiving by any officer of said
21 Office of Management and Enterprise Services of any rebate,
22 percentage of contract, money, or any other thing of value from any
23 person, firm, or corporation offering, bidding for, or in the open
24 market and seeking to make sales to said Office, shall be a Class C2

1 felony. Any officer of said Office convicted under this section
2 shall be punished by a fine not to exceed Five Thousand Dollars
3 ~~(\$5,000.00) and by imprisonment in the custody of the Department of~~
4 ~~Corrections not less than five (5) years nor more than ten (10)~~
5 ~~years~~ shall be punished in accordance with the provisions of Section
6 17 of this act. Such fine shall be in addition to other punishment
7 provided by law and shall not be imposed in lieu of other
8 punishment.

9 SECTION 663. AMENDATORY 74 O.S. 2021, Section 217, is
10 amended to read as follows:

11 Section 217. If by reason of sickness, absence or other cause,
12 the State Auditor and Inspector is temporarily unable to perform the
13 duties of the office, the Deputy State Auditor and Inspector shall
14 perform the duties of the office of State Auditor and Inspector
15 until such disability ceases, whenever the same will not be
16 inconsistent with the Constitution.

17 The State Auditor and Inspector shall be reimbursed actual and
18 necessary travel expenses when traveling on official state business
19 as provided by the State Travel Reimbursement Act.

20 If the State Auditor and Inspector, or any deputy, or employee,
21 shall at any time, directly or indirectly, receive compensation for
22 service, or neglect of service, other than that provided for in this
23 article, such person shall be guilty of a Class D3 felony. The
24 making of a false report knowingly by the State Auditor and

1 Inspector, or any assistant or deputy, authorized by this article,
2 of the financial condition of any office or institution required or
3 authorized to be examined by this article shall be a Class D3 felony
4 punishable in accordance with the provisions of Section 20 of this
5 act, and any failure to perform the duties required of them to be
6 performed by this article shall constitute a misdemeanor.

7 SECTION 664. AMENDATORY 79 O.S. 2021, Section 206, is
8 amended to read as follows:

9 Section 206. A. 1. Any person, other than a municipal
10 corporation, who violates Section ~~3, 4, or 8~~ of ~~Enrolled Senate Bill~~
11 ~~No. 1357 of the 2nd Session of the 46th Oklahoma Legislature is~~ 203
12 or 204 of this title shall, upon conviction, be guilty of a Schedule
13 G Class C2 felony, ~~if the offense occurs on or after the effective~~
14 ~~date of Section 20.1 of Title 21 of the Oklahoma Statutes. If the~~
15 ~~offense is committed prior to the effective date of Section 20.1 of~~
16 ~~Title 21 of the Oklahoma Statutes, the crime and~~ shall be punishable
17 by incarceration in the custody of the Department of Corrections for
18 not more than ten (10) years. A violator shall, upon conviction, be
19 subject to a fine not to exceed Ten Thousand Dollars (\$10,000.00)
20 per violation punished in accordance with the provisions of Section
21 17 of this act.

22 2. Any person, other than a municipal corporation, who violates
23 Section 208 of this title shall, upon conviction, be guilty of a
24

1 Class C2 felony punished in accordance with provisions of Section 17
2 of this act.

3 B. The Attorney General or any district attorney may file a
4 criminal information or seek a criminal indictment to enforce the
5 provisions of subsection A of this section.

6 SECTION 665. AMENDATORY 82 O.S. 2021, Section 674, is
7 amended to read as follows:

8 Section 674. The making of profit, directly or indirectly, by
9 any officer of any district organized under this act, or by any
10 public officer within the state, out of any contracts entered into
11 by the district, or by use of any contracts entered into by the
12 district, or by use of any money belonging to a district by lending
13 it or otherwise using it, or by depositing the same in any manner,
14 contrary to law, or by removal of any money by any such officer or
15 by his consent and placing elsewhere than is prescribed either by
16 law or by the official acts of the board of directors for the
17 purpose of profit, or any person who shall misrepresent any material
18 fact concerning the proposed project to any property owner when
19 procuring signatures to a petition to inaugurate such project, shall
20 constitute a Class D3 felony, and on conviction thereof shall
21 subject such officer to ~~imprisonment in the State Penitentiary for a~~
22 ~~term not exceeding two (2) years, or a fine not exceeding Five~~
23 ~~Thousand Dollars (\$5,000.00), or both such fine and imprisonment~~
24 punishment in accordance with the provisions of Section 20 of this

1 act, and the officer offending shall be liable personally and upon
2 his official bond for all losses to such district and for all
3 profits realized by such unlawful use of monies.

