

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 2005

By: Deevers

AS INTRODUCED

An Act relating to restitution; amending 22 O.S. 2021, Sections 991a, as amended by Section 4, Chapter 310, O.S.L. 2023, 991b, and 991f (22 O.S. Supp. 2023, Section 991a), which relate to sentencing powers of court, technical violations of suspended sentence, and restitution; requiring court to prioritize order for restitution to victims to the extent feasible; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 991a, as amended by Section 4, Chapter 310, O.S.L. 2023 (22 O.S. Supp. 2023, Section 991a), is amended to read as follows:

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

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

- 1 a. to provide restitution to the victim as provided by
2 Section 991f et seq. of this title or according to a
3 schedule of payments established by the sentencing
4 court, together with interest upon any pecuniary sum
5 at the rate of twelve percent (12%) per annum, if the
6 defendant agrees to pay such restitution or, in the
7 opinion of the court, if the defendant is able to pay
8 such restitution without imposing manifest hardship on
9 the defendant or the immediate family and if the
10 extent of the damage to the victim is determinable
11 with reasonable certainty. The court shall prioritize
12 an order for payments of restitution to the victim to
13 the extent feasible,
- 14 b. to reimburse any state agency for amounts paid by the
15 state agency for hospital and medical expenses
16 incurred by the victim or victims, as a result of the
17 criminal act for which such person was convicted,
18 which reimbursement shall be made directly to the
19 state agency, with interest accruing thereon at the
20 rate of twelve percent (12%) per annum,
- 21 c. to engage in a term of community service without
22 compensation, according to a schedule consistent with
23 the employment and family responsibilities of the
24 person convicted,

- 1 d. to pay a reasonable sum into any trust fund
2 established pursuant to the provisions of Sections 176
3 through 180.4 of Title 60 of the Oklahoma Statutes and
4 which provides restitution payments by convicted
5 defendants to victims of crimes committed within this
6 state wherein such victim has incurred a financial
7 loss,
- 8 e. to confinement in the county jail for a period not to
9 exceed six (6) months,
- 10 f. to confinement as provided by law together with a term
11 of post-imprisonment community supervision for not
12 less than three (3) years of the total term allowed by
13 law for imprisonment, with or without restitution;
14 provided, however, the authority of this provision is
15 limited to Section 843.5 of Title 21 of the Oklahoma
16 Statutes when the offense involved sexual abuse or
17 sexual exploitation; Sections 681, 741 and 843.1 of
18 Title 21 of the Oklahoma Statutes when the offense
19 involved sexual abuse or sexual exploitation; and
20 Sections 865 et seq., 885, 886, 888, 891, 1021,
21 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
22 1123 of Title 21 of the Oklahoma Statutes,
- 23 g. to repay the reward or part of the reward paid by a
24 local certified crime stoppers program and the

1 Oklahoma Reward System. In determining whether the
2 defendant shall repay the reward or part of the
3 reward, the court shall consider the ability of the
4 defendant to make the payment, the financial hardship
5 on the defendant to make the required payment and the
6 importance of the information to the prosecution of
7 the defendant as provided by the arresting officer or
8 the district attorney with due regard for the
9 confidentiality of the records of the local certified
10 crime stoppers program and the Oklahoma Reward System.
11 The court shall assess this repayment against the
12 defendant as a cost of prosecution. The term
13 "certified" means crime stoppers organizations that
14 annually meet the certification standards for crime
15 stoppers programs established by the Oklahoma Crime
16 Stoppers Association to the extent those standards do
17 not conflict with state statutes. The term "court"
18 refers to all municipal and district courts within
19 this state. The "Oklahoma Reward System" means the
20 reward program established by Section 150.18 of Title
21 74 of the Oklahoma Statutes,

22 h. to reimburse the Oklahoma State Bureau of
23 Investigation for costs incurred by that agency during
24 its investigation of the crime for which the defendant

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

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

23 j. to pay a reasonable sum to the Crime Victims
24 Compensation Board, created by Section 142.2 et seq.

1 of Title 21 of the Oklahoma Statutes, for the benefit
2 of crime victims,

3 k. to reimburse the court fund for amounts paid to court-
4 appointed attorneys for representing the defendant in
5 the case in which the person is being sentenced,

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

15 m. to be placed in a victims impact panel program, as
16 defined in subsection H of this section, or
17 victim/offender reconciliation program and payment of
18 a fee to the program of Seventy-five Dollars (\$75.00)
19 as set by the governing authority of the program to
20 offset the cost of participation by the defendant.
21 Provided, each victim/offender reconciliation program
22 shall be required to obtain a written consent form
23 voluntarily signed by the victim and defendant that
24 specifies the methods to be used to resolve the

