

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE  
5 BILL NO. 283

By: Brooks, Weaver, Pederson  
and **Jech** of the Senate

6 and

7 Ford of the House

8  
9  
10 An Act relating to crimes and punishments; amending  
11 Section 141, Chapter 366, O.S.L. 2016, as amended by  
12 Section 5, Chapter 113, O.S.L. 2018 (37A O.S. Supp.  
13 2020, Section 6-101), which relates to penalties for  
14 prohibited acts; modifying penalties; amending  
15 Section 160, Chapter 366, O.S.L. 2016 (37A O.S. Supp.  
16 2020, Section 6-120), which relates to furnishing  
17 alcoholic beverage to persons under 21 years of age;  
18 requiring certain program participation for  
19 violation; amending 22 O.S. 2011, Section 991a, as  
20 last amended by Section 1, Chapter 46, O.S.L. 2020  
21 (22 O.S. Supp. 2020, Section 991a), which relates to  
22 the sentencing powers of the court; modifying  
23 inclusions; and providing an effective date.  
24

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

SECTION 1. AMENDATORY Section 141, Chapter 366, O.S.L.  
2016, as amended by Section 5, Chapter 113, O.S.L. 2018 (37A O.S.  
Supp. 2020, Section 6-101), is amended to read as follows:

Section 6-101. A. No person shall:

1        1. Knowingly sell, deliver or furnish alcoholic beverages to  
2 any person under twenty-one (21) years of age;

3        2. Sell, deliver or knowingly furnish alcoholic beverages to an  
4 intoxicated person or to any person who has been adjudged insane or  
5 mentally deficient;

6        3. Open a retail container or consume alcoholic beverages on  
7 the premises of a package store, grocery store, convenience store or  
8 drug store, unless otherwise permitted by law;

9        4. Import into this state, except as provided for in the  
10 Oklahoma Alcoholic Beverage Control Act, any alcoholic beverages;  
11 provided, that nothing herein shall prohibit the importation or  
12 possession for personal use of not more than one (1) liter of  
13 alcoholic beverages upon which the Oklahoma excise tax is  
14 delinquent;

15       5. Receive, possess or use any alcoholic beverage in violation  
16 of the provisions of the Oklahoma Alcoholic Beverage Control Act;

17       6. Knowingly transport into, within or through this state more  
18 than one (1) liter of alcoholic beverages upon which the Oklahoma  
19 excise tax has not been paid unless the person accompanying or in  
20 charge of the vehicle transporting same shall possess a true copy of  
21 a bill of lading, invoice, manifest or other document particularly  
22 identifying that alcoholic beverages are being transported and  
23 showing the name and address of the consignor and consignee;  
24 provided, this prohibition shall not apply to the first one hundred

1 eighty (180) liters of alcoholic beverages classified as household  
2 goods by military personnel, age twenty-one (21) or older, when  
3 entering Oklahoma from temporary active assignment outside the  
4 contiguous United States;

5 7. Knowingly transport in any vehicle upon a public highway,  
6 street or alley any alcoholic beverage except in the original  
7 container which shall not have been opened and the seal upon which  
8 shall not have been broken and from which the original cap or cork  
9 shall not have been removed, unless the opened container be in the  
10 rear trunk or rear compartment, which shall include the spare tire  
11 compartment in a vehicle commonly known as a station wagon and panel  
12 truck, or any outside compartment which is not accessible to the  
13 driver or any other person in the vehicle while it is in motion;

14 8. Consume spirits in public except on the premises of a  
15 licensee of the ABLE Commission who is authorized to sell or serve  
16 spirits by the individual drink, or be intoxicated in a public  
17 place. This provision shall be cumulative and in addition to  
18 existing law;

19 9. Forcibly resist lawful arrest, or by physical contact  
20 interfere with an investigation of any infringement of the Oklahoma  
21 Alcoholic Beverage Control Act or with any lawful search or seizure  
22 being made by a law enforcement officer or an employee of the ABLE  
23 Commission, when such person knows or should know that such acts are  
24

1 being performed by a state, county or municipal officer or employee  
2 of the ABLE Commission;

3 10. Manufacture, duplicate, counterfeit or in any way imitate  
4 any bottle club membership card required to be issued by the ABLE  
5 Commission without the permission of the ABLE Commission;

6 11. Consume or possess alcoholic beverages on the licensed  
7 premises of a bottle club unless such person possesses a valid  
8 membership card for that club issued by the club;

