

CLEET

2026 LEGAL UPDATE

STATUTORY & CASE LAW DEVELOPMENTS FOR OKLAHOMA LAW ENFORCEMENT

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Council on Law Enforcement Education and Training



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PREFACE

By statute, 70 O.S. § 3311.5(E), the Council on Law Enforcement Education and Training (CLEET) is required to update training related to legal issues, concepts, and changes in state law annually and no later than ninety (90) days following the adjournment of a legislative session.

This document is intended to provide a practical and concise overview of legal developments that may affect Oklahoma law enforcement. It is not, and realistically could not be, a comprehensive review of every case, statutory amendment, or other legal development that may have some impact on law enforcement agencies or related private industries. A truly comprehensive review would be several hundred pages long and would probably defeat the purpose of having a legal update anyone is actually willing to read.

In deciding what to include, I focused primarily on newly enacted or amended statutes and significant court decisions that appear to have either a direct impact or a meaningful indirect connection to Oklahoma law enforcement. That necessarily required some judgment on my part. It is entirely possible that I overlooked something relevant, and reasonable people may disagree with my determination of what is or is not meaningfully related to law enforcement.

The summaries included here are intended to identify important developments and explain why they may matter to officers and agencies. They are not intended to be exhaustive legal analyses, nor should they be treated as a substitute for reading the actual statute, bill, or court opinion. Most importantly, this document is provided for educational purposes and does not constitute legal advice. When a legal issue affects an actual investigation, arrest, prosecution, employment decision, agency policy, or other specific circumstance, readers should review the controlling authority and consult their agency's legal counsel when appropriate.

Throughout this document, I have included hyperlinks to enrolled bills, statutes, court opinions, constitutional provisions, and other materials so readers can easily review the underlying authority for themselves. Oklahoma statutes and court opinions are available through the Oklahoma State Courts Network (OSCN), and enrolled bills and other legislative materials are available through official State of Oklahoma resources.

Please keep in mind that online statutory sources do not always reflect newly enacted language immediately, particularly when legislation has been enacted but has not yet reached its effective date. I have made every reasonable effort to verify the citations and hyperlinks included in this document, but with a document of this size, there is always the possibility of an incorrect citation, broken link, typographical error, or other mistake. If you find one, I genuinely appreciate you bringing it to my attention so it can be corrected.

Finally, I have tried to keep my own commentary and editorial observations to a minimum. Where I have included practical observations, interpretations, predictions, or the occasional opinion, they are intended to help explain why a particular legal development may matter in the real world. Those comments are mine alone and should not be interpreted as an official legal position or policy of CLEET, the State of Oklahoma, or any other governmental entity.

The goal of this update is simple: identify the legal developments Oklahoma law enforcement should know about, explain why they matter, and give officers and agencies a starting point for understanding how the law continues to change.

PART I — CASE LAW

1. Indian Country Jurisdiction

❖ [United States v. Hopson, 150 F.4th 1290 \(10th Cir. 2025\)](#) - Indian Country Jurisdiction - Tenth Circuit

- In this case, the Tenth Circuit held that a federal district court lacked subject-matter jurisdiction to enter a conviction for the misdemeanor offense of simple assault as a lesser-included offense of felony assault under the Major Crimes Act (18 U.S.C. § 1153). Although the defendant, an Indian, was properly indicted for a felony offense listed in the Major Crimes Act, the jury acquitted him of the felony and convicted him of misdemeanor simple assault—a crime not enumerated in the Act. The Tenth Circuit held that because misdemeanor simple assault is not one of the offenses Congress included in the Major Crimes Act, the federal court lacked jurisdiction to enter the conviction and vacated the judgment.
- Hopson has an important impact on officers investigating crimes in Indian Country. It reinforces that federal jurisdiction under the Major Crimes Act extends only to the specific offenses Congress has enumerated. Officers should continue to investigate all criminal offenses thoroughly, but they should recognize that charging decisions involving Indian defendants and Indian victims in Indian Country may depend on whether the offense falls within the Major Crimes Act or instead belongs in tribal or state court. The decision highlights the importance of early coordination with federal prosecutors when investigating crimes occurring in Indian Country.

OFFICER TAKEAWAY

Federal jurisdiction in Indian Country is offense-specific. Even when federal jurisdiction exists over the charged felony, a conviction cannot be entered for a lesser-included misdemeanor offense unless Congress has also authorized federal jurisdiction over that offense. Officers should accurately identify the parties' status, the location of the offense, and coordinate early with prosecutors to ensure the case is filed in the proper jurisdiction.

❖ [Muscogee \(Creek\) Nation v. Kunzweiler, No. 25-CV-75-GKF-JFJ \(N.D. Okla. Nov. 7, 2025\)](#) - Indian Country Jurisdiction - U.S. District Court for the Northern District of Oklahoma

- In this case, the Court addressed Oklahoma's claimed concurrent criminal jurisdiction over nonmember Indians (Indian defendants who are not members of the governing reservation tribe) for certain non-major offenses occurring within the Muscogee Reservation. In its November 7, 2025 order, the federal district court denied the Muscogee (Creek) Nation's request for a preliminary injunction. The ruling treated *Oklahoma v. Castro-Huerta's* infringement analysis as relevant, but it did not finally resolve the merits of the jurisdictional dispute.
- *Kunzweiler* highlights that jurisdictional decisions in Indian Country may require officers to identify four critical facts:
 - Where did the crime occur?
 - What is the suspect's Indian status and, if applicable, tribal citizenship?
 - What is the victim's Indian status and, if applicable, tribal citizenship?
- What offense is being investigated, including whether federal law assigns jurisdiction based on the offense or the parties' status? Because nonmember-Indian jurisdiction remains a developing area, officers should document these facts and coordinate with tribal, state, and federal prosecutors rather than assume a categorical jurisdictional rule. This ruling was a preliminary-injunction decision, not a final appellate resolution of the underlying jurisdictional issue. The Muscogee Nation appealed, and the case is pending in the Tenth Circuit as No. 26-5013.

OFFICER TAKEAWAY

Jurisdiction in Indian Country depends on the location of the offense, the Indian status and tribal citizenship of the suspect and victim, and the type of offense. *Castro-Huerta* confirms concurrent state jurisdiction over crimes committed by non-Indians against Indians. *Kunzweiler* addresses the distinct and still-developing question of state jurisdiction over certain nonmember Indians. Officers should document the relevant jurisdictional facts and coordinate with the appropriate prosecuting authorities.

❖ **Mars v. White, No. 24-6038 (10th Cir. Mar. 5, 2025) - Indian Country Jurisdiction - Tenth Circuit**

- In this case, the Tenth Circuit held that an Oklahoma prisoner had properly exhausted her federal claims challenging the State's reinstatement of her conviction after post-conviction relief had previously been granted under *McGirt v. Oklahoma*. The court reversed the federal district court's dismissal of her habeas petition and remanded the case for further proceedings. Importantly, the Tenth Circuit did not decide whether the conviction was valid or whether Oklahoma had jurisdiction. Instead, it held that the federal court should consider the prisoner's constitutional claims on their merits.
- *Mars* does not change how officers determine criminal jurisdiction in Indian Country. It is primarily a procedural case concerning federal habeas review, exhaustion of state remedies, and the effect of Oklahoma's post-*McGirt* jurisprudence on convictions that were previously vacated and later reinstated. Officers should continue following existing jurisdictional guidance established by *McGirt*, *Castro-Huerta*, and subsequent Oklahoma and federal decisions. The case is of greater significance to prosecutors, appellate attorneys, and courts than to day-to-day patrol operations.

OFFICER TAKEAWAY

Mars does not expand or limit Oklahoma's criminal jurisdiction in Indian Country. It addresses whether a federal court may consider constitutional challenges arising from the reinstatement of convictions after Oklahoma changed its post-*McGirt* jurisprudence. For officers, existing jurisdictional rules remain unchanged.

❖ **Hooper v. City of Tulsa, 71 F.4th 1270 (10th Cir. 2023) - Indian Country Jurisdiction - Tenth Circuit**

- In this case, the Tenth Circuit held that Section 14 of the Curtis Act of 1898 does not provide the City of Tulsa with continuing authority to prosecute municipal ordinance violations committed by Indians within Indian Country after Oklahoma statehood. The court concluded that although the Curtis Act granted certain powers to municipalities in Indian Territory before statehood, those provisions no longer independently authorize Tulsa to exercise criminal jurisdiction over Indians on the Muscogee (Creek) Reservation. The case was remanded for further proceedings, leaving other potential jurisdictional arguments unresolved.
- *Hooper* significantly affected municipal law enforcement agencies operating within reservation boundaries. The decision rejected Tulsa's reliance on the Curtis Act as an independent source of criminal jurisdiction over Indians and prompted municipalities to pursue other legal and intergovernmental solutions, including cross-deputization agreements and litigation concerning the effect of *Oklahoma v. Castro-Huerta*. The case also led to subsequent disputes, including *State ex rel. Stitt v. City of Tulsa*, over municipal agreements with tribal governments. Officers should continue following current agency policies and prosecutorial guidance regarding municipal enforcement involving Indian defendants in Indian Country.

OFFICER TAKEAWAY

The Curtis Act is no longer an independent source of municipal criminal jurisdiction over Indians in Indian Country. Jurisdictional questions should instead be analyzed under current federal law, including *McGirt*, *Castro-Huerta*, and subsequent Oklahoma and federal decisions. Officers should rely on current agency guidance and coordinate with prosecutors when jurisdiction is uncertain.