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

1 by the sentencing court. As used in this paragraph,
2 "ignition interlock device" means a device that,
3 without tampering or intervention by another person,
4 would prevent the defendant from operating a motor
5 vehicle if the defendant has a blood or breath alcohol
6 concentration of two-hundredths (0.02) or greater,
7 o. to be confined by electronic monitoring administered
8 and supervised by the Department of Corrections or a
9 community sentence provider, and payment of a
10 monitoring fee to the supervising authority, not to
11 exceed Three Hundred Dollars (\$300.00) per month. Any
12 fees collected pursuant to this subparagraph shall be
13 deposited with the appropriate supervising authority.
14 Any willful violation of an order of the court for the
15 payment of the monitoring fee shall be a violation of
16 the sentence and may be punished as deemed proper by
17 the sentencing court. As used in this paragraph,
18 "electronic monitoring" means confinement of the
19 defendant within a specified location or locations
20 with supervision by means of an electronic device
21 approved by the Department of Corrections which is
22 designed to detect if the defendant is in the court-
23 ordered location at the required times and which

1 records violations for investigation by a qualified
2 supervisory agency or person,

- 3 p. to perform one or more courses of treatment, education
4 or rehabilitation for any conditions, behaviors,
5 deficiencies or disorders which may contribute to
6 criminal conduct including but not limited to alcohol
7 and substance abuse, mental health, emotional health,
8 physical health, propensity for violence, antisocial
9 behavior, personality or attitudes, deviant sexual
10 behavior, child development, parenting assistance, job
11 skills, vocational-technical skills, domestic
12 relations, literacy, education or any other
13 identifiable deficiency which may be treated
14 appropriately in the community and for which a
15 certified provider or a program recognized by the
16 court as having significant positive impact exists in
17 the community. Any treatment, education or
18 rehabilitation provider required to be certified
19 pursuant to law or rule shall be certified by the
20 appropriate state agency or a national organization,
- 21 q. to submit to periodic testing for alcohol,
22 intoxicating substance or controlled dangerous
23 substances by a qualified laboratory,

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

1 earned. The day fine shall be paid to the local
2 community sentencing system as reparation to the
3 community. Day fines shall be used to support the
4 local system,

5 z. to submit to blood or saliva testing as required by
6 subsection I of this section,

7 aa. to repair or restore property damaged by the
8 defendant's conduct, if the court determines the
9 defendant possesses sufficient skill to repair or
10 restore the property and the victim consents to the
11 repairing or restoring of the property,

12 bb. to restore damaged property in kind or payment of out-
13 of-pocket expenses to the victim, if the court is able
14 to determine the actual out-of-pocket expenses
15 suffered by the victim,

16 cc. to attend a victim-offender reconciliation program if
17 the victim agrees to participate and the offender is
18 deemed appropriate for participation,

19 dd. in the case of a person convicted of prostitution
20 pursuant to Section 1029 of Title 21 of the Oklahoma
21 Statutes, require such person to receive counseling
22 for the behavior which may have caused such person to
23 engage in prostitution activities. Such person may be
24 required to receive counseling in areas including but

1 not limited to alcohol and substance abuse, sexual
2 behavior problems or domestic abuse or child abuse
3 problems,

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

3 ff. in addition to other sentencing powers of the court,
4 the court in the case of a defendant being sentenced
5 for a felony conviction for a violation of Section 2-
6 402 of Title 63 of the Oklahoma Statutes which
7 involves marijuana may require the person to
8 participate in a drug court program, if available. If
9 a drug court program is not available, the defendant
10 may be required to participate in a community
11 sanctions program, if available,

12 gg. in the case of a person convicted of any false or
13 bogus check violation, as defined in Section 1541.4 of
14 Title 21 of the Oklahoma Statutes, impose a fee of
15 Twenty-five Dollars (\$25.00) to the victim for each
16 check, and impose a bogus check fee to be paid to the
17 district attorney. The bogus check fee paid to the
18 district attorney shall be equal to the amount
19 assessed as court costs plus Twenty-five Dollars
20 (\$25.00) for each check upon filing of the case in
21 district court. This money shall be deposited in the
22 Bogus Check Restitution Program Fund as established in
23 subsection B of Section 114 of this title.

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

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

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

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

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

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

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

16 5. Order the defendant to reimburse the Oklahoma State Bureau
17 of Investigation for all costs incurred by that agency for cleaning
18 up an illegal drug laboratory site for which the defendant pleaded
19 guilty, nolo contendere or was convicted. The court clerk shall
20 collect the amount and may retain five percent (5%) of such monies
21 to be deposited in the Court Clerk's Revolving Fund to cover
22 administrative costs and shall remit the remainder to the Oklahoma
23 State Bureau of Investigation to be deposited in the OSBI Revolving
24

1 Fund established by Section 150.19a of Title 74 of the Oklahoma
2 Statutes;

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

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

12 a. to participate in an alcohol and drug assessment and
13 evaluation by an assessment agency or assessment
14 personnel certified by the Department of Mental Health
15 and Substance Abuse Services pursuant to Section 3-460
16 of Title 43A of the Oklahoma Statutes and, as
17 determined by the assessment, participate in an
18 alcohol and drug substance abuse course or treatment
19 program or both, pursuant to Sections 3-452 and 3-453
20 of Title 43A of the Oklahoma Statutes,

21 b. to attend a victims impact panel program, as defined
22 in subsection H of this section, and to pay a fee of
23 Seventy-five Dollars (\$75.00) as set by the governing
24 authority of the program and approved by the court, to

1 the program to offset the cost of participation by the
2 defendant, if in the opinion of the court the
3 defendant has the ability to pay such fee,

4 c. to both participate in the alcohol and drug substance
5 abuse course or treatment program, pursuant to
6 subparagraph a of this paragraph and attend a victims
7 impact panel program, pursuant to subparagraph b of
8 this paragraph,

9 d. to install, at the expense of the person, an ignition
10 interlock device approved by the Board of Tests for
11 Alcohol and Drug Influence, upon every motor vehicle
12 operated by such person and to require that a notation
13 of this restriction be affixed to the person's driver
14 license at the time of reinstatement of the license.