9 12. Knowingly possess any bottle club membership card required  
10 to be issued by the ABLE Commission which has been manufactured,  
11 counterfeited, imitated or in any way duplicated without the  
12 permission of the ABLE Commission; or

13 13. Knowingly and willfully permit any individual under twenty-  
14 one (21) years of age who is an invitee to the person's residence,  
15 any building, structure or room owned, occupied, leased or otherwise  
16 procured by the person or on any land owned, occupied, leased or  
17 otherwise procured by the person, to possess or consume any  
18 alcoholic beverage as defined by Section 1-103 of this title, any  
19 controlled dangerous substance as defined in the Uniform Controlled  
20 Dangerous Substances Act, or any combination thereof, in such place.

21 B. Except as provided for in subsection C of this section,  
22 punishment for violation of paragraph 13 of subsection A of this  
23 section shall be as follows:

24

1 1. Any person who is convicted of a violation of the provisions  
2 of paragraph 13 of subsection A of this section shall be deemed  
3 guilty of a misdemeanor for the first offense and be punished by a  
4 fine of not more than Five Hundred Dollars (\$500.00) and shall be  
5 required to attend a victims impact panel program as defined in  
6 Section 991a of Title 22 of the Oklahoma Statutes;

7 2. Any person who, within ten (10) years after previous  
8 convictions of a violation:

9 a. of paragraph 13 of subsection A of this section,

10 b. of the provisions of any law of another state  
11 prohibiting the offense provided for in paragraph 13  
12 of subsection A of this section, or

13 c. in a municipal criminal court of record for the  
14 violation of a municipal ordinance prohibiting the  
15 offense provided for in paragraph 13 of subsection A  
16 of this section,

17 shall be guilty of a misdemeanor and shall be punished by a fine of  
18 not more than One Thousand Dollars (\$1,000.00) and shall be required  
19 to attend a victims impact panel program as defined in Section 991a  
20 of Title 22 of the Oklahoma Statutes;

21 3. Any person who, within ten (10) years after two or more  
22 previous convictions of a violation:

23 a. of paragraph 13 of subsection A of this section,  
24

1           b.    of the provisions of any law of another state  
2                    prohibiting the offense provided for in paragraph 13  
3                    of subsection A of this section, or

4           c.    in a municipal criminal court of record for the  
5                    violation of a municipal ordinance prohibiting the  
6                    offense provided for in paragraph 13 of subsection A  
7                    of this section, or

8           d.    or any combination of two or more thereof,

9 shall be guilty of a felony and shall be punished by a fine of not  
10 more than Two Thousand Five Hundred Dollars (\$2,500.00), or by  
11 imprisonment in the custody of the Department of Corrections for not  
12 more than five (5) years, or by both such fine and imprisonment and  
13 shall be required to attend a victims impact panel program as  
14 defined in Section 991a of Title 22 of the Oklahoma Statutes.

15           C.    Any person who violates paragraph 13 of subsection A of this  
16 section, and such actions cause great bodily injury or the death of  
17 a person, shall, in addition to any other penalty provided by law,  
18 be guilty of a felony, punishable by imprisonment in the custody of  
19 the Department of Corrections for not more than five (5) years, a  
20 fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00)  
21 nor more than Five Thousand Dollars (\$5,000.00), or both such fine  
22 and imprisonment and shall be required to attend a victims impact  
23 panel program as defined in Section 991a of Title 22 of the Oklahoma  
24 Statutes.

1 D. Except as provided in subsection C of Section 6-126 of this  
2 title, any person who shall engage in any of the following and  
3 disturb the peace of any person:

4 1. In any public place, or in or upon any passenger coach,  
5 streetcar, or in or upon any other vehicle commonly used for the  
6 transportation of passengers, or in or about any depot, platform,  
7 waiting station or room, drink or otherwise consume any intoxicating  
8 liquor unless authorized by the Oklahoma Alcoholic Beverage Control  
9 Act, intoxicating substance or intoxicating compound of any kind, or  
10 inhale glue, paint or other intoxicating substance;

11 2. Be drunk or intoxicated in any public or private road, or in  
12 any passenger coach, streetcar or any public place or building, or  
13 at any public gathering, from drinking or consuming such  
14 intoxicating liquor, intoxicating substance or intoxicating compound  
15 or from inhalation of glue, paint or other intoxicating substance;  
16 or

17 3. Be drunk or intoxicated from any cause,  
18 shall be guilty of a misdemeanor, and upon conviction thereof shall  
19 be punished by a fine of not less than Ten Dollars (\$10.00), nor  
20 more than One Hundred Dollars (\$100.00) or by imprisonment for not  
21 less than five (5) days nor more than thirty (30) days or by both  
22 such fine and imprisonment.