❖ **State ex rel. Stitt v. City of Tulsa, 2026 OK 39, No. 123368 (Okla. May 27, 2026) - Indian Country Jurisdiction - Oklahoma Supreme Court**

- In this case, the Court held that the City of Tulsa's settlement agreement with the Muscogee (Creek) Nation was unenforceable because it had not received the approvals required by 74 O.S. § 1221(D)(1). The agreement provided that Tulsa would refrain from exercising municipal criminal jurisdiction over tribal members within the Muscogee Reservation.
- The Court concluded that the agreement constituted a new intergovernmental cooperative agreement requiring approval by both the Governor and the Joint Committee on State-Tribal Relations before it could become effective. Because those approvals were never obtained, the Court issued a writ of mandamus and declared the agreement unenforceable. Importantly, the Court did not decide whether Tulsa possesses criminal jurisdiction over tribal members in Indian Country; it decided only that the agreement was invalid under Oklahoma law because it lacked the required statutory approvals.
- There is a significant impact on law enforcement executives and agencies operating in Indian Country because it clarifies that municipalities cannot independently enter into cooperative jurisdictional agreements with tribal governments without complying with Oklahoma's statutory approval process. The decision does not change existing jurisdiction under *McGirt* or subsequent federal and state cases. Instead, it reinforces that any future agreements affecting criminal jurisdiction between municipalities and tribes must receive the approvals required by state law before they are enforceable. Officers should continue to follow current jurisdictional guidance issued by their agencies and prosecutors regarding enforcement in Indian Country.

OFFICER TAKEAWAY

This case is really about governmental authority, not criminal jurisdiction. The Oklahoma Supreme Court did not determine whether Tulsa has criminal jurisdiction over tribal members. It held only that the City lacked authority to enter into the settlement agreement without the approvals required by Oklahoma law. Officers should continue to follow existing jurisdictional guidance and not assume this case changed day-to-day enforcement authority.

MAJOR TRENDS OFFICERS SHOULD WATCH

- ❖ The battle is shifting from reservation status to concurrent jurisdiction. *McGirt* answered whether the Muscogee Reservation continues to exist. *Castro-Huerta* opened a different question: even when an offense occurs in Indian Country, when may Oklahoma exercise jurisdiction anyway?
- ❖ “Indian or non-Indian” may no longer be enough. Cases such as *O'Brien* and *Kunzweiler* highlight an increasingly important distinction between a member of the governing reservation tribe and a member of another tribe. Officers should document tribal affiliation whenever it is relevant and reasonably ascertainable.
- ❖ Nonmember Indian jurisdiction is major developing battleground. Watch litigation concerning whether Oklahoma may exercise concurrent jurisdiction over, for example, a Cherokee citizen committing a non-major offense on the Muscogee Reservation. The answer may differ from a case involving a Muscogee citizen on the Muscogee Reservation.
- ❖ Concurrent jurisdiction is increasingly important. The question may not always be “Which one sovereign has jurisdiction?” Multiple sovereigns may possess authority. Officers should therefore focus on identifying potential jurisdiction and coordinating with the appropriate prosecuting authorities rather than assuming Indian Country automatically eliminates state authority.

- ❖ The offense itself matters. *Hopson* demonstrates that jurisdiction cannot be determined solely from geography and Indian status. Federal statutes such as the Major Crimes Act confer jurisdiction over particular offenses. Officers must accurately identify the underlying criminal conduct.
- ❖ Municipal jurisdiction remains unsettled and important. Tulsa continues to be at the center of litigation concerning municipal prosecution within reservation boundaries. *Hooper*, *O'Brien*, *Kunzweiler*, and *State ex rel. Stitt* illustrate different aspects of the continuing dispute over municipal, state, and tribal authority.
- ❖ Cooperation remains essential while the courts sort this out. Cross-deputization, cooperative agreements, communication among agencies, and early prosecutorial consultation remain critical. Jurisdictional uncertainty should not become investigative paralysis. Officers should preserve evidence, identify all potentially relevant jurisdictional facts, and determine the appropriate prosecuting authority as early as possible.

SUGGESTED JURISDICTIONAL ANALYSIS

Step	Question	What to Determine	Why It Matters	Key Case Law
1. WHERE?	Did it occur in Indian Country?	Identify whether the location is Indian Country and which reservation .	Reservation status determines whether the special federal/tribal jurisdictional framework is implicated.	<i>McGirt v. Oklahoma (2020)</i> — Muscogee Reservation remains Indian Country.
2. SUSPECT?	Is the suspect Indian or non-Indian?	Determine Indian status. If Indian, identify tribal citizenship/membership .	The suspect's status can fundamentally change which sovereigns may prosecute.	<i>McGirt</i> — Indian defendant; <i>Castro-Huerta (2022)</i> — non-Indian defendant; <i>O'Brien (2024)</i> & <i>Kunzweiler (2025)</i> — nonmember Indian issues.
3. VICTIM?	Is the victim Indian or non-Indian?	Determine the victim's Indian status and, where relevant, tribal affiliation.	Suspect/victim combinations affect state, federal, and tribal jurisdiction.	<i>Castro-Huerta</i> — State and federal government have concurrent jurisdiction over non-Indian → Indian crimes.
4. WHAT CRIME?	What offense occurred?	Determine whether it is a Major Crimes Act offense , other federal offense, state crime, or municipal violation.	Federal jurisdiction is statutory and can be offense-specific .	<i>Hopson</i> limits of Major Crimes Act jurisdiction; <i>Hooper</i> - municipal violations/Curtis Act.
5. WHO CAN PROSECUTE?	Which sovereign has jurisdiction?	Consider Tribal • Federal • State • Municipal • Concurrent authority.	Indian Country jurisdiction may involve more than one sovereign .	<i>Castro-Huerta</i> — concurrent state/federal jurisdiction; <i>O'Brien & Kunzweiler</i> — developing state jurisdiction over nonmember Indians; <i>State ex rel. Stitt v. City of Tulsa (2026)</i> — limits on local intergovernmental jurisdictional agreements.

2. Use of Force

❖ Estate of Ward v. Lucero, No. 25-1224 (10th Cir. June 10, 2026) - Use of Force and Detention of Witnesses - Tenth Circuit

- In this case, the Tenth Circuit affirmed the denial of qualified immunity to several sheriff's deputies arising from a fatal officer-involved shooting and the subsequent detention of the decedent's mother. Accepting the district court's factual findings for purposes of the appeal, the court concluded a reasonable jury could find that the decedent did not resist, attempt to flee, reach for an officer's firearm, or pose an immediate threat when deadly force was used. The court also held that a reasonable jury could find deputies lacked probable cause or other lawful authority to detain the decedent's mother for several hours or seize her vehicle and cell phone after the shooting. Because the officers' appeal largely challenged the district court's factual findings rather than presenting purely legal issues, the Tenth Circuit dismissed those portions of the appeal for lack of jurisdiction and otherwise affirmed the denial of qualified immunity.
- Ward reinforces two important Fourth Amendment principles.
 - First, officers must be able to articulate an objectively reasonable basis for using deadly force under the totality of the circumstances.
 - Second, witnesses and family members at a crime scene cannot be detained indefinitely simply because they are present during a critical incident. Officers must have a lawful basis, such as probable cause, reasonable suspicion where applicable, community caretaking authority (where recognized), or another legal justification to continue detaining a witness or seize the witness's property. The case also reminds officers that appellate courts generally will not reweigh disputed facts when reviewing qualified immunity on an interlocutory appeal.
- Because the case arose on interlocutory review of a denial of qualified immunity, the Tenth Circuit was required to accept the district court's properly identified factual assumptions and did not determine whose version of the disputed encounter was ultimately true.

OFFICER TAKEAWAY

Officer-involved shootings often create two separate Fourth Amendment issues: the use of force itself and the treatment of witnesses afterward. Once the immediate threat has ended, officers must have an independent legal basis to continue detaining witnesses or seizing their property. Thoroughly document the reason for any continued detention, the duration of the detention, and the legal authority supporting any seizure of property.

❖ Burke v. Pitts, 157 F.4th 1326 (10th Cir. 2025) - Use of Force and Qualified Immunity - Tenth Circuit

- In this case, the Tenth Circuit affirmed the denial of qualified immunity to two Bartlesville police officers in an excessive force lawsuit arising from a fatal officer-involved shooting. The district court found that a reasonable jury could conclude the decedent was unarmed, not holding an object, and did not pose an immediate threat when deadly force was used.
- On appeal, the officers asked the Tenth Circuit to reject those factual findings. The court declined, holding that it lacked jurisdiction to reweigh disputed facts on an interlocutory appeal and was required to accept the district court's factual determinations unless they were blatantly contradicted by the record. Accepting those facts, the court concluded that clearly established law precluded qualified immunity.

❖ [Cruz v. City of Deming, No. 24-2091 \(10th Cir. May 28, 2025\)](#) - Use of Force - Tenth Circuit

- In this case, the Tenth Circuit held that officers were entitled to qualified immunity after using deadly force against a suspect reported to be an active shooter. Officers encountered the suspect carrying what appeared to be an AR-style rifle. Despite repeated commands to drop the weapon and get on the ground, the suspect failed to consistently comply and moved his hand on the weapon, causing officers to reasonably believe he posed an immediate threat. The court held that the officers' use of deadly force was **objectively reasonable under the totality of the circumstances** and affirmed summary judgment in their favor.
- Cruz reinforces that officers are not required to wait until a suspect points or fires a weapon before using deadly force. Courts will evaluate the facts from the perspective of a reasonable officer at the scene, including dispatch information, the suspect's actions, compliance with commands, and the immediacy of the perceived threat. The decision also confirms that body-worn camera footage may control over conflicting testimony when it clearly depicts the events.