15 The restriction shall remain on the driver license for
16 such period as the court shall determine. The
17 restriction may be modified or removed by order of the
18 court and notice of the order shall be given to
19 Service Oklahoma. Upon the expiration of the period
20 for the restriction, Service Oklahoma shall remove the
21 restriction without further court order. Failure to
22 comply with the order to install an ignition interlock
23 device or operating any vehicle without such device
24 during the period of restriction shall be a violation

1 of the sentence and may be punished as deemed proper
2 by the sentencing court, or

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

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

23 9. In addition to the other sentencing powers of the court, in
24 the case of a person convicted of any crime related to domestic
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1 abuse, as defined in Section 60.1 of this title, the court may
2 require the defendant to undergo the treatment or participate in the
3 counseling services necessary to bring about the cessation of
4 domestic abuse against the victim. The defendant may be required to
5 pay all or part of the cost of the treatment or counseling services;

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

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

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

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

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

1 15. In addition to the other sentencing powers of the court, in
2 the case of a sex offender who is required by law to register
3 pursuant to the Sex Offenders Registration Act, the court shall
4 require the person to register any electronic mail address
5 information, instant message, chat or other Internet communication
6 name or identity information that the person uses or intends to use
7 while accessing the Internet or used for other purposes of social
8 networking or other similar Internet communication; or

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

20 B. Notwithstanding any other provision of law, any person who
21 is found guilty of a violation of any provision of Section 761 or
22 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
23 guilty or nolo contendere for a violation of any provision of such
24 sections shall be ordered to participate in, prior to sentencing, an

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

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

10 C. When sentencing a person convicted of a crime, the court
11 shall first consider a program of restitution for the victim, as
12 well as imposition of a fine or incarceration of the offender. The
13 provisions of paragraph 1 of subsection A of this section shall not
14 apply to defendants being sentenced upon their third or subsequent
15 to their third conviction of a felony or, beginning January 1, 1993,
16 to defendants being sentenced for their second or subsequent felony
17 conviction for violation of Section 11-902 of Title 47 of the
18 Oklahoma Statutes, except as otherwise provided in this subsection.
19 In the case of a person being sentenced for his or her second or
20 subsequent felony conviction for violation of Section 11-902 of
21 Title 47 of the Oklahoma Statutes, the court may sentence the person
22 pursuant to the provisions of paragraph 1 of subsection A of this
23 section if the court orders the person to submit to electronically
24 monitored home detention administered and supervised by the

1 Department of Corrections pursuant to subparagraph e of paragraph 7
2 of subsection A of this section. Provided, the court may waive
3 these prohibitions upon written application of the district
4 attorney. Both the application and the waiver shall be made part of
5 the record of the case.

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

9 E. Probation, for purposes of subsection A of this section, is
10 a procedure by which a defendant found guilty of a crime, whether
11 upon a verdict or plea of guilty or upon a plea of nolo contendere,
12 is released by the court subject to conditions imposed by the court
13 and subject to supervision by the Department of Corrections, a
14 private supervision provider or other person designated by the
15 court. Such supervision shall be initiated upon an order of
16 probation from the court, and shall not exceed two (2) years, unless
17 a petition alleging a violation of any condition of deferred
18 judgment or seeking revocation of the suspended sentence is filed
19 during the supervision, or as otherwise provided by law. In the
20 case of a person convicted of a sex offense, supervision shall begin
21 immediately upon release from incarceration or if parole is granted
22 and shall not be limited to two (2) years. Provided further, any
23 supervision provided for in this section may be extended for a
24 period not to exceed the expiration of the maximum term or terms of

1 the sentence upon a determination by the court or the Division of
2 Probation and Parole of the Department of Corrections that the best
3 interests of the public and the release will be served by an
4 extended period of supervision.

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

11 G. 1. The Department of Corrections is hereby authorized,
12 subject to funds available through appropriation by the Legislature,
13 to contract with counties for the administration of county Community
14 Service Sentencing Programs.

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

20 3. The Department shall establish criteria and specifications
21 for contracts with counties for such Programs. A county may apply
22 to the Department for a contract for a county-funded Program for a
23 specific period of time. The Department shall be responsible for
24 ensuring that any contracting county complies in full with

1 specifications and requirements of the contract. The contract shall
2 set appropriate compensation to the county for services to the
3 Department.

