

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3497

By: West (Tammy)

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5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2021, Section 991a, as amended by Section 4,  
9 Chapter 310, O.S.L. 2023 (22 O.S. Supp. 2023, Section  
10 991a), which relates to sentencing powers of the  
11 court; deleting district attorney's supervision fee  
12 requirement; amending 22 O.S. 2021, Section 991c,  
13 which relates to deferred sentences; deleting  
14 district attorney's supervision fee requirement;  
15 amending 22 O.S. 2021, Section 991d, which relates to  
16 supervision fees; deleting district attorney's  
17 supervision fee requirement; and providing an  
18 effective date.

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

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

16           b. to reimburse any state agency for amounts paid by the  
17 state agency for hospital and medical expenses  
18 incurred by the victim or victims, as a result of the  
19 criminal act for which such person was convicted,  
20 which reimbursement shall be made directly to the  
21 state agency, with interest accruing thereon at the  
22 rate of twelve percent (12%) per annum,

23           c. to engage in a term of community service without  
24 compensation, according to a schedule consistent with  
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1 the employment and family responsibilities of the  
2 person convicted,

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

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

12 f. to confinement as provided by law together with a term  
13 of post-imprisonment community supervision for not  
14 less than three (3) years of the total term allowed by  
15 law for imprisonment, with or without restitution;  
16 provided, however, the authority of this provision is  
17 limited to Section 843.5 of Title 21 of the Oklahoma  
18 Statutes when the offense involved sexual abuse or  
19 sexual exploitation; Sections 681, 741 and 843.1 of  
20 Title 21 of the Oklahoma Statutes when the offense  
21 involved sexual abuse or sexual exploitation; and  
22 Sections 865 et seq., 885, 886, 888, 891, 1021,  
23 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and  
24 1123 of Title 21 of the Oklahoma Statutes,

1 g. to repay the reward or part of the reward paid by a  
2 local certified crime stoppers program and the  
3 Oklahoma Reward System. In determining whether the  
4 defendant shall repay the reward or part of the  
5 reward, the court shall consider the ability of the  
6 defendant to make the payment, the financial hardship  
7 on the defendant to make the required payment and the  
8 importance of the information to the prosecution of  
9 the defendant as provided by the arresting officer or  
10 the district attorney with due regard for the  
11 confidentiality of the records of the local certified  
12 crime stoppers program and the Oklahoma Reward System.  
13 The court shall assess this repayment against the  
14 defendant as a cost of prosecution. The term  
15 "certified" means crime stoppers organizations that  
16 annually meet the certification standards for crime  
17 stoppers programs established by the Oklahoma Crime  
18 Stoppers Association to the extent those standards do  
19 not conflict with state statutes. The term "court"  
20 refers to all municipal and district courts within  
21 this state. The "Oklahoma Reward System" means the  
22 reward program established by Section 150.18 of Title  
23 74 of the Oklahoma Statutes,  
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1 h. to reimburse the Oklahoma State Bureau of  
2 Investigation for costs incurred by that agency during  
3 its investigation of the crime for which the defendant  
4 pleaded guilty, nolo contendere or was convicted  
5 including compensation for laboratory, technical or  
6 investigation services performed by the Bureau if, in  
7 the opinion of the court, the defendant is able to pay  
8 without imposing manifest hardship on the defendant,  
9 and if the costs incurred by the Bureau during the  
10 investigation of the defendant's case may be  
11 determined with reasonable certainty,