OFFICER TAKEAWAY

When confronting an armed suspect, officers are not required to delay action until the suspect actually fires or points a weapon. **The key question is whether, under the totality of the circumstances, a reasonable officer would believe the suspect posed an imminent threat of serious bodily harm or death.** Clearly document the information known before force was used, the suspect's compliance (or lack thereof), and the specific actions that created the perceived threat.

❖ [Manning v. City of Tulsa, No. 24-5058 \(10th Cir. Mar. 30, 2026\)](#) - Use of Force and Qualified Immunity - Tenth Circuit

- In this case, the Tenth Circuit addressed the fatal 2016 shooting of Terence Crutcher by Tulsa Police Officer Betty Shelby. Shelby encountered Crutcher near his disabled SUV and believed he might be under the influence of PCP or experiencing a mental-health crisis. During the encounter, Crutcher generally kept his hands raised while walking toward his vehicle but did not consistently comply with officers' commands. When Crutcher reached the driver's side of the SUV, Shelby fired one shot, killing him, while another officer simultaneously deployed a Taser.
- Crutcher's estate brought a § 1983 excessive-force claim against Shelby. **The federal district court granted Shelby qualified immunity, concluding that the estate had not established that Shelby violated a clearly established constitutional right. The Tenth Circuit reversed, finding that the district court improperly resolved disputed facts in Shelby's favor rather than viewing the evidence in the light most favorable to Crutcher's estate, as required at the summary-judgment stage.**
- Applying the *Graham v. Connor* factors, the Tenth Circuit emphasized that the most important consideration was whether Crutcher posed an immediate threat to officers or others. Viewing the disputed evidence in the estate's favor, Crutcher was unarmed, had not committed a serious crime, had largely kept his hands raised, and had not made an aggressive movement toward Shelby. The court concluded that a reasonable jury could find that Crutcher did not pose an immediate threat when deadly force was used.
- The Tenth Circuit also rejected the district court's overly narrow approach to clearly established law. The court explained that existing precedent had already clearly established that an officer may not use deadly force against an unarmed person who does not pose an immediate threat of serious physical harm. Qualified immunity does not necessarily require a previous case involving identical facts when established precedent gives officers fair notice that the particular use of force is unconstitutional.
- Importantly, the Tenth Circuit did not hold that Shelby was ultimately liable for excessive force. Rather, it held that the disputed facts had to be viewed in the estate's favor at summary judgment and that, under that version of events, Shelby was not entitled to qualified immunity. The court therefore reversed the grant of summary judgment and remanded the excessive-force claim for further proceedings. The court separately affirmed dismissal of the estate's Monell municipal-liability claims against the City of Tulsa.

OFFICER TAKEAWAY

Officers should remember that **deadly force must be justified by the threat that reasonably exists at the moment the force is used.** A person's unusual behavior, suspected intoxication, mental-health crisis, failure to immediately follow commands, or movement toward a vehicle does not, standing alone, necessarily establish an immediate threat justifying deadly force. Officers should continually reassess the threat presented and be able to articulate specific facts demonstrating why they reasonably believed the individual posed an immediate threat of death or serious bodily harm when deadly force was used.

❖ [Bruner v. Cassidy, No. 23-6216 \(10th Cir. Jan. 8, 2026\)](#) - Excessive Force / Prone Restraint - Tenth Circuit

- In this case, the court reviewed a use-of-force incident where Oklahoma City officers struggled with a man who was suspected of trespassing and was acting erratically. Officers used several control techniques, including a taser and physical restraint, to get him handcuffed. **The key issue in the case wasn't the initial use of force, it was what happened after he was already restrained on the ground.**
- The Tenth Circuit said a jury could find that officers used too much force after the suspect was already handcuffed and no longer actively resisting. The court focused on the fact that officers kept him face-down and applied pressure to his body in a way that can restrict breathing. Because similar conduct had already been clearly ruled unconstitutional in prior cases, the officers were not protected by qualified immunity at this stage.

OFFICER TAKEAWAY

For Oklahoma law enforcement, the key point is that the justification for significant force diminishes substantially once active resistance ends and a person is subdued. Continued significant force against a restrained, nonresisting person—particularly sustained pressure while prone—may violate clearly established law, depending on the circumstances.

❖ [Ibarra v. Lee, 135 F.4th 1257 \(10th Cir. 2025\)](#) - Unlawful Arrest, Use of Force, and Qualified Immunity - Tenth Circuit

- In this case, the Tenth Circuit addressed the fatal shooting of Jorge Martinez by Rogers County Deputy Cheyenne Lee while Lee was attempting to serve Martinez with an emergency protective order. Martinez was asleep when Lee arrived at the residence. After Martinez was awakened, the encounter escalated from service of the protective order to an attempted arrest, a physical confrontation, and ultimately Lee fatally shooting Martinez. The parties disputed significant facts concerning Martinez's behavior and whether he threatened or attacked Lee before the shooting.
- Martinez's estate filed a § 1983 lawsuit alleging unlawful arrest and excessive force in violation of the Fourth Amendment. The case had previously reached the Tenth Circuit, which held that the evidence, when viewed in the estate's favor, could permit a jury to find that Lee lacked probable cause to arrest Martinez and that Martinez did not pose an immediate threat justifying deadly force. On remand, the district court determined that those constitutional violations were also clearly established and denied Lee qualified immunity. Lee appealed again.
- The Tenth Circuit affirmed the denial of qualified immunity. Viewing the disputed evidence in the plaintiff's favor, Martinez had essentially told Lee to leave but had not threatened violence or engaged in conduct providing probable cause for arrest. The court concluded that no objectively reasonable officer could have believed probable cause existed under those circumstances. The court emphasized that **service of a protective order does not itself provide authority to arrest the person being served**; officers must have an independent lawful basis for an arrest.
- The court also held that the law governing the use of deadly force was clearly established. Under the plaintiff's version of events, Martinez was not suspected of committing a crime, was not armed, and

did not pose an immediate threat to Lee when deadly force was used. The Tenth Circuit reiterated that the Constitution clearly prohibits an officer from using deadly force against a person who poses no immediate threat to the officer or others.

- Importantly, the court was not deciding whose version of the confrontation was ultimately true. Because the case was at the summary-judgment stage, the court was required to evaluate qualified immunity based on the plaintiff's version of genuinely disputed facts. Those factual disputes, including whether Martinez threatened or attacked Lee, were matters for a jury rather than issues the court could resolve in Lee's favor when deciding qualified immunity.

OFFICER TAKEAWAY

Serving a protective order does not automatically create probable cause to arrest the person being served. Officers must be able to identify an independent legal basis for any arrest or seizure that develops during service of the order. Likewise, **deadly force must be based on an objectively reasonable perception of an immediate threat of death or serious bodily harm at the time the force is used.** Verbal hostility, refusal to cooperate, or resistance does not automatically justify deadly force. Officers should continually reassess the circumstances and clearly articulate the specific conduct that created the perceived threat.

❖ [Barnes v. Felix, No. 23-1239 \(U.S. May 15, 2025\)](#) - Use of Force - U.S. Supreme Court

- Barnes is an important clarification of the Fourth Amendment framework for evaluating use of force.
- In this case, the United States Supreme Court unanimously held that courts evaluating an officer's use of force under the Fourth Amendment must consider the totality of the circumstances and may not limit review to only the instant an officer perceived a threat. The Court rejected the Fifth Circuit's "moment-of-the-threat" rule and reaffirmed *Graham v. Connor*'s totality-of-the-circumstances framework.
- Barnes is important because it confirms that relevant events leading up to the use of force may be considered as part of the Fourth Amendment totality-of-the-circumstances analysis. The decision rejects an artificial rule limiting review to the precise instant an officer perceived a threat, but it does not create a separate constitutional duty to retreat, de-escalate, or use any particular tactic. For officers and agencies, it reinforces the value of sound tactics, complete report writing, and body-worn-camera documentation that accurately captures the full encounter.

OFFICER TAKEAWAY

Force should not be evaluated by isolating only the final seconds before it was used. Courts may consider relevant circumstances throughout the encounter. Officers should clearly articulate the facts that led to the use of force, while recognizing that Barnes does not convert every pre-force tactical choice into a separate constitutional violation. The ultimate Fourth Amendment question remains objective reasonableness under the totality of the circumstances.

GRAHAM AND BARNES – WHAT BARNES CLARIFIED

Graham v. Connor (1989)	Barnes v. Felix (2025)
Established the objective reasonableness standard for evaluating force.	Reaffirms objective reasonableness as the governing standard.
Requires courts to consider the totality of the circumstances.	Clarifies that the totality of the circumstances includes the officer's actions leading up to the use of force, not just the final seconds.
Identified three primary factors: severity of the crime, immediate threat, and active resistance or flight.	Those factors still apply, and courts may consider relevant events and circumstances preceding the use of force as part of the totality of the circumstances.
Emphasized judging officers from the perspective of a reasonable officer on the scene rather than with 20/20 hindsight.	Reaffirms this principle while rejecting a rule that artificially limits the analysis to the "moment of the threat."

- *What DID NOT Change*
- *Barnes does not:*
 - Create a duty to retreat.
 - Require officers to use de-escalation.
 - Eliminate qualified immunity.
 - Change *Graham*.
 - Create a negligence standard.
- *What DID Change*
 - Barnes rejects what became known as the "moment-of-the-threat doctrine."
 - The Supreme Court held that *Graham* already requires consideration of the totality of the circumstances, and there is no basis for limiting the analysis to only the instant before force is used.
 - *Graham* gave us the rule.
 - Use only objectively reasonable force.
 - Barnes tells us how courts will apply the rule.
 - Courts may consider relevant circumstances throughout the encounter rather than artificially limiting the analysis to the final seconds before force was used.