1 SECTION 2. AMENDATORY Section 160, Chapter 366, O.S.L.  
2 2016 (37A O.S. Supp. 2020, Section 6-120), is amended to read as  
3 follows:

4 Section 6-120. A. Any person who shall sell, furnish or give  
5 alcoholic beverage to a person under twenty-one (21) years of age  
6 shall be guilty of a misdemeanor for a first violation, and upon  
7 conviction shall be fined not more than Five Hundred Dollars  
8 (\$500.00), or imprisoned in the county jail for not more than one  
9 (1) year, or by both such fine and imprisonment. Any person  
10 convicted of a second or subsequent violation shall be guilty of a  
11 felony, and shall be fined not less than Two Thousand Five Hundred  
12 Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00),  
13 or imprisoned in the State Penitentiary for not more than five (5)  
14 years, or by both such fine and imprisonment. The ABLE Commission  
15 shall revoke the license of any person convicted of a violation of  
16 this section.

17 B. Any person convicted of a violation pursuant to subsection A  
18 of this section shall be required to attend a victims impact panel  
19 program, as defined in Section 991a of Title 22 of the Oklahoma  
20 Statutes.

21 SECTION 3. AMENDATORY 22 O.S. 2011, Section 991a, as  
22 last amended by Section 1, Chapter 46, O.S.L. 2020 (22 O.S. Supp.  
23 2020, Section 991a), is amended to read as follows:

24



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

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

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

20 b. to reimburse any state agency for amounts paid by the  
21 state agency for hospital and medical expenses  
22 incurred by the victim or victims, as a result of the  
23 criminal act for which such person was convicted,  
24 which reimbursement shall be made directly to the

1 state agency, with interest accruing thereon at the  
2 rate of twelve percent (12%) per annum,

3 c. to engage in a term of community service without  
4 compensation, according to a schedule consistent with  
5 the employment and family responsibilities of the  
6 person convicted,

7 d. to pay a reasonable sum into any trust fund,  
8 established pursuant to the provisions of Sections 176  
9 through 180.4 of Title 60 of the Oklahoma Statutes,  
10 and which provides restitution payments by convicted  
11 defendants to victims of crimes committed within this  
12 state wherein such victim has incurred a financial  
13 loss,

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

16 f. to confinement as provided by law together with a term  
17 of post-imprisonment community supervision for not  
18 less than three (3) years of the total term allowed by  
19 law for imprisonment, with or without restitution;  
20 provided, however, the authority of this provision is  
21 limited to Section 843.5 of Title 21 of the Oklahoma  
22 Statutes when the offense involved sexual abuse or  
23 sexual exploitation; Sections 681, 741 and 843.1 of  
24 Title 21 of the Oklahoma Statutes when the offense

1 involved sexual abuse or sexual exploitation; and  
2 Sections 865 et seq., 885, 886, 888, 891, 1021,  
3 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and  
4 1123 of Title 21 of the Oklahoma Statutes,

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

1 this state. The "Oklahoma Reward System" means the  
2 reward program established by Section 150.18 of Title  
3 74 of the Oklahoma Statutes,

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

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

1 deposited in the OSBI Revolving Fund established by  
2 Section 150.19a of Title 74 of the Oklahoma Statutes  
3 or to the general fund wherein the other law  
4 enforcement agency is located,

5 j. to pay a reasonable sum to the Crime Victims  
6 Compensation Board, created by Section 142.2 et seq.  
7 of Title 21 of the Oklahoma Statutes, for the benefit  
8 of crime victims,

9 k. to reimburse the court fund for amounts paid to court-  
10 appointed attorneys for representing the defendant in  
11 the case in which the person is being sentenced,

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

21 m. to be placed in a victims impact panel program, as  
22 defined in subsection H of this section, or  
23 victim/offender reconciliation program and payment of  
24 a fee to the program of Seventy-five Dollars (\$75.00)