4 4. The Department is hereby authorized to provide technical
5 assistance to any county in establishing a Program, regardless of
6 whether the county enters into a contract pursuant to this
7 subsection. Technical assistance shall include appropriate
8 staffing, development of community resources, sponsorship,
9 supervision and any other requirements.

10 5. The Department shall annually make a report to the Governor,
11 the President Pro Tempore of the Senate and the Speaker of the House
12 on the number of such Programs, the number of participating
13 offenders, the success rates of each Program according to criteria
14 established by the Department and the costs of each Program.

15 H. As used in this section:

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

21 2. "Electronically monitored home detention" means
22 incarceration of the defendant within a specified location or
23 locations with monitoring by means of a device approved by the
24

1 Department of Corrections that detects if the person leaves the
2 confines of any specified location; and

3 3. "Victims impact panel program" means a program conducted by
4 a corporation registered with the Secretary of State in Oklahoma for
5 the sole purpose of operating a victims impact panel program. The
6 program shall include live presentations from presenters who will
7 share personal stories with participants about how alcohol, drug
8 abuse, the operation of a motor vehicle while using an electronic
9 communication device or the illegal conduct of others has personally
10 impacted the lives of the presenters. A victims impact panel
11 program shall be attended by persons who have committed the offense
12 of driving, operating or being in actual physical control of a motor
13 vehicle while under the influence of alcohol or other intoxicating
14 substance, operating a motor vehicle while the ability of the person
15 to operate such vehicle was impaired due to the consumption of
16 alcohol or any other substance or operating a motor vehicle while
17 using an electronic device or by persons who have been convicted of
18 furnishing alcoholic beverage to persons under twenty-one (21) years
19 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the
20 Oklahoma Statutes. Persons attending a victims impact panel program
21 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to
22 the provider of the program. A certificate of completion shall be
23 issued to the person upon satisfying the attendance and fee
24 requirements of the victims impact panel program. The certificate

1 of completion shall contain the business identification number of
2 the program provider. A certified assessment agency, certified
3 assessor or provider of an alcohol and drug substance abuse course
4 shall be prohibited from providing a victims impact panel program
5 and shall further be prohibited from having any proprietary or
6 pecuniary interest in a victims impact panel program. The provider
7 of the victims impact panel program shall carry general liability
8 insurance and maintain an accurate accounting of all business
9 transactions and funds received in relation to the victims impact
10 panel program. Beginning October 1, 2020, and each October 1
11 thereafter, the provider of the victims impact panel program shall
12 provide to the District Attorneys Council the following:

- 13 a. proof of registration with the Oklahoma Secretary of
14 State,
- 15 b. proof of general liability insurance,
- 16 c. end-of-year financial statements prepared by a
17 certified public accountant,
- 18 d. a copy of federal income tax returns filed with the
19 Internal Revenue Service,
- 20 e. a registration fee of One Thousand Dollars
21 (\$1,000.00). The registration fee shall be deposited
22 in the District Attorneys Council Revolving Fund
23 created in Section 215.28 of Title 19 of the Oklahoma
24 Statutes, and

1 f. a statement certifying that the provider of the
2 victims impact panel program has complied with all of
3 the requirements set forth in this paragraph.

4 I. A person convicted of a felony offense or receiving any form
5 of probation for an offense in which registration is required
6 pursuant to the Sex Offenders Registration Act, shall submit to
7 deoxyribonucleic acid (DNA) testing for law enforcement
8 identification purposes in accordance with Section 150.27 of Title
9 74 of the Oklahoma Statutes and the rules promulgated by the
10 Oklahoma State Bureau of Investigation for the OSBI Combined DNA
11 Index System (CODIS) Database. Subject to the availability of
12 funds, any person convicted of a misdemeanor offense of assault and
13 battery, domestic abuse, stalking, possession of a controlled
14 substance prohibited under the Uniform Controlled Dangerous
15 Substances Act, outraging public decency, resisting arrest, escape
16 or attempting to escape, eluding a police officer, Peeping Tom,
17 pointing a firearm, threatening an act of violence, breaking and
18 entering a dwelling place, destruction of property, negligent
19 homicide or causing a personal injury accident while driving under
20 the influence of any intoxicating substance, or any alien unlawfully
21 present under federal immigration law, upon arrest, shall submit to
22 DNA testing for law enforcement identification purposes in
23 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes
24 and the rules promulgated by the Oklahoma State Bureau of

1 Investigation for the OSBI Combined DNA Index System (CODIS)
2 Database. Any defendant sentenced to probation shall be required to
3 submit to testing within thirty (30) days of sentencing either to
4 the Department of Corrections or to the county sheriff or other
5 peace officer as directed by the court. Defendants who are
6 sentenced to a term of incarceration shall submit to testing in
7 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,
8 for those defendants who enter the custody of the Department of
9 Corrections or to the county sheriff, for those defendants sentenced
10 to incarceration in a county jail. Convicted individuals who have
11 previously submitted to DNA testing under this section and for whom
12 a valid sample is on file in the OSBI Combined DNA Index System
13 (CODIS) Database at the time of sentencing shall not be required to
14 submit to additional testing. Except as required by the Sex
15 Offenders Registration Act, a deferred judgment does not require
16 submission to DNA testing.