❖ [Zorn v. Linton, 607 U.S. ___, No. 25-297 \(2026\)](#)¹ - Qualified Immunity - U.S. Supreme Court

- In this case, the U.S. Supreme Court held that a Vermont state trooper was entitled to qualified immunity after using a rear wristlock to remove a protester who refused repeated orders to leave the state capitol.
- The Court concluded that the lower court had not identified sufficiently analogous precedent clearly establishing that the particular use of the wristlock violated the Constitution. The decision emphasized that clearly established law may not be defined at a high level of generality; the precedent must give officers fair notice under sufficiently similar circumstances.
- *Zorn* reinforces the distinction between the constitutional-merits question and the qualified-immunity question. Even when a plaintiff alleges excessive force, personal liability generally requires clearly established law that placed the constitutional question beyond debate under sufficiently similar facts. Officers should continue to use objectively reasonable force and clearly document the circumstances supporting their decisions.

OFFICER TAKEAWAY

Qualified immunity remains an important protection when existing precedent did not give an officer fair notice that the particular conduct was unconstitutional. Courts must conduct the clearly established law analysis at an appropriate level of factual specificity rather than relying only on broad constitutional principles.

IMPORTANT DISTINCTIONS BETWEEN *BARNES* AND *ZORN*

• <i>Barnes v. Felix</i>	• <i>Zorn v. Linton</i>
Focuses on whether a constitutional violation occurred by requiring courts to consider the entire encounter when evaluating use of force.	Focuses on whether the officer can be held personally liable by requiring that the law be clearly established through closely analogous precedent.
Addresses the Fourth Amendment merits.	Addresses the qualified immunity defense.
Clarifies that courts may consider relevant pre-force circumstances as part of the totality of the circumstances.	Reaffirms that officers are protected unless prior case law clearly prohibited the specific conduct at issue.

¹ U.S. Reports pagination not yet available

3. Evidence

❖ [Reece v. State, 2025 OK CR 10, 575 P.3d 95](#) - Other-Crimes Evidence - Oklahoma Court of Criminal Appeals

- In this case, the Oklahoma Court of Criminal Appeals affirmed the defendant's conviction and death sentence, addressing several evidentiary issues. Relevant to law enforcement, the Court reaffirmed the requirements for admitting other-crimes evidence under 12 O.S. § 2404(B) and upheld the admission of evidence concerning the defendant's prior sexual assaults.
- The Court held that the evidence was properly admitted because it was relevant, clearly connected to the charged offense, necessary to prove disputed issues, and its probative value outweighed the danger of unfair prejudice. The Court also recognized that Oklahoma's sexual propensity statutes (12 O.S. §§ 2413 and 2414) expand the admissibility of certain evidence in qualifying cases beyond traditional Rule 404(B) principles.
- *Reece* reinforces the importance of thoroughly investigating and documenting prior acts that may later become admissible at trial. Officers should understand that evidence of prior crimes is not admissible simply to show a defendant's bad character, but it may be admissible for a legitimate evidentiary purpose under § 2404(B) or, in qualifying cases, under Oklahoma's sexual propensity statutes. Investigators should carefully document similarities between offenses, preserve corroborating evidence, and coordinate with prosecutors when prior acts may be relevant to prove motive, intent, identity, common scheme or plan, absence of mistake, or other permissible purposes.

OFFICER TAKEAWAY

Evidence of prior crimes is generally inadmissible to prove a person's character, but it may be admitted for specific purposes authorized by law. In sexual assault cases, Oklahoma law provides broader authority to admit evidence of prior sexual misconduct. Officers should thoroughly document prior incidents and preserve evidence that may establish a legally recognized connection to the charged offense.

4. Search and Seizure

❖ [Thompson v. State, 2025 OK CR 4](#) - Search and Seizure - Oklahoma Court of Criminal Appeals

- In this case, the Oklahoma Court of Criminal Appeals held that a traffic stop conducted by a Norman police officer assigned to an Oklahoma Bureau of Narcotics task force did not violate the Fourth Amendment simply because the defendant claimed the officer acted outside his statutory jurisdiction. Relying on *Virginia v. Moore*, the Court explained that the constitutionality of a search or seizure is determined by the Fourth Amendment, not by whether an officer strictly complied with Oklahoma jurisdictional statutes. Because the officer had probable cause to stop the vehicle for speeding and the subsequent search was supported by probable cause, the evidence was properly admitted.
- *Thompson* clarifies that an alleged violation of a state jurisdiction statute does not automatically require suppression of evidence under the Fourth Amendment. Officers assigned to multi-agency task forces or operating under mutual aid agreements should still understand and comply with Oklahoma jurisdictional statutes, but courts will analyze the legality of a stop or search under federal constitutional standards, not solely under state statutory authority. If an officer has probable cause or reasonable suspicion and otherwise complies with the Fourth Amendment, suppression is not required merely because of an alleged statutory jurisdiction issue.

OFFICER TAKEAWAY

A violation of a state jurisdiction statute does not automatically equal a Fourth Amendment violation. The constitutional question remains whether the stop, detention, search, or arrest was objectively reasonable under the Fourth Amendment. Officers should continue to comply with Oklahoma jurisdictional statutes, but remember that statutory authority and constitutional reasonableness are separate legal analyses.

❖ **State v. Russell, 2026 OK CR 15, No. S-2025-48 (Okla. Crim. App. Apr. 16, 2026) - Search and Seizure / Miranda Custody - Oklahoma Court of Criminal Appeals**

- In this case, the Oklahoma Court of Criminal Appeals reversed a trial court's order suppressing a suspect's statements made while officers executed a search warrant at his residence. The trial court found the suspect was in custody because he believed he was not free to leave. The OCCA held that the trial court applied the wrong legal standard. The proper inquiry is objective, **whether a reasonable person in the suspect's position would believe they were under formal arrest or restrained to the degree associated with a formal arrest.** Because the trial court relied on the suspect's subjective belief, the suppression order was reversed.
- *Russell* reinforces that the execution of a search warrant does not automatically place every occupant in Miranda custody. Officers may temporarily detain occupants to safely execute a search warrant, but **Miranda warnings are required only when the circumstances amount to a formal arrest or its functional equivalent.** Officers should carefully document the level of restraint used, whether the person was handcuffed, where the interview occurred, whether the person was told they were free to leave or not under arrest, and any other facts bearing on whether a reasonable person would have believed they were in custody.

OFFICER TAKEAWAY

A person's subjective belief that they were not free to leave does not determine Miranda custody. The question is whether a reasonable person in the same circumstances would believe they were under formal arrest or restrained to the degree associated with a formal arrest. Executing a search warrant alone does not automatically trigger Miranda.

❖ **United States v. Tyler, No. 24-6035 (10th Cir. June 16, 2025) - Prolonged Detention / K-9 Sniff - Tenth Circuit**

- In this case, the Tenth Circuit ruled that Oklahoma City police unlawfully prolonged the detention of Jonas Tyler after arresting a passenger who had an outstanding warrant. Officers had followed a vehicle connected to the wanted passenger, removed everyone from the car at gunpoint, handcuffed Tyler, and detained him while waiting for a K-9 unit to arrive. A later dog sniff led to the discovery of drugs and a firearm.
- The Tenth Circuit held that once the wanted passenger was secured and officers had no reasonable suspicion that Tyler himself was involved in criminal activity or posed a danger, the continued detention violated the Fourth Amendment. The court emphasized that police may not extend a detention simply to wait for a drug dog unless they have independent reasonable suspicion justifying the delay.
- Because Tyler should have been released once the original purpose of the stop was completed, the evidence discovered afterward should have been suppressed. The court vacated his conviction and sentence and sent the case back to the district court.
- The case is important for law enforcement because it reinforces the rule from *Rodriguez v. United States* that officers cannot unnecessarily prolong a detention to conduct a K-9 sniff without additional reasonable suspicion. Even during high-risk or narcotics-related investigations, the length and purpose of a detention must remain closely tied to the original justification for the stop or arrest.

OFFICER TAKEAWAY – RUSSELL & TYLER

Officers should remember that **a lawful detention, Miranda custody, and the permissible duration of a detention are separate constitutional questions.** *Russell* teaches that temporary detention does not automatically amount to Miranda custody, while *Tyler* emphasizes that even a lawful detention cannot be prolonged beyond its original justification without independent reasonable suspicion. **Continuously evaluate both the degree of restraint and the legal basis for continuing the detention.**

❖ **Chatrie v. United States, 609 U.S. _____, No. 25-112 (2026)² - Geofence Warrants and Digital Privacy - U.S. Supreme Court**

- In this case, the U.S. Supreme Court held that law enforcement conducts a Fourth Amendment search when it obtains a person's historical cell-phone location information from a technology company through a geofence warrant. The Court held that individuals have a reasonable expectation of privacy in records concerning their cell phone's location, even when the information covers a relatively limited period and is maintained by a third-party technology company.
- The case arose from a 2019 Virginia credit-union robbery. Investigators obtained a geofence warrant directing Google to identify devices located within approximately 150 meters of the crime scene during the relevant time period. The process initially produced anonymized location information and was progressively narrowed until Google disclosed identifying information for several users, including Chatrie.
- The Supreme Court did not decide whether the geofence warrant itself ultimately satisfied the Fourth Amendment. Instead, the Court remanded the case for the lower court to determine whether the search was reasonable, including whether the warrant's individual stages were sufficiently particularized and supported by probable cause.
- *Chatrie* represents an important extension of the digital-privacy principles recognized in *Carpenter v. United States*. The fact that location information is maintained by a third-party technology provider does not, by itself, eliminate an individual's reasonable expectation of privacy in that information. Investigators seeking geofence or similar reverse-location warrants should therefore anticipate significant Fourth Amendment scrutiny concerning probable cause, geographic boundaries, time periods, the amount of information requested, and the procedures used to identify individual users.