1 as set by the governing authority of the program to  
2 offset the cost of participation by the defendant.  
3 Provided, each victim/offender reconciliation program  
4 shall be required to obtain a written consent form  
5 voluntarily signed by the victim and defendant that  
6 specifies the methods to be used to resolve the  
7 issues, the obligations and rights of each person, and  
8 the confidentiality of the proceedings. Volunteer  
9 mediators and employees of a victim/offender  
10 reconciliation program shall be immune from liability  
11 and have rights of confidentiality as provided in  
12 Section 1805 of Title 12 of the Oklahoma Statutes,  
13 n. to install, at the expense of the defendant, an  
14 ignition interlock device approved by the Board of  
15 Tests for Alcohol and Drug Influence. The device  
16 shall be installed upon every motor vehicle operated  
17 by the defendant, and the court shall require that a  
18 notation of this restriction be affixed to the  
19 defendant's driver license. The restriction shall  
20 remain on the driver license not exceeding two (2)  
21 years to be determined by the court. The restriction  
22 may be modified or removed only by order of the court  
23 and notice of any modification order shall be given to  
24 the Department of Public Safety. Upon the expiration

1 of the period for the restriction, the Department of  
2 Public Safety shall remove the restriction without  
3 further court order. Failure to comply with the order  
4 to install an ignition interlock device or operating  
5 any vehicle without a device during the period of  
6 restriction shall be a violation of the sentence and  
7 may be punished as deemed proper by the sentencing  
8 court. As used in this paragraph, "ignition interlock  
9 device" means a device that, without tampering or  
10 intervention by another person, would prevent the  
11 defendant from operating a motor vehicle if the  
12 defendant has a blood or breath alcohol concentration  
13 of two-hundredths (0.02) or greater,

- 14 o. to be confined by electronic monitoring administered  
15 and supervised by the Department of Corrections or a  
16 community sentence provider, and payment of a  
17 monitoring fee to the supervising authority, not to  
18 exceed Three Hundred Dollars (\$300.00) per month. Any  
19 fees collected pursuant to this paragraph shall be  
20 deposited with the appropriate supervising authority.  
21 Any willful violation of an order of the court for the  
22 payment of the monitoring fee shall be a violation of  
23 the sentence and may be punished as deemed proper by  
24 the sentencing court. As used in this paragraph,

1 "electronic monitoring" means confinement of the  
2 defendant within a specified location or locations  
3 with supervision by means of an electronic device  
4 approved by the Department of Corrections which is  
5 designed to detect if the defendant is in the court-  
6 ordered location at the required times and which  
7 records violations for investigation by a qualified  
8 supervisory agency or person,

9 p. to perform one or more courses of treatment, education  
10 or rehabilitation for any conditions, behaviors,  
11 deficiencies or disorders which may contribute to  
12 criminal conduct, including but not limited to alcohol  
13 and substance abuse, mental health, emotional health,  
14 physical health, propensity for violence, antisocial  
15 behavior, personality or attitudes, deviant sexual  
16 behavior, child development, parenting assistance, job  
17 skills, vocational-technical skills, domestic  
18 relations, literacy, education, or any other  
19 identifiable deficiency which may be treated  
20 appropriately in the community and for which a  
21 certified provider or a program recognized by the  
22 court as having significant positive impact exists in  
23 the community. Any treatment, education or  
24 rehabilitation provider required to be certified



- 1           pursuant to law or rule shall be certified by the  
2           appropriate state agency or a national organization,
- 3       q.   to submit to periodic testing for alcohol,  
4           intoxicating substance, or controlled dangerous  
5           substances by a qualified laboratory,
- 6       r.   to pay a fee, costs for treatment, education,  
7           supervision, participation in a program, or any  
8           combination thereof as determined by the court, based  
9           upon the defendant's ability to pay the fees or costs,
- 10      s.   to be supervised by a Department of Corrections  
11           employee, a private supervision provider, or other  
12           person designated by the court,
- 13      t.   to obtain positive behavior modeling by a trained  
14           mentor,
- 15      u.   to serve a term of confinement in a restrictive  
16           housing facility available in the community,
- 17      v.   to serve a term of confinement in the county jail at  
18           night or during weekends pursuant to Section 991a-2 of  
19           this title or for work release,
- 20      w.   to obtain employment or participate in employment-  
21           related activities,
- 22      x.   to participate in mandatory day reporting to  
23           facilities or persons for services, payments, duties
- 24