17 Any person who is incarcerated in the custody of the Department
18 of Corrections after July 1, 1996, and who has not been released
19 before January 1, 2006, shall provide a blood or saliva sample prior
20 to release. Every person subject to DNA testing after January 1,
21 2006, whose sentence does not include a term of confinement with the
22 Department of Corrections shall submit a blood or saliva sample.
23 Every person subject to DNA testing who is sentenced to unsupervised
24 probation or otherwise not supervised by the Department of

1 Corrections shall submit for blood or saliva testing to the sheriff
2 of the sentencing county.

3 J. Samples of blood or saliva for DNA testing required by
4 subsection I of this section shall be taken by employees or
5 contractors of the Department of Corrections, peace officers, or the
6 county sheriff or employees or contractors of the sheriff's office.
7 The individuals shall be properly trained to collect blood or saliva
8 samples. Persons collecting blood or saliva for DNA testing
9 pursuant to this section shall be immune from civil liabilities
10 arising from this activity. All collectors of DNA samples shall
11 ensure the collection of samples are mailed to the Oklahoma State
12 Bureau of Investigation within ten (10) days of the time the subject
13 appears for testing or within ten (10) days of the date the subject
14 comes into physical custody to serve a term of incarceration. All
15 collectors of DNA samples shall use sample kits provided by the OSBI
16 and procedures promulgated by the OSBI. Persons subject to DNA
17 testing who are not received at the Lexington Assessment and
18 Reception Center shall be required to pay a fee of Fifteen Dollars
19 (\$15.00) to the agency collecting the sample for submission to the
20 OSBI Combined DNA Index System (CODIS) Database. Any fees collected
21 pursuant to this subsection shall be deposited in the revolving
22 account or the service fee account of the collection agency or
23 department.

1 K. When sentencing a person who has been convicted of a crime
2 that would subject that person to the provisions of the Sex
3 Offenders Registration Act, neither the court nor the district
4 attorney shall be allowed to waive or exempt such person from the
5 registration requirements of the Sex Offenders Registration Act.

6 SECTION 2. AMENDATORY 22 O.S. 2021, Section 991b, is
7 amended to read as follows:

8 Section 991b. A. Whenever a sentence has been suspended by the
9 court after conviction of a person for any crime, the suspended
10 sentence of the person may not be revoked, in whole or part, for any
11 cause unless a petition setting forth the grounds for such
12 revocation is filed by the district attorney with the clerk of the
13 sentencing court and competent evidence justifying the revocation of
14 the suspended sentence is presented to the court at a hearing to be
15 held for that purpose within twenty (20) days after the entry of the
16 plea of not guilty to the petition, unless waived by both the state
17 and the defendant. The State of Oklahoma may dismiss the petition
18 without prejudice one time upon good cause shown to the court,
19 provided that any successor petition must be filed within forty-five
20 (45) days of the date of the dismissal of the petition.

21 B. Whenever a sentence has been suspended by the court after
22 conviction of a person for any crime, the suspended sentence of the
23 person may not be revoked in whole for a technical violation unless
24 a petition setting forth the grounds for such revocation is filed by

1 the district attorney with the clerk of the sentencing court and
2 competent evidence justifying the revocation of the suspended
3 sentence is presented to the court at a hearing to be held for that
4 purpose within twenty (20) days after the entry of the plea of not
5 guilty to the petition, unless waived by both the state and the
6 defendant. The State of Oklahoma may dismiss the petition without
7 prejudice one time upon good cause shown to the court; provided,
8 that any successor petition must be filed within forty-five (45)
9 days of the date of the dismissal of the petition. Any revocation
10 of a suspended sentence based on a technical violation shall not
11 exceed six (6) months for a first revocation and five (5) years for
12 a second or subsequent revocation.

13 C. "Technical violation" as used in this section means a
14 violation of the court-imposed rules and conditions of probation,
15 other than:

- 16 1. Committing or being arrested for a new crime;
- 17 2. Attempting to falsify a drug screen, or three or more failed
18 drug or alcohol screens within a three-month period;
- 19 3. Failing to pay restitution;
- 20 4. Tampering with an electronic monitoring device;
- 21 5. Failing to initially report or missing assigned reporting
22 requirements for an excess of sixty (60) days;
- 23 6. Unlawfully contacting a victim, codefendant or criminal
24 associates;

1 7. Five or more separate and distinct technical violations
2 within a ninety-day period; or

3 8. Any violation of the Specialized Sex Offender Rules.