OFFICER TAKEAWAY

Geofence warrants are not categorically prohibited, but the government's acquisition of protected location-history information through the geofence process constitutes a Fourth Amendment search. *Chatrie* did not hold that every geofence warrant is unconstitutional; the Court remanded for consideration of whether the particular search was reasonable. Officers and investigators should work closely with prosecutors when seeking reverse-location information and ensure applications clearly establish probable cause and narrowly define the geographic area, time period, information sought, and procedures through which identifying information will be obtained.

❖ **United States v. Rosenschein, 136 F.4th 1247 (10th Cir. 2025) - Digital Privacy / Private Search Doctrine - Tenth Circuit**

- In this case, the Tenth Circuit addressed whether a person has a reasonable expectation of privacy in files uploaded to an online chatroom. Guy Rosenschein uploaded child pornography images to Chatstep, an internet chat service. Chatstep used Microsoft's PhotoDNA technology to detect the images and automatically report them to the National Center for Missing & Exploited Children ("NCMEC"), which then referred the case to law enforcement.
- Rosenschein argued the evidence should be suppressed because the scanning of his uploads violated the Fourth Amendment. The Tenth Circuit rejected that argument and held that Chatstep and Microsoft were private companies, not government agents, so the Fourth Amendment generally did not apply to their actions. The court also ruled that Rosenschein had no reasonable expectation of

² Final U.S. Reports pagination not yet available

privacy in images he uploaded to a publicly accessible internet chatroom where he knowingly shared files with strangers online.

- The court further upheld the search warrant for Rosenschein's home and rejected claims that investigators made misleading statements in the warrant affidavit under *Franks v. Delaware*. Officers ultimately discovered approximately 21,000 images and videos of child pornography during the search.
- The case is important for law enforcement because it reinforces that automated detection systems used by internet service providers and online platforms generally do not constitute government searches when operated by private entities. It also confirms that users may have reduced Fourth Amendment privacy protections when they voluntarily share content through public or semi-public online services.

OFFICER TAKEAWAY — CHATRIE AND ROSENSCHEIN

Together, *Chatrie* and *Rosenschein* illustrate an important boundary in Fourth Amendment digital privacy. *Chatrie* emphasizes that individuals may retain a reasonable expectation of privacy in sensitive digital information held by a third-party technology provider, particularly historical location data, and that government acquisition of such information constitutes a Fourth Amendment search.

By contrast, *Rosenschein* demonstrates that privacy protections may be significantly reduced when an individual voluntarily shares digital content through an online platform and that searches or automated detection performed independently by private technology companies generally do not constitute government searches.

For officers, the key distinction is **how the information was obtained and the user's reasonable expectation of privacy in it**: government acquisition of private digital data generally requires careful Fourth Amendment analysis, while information voluntarily exposed to others or independently discovered by a private provider may receive substantially less constitutional protection.

5. Criminal Procedure

❖ [State v. Diaz, 2025 OK CR 2, 564 P.3d 103](#) - Felon in Possession / Air-Powered Weapons - Oklahoma Court of Criminal Appeals

- In *State v. Diaz*, the Oklahoma Court of Criminal Appeals held that the air-powered BB pistol at issue fell within the prohibition in Oklahoma's felon-in-possession statute, 21 O.S. § 1283(A). The Court relied on the statutory text and legislative purpose and concluded that the trial court erred in dismissing the charge. The decision also rejected the narrower approach reflected in older precedent.
- *Diaz* directly affects Oklahoma firearm investigations. Officers should not assume that an air-powered or imitation pistol falls outside § 1283 merely because it does not use gunpowder. Investigators should document the weapon's design, method of operation, condition, and other characteristics and apply the specific statutory language in effect at the time of the offense.

OFFICER TAKEAWAY

- A convicted felon may not lawfully possess an air-powered BB gun or similar air-powered weapon if it falls within the statutory definition of a firearm under Oklahoma law. Officers should not assume that only traditional powder-fired weapons support a charge under 21 O.S. § 1283(A). Carefully document the type of weapon recovered and how it operates.

6. Administrative Law

❖ **Bailey v. State ex rel. Service Oklahoma, 2025 OK 34, 572 P.3d 1026 - Administrative Procedure / DUI Revocation - Oklahoma Supreme Court**

- In this case, the Oklahoma Supreme Court upheld the revocation of Treyton Bailey's driver's license after his DUI arrest, even though the blood test result was excluded because of a chain-of-custody problem. Bailey argued that Service Oklahoma lacked authority to mail revocation notices by regular mail, that the notice process violated due process without formal proof of mailing, and that the revocation could not stand without a valid chemical test result.
- The court rejected all three arguments. It held that Service Oklahoma has authority to send revocation notices by regular mail, that due process was satisfied because Bailey admittedly received the notice and filed an appeal, and that a license revocation can still be based on an officer's sworn report and other evidence of intoxication even when the chemical test result is excluded. The court affirmed the district court's order sustaining Bailey's license revocation.

OFFICER TAKEAWAY

This case confirms that DUI revocations do not automatically fail simply because a blood test becomes inadmissible. Officers' observations, properly documented field sobriety testing, and other evidence can independently support administrative license revocation proceedings.

❖ **NonDoc Media & William W. Savage III v. State ex rel. Board of Regents of the University of Oklahoma, 2026 OK 2, 582 P.3d 1142 - Attorney-Client Privilege and Open Records - Oklahoma Supreme Court**

- In this case, the Oklahoma Supreme Court held that investigative reports prepared by outside legal counsel for the University of Oklahoma were protected from disclosure by the attorney-client privilege. The Court concluded that the privilege does not expire simply because the underlying investigation or litigation has concluded. It further held that the University did not waive the privilege by providing the reports to law enforcement under a joint-interest agreement or by making limited disclosures required during Title IX proceedings. Because the reports were protected by the attorney-client privilege, the Court affirmed summary judgment in favor of the University.
- This decision is significant for law enforcement agencies, agency attorneys, and internal affairs investigators. It confirms that legal investigations conducted by or for a governmental entity remain protected by the attorney-client privilege even after the investigation has ended. The decision also recognizes that sharing privileged materials with law enforcement pursuant to a joint-interest agreement does not necessarily waive the privilege. Agencies conducting sensitive internal investigations should continue to involve legal counsel early, maintain the confidentiality of privileged communications, and carefully document any limited disclosures made pursuant to joint-interest agreements or legal obligations.

OFFICER TAKEAWAY

Attorney-client privilege protects confidential legal advice and investigative reports prepared for a public agency, even after the investigation has concluded. Sharing privileged materials with law enforcement under a joint-interest agreement or making limited disclosures required by law does not automatically waive the privilege.

❖ **Lawson v. LeFlore County Detention Center Public Trust Security Commission, 2025 OK 87, 584 P.3d 1162 - Open Records - Oklahoma Supreme Court**

- In this case, the Oklahoma Supreme Court held that a county jail operated by a public trust is not a "law enforcement agency" as that term is defined in the Oklahoma Open Records Act. Although the jail trust is a "public body" subject to the Act, it is not charged with enforcing criminal laws or initiating criminal prosecutions and therefore cannot rely on the discretionary disclosure provisions available to law enforcement agencies under 51 O.S. § 24A.8. As a result, the Court reversed the district court's summary judgment in favor of the jail trust.
- Lawson has a significant impact on county jail trusts, records custodians, sheriffs, and agency counsel. Public trust-operated detention centers may no longer automatically withhold records by claiming the Open Records Act's law enforcement exemption. Instead, they must analyze requests under the disclosure requirements applicable to public bodies unless another statutory exemption applies. The decision emphasizes that an entity's duties—not merely its relationship with a sheriff's office—determine whether it qualifies as a "law enforcement agency" under the Act.

OFFICER TAKEAWAY

A county jail operated by a public trust is subject to the Oklahoma Open Records Act but is not automatically entitled to the Act's law enforcement records exemption. Jail administrators and records custodians should carefully review records requests and consult legal counsel before withholding records under § 24A.

❖ **Gray Media Group, Inc. v. Comanche County Facilities Authority, 2026 OK 12, No. 122685 (comp. with No. 122806) (Okla. Mar. 3, 2026) - Open Records - Oklahoma Supreme Court**

- In this case, the Oklahoma Supreme Court held that the Comanche County Facilities Authority, a public trust operating the Comanche County Detention Center, is not a "law enforcement agency" under the Oklahoma Open Records Act. Relying on its earlier decision in *Lawson v. LeFlore County Detention Center Public Trust*, discussed above, the Court concluded that although the detention center is a public body subject to the Open Records Act, it is not charged with enforcing criminal laws or initiating criminal prosecutions and therefore cannot rely on the law enforcement records exemption found in 51 O.S. § 24A.8. The Court reversed the district court's judgment and remanded the case for further proceedings.
- This case reinforces that public trust-operated detention centers generally may not withhold records by claiming they are law enforcement agencies under the Open Records Act. Jail administrators, records custodians, sheriffs, and agency counsel should carefully evaluate Open Records requests because a detention center's performance of security or investigative functions does not, by itself, qualify the entity as a "law enforcement agency" under the Act. Requests for surveillance video, reports, and other detention center records must be analyzed under the Open Records Act using the standards applicable to public bodies unless another statutory exemption applies.

OFFICER TAKEAWAY

A public trust operating a county detention center is generally subject to the Open Records Act but is not considered a "law enforcement agency" for purposes of the Act's law enforcement exemption. Detention centers should not automatically deny records requests under § 24A.8 and should consult legal counsel when determining whether another exemption applies.

