

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB499 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Trey Caldwell _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 499

By: Paxton of the Senate

and

Caldwell (Trey) of the
House

8
9
10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to the Attorney General; amending 74
12 O.S. 2021, Section 18c, which relates to defense of
13 actions by the Attorney General; granting certain
14 authority to the Attorney General; amending 74 O.S.
15 2021, Section 18d, which relates to district
16 attorneys and their requiring of aid; modifying
17 request procedures; amending 74 O.S. 2021, Section
18 18e, which relates to criminal actions, quo warranto,
19 and appearance before grand juries; modifying
20 procedures; amending 22 O.S. 2021, Section 19a, which
21 relates to arrest or charge as result of identity
22 theft, expungement on motion of court; permitting
23 motion by Attorney General; amending 22 O.S. 2021,
24 Section 258, as amended by Section 2, Chapter 269,
O.S.L. 2022 (22 O.S. Supp. 2022, Section 258, which
relates to preliminary examinations and proceedings
thereon; expanding authority of the Attorney General;
amending 22 O.S. 2021, Section 303, which relates to
subscription, endorsement, and verification of
information; expanding authority of Attorney General
and requirements; amending 22 O.S. 2021, Section 409,
which relates to the sufficiency of indictment or
information; expanding certain criteria; amending 22
O.S. 2021, Section 751.1, which relates to DNA
profile, use as evidence and notification of
defendant; expanding certain requirements to be
applicable to the Attorney General's office;

1 modifying certain timing provisions; amending 22 O.S.
2 2021, Section 982, which relates to presentence
3 investigations; expanding certain requirements to be
4 applicable to the Attorney General's office; amending
5 22 O.S. 2021, Section 982a, which relates to judicial
6 review; requiring certain approvals by the Attorney
7 General; modifying applicability; amending 22 O.S.
8 2021, Section 991a, which relates to sentencing
9 powers of court, restitution, fines, or
10 incarceration; allowing waiver of certain
11 prohibitions upon written application of the Attorney
12 General; repealing 22 O.S. 2021, Section 524, which
13 relates to preliminary hearing on felony indictment,
14 time for request, witnesses, and dismissal; and
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 74 O.S. 2021, Section 18c, is
18 amended to read as follows:

19 Section 18c. A. 1. Except as otherwise provided by this
20 subsection, no state officer, board or commission shall have
21 authority to employ or appoint attorneys to advise or represent said
22 officer, board or commission in any matter.

23 2. The provisions of this subsection shall not apply to the
24 Corporation Commission, the Council on Law Enforcement Education and
25 Training, the Consumer Credit Commission, the Board of Managers of
26 the State Insurance Fund, the Oklahoma Tax Commission, the
27 Commissioners of the Land Office, the Oklahoma Public Welfare
28 Commission also known as the Commission for Human Services, the
29 State Board of Corrections, the Oklahoma Health Care Authority, the

1 Department of Public Safety, the Oklahoma State Bureau of Narcotics
2 and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement
3 Commission, the Transportation Commission, the Oklahoma Energy
4 Resources Board, the Oklahoma Merit Protection Commission, the
5 Office of Management and Enterprise Services, the Oklahoma Water
6 Resources Board, the Department of Labor, the Department of
7 Agriculture, Food, and Forestry, the Northeast Oklahoma Public
8 Facilities Authority, the Oklahoma Firefighters Pension and
9 Retirement System, the Oklahoma Public Employees Retirement System,
10 the Uniform Retirement System for Justices and Judges, the Oklahoma
11 Conservation Commission, the Office of Juvenile Affairs, the State
12 Board of Pharmacy and the Oklahoma Department of Veterans Affairs.

13 3. The provisions of paragraph 2 of this subsection shall not
14 be construed to authorize the Office of Juvenile Affairs to employ
15 any attorneys that are not specifically authorized by law.

16 4. All the legal duties of such officer, board or commission
17 shall devolve upon and are hereby vested in the Attorney General;
18 provided that:

- 19 a. the Governor shall have authority to employ special
20 counsel to protect the rights or interest of the state
21 as provided in Section 6 of this title, and
22 b. liquidation agents of banks shall have the authority
23 to employ local counsel, with the consent of the Bank
24

1 Commissioner and the Attorney General and the approval
2 of the district court.

3 B. At the request of any state officer, board or commission,
4 except the Corporation Commission, the Board of Managers of the
5 CompSource Oklahoma, Oklahoma Tax Commission and the Commissioners
6 of the Land Office, the Grand River Dam Authority, the Oklahoma
7 State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
8 Beverage Laws Enforcement Commission, the Oklahoma Firefighters
9 Pension and Retirement System, the Oklahoma Public Employees
10 Retirement System, the Uniform Retirement System for Justices and
11 Judges and the Interstate Oil and Gas Compact Commission, the
12 Attorney General shall defend any action in which they may be sued
13 in their official capacity. At the request of any such state
14 officer, board or commission, the Attorney General shall have
15 authority to institute suits in the name of the State of Oklahoma on
16 their relation, if after investigation the Attorney General is
17 convinced there is sufficient legal merit to justify the action.

18 C. The Attorney General shall have the authority to enter into
19 memoranda of understanding, commensurate with the Attorney General's
20 duties and responsibilities, with any law enforcement entity or
21 district attorney.

22 D. Any officer, board or commission which has the authority to
23 employ or appoint attorneys may request that the Attorney General
24

1 defend any action arising pursuant to the provisions of The
2 Governmental Tort Claims Act.

3 ~~D.~~ E. Nothing in this section shall be construed to repeal or
4 affect the provisions of the statutes of this state pertaining to
5 attorneys and legal advisors of the several commissions and
6 departments of state specified in subsection B of this section, and
7 all acts and parts of acts pertaining thereto shall be and remain in
8 full force and effect.