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

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

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

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

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

1            Provided, each victim/offender reconciliation program  
2            shall be required to obtain a written consent form  
3            voluntarily signed by the victim and defendant that  
4            specifies the methods to be used to resolve the  
5            issues, the obligations and rights of each person and  
6            the confidentiality of the proceedings. Volunteer  
7            mediators and employees of a victim/offender  
8            reconciliation program shall be immune from liability  
9            and have rights of confidentiality as provided in  
10           Section 1805 of Title 12 of the Oklahoma Statutes,  
11           n.    to install, at the expense of the defendant, an  
12           ignition interlock device approved by the Board of  
13           Tests for Alcohol and Drug Influence. The device  
14           shall be installed upon every motor vehicle operated  
15           by the defendant, and the court shall require that a  
16           notation of this restriction be affixed to the  
17           defendant's driver license. The restriction shall  
18           remain on the driver license not exceeding two (2)  
19           years to be determined by the court. The restriction  
20           may be modified or removed only by order of the court  
21           and notice of any modification order shall be given to  
22           Service Oklahoma. Upon the expiration of the period  
23           for the restriction, Service Oklahoma shall remove the  
24           restriction without further court order. Failure to  
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1           comply with the order to install an ignition interlock  
2           device or operating any vehicle without a device  
3           during the period of restriction shall be a violation  
4           of the sentence and may be punished as deemed proper  
5           by the sentencing court. As used in this paragraph,  
6           "ignition interlock device" means a device that,  
7           without tampering or intervention by another person,  
8           would prevent the defendant from operating a motor  
9           vehicle if the defendant has a blood or breath alcohol  
10          concentration of two-hundredths (0.02) or greater,  
11          o. to be confined by electronic monitoring administered  
12          and supervised by the Department of Corrections or a  
13          community sentence provider, and payment of a  
14          monitoring fee to the supervising authority, not to  
15          exceed Three Hundred Dollars (\$300.00) per month. Any  
16          fees collected pursuant to this subparagraph shall be  
17          deposited with the appropriate supervising authority.  
18          Any willful violation of an order of the court for the  
19          payment of the monitoring fee shall be a violation of  
20          the sentence and may be punished as deemed proper by  
21          the sentencing court. As used in this paragraph,  
22          "electronic monitoring" means confinement of the  
23          defendant within a specified location or locations  
24          with supervision by means of an electronic device



1 approved by the Department of Corrections which is  
2 designed to detect if the defendant is in the court-  
3 ordered location at the required times and which  
4 records violations for investigation by a qualified  
5 supervisory agency or person,

6 p. to perform one or more courses of treatment, education  
7 or rehabilitation for any conditions, behaviors,  
8 deficiencies or disorders which may contribute to  
9 criminal conduct including but not limited to alcohol  
10 and substance abuse, mental health, emotional health,  
11 physical health, propensity for violence, antisocial  
12 behavior, personality or attitudes, deviant sexual  
13 behavior, child development, parenting assistance, job  
14 skills, vocational-technical skills, domestic  
15 relations, literacy, education or any other  
16 identifiable deficiency which may be treated  
17 appropriately in the community and for which a  
18 certified provider or a program recognized by the  
19 court as having significant positive impact exists in  
20 the community. Any treatment, education or  
21 rehabilitation provider required to be certified  
22 pursuant to law or rule shall be certified by the  
23 appropriate state agency or a national organization,  
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- 1 q. to submit to periodic testing for alcohol,  
2 intoxicating substance or controlled dangerous  
3 substances by a qualified laboratory,  
4 r. to pay a fee or costs for treatment, education,  
5 supervision, participation in a program or any  
6 combination thereof as determined by the court, based  
7 upon the defendant's ability to pay the fees or costs,  
8 s. to be supervised by a Department of Corrections  
9 employee, a private supervision provider or other  
10 person designated by the court,  
11 t. to obtain positive behavior modeling by a trained  
12 mentor,  
13 u. to serve a term of confinement in a restrictive  
14 housing facility available in the community,  
15 v. to serve a term of confinement in the county jail at  
16 night or during weekends pursuant to Section 991a-2 of  
17 this title or for work release,  
18 w. to obtain employment or participate in employment-  
19 related activities,  
20 x. to participate in mandatory day reporting to  
21 facilities or persons for services, payments, duties  
22 or person-to-person contacts as specified by the  
23 court,  
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1 y. to pay day fines not to exceed fifty percent (50%) of  
2 the net wages earned. For purposes of this paragraph,  
3 "day fine" means the offender is ordered to pay an  
4 amount calculated as a percentage of net daily wages  
5 earned. The day fine shall be paid to the local  
6 community sentencing system as reparation to the  
7 community. Day fines shall be used to support the  
8 local system,

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~reduction to the fine, costs and costs of prosecution owed by the~~  
2 ~~offender;~~