❖ **Brooke v. Reed, 2025 OK 86, 581 P.3d 86 - Open Records - Oklahoma Supreme Court**

- In this case, the Oklahoma Supreme Court held that the Oklahoma Open Records Act does not require a public body to produce emails in their native electronic format containing embedded metadata. The Court concluded that although emails maintained electronically are public records, the Act does not require agencies to disclose the underlying metadata or provide records in a specific electronic format. A public body satisfies the Open Records Act by providing reasonable access to the records in a usable format, such as PDF, unless another law requires production in a different format. The Court vacated the Court of Civil Appeals' decision and affirmed the district court's judgment in favor of the Oklahoma State Department of Health.
- This case provides important guidance for Oklahoma law enforcement agencies responding to Open Records requests. Agencies are not required to produce emails or other electronic records in their native format simply because metadata exists. Officers, records custodians, and agency counsel should understand that while the contents of electronic records remain subject to disclosure under the Open Records Act, the Act generally does not require disclosure of embedded metadata. This decision reduces the administrative burden associated with responding to requests for native electronic files while reinforcing the obligation to provide reasonable access to public records.

OFFICER TAKEAWAY

The Oklahoma Open Records Act requires disclosure of public records—not necessarily their native electronic format or embedded metadata. Agencies generally satisfy the Act by providing records in a reasonable, accessible format, such as PDF, unless another law specifically requires otherwise.

❖ **State v. Armstrong, 2025 OK CR 3 - Implied Consent / Refusal Evidence - Oklahoma Court of Criminal Appeals**

- In this case, the Oklahoma Court of Criminal Appeals held that evidence of a driver's refusal to submit to a breath test is admissible at trial under Oklahoma's Implied Consent Law. The Court concluded that the State may introduce evidence of the refusal and argue that it is a circumstance the jury may consider when determining guilt. The trial court erred by ruling the State could not make that argument unless the defendant first testified. The Court also held that the jury should receive the applicable limiting instruction explaining how refusal evidence may be considered.
- This case is an important DUI case because it confirms that a suspect's refusal to submit to a breath test is admissible evidence that may be considered by the jury along with all of the other evidence in the case.

OFFICER TAKEAWAY

A driver's refusal to submit to a breath test may be introduced as evidence at trial and argued by the prosecution as a circumstance the jury may consider in determining guilt. Officers should ensure the Implied Consent process is followed and thoroughly document every refusal. Officers should continue to properly advise suspects under Oklahoma's Implied Consent Law, carefully document the request for testing, the suspect's response, and the circumstances surrounding the refusal. Accurate documentation is critical because the refusal itself may become an important piece of evidence at trial.

❖ **Brown v. City of Tulsa, 124 F.4th 1251 (10th Cir. 2025) - First Amendment Retaliation, Pleading Standards, Municipal Liability, and Qualified Immunity - Tenth Circuit**

- In this case, the Tenth Circuit held that a police officer adequately alleged a First Amendment retaliation claim after claiming he was demoted for publicly criticizing police department policies.
- The court concluded the district court improperly resolved factual issues at the motion-to-dismiss stage by weighing the employer's interests under the *Pickering* balancing test before a factual record had been developed. The court also reaffirmed that, when evaluating qualified immunity on a motion to dismiss, courts must accept the plaintiff's well-pleaded factual allegations as true.

and determine whether those allegations plausibly state a violation of clearly established constitutional rights.

- *Brown* is an important reminder for law enforcement executives and supervisors that disciplinary decisions involving an officer's speech may implicate the First Amendment. Agencies should carefully evaluate whether employee speech addresses a matter of public concern and ensure that employment actions are supported by legitimate governmental interests. The decision also reinforces that courts generally will not resolve factual disputes or weigh competing evidence at the pleading stage when considering qualified immunity.

OFFICER TAKEAWAY

When an officer alleges retaliation for protected speech, courts may allow the lawsuit to proceed if the complaint plausibly alleges a constitutional violation. Supervisors should document legitimate, non-retaliatory reasons for employment decisions, particularly when employee speech involves matters of public concern.

7. Right to Counsel

❖ [Spybuck v. State, 2025 OK CR 7, No. M-2024-132 \(Okla. Crim. App. July 3, 2025\)](#) - Right to Counsel - Oklahoma Court of Criminal Appeals

- In this case, the Oklahoma Court of Criminal Appeals reversed a misdemeanor conviction after the defendant was required to represent himself at trial despite repeatedly requesting appointed counsel. The trial court failed to determine whether the defendant was indigent, failed to appoint counsel, and never obtained a valid waiver of the right to counsel. The OCCA held that both the Sixth Amendment and Article II, § 20 of the Oklahoma Constitution guarantee the right to counsel in felony and misdemeanor prosecutions that may result in incarceration, including cases involving suspended sentences. The conviction was reversed and remanded for a new trial.
- Spybuck has limited direct impact on patrol officers because it primarily addresses judicial procedure rather than police investigations. However, it reinforces the fundamental importance of the constitutional right to counsel throughout the criminal justice process.
- Officers should continue to respect a suspect's constitutional rights during custodial interrogations and understand that criminal convictions may be overturned when the right to counsel is denied during court proceedings. The decision also reminds officers that even misdemeanor cases carrying suspended jail sentences implicate the constitutional right to appointed counsel.

OFFICER TAKEAWAY

A defendant cannot be required to proceed to trial without counsel unless the court has ensured the right to appointed counsel has been honored or the defendant has knowingly, intelligently, and voluntarily waived that right. The case underscores the importance of protecting constitutional rights throughout the criminal justice process.

EMERGING OKLAHOMA/TENTH CIRCUIT TRENDS (2025–2026)

Courts are focusing more on:

- Pre-force circumstances are receiving greater scrutiny

Following *Barnes*, courts may consider relevant events preceding the use of force as part of the totality of the circumstances, rather than isolating only the final moment. This may include how the encounter developed and what information was known to officers before force was used.

- how officers approached,

- whether escalation was avoidable,
- whether time/distance/cover existed,
- and whether officers created the danger themselves.

Continued force after control is a major liability issue

The Tenth Circuit is increasingly skeptical of:

- prolonged prone restraint,
- neck restraint,
- repeated strikes after compliance,
- and force after resistance stops.

Mental health encounters remain high-risk

Several recent opinions involve:

- impaired, emotionally disturbed, or confused individuals.

When feasible, communication, time, distance, cover, and de-escalation may be relevant circumstances in the overall reasonableness analysis. Barnes does not, however, create an independent constitutional duty to use any particular tactic or to de-escalate.

- slower tactics, communication, and de-escalation when feasible.

Qualified immunity still exists but is narrowing factually

The Tenth Circuit still protects officers in clearly reasonable force cases like:

- transport control, minimal force, and objectively justified safety measures.
 - But disputed facts increasingly survive summary judgment.

Cases Oklahoma Officers Should Watch Going Forward

- ***Simpson v. Quick*: published opinion from Oklahoma federal litigation that may become important depending on how force issues develop.**
- ***Johnson v. City of Skiatook* — useful qualified-immunity pleading case discussing objective reasonableness standards.**

BOTTOM-LINE PRACTICAL IMPACT FOR OKLAHOMA AGENCIES

The major 2025-2026 trend is that courts are increasingly examining the full factual context of an encounter rather than artificially isolating the final split second before force was used. The governing standard remains objective reasonableness under the totality of the circumstances.

That means modern litigation increasingly examines:

- tactics before force,
- communication,
- de-escalation,
- containment,
- restraint duration,
- and post-control conduct —
not just the final use of force itself.

8. Attorney General Opinions

Attorney General Opinions do not have the force of a statute or court decision, but they are binding on Oklahoma state officers and agencies unless overruled by a court or changed by the Legislature. Opinions concluding a statute is unconstitutional are advisory only and do not invalidate the law.

- ❖ [Public Access Counselor Opinion 2025-01](#) – Open Records Request – Internal Tracking No. PAC – 2025-1
 - In this Public Access Counselor Opinion, the Oklahoma Attorney General's Public Access Counselor concluded that body-worn camera footage retained solely as part of an Internal Affairs investigation remains subject to the Oklahoma Open Records Act if the agency still possesses the recording.
 - The opinion rejects the argument that footage becomes exempt from disclosure simply because it has been moved from ordinary evidence storage into an Internal Affairs file or because it has been deleted from the agency's routine body-camera server pursuant to its retention schedule.
 - If the agency still possesses the recording, it remains subject to the disclosure requirements of 51 O.S. § 24A.8(A)(10), subject to the statutory redactions and exemptions provided by law. The opinion also notes that agencies may redact the identity of an officer who is the subject of an active internal investigation, but that protection generally ends once the investigation is no longer active.
 - This opinion provides important guidance for law enforcement agencies, Internal Affairs investigators, and records custodians. Agencies cannot avoid disclosure of body-camera footage simply by transferring it into an Internal Affairs file or relying on routine retention schedules if the recording remains in the agency's possession, custody, or control. Departments should ensure that body-camera records requests are evaluated under the specific disclosure provisions governing body-worn camera recordings and should carefully apply only those redactions expressly authorized by the Open Records Act.
 - *Although Public Access Counselor opinions are advisory rather than binding judicial precedent, agencies that rely in good faith on such opinions receive statutory protection from certain Open Records Act penalties.*

OFFICER TAKEAWAY

Body-camera footage does not become exempt from the Open Records Act simply because it is retained in an Internal Affairs investigation file. If the agency still possesses the recording, it generally remains subject to disclosure under the body-camera provisions of the Open Records Act, subject to the statute's specific redactions and exemptions.