9 SECTION 2. AMENDATORY 74 O.S. 2021, Section 18d, is
10 amended to read as follows:

11 Section 18d. The Attorney General shall have authority to
12 require the aid and assistance of district attorneys in their
13 respective counties in the matters hereinbefore enumerated and may
14 in any case brought to the Supreme Court or Criminal Court of
15 Appeals from their respective counties demand and receive the
16 assistance of the district attorney from whose county such case is
17 brought. ~~Any district attorney desiring the assistance of the~~
18 ~~Attorney General in any matter shall request the Governor for such~~
19 ~~assistance, and upon receiving the direction of the Governor to~~
20 ~~render such assistance, the Attorney General shall proceed~~
21 ~~immediately, compatible with the performance of his own duties to~~
22 ~~render the assistance. A district attorney may request the Attorney~~
23 ~~General provide assistance in any matter. Upon receiving such~~

24

1 request, the Attorney General may render such assistance, compatible
2 with the performance of the Attorney General's other duties.

3 SECTION 3. AMENDATORY 74 O.S. 2021, Section 18e, is
4 amended to read as follows:

5 Section 18e. ~~In addition to the above powers and duties, the~~
6 ~~Attorney General shall, when requested by the Governor, have power~~
7 ~~and authority to institute and prosecute criminal actions and~~
8 ~~actions in the nature of quo warranto; and shall, when requested by~~
9 ~~the Governor, compatible with the performance of his other duties,~~
10 ~~appear before and assist grand juries in their investigations. The~~
11 Attorney General shall have the power and authority to institute and
12 prosecute criminal actions by complaints, informations, indictments
13 returned by a county or multicounty grand jury, and actions in the
14 nature of quo warranto; any may, compatible with the performance of
15 the Attorney General's other duties, appear before and assist grand
16 juries in their investigations.

17 SECTION 4. AMENDATORY 22 O.S. 2021, Section 19a, is
18 amended to read as follows:

19 Section 19a. Notwithstanding any provision of Section 18 or 19
20 of Title 22 of the Oklahoma Statutes, when a charge is dismissed
21 because the court finds that the defendant has been arrested or
22 charged as a result of the defendant's name or other identification
23 having been appropriated or used without the defendant's consent or
24 authorization by another person, the court dismissing the charge

1 may, upon motion of the district attorney or the Attorney General or
2 the defendant or upon the court's own motion, enter an order for
3 expungement of law enforcement and court records relating to the
4 charge. The order shall contain a statement that the dismissal and
5 expungement are ordered pursuant to this section. An order entered
6 pursuant to this section shall be subject to the provisions of
7 subsections D through M of Section 19 of Title 22 of the Oklahoma
8 Statutes.

9 SECTION 5. AMENDATORY 22 O.S. 2021, Section 258, as
10 amended by Section 2, Chapter 269, O.S.L. 2022 (22 O.S. Supp. 2022,
11 Section 258), is amended to read as follows:

12 Section 258. First: The witnesses must be examined in the
13 presence of the defendant, and may be cross-examined by the
14 defendant. On the request of the district attorney, the Attorney
15 General, or the defendant, all the testimony must be reduced to
16 writing in the form of questions and answers and signed by the
17 witnesses, or the same may be taken in shorthand and transcribed
18 without signing, and in both cases filed with the clerk of the
19 district court, by the examining magistrate, and may be used as
20 provided in Section 333 of this title. In no case shall the county
21 be liable for the expense in reducing such testimony to writing,
22 unless ordered by the judge of a court of record.

23 Second: The district attorney or the Attorney General may, on
24 approval of the county judge or the district judge, issue subpoenas

1 in felony cases and call witnesses before the district attorney or
2 the Attorney General and have them sworn and their testimony reduced
3 to writing and signed by the witnesses at the cost of the county.
4 Such examination must be confined to some felony committed against
5 the statutes of the state and triable in that county, and the
6 evidence so taken shall not be receivable in any civil proceeding.
7 A refusal to obey such subpoena or to be sworn or to testify may be
8 punished as a contempt on complaint and showing to the county court,
9 or district court, or the judges thereof that proper cause exists
10 therefor.

11 Third: No preliminary information shall be filed without the
12 consent or endorsement of the district attorney or the Attorney
13 General, unless the defendant be taken in the commission of a
14 felony, or the offense be of such character that the accused is
15 liable to escape before the district attorney or the Attorney
16 General can be consulted. If the defendant is discharged and the
17 information is filed without authority from or endorsement of the
18 district attorney or the Attorney General, the costs must be taxed
19 to the prosecuting witness, and the county shall not be liable
20 therefor.

21 Fourth: The convening and session of a grand jury does not
22 dispense with the right of the district attorney or the Attorney
23 General to file complaints and informations, conduct preliminary
24 hearings and other routine matters, unless otherwise specifically

1 ordered, by a written order of the court convening the grand jury;
2 made on the court's own motion, or at the request of the grand jury.

3 Fifth: There shall be no preliminary examinations in
4 misdemeanor cases.

5 Sixth: A preliminary magistrate shall have the authority to
6 limit the evidence presented at the preliminary hearing to that
7 which is relevant to the issues of: (1) whether the crime was
8 committed, and (2) whether there is probable cause to believe the
9 defendant committed the crime. Once a showing of probable cause is
10 made the magistrate shall terminate the preliminary hearing and
11 enter a bindover order; provided, however, that the preliminary
12 hearing shall be terminated only if the state made available for
13 inspection law enforcement reports within the prosecuting attorney's
14 knowledge or possession at the time to the defendant five (5)
15 working days prior to the date of the preliminary hearing. The
16 district attorney or the Attorney General shall determine whether or
17 not to make law enforcement reports available prior to the
18 preliminary hearing. ~~If reports are made available, the district~~
19 ~~attorney shall be required to provide those law enforcement reports~~
20 ~~that the district attorney knows to exist at the time of providing~~
21 ~~the reports, but this does~~ Law enforcement reports do not include
22 any physical evidence which may exist in the case. This provision
23 does not require the district attorney or the Attorney General to
24 provide copies for the defendant, but only to make them available

1 for inspection by defense counsel. In the alternative, upon
2 agreement of the state and the defendant, the court may terminate
3 the preliminary hearing once a showing of probable cause is made.