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

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

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

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

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

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

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

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

10 d. to install, at the expense of the person, an ignition  
11 interlock device approved by the Board of Tests for  
12 Alcohol and Drug Influence, upon every motor vehicle  
13 operated by such person and to require that a notation  
14 of this restriction be affixed to the person's driver  
15 license at the time of reinstatement of the license.  
16 The restriction shall remain on the driver license for  
17 such period as the court shall determine. The  
18 restriction may be modified or removed by order of the  
19 court and notice of the order shall be given to  
20 Service Oklahoma. Upon the expiration of the period  
21 for the restriction, Service Oklahoma shall remove the  
22 restriction without further court order. Failure to  
23 comply with the order to install an ignition interlock  
24 device or operating any vehicle without such device  
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1 during the period of restriction shall be a violation  
2 of the sentence and may be punished as deemed proper  
3 by the sentencing court, or

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

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

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

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

21           11. In addition to the other sentencing powers of the court,  
22 the court, in the case of a person convicted of abuse or neglect of  
23 a child, as defined in Section 1-1-105 of Title 10A of the Oklahoma  
24 Statutes, may require the person to undergo treatment or to

1 participate in counseling services. The defendant may be required  
2 to pay all or part of the cost of the treatment or counseling  
3 services;

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

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

18 14. In addition to the other sentencing powers of the court, in  
19 the case of a sex offender who is required by law to register  
20 pursuant to the Sex Offenders Registration Act, the court may  
21 prohibit the person from accessing or using any Internet social  
22 networking website that has the potential or likelihood of allowing  
23 the sex offender to have contact with any child who is under the age  
24 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  
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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  
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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  
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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 Oklahoma State Senate and the  
12 Speaker of the Oklahoma House of Representatives on the number of  
13 such Programs, the number of participating offenders, the success  
14 rates of each Program according to criteria established by the  
15 Department and the costs of each Program.

16 H. As used in this section:

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

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

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 an alcoholic beverage to persons under twenty-one (21)  
19 years of age, as provided in Sections 6-101 and 6-120 of Title 37A  
20 of the Oklahoma Statutes. Persons attending a victims impact panel  
21 program shall be required to pay a fee of Seventy-five Dollars  
22 (\$75.00) to the provider of the program. A certificate of  
23 completion shall be issued to the person upon satisfying the  
24 attendance and fee requirements of the victims impact panel program.

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

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

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

6 I. A person convicted of a felony offense or receiving any form  
7 of probation for an offense in which registration is required  
8 pursuant to the Sex Offenders Registration Act, shall submit to  
9 deoxyribonucleic acid (DNA) testing for law enforcement  
10 identification purposes in accordance with Section 150.27 of Title  
11 74 of the Oklahoma Statutes and the rules promulgated by the  
12 Oklahoma State Bureau of Investigation for the OSBI Combined DNA  
13 Index System (CODIS) Database. Subject to the availability of  
14 funds, any person convicted of a misdemeanor offense of assault and  
15 battery, domestic abuse, stalking, possession of a controlled  
16 substance prohibited under the Uniform Controlled Dangerous  
17 Substances Act, outraging public decency, resisting arrest, escape  
18 or attempting to escape, eluding a police officer, Peeping Tom,  
19 pointing a firearm, threatening an act of violence, breaking and  
20 entering a dwelling place, destruction of property, negligent  
21 homicide or causing a personal injury accident while driving under  
22 the influence of any intoxicating substance, or any alien unlawfully  
23 present under federal immigration law, upon arrest, shall submit to  
24 DNA testing for law enforcement identification purposes in  
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1 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes  
2 and the rules promulgated by the Oklahoma State Bureau of  
3 Investigation for the OSBI Combined DNA Index System (CODIS)  
4 Database. Any defendant sentenced to probation shall be required to  
5 submit to testing within thirty (30) days of sentencing either to  
6 the Department of Corrections or to the county sheriff or other  
7 peace officer as directed by the court. Defendants who are  
8 sentenced to a term of incarceration shall submit to testing in  
9 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,  
10 for those defendants who enter the custody of the Department of  
11 Corrections or to the county sheriff, for those defendants sentenced  
12 to incarceration in a county jail. Convicted individuals who have  
13 previously submitted to DNA testing under this section and for whom  
14 a valid sample is on file in the OSBI Combined DNA Index System  
15 (CODIS) Database at the time of sentencing shall not be required to  
16 submit to additional testing. Except as required by the Sex  
17 Offenders Registration Act, a deferred judgment does not require  
18 submission to DNA testing.