- ❖ [A.G. Opinion 2025-9 2025 OK AG 9](#) - Key Card Access and Open Records
 - In this opinion, the Attorney General concluded that a government employee key-card access log is generally a public record subject to disclosure under the Oklahoma Open Records Act. The Opinion explains that a key-card access log is a "record" under the Act and is not automatically exempt under the security or anti-terrorism provisions. If portions of the log contain exempt information, such as Social Security numbers, employee identification numbers, or details that would reveal protected security measures, the agency should redact the exempt information and disclose the remainder rather than withhold the entire record.
 - This Opinion provides important guidance for law enforcement agencies, records custodians, and public officials responding to Open Records requests. Agencies should not assume that building access logs are confidential simply because they relate to government facilities or security. Instead, agencies must evaluate whether a specific statutory exemption applies and, when feasible, redact exempt information while releasing the nonexempt portions of the record. The Opinion reinforces Oklahoma's strong policy favoring public access to government records while recognizing the need to protect legitimately sensitive security information.

OFFICER TAKEAWAY

Government key-card access logs are generally subject to the Open Records Act. Agencies should carefully review the records for exempt security or personal information, redact what is protected by law, and produce the remainder rather than denying the request outright

❖ [AG Opinion 2025-11 2025 OK AG 11](#) - Oklahoma Highway Patrol Authority

- In this opinion, the Attorney General concluded that the Oklahoma Highway Patrol (OHP) has a mandatory statutory duty to serve as the primary law enforcement authority for traffic-related offenses and traffic collision investigations on Oklahoma's Interstate Highway System under 47 O.S. § 2-117(D)(2). While county sheriffs, municipal police departments, and other peace officers retain concurrent authority to enforce the law on interstate highways, the Opinion concludes that the Department of Public Safety may not discontinue or abandon OHP's primary patrol responsibilities in favor of local law enforcement. The Opinion further states that the Governor, as the chief executive officer of the Department of Public Safety, is responsible for ensuring OHP fulfills its statutory duties.
- This Opinion clarifies the respective roles of the Oklahoma Highway Patrol and local law enforcement agencies on Oklahoma's interstate highways. It confirms that local agencies continue to possess authority to enforce criminal and traffic laws on the interstates, but OHP remains the primary statewide agency charged by statute with traffic enforcement and collision investigation. The Opinion is particularly important for agencies participating in joint operations, mutual aid responses, and crash investigations because it reinforces that OHP's statutory responsibilities cannot be delegated away through administrative policy. Public officials are generally required to follow formal Attorney General opinions unless they are modified by a court or by subsequent legislation.

OFFICER TAKEAWAY

Municipal and county officers retain authority to enforce the law on Oklahoma's interstate highways, but the Oklahoma Highway Patrol remains the statutorily designated primary law enforcement agency for interstate traffic enforcement and crash investigations. Administrative decisions cannot eliminate OHP's mandatory statutory responsibilities.

Practice Note: This Attorney General Opinion does not remove or limit the authority of municipal police departments or county sheriffs to enforce Oklahoma law on interstate highways. Rather, it interprets 47 O.S. § 2-117(D)(2) to mean that OHP has a mandatory statutory duty to remain the primary agency responsible for traffic enforcement and crash investigations on the Interstate System. Local agencies retain concurrent enforcement authority.

PART II — STATUTORY UPDATE

1. House Resolutions

- ❖ [HR No. 1058 – Peace Officers Memorial Day and National Police Week](#) – *A Resolution recognizing May 10 through May 15, 2026, as National Police Week; and recognizing May 15, 2026, as Peace Officers Memorial Day in the State of Oklahoma.*
 - This is a House Resolution recognizing Peace Officers Memorial Day and National Police Week. The resolution honors Oklahoma law enforcement officers who have died in the line of duty, expresses appreciation for the service and sacrifices of all peace officers, and encourages Oklahomans to recognize the dedication of those who protect their communities. As a House Resolution, it is ceremonial and does not create or amend Oklahoma law.

2. Title 1 – Abstracting

- ❖ [SB No. 2072 - Fraudulent Conveyance Notices](#) - *An Act relating to conveyances; amending Section 1, Chapter 109, O.S.L. 2025 (16 O.S. Supp. 2025, Section 311), which relates to notice of fraudulent conveyance; updating statutory reference; prohibiting charging of fee for certain filing; requiring certain notice to certain law enforcement agencies; and providing an effective date.*
 - SB 2072 strengthens Oklahoma's response to fraudulent real property conveyances by requiring county clerks to immediately notify the appropriate law enforcement agency when a Notice of Fraudulent Conveyance is filed. The bill also prohibits county clerks from charging a filing fee for these notices, making it easier for property owners to report suspected title fraud and begin the investigative process.
 - SB 2072 has a direct impact on law enforcement by ensuring agencies receive prompt notice of suspected real estate fraud. Officers investigating forgery, identity theft, deed fraud, or other property-related offenses should expect earlier referrals from county clerks, allowing investigations to begin more quickly and increasing the likelihood of preserving evidence and preventing additional fraudulent transfers.

3. Title 3 - Aerospace, Aircraft, and Aviation Infrastructure

- ❖ [SB No. 1441 – Prohibited Unmanned Aircraft](#) - *An Act relating to critical infrastructure; amending 3 O.S. 2021, Section 322, which relates to prohibited unmanned aircraft; imposing criminal liability for violations; and providing an effective date.*
 - SB 1441 strengthens Oklahoma's protection of critical infrastructure by creating criminal penalties for knowingly operating an unauthorized unmanned aircraft (drone) within 400 feet of a designated critical infrastructure facility, interfering with its operations, or causing damage. Violators are subject to the same penalties applicable to trespassing upon or damaging critical infrastructure. The law applies to facilities that are properly fenced or posted with notice prohibiting unauthorized drone flights.
 - SB 1441 gives law enforcement a specific state criminal offense to address unauthorized drone activity around critical infrastructure. Officers responding to reports of suspicious drones should document the drone's location, whether the facility was properly posted or secured, any interference with operations, and any resulting damage.
 - The law is particularly relevant for agencies protecting power plants, substations, refineries, water treatment facilities, telecommunications infrastructure, airports, and other critical infrastructure. Officers should also remember that, although this law criminalizes certain drone operations, it does

not authorize state or local officers to disable or jam a drone in flight, as those authorities remain governed primarily by federal law.

4. Title 10 and 10A - Children and Juvenile Code

- ❖ [SB No. 1238 - Domestic Abuse in the Presence of a Child](#) - *An Act relating to crimes and punishments; amending Section 10, Chapter 366, O.S.L. 2024, as amended by Section 4, Chapter 187, O.S.L. 2025 (21 O.S. Supp. 2025, Section 20J), which relates to Class B5 offenses; modifying provisions of certain offense; updating statutory references; amending 21 O.S. 2021, Section 644, as last amended by Section 3, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 644), which relates to assault and battery; modifying provisions of certain offense; conforming statutory references; updating statutory language; and providing an effective date.*
 - SB 1238 strengthens Oklahoma's domestic violence laws by making domestic abuse committed in the presence of a child a Class B5 felony, rather than applying the enhancement only to repeat offenders. The bill also updates the domestic abuse statute to conform with Oklahoma's felony classification system and clarifies statutory language.
 - SB 1238 has a direct impact on law enforcement. Officers should document when a child is present during a domestic violence incident, as that fact alone may elevate the offense to a Class B5 felony. Thorough documentation of the child's presence and observations will be important for charging decisions and prosecution.
- ❖ [SB No. 2170 - Supervised Visits for Accused Sex Offenders](#) – *An Act relating to child custody; amending 43 O.S. 2021, Section 110.1a, as amended by Section 1, Chapter 34, O.S.L. 2024 (43 O.S. Supp. 2025, Section 110.1a), which relates to supervised visitation; requiring supervised visitation for persons with substantiated findings by the Department of Human Services for sexual abuse of a child; updating statutory language; and providing an effective date.*
 - SB 2170 amends Oklahoma's supervised-visitation law and requires supervised visitation when a person is the subject of a Department of Human Services referral with substantiated findings relating to sexual abuse of a child. The court retains authority to require supervised visitation in other circumstances when necessary to protect the child or other parties.
 - For law enforcement, the bill does not create new criminal offenses or change arrest authority, but it will affect day-to-day calls involving custody disputes. Officers are more likely to be called to assist with custody exchanges where a supervised visitation order is in place, particularly when tensions escalate or one party refuses to comply. These situations will typically involve civil court orders, so officers will need to carefully distinguish between violations that are civil contempt issues and conduct that actually rises to a criminal offense.
 - Practically, this increases the importance of verifying court orders, maintaining neutral documentation, and understanding the limits of enforcement authority in family court matters. Officers may also see increased coordination with child welfare agencies and supervised visitation providers. Overall, the bill shifts more custody disputes involving serious allegations into structured, court-supervised settings, with law enforcement playing a supporting role in maintaining order and ensuring compliance.
- ❖ [HB No. 3586 - Biological Sexual Identification of Children](#) - *An Act relating to children; enacting the Right to Raise Act; amending 10 O.S. 2021, Section 7503-1.1, which relates to adoption; modifying eligibility provisions; amending 10A O.S. 2021, Section 1-1-105, as amended by Section 1, Chapter 375, O.S.L. 2025 (10A O.S. Supp. 2025, Section 1-1-105), which relates to the Oklahoma Children's Code; providing that raising or referring to juvenile based on biological sex shall not constitute abuse or neglect; etc.*
 - HB 3586, enacted as the "Right to Raise Act," addresses adoption, child welfare, and child endangerment laws in Oklahoma. The bill provides that a person may not be denied the opportunity to adopt a child, nor may an adoption be delayed or denied, solely because the prospective adoptive

parent does not support or facilitate a child's gender transition. The law also specifies that raising a child consistent with the child's biological sex or referring to a child according to the child's biological sex does not, by itself, constitute child abuse, neglect, or child endangerment.