4 Seventh: A preliminary magistrate shall accept into evidence as
5 proof of prior convictions a noncertified copy of a Judgment and
6 Sentence when the copy appears to the preliminary magistrate to be
7 patently accurate. The district attorney or the Attorney General
8 shall make a noncertified copy of the Judgment and Sentence
9 available to the defendant no fewer than five (5) days prior to the
10 hearing. If such copy is not made available five (5) days prior to
11 the hearing, the court shall continue the portion of the hearing to
12 which the copy is relevant for such time as the defendant requests,
13 not to exceed five (5) days subsequent to the receipt of the copy.

14 Eighth: The purpose of the preliminary hearing is to establish
15 probable cause that a crime was committed and probable cause that
16 the defendant committed the crime.

17 Ninth: The preliminary hearing must be set within nine (9)
18 months from the initial appearance of the defendant. If
19 commencement of the preliminary hearing is delayed past the nine-
20 month time limit, a show cause hearing shall be scheduled by the
21 court to show reason for the delay. If the court fails to find good
22 cause for the delay, the court shall schedule a preliminary hearing
23 as soon as practicable.

24

1 SECTION 6. AMENDATORY 22 O.S. 2021, Section 303, is
2 amended to read as follows:

3 Section 303. A. The district attorney or the Attorney General
4 shall subscribe the district attorney's or the Attorney General's
5 name to informations filed in the district court and endorse thereon
6 the names and last-known addresses of all the witnesses known to the
7 district attorney or the Attorney General at the time of filing the
8 same, if intended to be called by the district attorney or the
9 Attorney General at a preliminary examination or at trial.

10 Thereafter, the district attorney or the Attorney General shall also
11 endorse thereon the names and last-known addresses of such other
12 witnesses as may afterwards become known to the district attorney or
13 the Attorney General, if they are intended to be called as witnesses
14 at a preliminary examination or at trial, at such time as the court
15 may by rule prescribe.

16 Upon filing of an application by the district attorney or the
17 Attorney General, notice to defense counsel, and hearing
18 establishing need for witness protection or preservation of the
19 integrity of evidence, the district court may excuse witness
20 endorsement, or some part thereof. Such proceedings shall be
21 conducted in camera, and the record shall be sealed and filed in the
22 office of the district court clerk, and shall not be opened except
23 by order of the district court.

24

1 B. Notwithstanding other provisions of law, when a law
2 enforcement officer issues a citation or ticket as the basis for a
3 complaint or information, for a violation of law declared to be a
4 misdemeanor, the citation or ticket shall be properly verified if:

5 1. The issuing officer subscribes the officer's signature on
6 the citation, ticket or complaint to the following statement:

7 "I, the undersigned issuing officer, hereby certify and
8 swear that I have read the foregoing information and know
9 the facts and contents thereof and that the facts
10 supporting the criminal charge stated therein are true."

11 Such a subscription by an issuing officer, in all respects, shall
12 constitute a sworn statement, as if sworn to upon an oath
13 administered by an official authorized by law to administer oaths;
14 and

15 2. The citation or ticket states the specific facts supporting
16 the criminal charge and the ordinance or statute alleged to be
17 violated; or

18 3. A complainant verifies by oath, subscribed on the citation,
19 ticket or complaint, that the complainant has read the information,
20 knows the facts and contents thereof and that the facts supporting
21 the criminal charge stated therein are true. For purpose of such an
22 oath and subscription, any law enforcement officer of the state or
23 of a county or municipality of the state issuing the citation,
24

1 ticket or complaint shall be authorized to administer the oath to
2 the complainant.

3 C. As used in this section, the term "signature" shall include
4 a digital or electronic signature, as defined in Section 15-102 of
5 Title 12A of the Oklahoma Statutes.

6 SECTION 7. AMENDATORY 22 O.S. 2021, Section 409, is
7 amended to read as follows:

8 Section 409. The indictment or information is sufficient if it
9 can be understood therefrom:

10 1. That it is entitled in a court having authority to receive
11 it, though the name of the court be not stated.

12 2. That it was found by a grand jury or presented by the
13 district attorney of the county in which the court was held, or
14 presented by the Attorney General.

15 3. That the defendant is named, or if his name cannot be
16 discovered, that he is described by a fictitious name, with the
17 statement that his true name is unknown.

18 4. That the offense was committed at some place within the
19 jurisdiction of the court, except where the act, though done without
20 the local jurisdiction of the county, is triable therein.

21 5. That the offense was committed at some time prior to the
22 time of filing the indictment or information.

23 6. That the act or omission charged as the offense is clearly
24 and distinctly set forth in ordinary and concise language, without

1 repetition, and in such a manner as to enable a person of common
2 understanding to know what is intended.

3 7. That the act or omission charged as the offense, is stated
4 with such a degree of certainty, as to enable the court to pronounce
5 judgment upon a conviction according to the right of the case.

6 SECTION 8. AMENDATORY 22 O.S. 2021, Section 751.1, is
7 amended to read as follows:

8 Section 751.1 A. As used in this act:

9 1. "Deoxyribonucleic Acid (DNA)" means the molecules in all
10 cellular forms that contain genetic information in a patterned
11 chemical structure of each individual; and

12 2. "DNA Profile" means an analysis of DNA resulting in the
13 identification of an individual's patterned chemical structure of
14 genetic information.