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

1 Every person subject to DNA testing who is sentenced to unsupervised  
2 probation or otherwise not supervised by the Department of  
3 Corrections shall submit for blood or saliva testing to the sheriff  
4 of the sentencing county.

5 J. Samples of blood or saliva for DNA testing required by  
6 subsection I of this section shall be taken by employees or  
7 contractors of the Department of Corrections, peace officers, or the  
8 county sheriff or employees or contractors of the sheriff's office.  
9 The individuals shall be properly trained to collect blood or saliva  
10 samples. Persons collecting blood or saliva for DNA testing  
11 pursuant to this section shall be immune from civil liabilities  
12 arising from this activity. All collectors of DNA samples shall  
13 ensure the collection of samples are mailed to the Oklahoma State  
14 Bureau of Investigation within ten (10) days of the time the subject  
15 appears for testing or within ten (10) days of the date the subject  
16 comes into physical custody to serve a term of incarceration. All  
17 collectors of DNA samples shall use sample kits provided by the OSBI  
18 and procedures promulgated by the OSBI. Persons subject to DNA  
19 testing who are not received at the Lexington Assessment and  
20 Reception Center shall be required to pay a fee of Fifteen Dollars  
21 (\$15.00) to the agency collecting the sample for submission to the  
22 OSBI Combined DNA Index System (CODIS) Database. Any fees collected  
23 pursuant to this subsection shall be deposited in the revolving  
24

1 account or the service fee account of the collection agency or  
2 department.

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

8 SECTION 2. AMENDATORY 22 O.S. 2021, Section 991c, is  
9 amended to read as follows:

10 Section 991c. A. Upon a verdict or plea of guilty or upon a  
11 plea of nolo contendere, but before a judgment of guilt, the court  
12 may, without entering a judgment of guilt and with the consent of  
13 the defendant, defer further proceedings upon the specific  
14 conditions prescribed by the court not to exceed a seven-year  
15 period, except as authorized under subsection B of this section.  
16 The court shall first consider restitution among the various  
17 conditions it may prescribe. The court may also consider ordering  
18 the defendant to:

- 19 1. Pay court costs;
- 20 2. Pay an assessment in lieu of any fine authorized by law for  
21 the offense;
- 22 3. Pay any other assessment or cost authorized by law;

23  
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1 4. Engage in a term of community service without compensation,  
2 according to a schedule consistent with the employment and family  
3 responsibilities of the defendant;

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

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

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

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

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

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

8 11. Any combination of the above provisions.

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

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

6 C. In addition to any conditions of supervision provided for in  
7 subsection A of this section, the court shall, in the case of a  
8 person before the court for the offense of operating or being in  
9 control of a motor vehicle while the person was under the influence  
10 of alcohol, other intoxicating substance, or a combination of  
11 alcohol and another intoxicating substance, or who is before the  
12 court for the offense of operating a motor vehicle while the ability  
13 of the person to operate such vehicle was impaired due to the  
14 consumption of alcohol, require the person to participate in an  
15 alcohol and drug substance abuse evaluation program offered by a  
16 facility or qualified practitioner certified by the Department of  
17 Mental Health and Substance Abuse Services for the purpose of  
18 evaluating the receptivity to treatment and prognosis of the person.  
19 The court shall order the person to reimburse the facility or  
20 qualified practitioner for the evaluation. The Department of Mental  
21 Health and Substance Abuse Services shall establish a fee schedule,  
22 based upon the ability of a person to pay, provided the fee for an  
23 evaluation shall not exceed Seventy-five Dollars (\$75.00). The  
24 evaluation shall be conducted at a certified facility, the office of  
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1 a qualified practitioner or at another location as ordered by the  
2 court. The facility or qualified practitioner shall, within  
3 seventy-two (72) hours from the time the person is assessed, submit  
4 a written report to the court for the purpose of assisting the court  
5 in its determination of conditions for deferred sentence. No  
6 person, agency or facility operating an alcohol and drug substance  
7 abuse evaluation program certified by the Department of Mental  
8 Health and Substance Abuse Services shall solicit or refer any  
9 person evaluated pursuant to this subsection for any treatment  
10 program or alcohol and drug substance abuse service in which the  
11 person, agency or facility has a vested interest; however, this  
12 provision shall not be construed to prohibit the court from ordering  
13 participation in or any person from voluntarily utilizing a  
14 treatment program or alcohol and drug substance abuse service  
15 offered by such person, agency or facility. Any evaluation report  
16 submitted to the court pursuant to this subsection shall be handled  
17 in a manner which will keep the report confidential from review by  
18 the general public. Nothing contained in this subsection shall be  
19 construed to prohibit the court from ordering judgment and sentence  
20 in the event the defendant fails or refuses to comply with an order  
21 of the court to obtain the evaluation required by this subsection.  
22 As used in this subsection, "qualified practitioner" means a person  
23 with at least a bachelor's degree in substance abuse treatment,  
24 mental health or a related health care field and at least two (2)