4 D. 1. The Department of Corrections shall develop a matrix of
5 technical violations and sanctions to address violations committed
6 by persons who are being supervised by the Department. The
7 Department shall be authorized to use a violation response and
8 intermediate sanction process based on the sanction matrix to apply
9 to any technical violations of probationers. Within four (4)
10 working days of the discovery of the violation, the probation
11 officer shall initiate the violation response and intermediate
12 sanction process. The sentencing judge may authorize any
13 recommended sanctions, which may include, but are not limited to:
14 short-term jail or lockup, day treatment, program attendance,
15 community service, outpatient or inpatient treatment, monetary
16 fines, curfews, ignition interlock devices on vehicles, or a one-
17 time referral to a term of confinement of six (6) months in an
18 intermediate revocation facility operated by the Department of
19 Corrections; provided, upon approval of the district attorney, a
20 person may be sanctioned to serve additional terms of confinement in
21 an intermediate revocation facility. The probation officer shall
22 complete a sanction form, which shall specify the technical
23 violation, sanction, and the action plan to correct the noncompliant
24 behavior resulting in the technical violation. The probation

1 officer shall refer to the sanctioning matrix to determine the
2 supervision, treatment, and sanctions appropriate to address the
3 noncompliant behavior. The probation officer shall refer the
4 violation information and recommended response with a sanction plan
5 to the Department of Corrections to be heard by a hearing officer.
6 The Department of Corrections shall develop a sanction matrix,
7 forms, policies and procedures necessary to implement this
8 provision. The Department of Corrections shall establish procedures
9 to hear responses to technical violations and review sanction plans
10 including the following:

- 11 a. hearing officers shall report through a chain of
12 command separate from that of the supervising
13 probation officers,
- 14 b. the Department shall provide the offender written
15 notice of the violation, the evidence relied upon, and
16 the reason the sanction was imposed,
- 17 c. the hearing shall be held unless the offender waives
18 the right to the hearing,
- 19 d. hearings shall be electronically recorded, and
- 20 e. the Department shall provide to judges and district
21 attorneys a record of all violations and actions taken
22 pursuant to this subsection.

23 2. The hearing officer shall determine based on a preponderance
24 of the evidence whether a technical violation occurred. Upon a

1 finding that a technical violation occurred, the hearing officer may
2 order the offender to participate in the recommended sanction plan
3 or may modify the plan. Offenders who accept the sanction plan
4 shall sign a violation response sanction form, and the hearing
5 officer shall then impose the sanction. Failure of the offender to
6 comply with the imposed sanction plan shall constitute a violation
7 of the rules and conditions of supervision that may result in a
8 revocation proceeding. If an offender does not voluntarily accept
9 the recommended sanction plan, the Department shall either impose
10 the sanction and allow the offender to appeal to the district court,
11 or request a revocation proceeding as provided by law. Every
12 administrative hearing and sanction imposed by the Department shall
13 be appealable to the district court.

14 3. Absent a finding of willful nonpayment by the offender, the
15 failure of an offender to pay fines and costs may not serve as a
16 basis for revocation, excluding restitution.

17 E. 1. Where one of the grounds for revocation is the failure
18 of the defendant to make restitution as ordered, the Department of
19 Corrections shall forward to the district attorney all information
20 pertaining to the failure of the defendant to make timely
21 restitution as ordered by the court, and the district attorney shall
22 file a petition setting forth the grounds for revocation.

23 2. The defendant ordered to make restitution can petition the
24 court at any time for remission or a change in the terms of the

1 order of restitution if the defendant undergoes a change of
2 condition which materially affects the ability of the defendant to
3 comply with the order of the court.

4 3. At the hearing, if one of the grounds for the petition for
5 revocation is the failure of the defendant to make timely
6 restitution as ordered by the court, the court will hear evidence
7 and if it appears to the satisfaction of the court from such
8 evidence that the terms of the order of restitution create a
9 manifest hardship on the defendant or the immediate family of the
10 defendant, the court may cancel all or any part of the amount still
11 due, or modify the terms or method of payment; provided, however,
12 the court shall continue to prioritize an order for payments of
13 restitution to the victim to the extent feasible. Provided, if the
14 court determines that a reduction in the restitution still due is
15 warranted, the court shall equally apply the same percentage
16 reduction to any court-ordered monetary obligation owed by the
17 defendant including, but not limited to, fines, court costs and
18 costs of incarceration.

19 F. The court may revoke a portion of the sentence and leave the
20 remaining part not revoked, but suspended for the remainder of the
21 term of the sentence, and under the provisions applying to it. The
22 person whose suspended sentence is being considered for revocation
23 at the hearing shall have the right to be represented by counsel, to
24 present competent evidence in his or her own behalf and to be

1 confronted by the witnesses against the defendant. Any order of the
2 court revoking the suspended sentence, in whole or in part, shall be
3 subject to review on appeal, as in other appeals of criminal cases.
4 Provided, however, that if the crime for which the suspended
5 sentence is given was a felony, the defendant may be allowed bail
6 pending appeal. If the reason for revocation be that the defendant
7 committed a felony, the defendant shall not be allowed bail pending
8 appeal.

9 G. Notwithstanding the provisions of subsections A and B of
10 this section, when the suspended sentence of a person is being
11 considered for revocation for an offense where the penalty has
12 subsequently been lowered to a misdemeanor, the sentence shall be
13 modified to a term that does not exceed the current maximum
14 sentence.