15 B. 1. At any hearing prior to trial or at a forfeiture
16 hearing, a report of the findings of a laboratory report from a
17 forensic laboratory operated by this state or any political
18 subdivision thereof, or from a laboratory performing analysis at the
19 request of a forensic laboratory operated by this state or any
20 political subdivision thereof, regarding DNA Profile, which has been
21 made available to the accused by the office of the district
22 attorney, or the office of the Attorney General, in cases prosecuted
23 by the Attorney General, at least five (5) days prior to the
24 hearing, when certified as correct by the persons making the report,

1 shall be received as evidence of the facts and findings stated, if
2 relevant and otherwise admissible in evidence. If a report is
3 deemed relevant by the state or the accused, the court shall admit
4 the report without the testimony of the person making the report,
5 unless the court, pursuant to this section, orders the person making
6 the report to appear. If the accused is not served with a report,
7 by the district attorney, or the office of the Attorney General, in
8 cases prosecuted by the Attorney General, at least five (5) days
9 prior to a hearing, the accused may be allowed a continuance of the
10 portion of the hearing to which the report is relevant, to allow at
11 least five (5) days' preparation subsequent to the furnishing of the
12 report by the district attorney, or the office of the Attorney
13 General, in cases prosecuted by the Attorney General.

14 2. The court, upon motion of the state or accused, shall order
15 the attendance of any person preparing such a report submitted as
16 evidence in any hearing prior to trial or forfeiture hearing, when
17 it appears there is a substantial likelihood that material evidence
18 not contained in the report may be produced by the testimony of the
19 person having prepared the report. The motion shall be filed and
20 notice given of the hearing on the motion to order the attendance of
21 the person having prepared the report. A hearing shall be held and,
22 if the motion is sustained, an order issued giving not less than
23 five (5) days' prior notice to the time when the testimony shall be
24 required. If, within five (5) days prior to the hearing or during a

1 hearing, a motion is made pursuant to this subsection requiring a
2 person having prepared a report to testify, the court may hear the
3 report or other evidence but shall continue the hearing until such
4 time notice of the motion and hearing is given to the person having
5 prepared the report, the motion is heard, and, if sustained,
6 testimony ordered can be given.

7 C. If the state decides to offer evidence of a DNA profile in
8 any trial on the merits, the state shall, at least ~~fifteen (15)~~ ten
9 (10) days before the criminal proceeding, notify in writing the
10 defendant or the defendant's attorney and mail, deliver, or make
11 available to the defendant or the defendant's attorney a copy of any
12 report or statement to be introduced that has not previously been
13 made available to the defendant or the defendant's attorney pursuant
14 to subsection B of this section.

15 SECTION 9. AMENDATORY 22 O.S. 2021, Section 982, is
16 amended to read as follows:

17 Section 982. A. Whenever a person is convicted of a violent
18 felony offense whether the conviction is for a single offense or
19 part of any combination of offenses, except when the death sentence
20 is available as punishment for the offense, the court may, before
21 imposing the sentence, require a presentence investigation be made
22 of the offender by the Department of Corrections. The court shall
23 order the defendant to pay a fee to the Department of Corrections of
24 not less than Fifty Dollars (\$50.00) nor more than Five Hundred

1 Dollars (\$500.00) for the presentence investigation. In hardship
2 cases, the court may reduce the amount of the fee and establish a
3 payment schedule.

4 B. Whenever a person has a prior felony conviction and enters a
5 plea of guilty or nolo contendere to a felony offense other than a
6 violent felony offense, without an agreement by the district
7 attorney or the Attorney General regarding the sentence to be
8 imposed, the court may order a presentence investigation be made by
9 the Department of Corrections. The fee provided in subsection A of
10 this section shall apply to persons subject to this subsection.

11 C. Whenever a person has entered a plea of not guilty to a
12 nonviolent felony offense and is found guilty by a court following a
13 non-jury trial, the court may require a presentence investigation be
14 made by the Department of Corrections. The fee provided in
15 subsection A of this section shall apply to persons subject to this
16 subsection.

17 D. When conducting a presentence investigation, the Department
18 shall inquire into the circumstances of the offense and the
19 characteristics of the offender. The information obtained from the
20 investigation shall include, but not be limited to, a voluntary
21 statement from each victim of the offense concerning the nature of
22 the offense and the impact of the offense on the victim and the
23 immediate family of the victim, the amount of the loss suffered or
24 incurred by the victim as a result of the criminal conduct of the

1 offender, and the age, marital status, living arrangements,
2 financial obligations, income, family history and education, prior
3 juvenile and criminal records, associations with other persons
4 convicted of a felony offense, social history, indications of a
5 predisposition to violence or substance abuse, remorse or guilt
6 about the offense or the harm to the victim, job skills and
7 employment history of the offender. The Department shall make a
8 report of information from such investigation to the court,
9 including a recommendation detailing the punishment which is deemed
10 appropriate for both the offense and the offender, and specifically
11 a recommendation for or against probation or suspended sentence.
12 The report of the investigation shall be presented to the judge
13 within a reasonable time, and upon failure to present the report,
14 the judge may proceed with sentencing. Whenever, in the opinion of
15 the court or the Department, it is desirable, the investigation
16 shall include a physical and mental examination or either a physical
17 or mental examination of the offender.

18 E. The district attorney may have a presentence investigation
19 made by the Department on each person charged with a violent felony
20 offense and entering a plea of guilty or a plea of nolo contendere
21 as part of or in exchange for a plea agreement for a violent felony
22 offense. The presentence investigation shall be completed before
23 the terms of the plea agreement are finalized. The court shall not
24 approve the terms of any plea agreement without reviewing the

1 presentence investigation report to determine whether or not the
2 terms of the sentence are appropriate for both the offender and the
3 offense. The fee provided in subsection A of this section shall
4 apply to persons subject to this subsection and shall be a condition
5 of the plea agreement and sentence.