1 or person-to-person contacts as specified by the  
2 court,

3 y. to pay day fines not to exceed fifty percent (50%) of  
4 the net wages earned. For purposes of this paragraph,  
5 "day fine" means the offender is ordered to pay an  
6 amount calculated as a percentage of net daily wages  
7 earned. The day fine shall be paid to the local  
8 community sentencing system as reparation to the  
9 community. Day fines shall be used to support the  
10 local system,

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

13 aa. to repair or restore property damaged by the  
14 defendant's conduct, if the court determines the  
15 defendant possesses sufficient skill to repair or  
16 restore the property and the victim consents to the  
17 repairing or restoring of the property,

18 bb. to restore damaged property in kind or payment of out-  
19 of-pocket expenses to the victim, if the court is able  
20 to determine the actual out-of-pocket expenses  
21 suffered by the victim,

22 cc. to attend a victim-offender reconciliation program if  
23 the victim agrees to participate and the offender is  
24 deemed appropriate for participation,

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

10 ee. in the case of a sex offender sentenced after November  
11 1, 1989, and required by law to register pursuant to  
12 the Sex Offender Registration Act, the court shall  
13 require the person to comply with sex offender  
14 specific rules and conditions of supervision  
15 established by the Department of Corrections and  
16 require the person to participate in a treatment  
17 program designed for the treatment of sex offenders  
18 during the period of time while the offender is  
19 subject to supervision by the Department of  
20 Corrections. The treatment program shall include  
21 polygraph examinations specifically designed for use  
22 with sex offenders for purposes of supervision and  
23 treatment compliance, and shall be administered not  
24 less than each six (6) months during the period of

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

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

17 gg. in the case of a person convicted of any false or  
18 bogus check violation, as defined in Section 1541.4 of  
19 Title 21 of the Oklahoma Statutes, impose a fee of  
20 Twenty-five Dollars (\$25.00) to the victim for each  
21 check, and impose a bogus check fee to be paid to the  
22 district attorney. The bogus check fee paid to the  
23 district attorney shall be equal to the amount  
24 assessed as court costs plus Twenty-five Dollars

1 (\$25.00) for each check upon filing of the case in  
2 district court. This money shall be deposited in the  
3 Bogus Check Restitution Program Fund as established in  
4 subsection B of Section 114 of this title.

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

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

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

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

1 a reduction in the fine, costs and costs of prosecution is  
2 warranted, the court shall equally apply the same percentage  
3 reduction to the fine, costs and costs of prosecution owed by the  
4 offender;

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

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

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

20 5. Order the defendant to reimburse the Oklahoma State Bureau  
21 of Investigation for all costs incurred by that agency for cleaning  
22 up an illegal drug laboratory site for which the defendant pleaded  
23 guilty, nolo contendere or was convicted. The court clerk shall  
24 collect the amount and may retain five percent (5%) of such monies

1 to be deposited in the Court Clerk Revolving Fund to cover  
2 administrative costs and shall remit the remainder to the Oklahoma  
3 State Bureau of Investigation to be deposited in the OSBI Revolving  
4 Fund established by Section 150.19a of Title 74 of the Oklahoma  
5 Statutes;

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

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

15 a. to participate in an alcohol and drug assessment and  
16 evaluation by an assessment agency or assessment  
17 personnel certified by the Department of Mental Health  
18 and Substance Abuse Services pursuant to Section 3-460  
19 of Title 43A of the Oklahoma Statutes and, as  
20 determined by the assessment, participate in an  
21 alcohol and drug substance abuse course or treatment  
22 program or both, pursuant to Sections 3-452 and 3-453  
23 of Title 43A of the Oklahoma Statutes,  
24

- 1           b.    to attend a victims impact panel program, as defined  
2                    in subsection H of this section, and to pay a fee of  
3                    Seventy-five Dollars (\$75.00) as set by the governing  
4                    authority of the program and approved by the court, to  
5                    the program to offset the cost of participation by the  
6                    defendant, if in the opinion of the court the  
7                    defendant has the ability to pay such fee,
- 8           c.    to both participate in the alcohol and drug substance  
9                    abuse course or treatment program, pursuant to  
10                   subparagraph a of this paragraph and attend a victims  
11                   impact panel program, pursuant to subparagraph b of  
12                   this paragraph,
- 13           d.    to install, at the expense of the person, an ignition  
14                   interlock device approved by the Board of Tests for  
15                   Alcohol and Drug Influence, upon every motor vehicle  
16                   operated by such person and to require that a notation  
17                   of this restriction be affixed to the person's driver  
18                   license at the time of reinstatement of the license.  
19                   The restriction shall remain on the driver license for  
20                   such period as the court shall determine.    The  
21                   restriction may be modified or removed by order of the  
22                   court and notice of the order shall be given to the  
23                   Department of Public Safety.  Upon the expiration of  
24                   the period for the restriction, the Department of