1 years of experience in providing alcohol abuse treatment, other drug  
2 abuse treatment, or both alcohol and other drug abuse treatment who  
3 is certified each year by the Department of Mental Health and  
4 Substance Abuse Services to provide these assessments. However, any  
5 person who does not meet the requirements for a qualified  
6 practitioner as defined herein, but who has been previously  
7 certified by the Department of Mental Health and Substance Abuse  
8 Services to provide alcohol or drug treatment or assessments, shall  
9 be considered a qualified practitioner provided all education,  
10 experience and certification requirements stated herein are met by  
11 September 1, 1995. The court may also require the person to  
12 participate in one or both of the following:

13 1. An alcohol and drug substance abuse course, pursuant to  
14 Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and

15 2. A victims impact panel program, as defined in subsection H  
16 of Section 991a of this title, if such a program is offered in the  
17 county where the judgment is rendered. The defendant shall be  
18 required to pay a fee of Seventy-five Dollars (\$75.00) as set by the  
19 governing authority of the program and approved by the court to the  
20 victims impact panel program to offset the cost of participation by  
21 the defendant, if in the opinion of the court the defendant has the  
22 ability to pay such fee.

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

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

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

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

15 4. No information concerning the confidential file shall be  
16 revealed or released, except upon written order of a judge of the  
17 district court or upon written request by the named defendant to the  
18 court clerk for the purpose of updating the criminal history record  
19 of the defendant with the Oklahoma State Bureau of Investigation;  
20 and

21 5. Defendants qualifying under Section 18 of this title may  
22 petition the court to have the filing of the indictment and the  
23 dismissal expunged from the public index and docket sheet. This  
24 section shall not be mutually exclusive of Section 18 of this title.  
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1       Records expunged pursuant to this subsection shall be sealed to  
2 the public but not to law enforcement agencies for law enforcement  
3 purposes. Records expunged pursuant to this subsection shall be  
4 admissible in any subsequent criminal prosecution to prove the  
5 existence of a prior conviction or prior deferred judgment without  
6 the necessity of a court order requesting the unsealing of such  
7 records.

8       E. The provisions of subsection D of this section shall be  
9 retroactive.

10       F. Whenever a judgment has been deferred by the court according  
11 to the provisions of this section, deferred judgment may not be  
12 accelerated for any technical violation unless a petition setting  
13 forth the grounds for such acceleration is filed by the district  
14 attorney with the clerk of the sentencing court and competent  
15 evidence justifying the acceleration of the judgment is presented to  
16 the court at a hearing to be held for that purpose. The hearing  
17 shall be held not more than twenty (20) days after the entry of the  
18 plea of not guilty to the petition, unless waived by both the state  
19 and the defendant. Any acceleration of a deferred sentence based on  
20 a technical violation shall not exceed ninety (90) days for a first  
21 acceleration or five (5) years for a second or subsequent  
22 acceleration.

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

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

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

13 I. The deferred judgment procedure described in this section  
14 shall not apply to defendants found guilty or who plead guilty or  
15 nolo contendere to a sex offense required by law to register  
16 pursuant to the Sex Offenders Registration Act.