6 F. The presentence investigation reports specified in this
7 section shall not be referred to, or be considered, in any appeal
8 proceedings. Before imposing a sentence, the court shall advise the
9 defendant, counsel for the defendant, and the district attorney of
10 the factual contents and conclusions of the presentence
11 investigation report. The court shall afford the offender a fair
12 opportunity to controvert the findings and conclusions of the
13 reports at the time of sentencing. If either the defendant or the
14 district attorney desires, a hearing shall be set by the court to
15 allow both parties an opportunity to offer evidence proving or
16 disproving any finding contained in a report, which shall be a
17 hearing in mitigation or aggravation of punishment.

18 G. The required presentence investigation and report may be
19 waived upon written waiver by the district attorney and the
20 defendant and upon approval by the Court.

21 H. As used in this section, "violent felony offense" means:

- 22 1. Arson in the first degree;
- 23 2. Assault with a dangerous weapon, battery with a dangerous
24 weapon or assault and battery with a dangerous weapon;

- 1 3. Aggravated assault and battery on a police officer, sheriff,
2 highway patrol officer, or any other officer of the law;
- 3 4. Assault with intent to kill, or shooting with intent to
4 kill;
- 5 5. Assault with intent to commit a felony, or use of a firearm
6 to commit a felony;
- 7 6. Assault while masked or disguised;
- 8 7. Burglary in the first degree or burglary with explosives;
- 9 8. Child beating or maiming;
- 10 9. Forcible sodomy;
- 11 10. Kidnapping, or kidnapping for extortion;
- 12 11. Lewd or indecent proposition or lewd or indecent acts with
13 a child;
- 14 12. Manslaughter in the first or second degrees;
- 15 13. Murder in the first or second degrees;
- 16 14. Rape in the first or second degrees, or rape by
17 instrumentation;
- 18 15. Robbery in the first or second degrees, or robbery by two
19 or more persons, or robbery with a dangerous weapon; or
- 20 16. Any attempt, solicitation or conspiracy to commit any of
21 the above enumerated offenses.

22 SECTION 10. AMENDATORY 22 O.S. 2021, Section 982a, is
23 amended to read as follows:

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1 Section 982a. A. 1. Any time within sixty (60) months after
2 the initial sentence is imposed or within sixty (60) months after
3 probation has been revoked, the court imposing sentence or
4 revocation of probation may modify such sentence or revocation by
5 directing that another sentence be imposed, if the court is
6 satisfied that the best interests of the public will not be
7 jeopardized; provided, however, the court shall not impose a
8 deferred sentence. Any application for sentence modification that
9 is filed and ruled upon beyond twelve (12) months of the initial
10 sentence being imposed must be approved by the district attorney or
11 the Attorney General, in cases prosecuted by the Attorney General,
12 who shall provide written notice to any victims in the case which is
13 being considered for modification.

14 2. The court imposing sentence may modify the sentence of any
15 offender who was originally sentenced for a drug charge and ordered
16 to complete the Drug Offender Work Camp at the Bill Johnson
17 Correctional Facility and direct that another sentence be imposed,
18 if the court is satisfied that the best interests of the public will
19 not be jeopardized; provided, however, the court shall not impose a
20 deferred sentence. An application for sentence modification
21 pursuant to this paragraph may be filed and ruled upon beyond the
22 initial sixty-month time period provided for in paragraph 1 of this
23 subsection.

24

1 3. This section shall not apply to convicted felons who have
2 been in confinement in any state or federal prison system for any
3 previous felony conviction during the ten-year period preceding the
4 date that the sentence this section applies to was imposed.
5 Further, without the consent of the district attorney or the
6 Attorney General, in cases prosecuted by the Attorney General, this
7 section shall not apply to sentences imposed pursuant to a plea
8 agreement or jury verdict.

9 B. The court imposing the sentence may modify the sentence of
10 any offender sentenced to life without parole for an offense other
11 than a violent crime, as enumerated in Section 571 of Title 57 of
12 the Oklahoma Statutes, who has served at least ten (10) years of the
13 sentence in the custody of the Department of Corrections upon a
14 finding that the best interests of the public will not be
15 jeopardized. Provided; however, prior to granting a sentence
16 modification under the provisions of this subsection, the court
17 shall provide notice of the hearing to determine sentence
18 modification to the victim or representative of the victim and shall
19 allow the victim or representative of the victim the opportunity to
20 provide testimony at the hearing. The court shall consider the
21 testimony of the victim or representative of the victim when
22 rendering a decision to modify the sentence of an offender.

23 C. For purposes of judicial review, upon court order or written
24 request from the sentencing judge, the Department of Corrections

1 shall provide the court imposing sentence or revocation of probation
2 with a report to include a summary of the assessed needs of the
3 offender, any progress made by the offender in addressing his or her
4 assessed needs, and any other information the Department can supply
5 on the offender. The court shall consider such reports when
6 modifying the sentence or revocation of probation. The court shall
7 allow the Department of Corrections at least twenty (20) days after
8 receipt of a request or order from the court to prepare the required
9 reports.

10 D. If the court considers modification of the sentence or
11 revocation of probation, a hearing shall be made in open court after
12 receipt of the reports required in subsection C of this section.
13 The clerk of the court imposing sentence or revocation of probation
14 shall give notice of the judicial review hearing to the Department
15 of Corrections, the offender, the legal counsel of the offender, and
16 the district attorney of the county in which the offender was
17 convicted or the Attorney General, in cases prosecuted by the
18 Attorney General, upon receipt of the reports. Such notice shall be
19 mailed at least twenty-one (21) days prior to the hearing date and
20 shall include a copy of the report and any other written information
21 to be considered at the judicial review hearing.

22 E. If an appeal is taken from the original sentence or from a
23 revocation of probation which results in a modification of the
24 sentence or modification to the revocation of probation of the

1 offender, such sentence may be further modified in the manner
2 described in paragraph 1 of subsection A of this section within
3 sixty (60) months after the receipt by the clerk of the district
4 court of the mandate from the Supreme Court or the Court of Criminal
5 Appeals.