1 Public Safety shall remove the restriction without  
2 further court order. Failure to comply with the order  
3 to install an ignition interlock device or operating  
4 any vehicle without such device during the period of  
5 restriction shall be a violation of the sentence and  
6 may be punished as deemed proper by the sentencing  
7 court, or

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

20 8. In addition to the other sentencing powers of the court, in  
21 the case of a person convicted of prostitution pursuant to Section  
22 1029 of Title 21 of the Oklahoma Statutes, require such person to  
23 receive counseling for the behavior which may have caused such  
24 person to engage in prostitution activities. Such person may be

1 required to receive counseling in areas including but not limited to  
2 alcohol and substance abuse, sexual behavior problems, or domestic  
3 abuse or child abuse problems;

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

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

24

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

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

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

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

1 prohibit the person from accessing or using any Internet social  
2 networking website that has the potential or likelihood of allowing  
3 the sex offender to have contact with any child who is under the age  
4 of eighteen (18) years; or

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

13 B. Notwithstanding any other provision of law, any person who  
14 is found guilty of a violation of any provision of Section 761 or  
15 11-902 of Title 47 of the Oklahoma Statutes or any person pleading  
16 guilty or nolo contendere for a violation of any provision of such  
17 sections shall be ordered to participate in, prior to sentencing, an  
18 alcohol and drug assessment and evaluation by an assessment agency  
19 or assessment personnel certified by the Department of Mental Health  
20 and Substance Abuse Services for the purpose of evaluating the  
21 receptivity to treatment and prognosis of the person. The court  
22 shall order the person to reimburse the agency or assessor for the  
23 evaluation. The fee shall be the amount provided in subsection C of  
24 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation

1 shall be conducted at a certified assessment agency, the office of a  
2 certified assessor or at another location as ordered by the court.  
3 The agency or assessor shall, within seventy-two (72) hours from the  
4 time the person is assessed, submit a written report to the court  
5 for the purpose of assisting the court in its final sentencing  
6 determination. No person, agency or facility operating an alcohol  
7 and drug substance abuse evaluation program certified by the  
8 Department of Mental Health and Substance Abuse Services shall  
9 solicit or refer any person evaluated pursuant to this subsection  
10 for any treatment program or alcohol and drug substance abuse  
11 service in which such person, agency or facility has a vested  
12 interest; however, this provision shall not be construed to prohibit  
13 the court from ordering participation in or any person from  
14 voluntarily utilizing a treatment program or alcohol and drug  
15 substance abuse service offered by such person, agency or facility.  
16 If a person is sentenced to the custody of the Department of  
17 Corrections and the court has received a written evaluation report  
18 pursuant to this subsection, the report shall be furnished to the  
19 Department of Corrections with the judgment and sentence. Any  
20 evaluation report submitted to the court pursuant to this subsection  
21 shall be handled in a manner which will keep such report  
22 confidential from the general public's review. Nothing contained in  
23 this subsection shall be construed to prohibit the court from  
24 ordering judgment and sentence in the event the defendant fails or

1 refuses to comply with an order of the court to obtain the  
2 evaluation required by this subsection.

3 C. When sentencing a person convicted of a crime, the court  
4 shall first consider a program of restitution for the victim, as  
5 well as imposition of a fine or incarceration of the offender. The  
6 provisions of paragraph 1 of subsection A of this section shall not  
7 apply to defendants being sentenced upon their third or subsequent  
8 to their third conviction of a felony or, beginning January 1, 1993,  
9 to defendants being sentenced for their second or subsequent felony  
10 conviction for violation of Section 11-902 of Title 47 of the  
11 Oklahoma Statutes, except as otherwise provided in this subsection.  
12 In the case of a person being sentenced for his or her second or  
13 subsequent felony conviction for violation of Section 11-902 of  
14 Title 47 of the Oklahoma Statutes, the court may sentence the person  
15 pursuant to the provisions of paragraph 1 of subsection A of this  
16 section if the court orders the person to submit to electronically  
17 monitored home detention administered and supervised by the  
18 Department of Corrections pursuant to subparagraph e of paragraph 7  
19 of subsection A of this section. Provided, the court may waive  
20 these prohibitions upon written application of the district  
21 attorney. Both the application and the waiver shall be made part of  
22 the record of the case.