17 J. All defendants who are supervised pursuant to this section  
18 shall be subject to the sanction process as established in  
19 subsection D of Section 991b of this title.

20 K. Notwithstanding the provisions of subsections F and G of  
21 this section, a person who is being considered for an acceleration  
22 of a deferred judgment for an offense where the penalty has  
23 subsequently been lowered to a misdemeanor shall only be subject to  
24



1 a judgment and sentence that would have been applicable had he or  
2 she committed the offense after July 1, 2017.

3 SECTION 3. AMENDATORY 22 O.S. 2021, Section 991d, is  
4 amended to read as follows:

5 Section 991d. A. 1. When the court orders supervision by the  
6 Department of Corrections, or the district attorney requires the  
7 Department to supervise any person pursuant to a deferred  
8 prosecution agreement, the person shall be required to pay a  
9 supervision fee of Forty Dollars (\$40.00) per month during the  
10 supervision period, unless the fee would impose an unnecessary  
11 hardship on the person. In hardship cases, the Department shall  
12 expressly waive all or part of the fee. The court shall make  
13 payment of the fee a condition of the sentence which shall be  
14 imposed whether the supervision is incident to the suspending of  
15 execution of a sentence, incident to the suspending of imposition of  
16 a sentence, or incident to the deferral of proceedings after a  
17 verdict or plea of guilty. The Department shall determine methods  
18 for payment of supervision fee, and may charge a reasonable user fee  
19 for collection of supervision fees electronically. The Department  
20 is required to report to the sentencing court any failure of the  
21 person to pay supervision fees and to report immediately if the  
22 person violates any condition of the sentence.

23 ~~2. When the court imposes a suspended or deferred sentence for~~  
24 ~~any offense and does not order supervision by the Department of~~  
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1 ~~Corrections, the offender shall be required to pay to the district~~  
2 ~~attorney a supervision fee of Forty Dollars (\$40.00) per month as a~~  
3 ~~fee to compensate the district attorney for the actual act of~~  
4 ~~supervising the offender during the applicable period of~~  
5 ~~supervision. In hardship cases, the district attorney shall~~  
6 ~~expressly waive all or part of the fee. Any fees collected by the~~  
7 ~~district attorney pursuant to this paragraph shall be deposited in~~  
8 ~~the General Revenue Fund of the State Treasury.~~

9 3. If restitution is ordered by the court in conjunction with  
10 supervision, the supervision fee will be paid in addition to the  
11 restitution ordered. In addition to the restitution payment and  
12 supervision fee, a reasonable user fee may be charged by the  
13 Department of Corrections to cover the expenses of administration of  
14 the restitution, except no user fee shall be collected by the  
15 Department when restitution payment is collected and disbursed to  
16 the victim by the office of the district attorney as provided in  
17 Section 991f of this title or Section 991f-1.1 of this title.

18 B. The Pardon and Parole Board shall require a supervision fee  
19 to be paid by the parolee as a condition of parole which shall be  
20 paid to the Department of Corrections. The Department shall  
21 determine the amount of the fee as provided for other persons under  
22 supervision by the Department.

23 C. Upon acceptance of an offender by the Department of  
24 Corrections whose probation or parole supervision was transferred to  
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1 Oklahoma through the Interstate Compact Agreement, or upon the  
2 assignment of an inmate to any community placement, a fee shall be  
3 required to be paid by the offender to the Department of Corrections  
4 as provided for other persons under supervision of the Department.

5 D. ~~Except as provided in subsection A and this subsection, all~~  
6 All fees collected pursuant to this section shall be deposited in  
7 the Department of Corrections Revolving Fund created pursuant to  
8 Section 557 of Title 57 of the Oklahoma Statutes. For the fiscal  
9 year ending June 30, 1996, fifty percent (50%) of all collections  
10 received from offenders placed on supervision after July 1, 1995,  
11 shall be transferred to the credit of the General Revenue Fund of  
12 the State Treasury until such time as total transfers equal Three  
13 Million Three Hundred Thousand Dollars (\$3,300,000.00).

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

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16 59-2-9456 GRS 12/27/23  
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