6 SECTION 11. AMENDATORY 22 O.S. 2021, Section 991a, is
7 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 12 j. to pay a reasonable sum to the Crime Victims
13 Compensation Board, created by Section 142.2 et seq.
14 of Title 21 of the Oklahoma Statutes, for the benefit
15 of crime victims,
- 16 k. to reimburse the court fund for amounts paid to court-
17 appointed attorneys for representing the defendant in
18 the case in which the person is being sentenced,
- 19 l. to participate in an assessment and evaluation by an
20 assessment agency or assessment personnel certified by
21 the Department of Mental Health and Substance Abuse
22 Services pursuant to Section 3-460 of Title 43A of the
23 Oklahoma Statutes and, as determined by the
24 assessment, participate in an alcohol and drug

1 substance abuse course or treatment program or both,
2 pursuant to Sections 3-452 and 3-453 of Title 43A of
3 the Oklahoma Statutes, or as ordered by the court,
4 m. to be placed in a victims impact panel program, as
5 defined in subsection H of this section, or
6 victim/offender reconciliation program and payment of
7 a fee to the program of Seventy-five Dollars (\$75.00)
8 as set by the governing authority of the program to
9 offset the cost of participation by the defendant.
10 Provided, each victim/offender reconciliation program
11 shall be required to obtain a written consent form
12 voluntarily signed by the victim and defendant that
13 specifies the methods to be used to resolve the
14 issues, the obligations and rights of each person and
15 the confidentiality of the proceedings. Volunteer
16 mediators and employees of a victim/offender
17 reconciliation program shall be immune from liability
18 and have rights of confidentiality as provided in
19 Section 1805 of Title 12 of the Oklahoma Statutes,
20 n. to install, at the expense of the defendant, an
21 ignition interlock device approved by the Board of
22 Tests for Alcohol and Drug Influence. The device
23 shall be installed upon every motor vehicle operated
24 by the defendant, and the court shall require that a

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

- 21 o. to be confined by electronic monitoring administered
22 and supervised by the Department of Corrections or a
23 community sentence provider, and payment of a
24 monitoring fee to the supervising authority, not to

1 exceed Three Hundred Dollars (\$300.00) per month. Any
2 fees collected pursuant to this subparagraph shall be
3 deposited with the appropriate supervising authority.
4 Any willful violation of an order of the court for the
5 payment of the monitoring fee shall be a violation of
6 the sentence and may be punished as deemed proper by
7 the sentencing court. As used in this paragraph,
8 "electronic monitoring" means confinement of the
9 defendant within a specified location or locations
10 with supervision by means of an electronic device
11 approved by the Department of Corrections which is
12 designed to detect if the defendant is in the court-
13 ordered location at the required times and which
14 records violations for investigation by a qualified
15 supervisory agency or person,

16 p. to perform one or more courses of treatment, education
17 or rehabilitation for any conditions, behaviors,
18 deficiencies or disorders which may contribute to
19 criminal conduct including but not limited to alcohol
20 and substance abuse, mental health, emotional health,
21 physical health, propensity for violence, antisocial
22 behavior, personality or attitudes, deviant sexual
23 behavior, child development, parenting assistance, job
24 skills, vocational-technical skills, domestic

1 relations, literacy, education or any other
2 identifiable deficiency which may be treated
3 appropriately in the community and for which a
4 certified provider or a program recognized by the
5 court as having significant positive impact exists in
6 the community. Any treatment, education or
7 rehabilitation provider required to be certified
8 pursuant to law or rule shall be certified by the
9 appropriate state agency or a national organization,

10 q. to submit to periodic testing for alcohol,
11 intoxicating substance or controlled dangerous
12 substances by a qualified laboratory,

13 r. to pay a fee or costs for treatment, education,
14 supervision, participation in a program or any
15 combination thereof as determined by the court, based
16 upon the defendant's ability to pay the fees or costs,

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

20 t. to obtain positive behavior modeling by a trained
21 mentor,

22 u. to serve a term of confinement in a restrictive
23 housing facility available in the community,

24

- 1 v. to serve a term of confinement in the county jail at
2 night or during weekends pursuant to Section 991a-2 of
3 this title or for work release,
- 4 w. to obtain employment or participate in employment-
5 related activities,
- 6 x. to participate in mandatory day reporting to
7 facilities or persons for services, payments, duties
8 or person-to-person contacts as specified by the
9 court,
- 10 y. to pay day fines not to exceed fifty percent (50%) of
11 the net wages earned. For purposes of this paragraph,
12 "day fine" means the offender is ordered to pay an
13 amount calculated as a percentage of net daily wages
14 earned. The day fine shall be paid to the local
15 community sentencing system as reparation to the
16 community. Day fines shall be used to support the
17 local system,
- 18 z. to submit to blood or saliva testing as required by
19 subsection I of this section,
- 20 aa. to repair or restore property damaged by the
21 defendant's conduct, if the court determines the
22 defendant possesses sufficient skill to repair or
23 restore the property and the victim consents to the
24 repairing or restoring of the property,

- 1 bb. to restore damaged property in kind or payment of out-
2 of-pocket expenses to the victim, if the court is able
3 to determine the actual out-of-pocket expenses
4 suffered by the victim,
- 5 cc. to attend a victim-offender reconciliation program if
6 the victim agrees to participate and the offender is
7 deemed appropriate for participation,
- 8 dd. in the case of a person convicted of prostitution
9 pursuant to Section 1029 of Title 21 of the Oklahoma
10 Statutes, require such person to receive counseling
11 for the behavior which may have caused such person to
12 engage in prostitution activities. Such person may be
13 required to receive counseling in areas including but
14 not limited to alcohol and substance abuse, sexual
15 behavior problems or domestic abuse or child abuse
16 problems,
- 17 ee. in the case of a sex offender sentenced after November
18 1, 1989, and required by law to register pursuant to
19 the Sex Offender Registration Act, the court shall
20 require the person to comply with sex offender
21 specific rules and conditions of supervision
22 established by the Department of Corrections and
23 require the person to participate in a treatment
24 program designed for the treatment of sex offenders