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

17 Section 991f. A. For the purposes of any provision of Title 22
18 of the Oklahoma Statutes relating to criminal sentencing and
19 restitution orders and for the Restitution and Diversion Program:

20 1. "Restitution" means the sum to be paid by the defendant to
21 the victim of the criminal act to compensate that victim for up to
22 three times the amount of the economic loss suffered as a direct
23 result of the criminal act of the defendant;

1 2. "Victim" means any person, partnership, corporation or legal
2 entity that suffers an economic loss as a direct result of the
3 criminal act of another person; and

4 3. "Economic loss" means actual financial detriment suffered by
5 the victim consisting of medical expenses actually incurred, damage
6 to or loss of real and personal property and any other out-of-pocket
7 expenses, including loss of earnings, reasonably incurred as the
8 direct result of the criminal act of the defendant. No other
9 elements of damage shall be included as an economic loss for
10 purposes of this section.

11 B. In all criminal prosecutions and juvenile proceedings in
12 this state, ~~when~~ the court shall prioritize an order for payments of
13 restitution to the victim to the extent feasible. When the court
14 enters an order directing the offender to pay restitution to any
15 victim for economic loss or to pay to the state any fines, fees or
16 assessments, the order, for purposes of validity and collection,
17 shall not be limited to the maximum term of imprisonment for which
18 the offender could have been sentenced, nor limited to any term of
19 probation, parole, or extension thereof, nor expire until fully
20 satisfied. The court order for restitution, fines, fees or
21 assessments shall remain a continuing obligation of the offender
22 until fully satisfied, and the obligation shall not be considered a
23 debt, nor shall the obligation be dischargeable in any bankruptcy
24 proceeding. The court order shall continue in full force and effect

1 with the supervision of the state until fully satisfied, and the
2 state shall use all methods of collection authorized by law.

3 C. 1. Upon conviction for any crime wherein property has been
4 stolen, converted or otherwise unlawfully obtained, or its value
5 substantially decreased as a direct result of the crime, or wherein
6 the crime victim suffered injury, loss of income, or out-of-pocket
7 loss, the individuals criminally responsible shall be sentenced to
8 make restitution. Restitution may be ordered in addition to the
9 punishments prescribed by law.

10 2. The court shall order full restitution based upon the
11 following considerations:

- 12 a. the nature and amount of restitution shall be
13 sufficient to restore the crime victim to the
14 equivalent economic status existing prior to the
15 losses sustained as a direct result of the crime, and
16 may allow the crime victim to receive payment in
17 excess of the losses sustained; provided, the excess
18 amount of restitution shall not be more than treble
19 the actual economic loss incurred, and
- 20 b. the amount of restitution shall be established
21 regardless of the financial resources of the offender.

22 3. The court:

- 23 a. may direct the return of property to be made as soon
24 as practicable and make an award of restitution in the

1 amount of the loss of value to the property itself as
2 a direct result of the crime, including out-of-pocket
3 expenses and loss of earnings incurred as a result of
4 damage to or loss of use of the property, the cost to
5 return the property to the victim or to restore the
6 property to its pre-crime condition whichever may be
7 appropriate under the circumstances,

8 b. may order restitution in a lump sum or by such
9 schedules as may be established and thereafter
10 adjusted by agreement consistent with the order of the
11 court,

12 c. shall have the authority to amend or alter any order
13 of restitution made pursuant to this section providing
14 that the court shall state its reasons and conclusions
15 as a matter of record for any change or amendment to
16 any previous order,

17 d. may order interest upon any ordered restitution sum to
18 accrue at the rate of twelve percent (12%) per annum
19 until the restitution is paid in full. The court may
20 further order such interest to be paid to the victims
21 of the crime or proportion the interest payment
22 between the victims and the court fund, and/or the
23 Restitution and Diversion Program, in the discretion
24 of the court, and

1 e. shall consider any pre-existing orders imposed on the
2 defendant, including, but not limited to, orders
3 imposed under civil and criminal proceedings.

4 D. If restitution to more than one person, agency or entity is
5 set at the same time, the court shall establish the following
6 priorities of payment:

7 1. The crime victim or victims; and

8 2. Any other government agency which has provided reimbursement
9 to the victim as a result of the offender's criminal conduct.

10 E. 1. The district attorney's office shall present the crime
11 victim's restitution claim to the court at the time of the
12 conviction of the offender or the restitution provisions shall be
13 included in the written plea agreement presented to the court, in
14 which case, the restitution claim shall be reviewed by the judge
15 prior to acceptance of the plea agreement.

16 2. At the initiation of the prosecution of the defendant, the
17 district attorney's office shall provide all identifiable crime
18 victims with written and oral information explaining their rights
19 and responsibilities to receive restitution established under this
20 section.

21 3. The district attorney's office shall provide all crime
22 victims, regardless of whether the crime victim makes a specific
23 request, with an official request for restitution form to be
24 completed and signed by the crime victim, and to include all

1 invoices, bills, receipts, and other evidence of injury, loss of
2 earnings and out-of-pocket loss. This form shall be filed with any
3 victim impact statement to be included in the judgment and sentence.
4 Every crime victim receiving the restitution claim form shall be
5 provided assistance and direction to properly complete the form.