23  
24

1 D. When sentencing a person convicted of a crime, the judge  
2 shall consider any victims impact statements if submitted to the  
3 jury, or the judge in the event a jury is waived.

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

24

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

7 G. 1. The Department of Corrections is hereby authorized,  
8 subject to funds available through appropriation by the Legislature,  
9 to contract with counties for the administration of county Community  
10 Service Sentencing Programs.

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

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

24



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

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

12           H. As used in this section:

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

18           2. "Electronically monitored home detention" means  
19 incarceration of the defendant within a specified location or  
20 locations with monitoring by means of a device approved by the  
21 Department of Corrections that detects if the person leaves the  
22 confines of any specified location; and

23           3. "Victims impact panel program" means a program conducted by  
24 a corporation registered with the Secretary of State in Oklahoma for

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

1 and shall further be prohibited from having any proprietary or  
2 pecuniary interest in a victims impact panel program. The provider  
3 of the victims impact panel program shall carry general liability  
4 insurance and maintain an accurate accounting of all business  
5 transactions and funds received in relation to the victims impact  
6 panel program. Beginning October 1, 2020, and each October 1  
7 thereafter, the provider of the victims impact panel program shall  
8 provide to the District Attorneys Council the following:

- 9 a. proof of registration with the Oklahoma Secretary of  
10 State,
- 11 b. proof of general liability insurance,
- 12 c. end-of-year financial statements prepared by a  
13 certified public accountant,
- 14 d. a copy of federal income tax returns filed with the  
15 Internal Revenue Service,
- 16 e. a registration fee of One Thousand Dollars  
17 (\$1,000.00). The registration fee shall be deposited  
18 in the District Attorneys Council Revolving Fund  
19 created in Section 215.28 of Title 19 of the Oklahoma  
20 Statutes, and
- 21 f. a statement certifying that the provider of the  
22 victims impact panel program has complied with all of  
23 the requirements set forth in this paragraph.

24

1 I. A person convicted of a felony offense or receiving any form  
2 of probation for an offense in which registration is required  
3 pursuant to the Sex Offenders Registration Act, shall submit to  
4 deoxyribonucleic acid (DNA) testing for law enforcement  
5 identification purposes in accordance with Section 150.27 of Title  
6 74 of the Oklahoma Statutes and the rules promulgated by the  
7 Oklahoma State Bureau of Investigation for the OSBI Combined DNA  
8 Index System (CODIS) Database. Subject to the availability of  
9 funds, any person convicted of a misdemeanor offense of assault and  
10 battery, domestic abuse, stalking, possession of a controlled  
11 substance prohibited under Schedule IV of the Uniform Controlled  
12 Dangerous Substances Act, outraging public decency, resisting  
13 arrest, escape or attempting to escape, eluding a police officer,  
14 Peeping Tom, pointing a firearm, threatening an act of violence,  
15 breaking and entering a dwelling place, destruction of property,  
16 negligent homicide, or causing a personal injury accident while  
17 driving under the influence of any intoxicating substance, or any  
18 alien unlawfully present under federal immigration law, upon arrest,  
19 shall submit to DNA testing for law enforcement identification  
20 purposes in accordance with Section 150.27 of Title 74 of the  
21 Oklahoma Statutes and the rules promulgated by the Oklahoma State  
22 Bureau of Investigation for the OSBI Combined DNA Index System  
23 (CODIS) Database. Any defendant sentenced to probation shall be  
24 required to submit to testing within thirty (30) days of sentencing

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

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

24

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

22 K. When sentencing a person who has been convicted of a crime  
23 that would subject that person to the provisions of the Sex  
24 Offenders Registration Act, neither the court nor the district

1 attorney shall be allowed to waive or exempt such person from the  
2 registration requirements of the Sex Offenders Registration Act.

3 SECTION 4. This act shall become effective November 1, 2021.  
4

5 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
6 dated 03/25/2021 - DO PASS, As Coauthored.  
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