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

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

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

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

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

23 However, unless under the supervision of the district attorney,
24 the offender shall be required to pay Forty Dollars (\$40.00) per

1 month to the district attorney during the first two (2) years of
2 probation to compensate the district attorney for the costs incurred
3 during the prosecution of the offender and for the additional work
4 of verifying the compliance of the offender with the rules and
5 conditions of his or her probation. The district attorney may waive
6 any part of this requirement in the best interests of justice. The
7 court shall not waive, suspend, defer or dismiss the costs of
8 prosecution in its entirety. However, if the court determines that
9 a reduction in the fine, costs and costs of prosecution is
10 warranted, the court shall equally apply the same percentage
11 reduction to the fine, costs and costs of prosecution owed by the
12 offender;

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

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

19 4. Order the defendant to reimburse the Oklahoma State Bureau
20 of Investigation for costs incurred by that agency during its
21 investigation of the crime for which the defendant pleaded guilty,
22 nolo contendere or was convicted including compensation for
23 laboratory, technical or investigation services performed by the
24 Bureau if, in the opinion of the court, the defendant is able to pay

1 without imposing manifest hardship on the defendant, and if the
2 costs incurred by the Bureau during the investigation of the
3 defendant's case may be determined with reasonable certainty;

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

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

16 7. In addition to the other sentencing powers of the court, in
17 the case of a person convicted of operating or being in control of a
18 motor vehicle while the person was under the influence of alcohol,
19 other intoxicating substance or a combination of alcohol or another
20 intoxicating substance, or convicted of operating a motor vehicle
21 while the ability of the person to operate such vehicle was impaired
22 due to the consumption of alcohol, require such person:

23 a. to participate in an alcohol and drug assessment and
24 evaluation by an assessment agency or assessment

1 personnel certified by the Department of Mental Health
2 and Substance Abuse Services pursuant to Section 3-460
3 of Title 43A of the Oklahoma Statutes and, as
4 determined by the assessment, participate in an
5 alcohol and drug substance abuse course or treatment
6 program or both, pursuant to Sections 3-452 and 3-453
7 of Title 43A of the Oklahoma Statutes,

8 b. to attend a victims impact panel program, as defined
9 in subsection H of this section, and to pay a fee of
10 Seventy-five Dollars (\$75.00) as set by the governing
11 authority of the program and approved by the court, to
12 the program to offset the cost of participation by the
13 defendant, if in the opinion of the court the
14 defendant has the ability to pay such fee,

15 c. to both participate in the alcohol and drug substance
16 abuse course or treatment program, pursuant to
17 subparagraph a of this paragraph and attend a victims
18 impact panel program, pursuant to subparagraph b of
19 this paragraph,

20 d. to install, at the expense of the person, an ignition
21 interlock device approved by the Board of Tests for
22 Alcohol and Drug Influence, upon every motor vehicle
23 operated by such person and to require that a notation
24 of this restriction be affixed to the person's driver

1 license at the time of reinstatement of the license.
2 The restriction shall remain on the driver license for
3 such period as the court shall determine. The
4 restriction may be modified or removed by order of the
5 court and notice of the order shall be given to the
6 Department of Public Safety. Upon the expiration of
7 the period for the restriction, the Department of
8 Public Safety shall remove the restriction without
9 further court order. Failure to comply with the order
10 to install an ignition interlock device or operating
11 any vehicle without such device during the period of
12 restriction shall be a violation of the sentence and
13 may be punished as deemed proper by the sentencing
14 court, or

15 e. beginning January 1, 1993, to submit to electronically
16 monitored home detention administered and supervised
17 by the Department of Corrections, and to pay to the
18 Department a monitoring fee, not to exceed Seventy-
19 five Dollars (\$75.00) a month, to the Department of
20 Corrections, if in the opinion of the court the
21 defendant has the ability to pay such fee. Any fees
22 collected pursuant to this subparagraph shall be
23 deposited in the Department of Corrections Revolving
24 Fund. Any order by the court for the payment of the

1 monitoring fee, if willfully disobeyed, may be
2 enforced as an indirect contempt of court;

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

11 9. In addition to the other sentencing powers of the court, in
12 the case of a person convicted of any crime related to domestic
13 abuse, as defined in Section 60.1 of this title, the court may
14 require the defendant to undergo the treatment or participate in the
15 counseling services necessary to bring about the cessation of
16 domestic abuse against the victim. The defendant may be required to
17 pay all or part of the cost of the treatment or counseling services;

18 10. In addition to the other sentencing powers of the court,
19 the court, in the case of a sex offender sentenced after November 1,
20 1989, and required by law to register pursuant to the Sex Offenders
21 Registration Act, shall require the defendant to participate in a
22 treatment program designed specifically for the treatment of sex
23 offenders, if available. The treatment program will include
24 polygraph examinations specifically designed for use with sex

1 offenders for the purpose of supervision and treatment compliance,
2 provided the examination is administered by a certified licensed
3 polygraph examiner. The treatment program must be approved by the
4 Department of Corrections or the Department of Mental Health and
5 Substance Abuse Services. Such treatment shall be at the expense of
6 the defendant based on the ability of the defendant to pay;

7 11. In addition to the other sentencing powers of the court,
8 the court, in the case of a person convicted of abuse or neglect of
9 a child, as defined in Section 1-1-105 of Title 10A of the Oklahoma
10 Statutes, may require the person to undergo treatment or to
11 participate in counseling services. The defendant may be required
12 to pay all or part of the cost of the treatment or counseling
13 services;