4 SECTION 666. AMENDATORY 82 O.S. 2021, Section 867, is
5 amended to read as follows:

6 Section 867. No director, officer, agent, or employee of the
7 district shall be directly or indirectly interested in any contract
8 for the purchase of any property or construction of any work by or
9 for the district, and if any such person shall be or become so
10 interested in any such contract, ~~he~~ the person shall, upon
11 conviction, be guilty of a Class C2 felony and, ~~on conviction~~
12 ~~thereof shall be subject to a fine in an amount not exceeding Ten~~
13 ~~Thousand Dollars (\$10,000.00) or to confinement in the county jail~~
14 ~~for not less than one (1) year nor more than ten (10) years, or both~~
15 punished in accordance with the provisions of Section 17 of this
16 act.

17 SECTION 667. AMENDATORY 85A O.S. 2021, Section 38, is
18 amended to read as follows:

19 Section 38. A. An employer shall secure compensation to
20 employees under this act in one of the following ways:

21 1. By insuring and keeping insured the payment of compensation
22 with any stock corporation, mutual association, or other concerns
23 authorized to transact the business of workers' compensation
24 insurance in this state. When an insurer issues a policy to provide

1 workers' compensation benefits under the provisions of this act, it
2 shall file a notice with the Workers' Compensation Commission
3 containing the name, address, and principal occupation of the
4 employer, the number, effective date, and expiration date of the
5 policy, and such other information as may be required by the
6 Commission. The notice shall be filed by the insurer within thirty
7 (30) days after the effective date of the policy. Any insurer who
8 does not file the notice required by this paragraph shall be subject
9 to a fine by the Commission ~~of~~ not more than One Thousand Dollars
10 (\$1,000.00);

11 2. By obtaining and keeping in force guaranty insurance with
12 any company authorized to do guaranty business in this state. Each
13 company that issues workers' compensation guaranty insurance shall
14 file a copy of the contract with the Commission within thirty (30)
15 days after the effective date of the contract. Any company that
16 does not file a copy of the contract as required by this paragraph
17 shall be subject to a fine by the Commission ~~of~~ not more than One
18 Thousand Dollars (\$1,000.00);

19 3. By furnishing satisfactory proof to the Commission of the
20 employer's financial ability to pay the compensation. The
21 Commission, under rules adopted by the Commission, shall require any
22 employer that has:

23 a. less than one hundred employees or less than One
24 Million Dollars (\$1,000,000.00) in net assets to:

1 (1) deposit with the Commission securities, an
2 irrevocable letter of credit or a surety bond
3 payable to the state, in an amount determined by
4 the Commission which shall be at least an average
5 of the yearly claims for the last three (3)
6 years, or

7 (2) provide proof of excess coverage with such terms
8 and conditions as is commensurate with their
9 ability to pay the benefits required by the
10 provisions of this act, and

11 b. one hundred or more employees and One Million Dollars
12 (\$1,000,000.00) or more in net assets to:

13 (1) secure a surety bond payable to the state, or an
14 irrevocable letter of credit, in an amount
15 determined by the Commission which shall be at
16 least an average of the yearly claims for the
17 last three (3) years, or

18 (2) provide proof of excess coverage with terms and
19 conditions that are commensurate with their
20 ability to pay the benefits required by the
21 provisions of this act;

22 4. By forming a group self-insurance association consisting of
23 two or more employers which shall have a common interest and which
24 shall have entered into an agreement to pool their liabilities under

1 the Administrative Workers' Compensation Act. Such agreement shall
2 be subject to rules of the Commission. Any employer, upon
3 application to become a member of a group self-insurance
4 association, shall file with the Commission a notice, in such form
5 as prescribed by the Commission, acknowledging that the employer
6 accepts joint and several liability. Upon approval by the
7 Commission of such application for membership, said member shall be
8 a qualified self-insured employer; or

9 5. By any other security as may be approved by the Commission
10 and the Insurance Department.

11 B. The Commission may waive the requirements of this section in
12 an amount which is commensurate with the ability of the employer to
13 pay the benefits required by the provisions of this act.

14 Irrevocable letters of credit required by this subsection shall
15 contain such terms as may be prescribed by the Commission and shall
16 be issued for the benefit of the state by a financial institution
17 whose deposits are insured by the Federal Deposit Insurance
18 Corporation.

19 C. An employer who does not fulfill the requirements of this
20 section is not relieved of the obligation to pay compensation under
21 this act. The security required under this section, including any
22 interest, shall be maintained by the Commission as provided in this
23 act until each claim for benefits is paid, settled, or lapses under
24 this act, and costs of administration of such claims are paid.

1 D. Failure on the part of any employer to secure the payment of
2 compensation provided in this act shall have the effect of enabling
3 the Commission to assert the rights of an injured employee against
4 the employer.

5 E. Any employer that knowingly provides false information to
6 the Commission for purposes of securing or maintaining a self-
7 insurance permit shall be guilty of a Class D3 felony ~~and subject to~~
8 ~~a maximum fine of Ten Thousand Dollars (\$10,000.00)~~ punishable in
9 accordance with the provisions of Section 20 of this act.

10 SECTION 668. This act shall become effective November 1, 2023.

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
12 March 3, 2022 - DO PASS AS AMENDED
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