6 4. The official restitution request form shall be presented in
7 all cases regardless of whether the case is brought to trial. In a
8 plea bargain, the district attorney in every case where the victim
9 has suffered economic loss, shall, as a part of the plea bargain,
10 require that the offender pay restitution to the crime victim. The
11 district attorney shall be authorized to act as a clearing house for
12 collection and disbursement of restitution payments made pursuant to
13 this section, and shall assess a fee of One Dollar (\$1.00) per
14 payment received from the defendant, except when the defendant is
15 sentenced to incarceration in the Department of Corrections.

16 F. The crime victim shall provide all documentation and
17 evidence of compensation or reimbursement from insurance companies
18 or agencies of this state, any other state, or the federal
19 government received as a direct result of the crime for injury, loss
20 of earnings or out-of-pocket loss.

21 G. The court shall, upon motion by the crime victim, redact
22 from the submitted documentation all personal information relating
23 to the crime victim that does not directly and necessarily establish
24

1 the authenticity of any document or substantiate the asserted amount
2 of the restitution claim.

3 H. The unexcused failure or refusal of the crime victim to
4 provide all or part of the requisite information prior to the
5 sentencing, unless disclosure is deferred by the court, shall
6 constitute a waiver of any grounds to appeal or seek future
7 amendment or alteration of the restitution order predicated on the
8 undisclosed available information. The court shall order the
9 offender to submit either as part of the pre-sentence investigation
10 or assessment and evaluation required for a community sentence or,
11 if no pre-sentence investigation is conducted, in advance of the
12 sentencing proceeding such information as the court may direct and
13 finds necessary to be disclosed for the purpose of ascertaining the
14 type and manner of restitution to be ordered.

15 I. The willful failure or refusal of the offender to provide
16 all or part of the requisite information prior to the sentencing,
17 unless disclosure is deferred by the court shall not deprive the
18 court of the authority to set restitution or set the schedule of
19 payment. The willful failure or refusal of the offender to provide
20 all or part of the requisite information prior to the sentencing,
21 unless disclosure is deferred by the court, shall constitute a
22 waiver of any grounds to appeal or seek future amendment or
23 alteration of the restitution order predicated on the undisclosed
24 information. The willful failure or refusal of the offender to

1 provide all or part of the requisite information prior to
2 sentencing, unless disclosure is deferred by the court, shall
3 constitute an act of contempt.

4 J. The court shall conduct such hearings or proceedings as it
5 deems necessary to set restitution and payment schedules at the time
6 of sentencing or may bifurcate the sentencing and defer the hearing
7 or proceedings relating to the imposition of restitution as justice
8 may require. Amendments or alterations to the restitution order may
9 be made upon the court's own motion, petition by the crime victim or
10 petition by the offender.

11 K. An offender who files a meritless or frivolous petition for
12 amendment or alteration to the restitution order shall pay the costs
13 of the proceeding on the petition and shall have added to the
14 existing restitution order the additional loss of earnings and out-
15 of-pocket loss incurred by the crime victim in responding to the
16 petition.

17 L. The restitution request form shall be promulgated by the
18 District Attorneys Council and provided to all district attorney
19 offices.

20 M. If a defendant who is financially able refuses or neglects
21 to pay restitution as ordered by this section, payment may be
22 enforced:
23
24

1 1. By contempt of court as provided in subsection A of Section
2 566 of Title 21 of the Oklahoma Statutes with imprisonment or fine
3 or both;

4 2. In the same manner as prescribed in subsection N of this
5 section for a defendant who is without means to make such
6 restitution payment; or

7 3. Revocation of the criminal sentence if the sentence imposed
8 was a suspended or deferred sentence or a community sentence.

9 N. If the defendant is without means to pay the restitution,
10 the judge may direct the total amount due, or any portion thereof,
11 to be entered upon the court minutes and to be certified in the
12 district court of the county where it shall then be entered upon the
13 district court judgment docket and shall have the full force and
14 effect of a district court judgment in a civil case. Thereupon the
15 same remedies shall be available for the enforcement of the judgment
16 as are available to enforce other judgments; provided, however, the
17 judgment herein prescribed shall not be considered a debt nor
18 dischargeable in any bankruptcy proceeding.

19 O. Whenever a person has been ordered to pay restitution as
20 provided in this section or any section of the Oklahoma Statutes for
21 a criminal penalty, the judge may order the defendant to a term of
22 community service, with or without compensation, to be credited at a
23 rate of Five Dollars (\$5.00) per day against the total amount due
24 for restitution. If the defendant fails to perform the required

1 community service authorized by this subsection or if the conditions
2 of community service are violated, the judge may impose a term of
3 imprisonment not to exceed five (5) days in the county jail for each
4 failure to comply.

5 P. Nothing in subsections M through O of this section shall be
6 construed to be additions to the original criminal penalty, but
7 shall be used by the court as sanctions and means of collection for
8 criminal restitution orders and restitution orders that have been
9 reduced to judgment.

10 SECTION 4. This act shall become effective November 1, 2024.

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