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

19 13. In addition to the other sentencing powers of the court, a
20 sex offender who is habitual or aggravated as defined by Section 584
21 of Title 57 of the Oklahoma Statutes and who is required to register
22 as a sex offender pursuant to the Sex Offenders Registration Act
23 shall be supervised by the Department of Corrections for the
24 duration of the registration period and shall be assigned to a

1 global position monitoring device by the Department of Corrections
2 for the duration of the registration period. The cost of such
3 monitoring device shall be reimbursed by the offender;

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

11 15. In addition to the other sentencing powers of the court, in
12 the case of a sex offender who is required by law to register
13 pursuant to the Sex Offenders Registration Act, the court shall
14 require the person to register any electronic mail address
15 information, instant message, chat or other Internet communication
16 name or identity information that the person uses or intends to use
17 while accessing the Internet or used for other purposes of social
18 networking or other similar Internet communication; or

19 16. In addition to the other sentencing powers of the court,
20 and pursuant to the terms and conditions of a written plea
21 agreement, the court may prohibit the defendant from entering,
22 visiting or residing within the judicial district in which the
23 defendant was convicted until after completion of his or her
24 sentence; provided, however, the court shall ensure that the

1 defendant has access to those services or programs for which the
2 defendant is required to participate as a condition of probation.
3 When seeking to enter the prohibited judicial district for personal
4 business not related to his or her criminal case, the defendant
5 shall be required to obtain approval by the court.

6 B. Notwithstanding any other provision of law, any person who
7 is found guilty of a violation of any provision of Section 761 or
8 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
9 guilty or nolo contendere for a violation of any provision of such
10 sections shall be ordered to participate in, prior to sentencing, an
11 alcohol and drug assessment and evaluation by an assessment agency
12 or assessment personnel certified by the Department of Mental Health
13 and Substance Abuse Services for the purpose of evaluating the
14 receptivity to treatment and prognosis of the person. The court
15 shall order the person to reimburse the agency or assessor for the
16 evaluation. The fee shall be the amount provided in subsection C of
17 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
18 shall be conducted at a certified assessment agency, the office of a
19 certified assessor or at another location as ordered by the court.
20 The agency or assessor shall, within seventy-two (72) hours from the
21 time the person is assessed, submit a written report to the court
22 for the purpose of assisting the court in its final sentencing
23 determination. No person, agency or facility operating an alcohol
24 and drug substance abuse evaluation program certified by the

1 Department of Mental Health and Substance Abuse Services shall
2 solicit or refer any person evaluated pursuant to this subsection
3 for any treatment program or alcohol and drug substance abuse
4 service in which such person, agency or facility has a vested
5 interest; however, this provision shall not be construed to prohibit
6 the court from ordering participation in or any person from
7 voluntarily utilizing a treatment program or alcohol and drug
8 substance abuse service offered by such person, agency or facility.
9 If a person is sentenced to the custody of the Department of
10 Corrections and the court has received a written evaluation report
11 pursuant to this subsection, the report shall be furnished to the
12 Department of Corrections with the judgment and sentence. Any
13 evaluation report submitted to the court pursuant to this subsection
14 shall be handled in a manner which will keep such report
15 confidential from the general public's review. Nothing contained in
16 this subsection shall be construed to prohibit the court from
17 ordering judgment and sentence in the event the defendant fails or
18 refuses to comply with an order of the court to obtain the
19 evaluation required by this subsection.

20 C. When sentencing a person convicted of a crime, the court
21 shall first consider a program of restitution for the victim, as
22 well as imposition of a fine or incarceration of the offender. The
23 provisions of paragraph 1 of subsection A of this section shall not
24 apply to defendants being sentenced upon their third or subsequent

1 to their third conviction of a felony or, beginning January 1, 1993,
2 to defendants being sentenced for their second or subsequent felony
3 conviction for violation of Section 11-902 of Title 47 of the
4 Oklahoma Statutes, except as otherwise provided in this subsection.
5 In the case of a person being sentenced for his or her second or
6 subsequent felony conviction for violation of Section 11-902 of
7 Title 47 of the Oklahoma Statutes, the court may sentence the person
8 pursuant to the provisions of paragraph 1 of subsection A of this
9 section if the court orders the person to submit to electronically
10 monitored home detention administered and supervised by the
11 Department of Corrections pursuant to subparagraph e of paragraph 7
12 of subsection A of this section. Provided, the court may waive
13 these prohibitions upon written application of the district attorney
14 or the Attorney General, in cases prosecuted by the Attorney
15 General. Both the application and the waiver shall be made part of
16 the record of the case.

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

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

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

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

22 G. 1. The Department of Corrections is hereby authorized,
23 subject to funds available through appropriation by the Legislature,
24

1 to contract with counties for the administration of county Community
2 Service Sentencing Programs.

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

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

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

22 5. The Department shall annually make a report to the Governor,
23 the President Pro Tempore of the Senate and the Speaker of the House
24 on the number of such Programs, the number of participating

1 offenders, the success rates of each Program according to criteria
2 established by the Department and the costs of each Program.

3 H. As used in this section:

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

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

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

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

24

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

I. A person convicted of a felony offense or receiving any form of probation for an offense in which registration is required pursuant to the Sex Offenders Registration Act, shall submit to deoxyribonucleic acid (DNA) testing for law enforcement identification purposes in accordance with Section 150.27 of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI Combined DNA Index System (CODIS) Database. Subject to the availability of funds, any person convicted of a misdemeanor offense of assault and

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

1 (CODIS) Database at the time of sentencing shall not be required to
2 submit to additional testing. Except as required by the Sex
3 Offenders Registration Act, a deferred judgment does not require
4 submission to DNA testing.

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

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

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

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

17 SECTION 12. REPEALER 22 O.S. 2021, Section 524, is
18 hereby repealed.

19 SECTION 13. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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