- The legislation primarily serves as a clarification of Oklahoma law regarding parental rights, adoption eligibility, and child welfare investigations. Supporters described the measure as protecting parental rights and ensuring that biological-sex-based parenting decisions alone cannot be used as grounds for adverse actions in adoption or child welfare proceedings.
- For Oklahoma law enforcement officers, the bill's impact is likely to be most relevant in child welfare and child endangerment investigations. Officers responding to reports involving allegations of child abuse, neglect, or endangerment should be aware that a parent's decision to raise a child consistent with the child's biological sex, or to refer to the child by their biological sex, cannot alone serve as the basis for a criminal child endangerment allegation. Investigators will still need to evaluate the totality of the circumstances and any other evidence of abuse, neglect, or criminal conduct.
- Overall, HB 3586 does not create new criminal offenses or expand police authority. Instead, it narrows certain circumstances that may be considered child abuse, neglect, or child endangerment under Oklahoma law and provides additional statutory guidance for law enforcement, child welfare personnel, and courts when evaluating allegations involving parental conduct.

❖ [SB No. 1627 – Hotline for Reporting Child Abuse](#) – *Repeals and Amends multiple sections of law including, 10, 10A, 21, and 47.*

- SB 1627 primarily strengthens coordination between the Oklahoma child abuse hotline (OKDHS) and law enforcement. It requires that when a report involves suspected abuse, especially by someone who is not a parent or caregiver, the information must be promptly forwarded to law enforcement for potential criminal investigation. It also formalizes procedures for documenting and transmitting reports to police before cases are screened out, ensuring agencies are notified earlier and more consistently.
- For law enforcement agencies, the bill increases their role in receiving and acting on hotline referrals, improves access to timely information for investigations, and reinforces mandatory reporting pathways that ensure child abuse allegations are not handled solely within the child welfare system when criminal conduct may be involved.
- In short, the officer's core obligation is to ensure timely awareness and response to hotline-generated abuse reports, reinforcing interagency coordination rather than creating entirely new investigative duties.

5. Title 11 - Cities and Towns

❖ [HB No. 3265 - OPPRS Disability Certifications](#) – *An Act relating to retirement; amending 11 O.S. 2021, Section 50-115, as last amended by Section 7, Chapter 151, O.S.L. 2023 (11 O.S. Supp. 2025, Section 50-115), which relates to the Oklahoma Police Pension and Retirement System; defining term; permitting psychologist to make certain certification; providing requirement for continuing salary; and providing an effective date.*

- HB 3265 amends the Oklahoma Police Pension and Retirement System (OPPRS) by defining the term "mental health specialist" and expanding who may certify a police officer's mental disability for disability retirement benefits. In addition to psychiatrists, the bill recognizes licensed psychologists, professional counselors, marriage and family therapists, and behavioral practitioners as qualified mental health specialists for disability determinations. The bill also clarifies salary continuation requirements while disability claims are pending.
- HB 3265 has a limited operational impact on law enforcement but a significant employment and retirement impact for officers. The bill broadens access to qualified mental health professionals who can evaluate officers seeking disability retirement benefits, making it easier for officers with

qualifying psychological conditions to obtain the required certifications. It does not change officers' law enforcement authority, arrest powers, or investigative procedures.

- ❖ [SB No. 1775 - Municipal Ordinance Penalties](#) - *An Act relating to municipalities; amending 11 O.S. 2021, Section 14-111, which relates to the enforcement and penalties for violation of municipal ordinances; clarifying that penalties for certain municipal ordinances may be equal to penalties in state statute; declaring certain amount of certain fine void and unenforceable in certain circumstance; updating statutory references; updating statutory language; and declaring an emergency.*
 - SB 1775 clarifies that municipalities may impose the same penalties authorized under corresponding state criminal statutes for certain ordinance violations, rather than being limited by lower municipal penalty caps. The bill also updates municipal penalty provisions and provides that any fine imposed in excess of the lawful maximum is void and automatically reduced to the legal limit. It became effective immediately through an emergency clause.
 - SB 1775 has minimal impact on day-to-day law enforcement operations. It does not change officers' arrest authority or investigative responsibilities, but it allows municipalities to align penalties for certain ordinance violations with equivalent state law offenses, providing greater consistency in enforcement and prosecution.

6. Title 12 - Civil Procedure

- ❖ [HB No. 4342 - Domestic Violence Evidence Admissibility](#) - *An Act relating to civil procedure; providing for admissibility of certain evidence; requiring disclosure within certain time period; defining term; providing for codification; and providing an effective date.*
 - HB 4342 creates a specific statutory basis for admitting qualifying evidence of another act of domestic violence or abuse by a defendant in a criminal domestic-violence or abuse case. If the State intends to offer the evidence, the prosecutor must provide the disclosure required by the Act, including the statutory pretrial notice. The evidence remains subject to the Act and other applicable evidentiary law.
 - [Governor Stitt vetoed the bill](#), arguing that it weakened the presumption of innocence by allowing juries to consider prior misconduct when deciding whether a defendant committed the charged offense. He expressed concern that defendants should be judged on the facts of the current case rather than their past behavior and that the bill's broad definitions could allow highly prejudicial evidence to be admitted.
 - The Legislature overwhelmingly disagreed and overrode the veto. Lawmakers viewed the bill as an important tool for prosecuting domestic violence cases, where a pattern of abuse is often highly relevant to understanding the charged conduct. As a result, the bill became law despite the Governor's objections.
 - For Oklahoma law enforcement, HB 4342 increases the importance of thoroughly documenting domestic violence incidents, even when an arrest is not made or charges are not immediately filed. Prior reports, body-camera footage, photographs, witness statements, and other evidence from earlier incidents may now play a larger role in future prosecutions by helping establish a pattern of abuse.

7. Title 19 – Counties

- ❖ [SB No. 2118 – Sheriff Expenses](#) – *An Act relating to counties; amending 19 O.S. 2021, Section 180.43, as amended by Section 4, Chapter 394, O.S.L. 2024 (19 O.S. Supp. 2025, Section 180.43), which relates to county sheriff expenses; authorizing surplus funds from county sheriff commissary account to be used for certain purposes; and providing an effective date.*
 - This bill amends Oklahoma law to expand the financial and operational powers of county sheriffs. It allows sheriffs to use surplus funds from commissary accounts for jail operations, inmate care, capital expenditures, training, and related expenses. Sheriffs may also operate or contract jail services, telephone systems, and prisoner transport, with funds deposited in county accounts and subject to auditing. The bill includes provisions for sheriff and county commissioner vehicle use, requiring marked law enforcement vehicles for routine traffic enforcement and official uniforms. It becomes effective November 1, 2026.

8. Title 20 – Courts

- ❖ [HB No. 3499 – Special Judge Jurisdiction](#) - *An Act relating to courts; amending 20 O.S. 2021, Section 123, which relates to the jurisdiction of special judges; authorizing special judges to hear and decide applications for court orders to issue titles; and providing an effective date.*
 - HB 3499 expands the authority of Oklahoma special judges. Specifically, it allows special judges to hear and decide applications for court orders involving the issuance, reissuance, correction, or replacement of titles for motor vehicles, manufactured homes, boats, and other titled property. The bill also authorizes special judges to enter any orders necessary to facilitate the issuance of those titles.
 - In practical terms, the legislation does not create any new crimes or change substantive property laws. Instead, it shifts certain title-related matters to special judges, which can help district courts process these cases more efficiently and reduce delays for individuals seeking court-ordered title corrections or replacements.
 - For Oklahoma law enforcement, the impact is likely minimal but positive. Officers occasionally encounter vehicles, trailers, boats, or other property with disputed ownership or title issues during investigations, impoundments, recoveries of stolen property, or abandoned vehicle cases. By allowing special judges to handle these title applications, courts may be able to resolve ownership questions more quickly, helping agencies clear property holds and return property to rightful owners in a more timely manner.
- ❖ [HB No. 3062 – Judicial Firearms](#) - *An Act relating to firearms; amending 20 O.S. 2021, Section 129, which relates to the authority of judges to carry firearms; extending authority to carry firearms to retired municipal judges; providing an exemption; authorizing the issuance of certain written orders; and providing an effective date.*
 - Oklahoma House Bill 3062 expands the authority for certain judges in Oklahoma to carry firearms for personal protection. Specifically, it allows retired municipal judges who served at least 20 cumulative years and still qualify to serve as judges to carry firearms throughout the state after completing the required CLEET handgun qualification course.
 - The bill also clarifies that retired municipal judges generally cannot carry firearms inside district courthouses unless the chief district judge issues a written order specifically allowing it. Retired district judges, district attorneys, and assistant district attorneys who already have firearm authority under state law are exempt from these new restrictions. The law takes effect November 1, 2026.

9. Title 21 - Crimes and Punishments

- ❖ [HB No. 3244 - Fraud, Identity Theft, and Exploitation](#) - *An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 425, as amended by Section 370, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 425), which relates to the pattern of criminal offenses; modifying elements of certain unlawful act; expanding scope of certain defined term; amending 21 O.S. 2021, Section 843.4, as amended by Section 194, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 843.4), which relates to the exploitation of elderly or disabled persons; making certain acts unlawful; providing penalties; defining terms; amending 21 O.S. 2021, Section 1533.1, as amended by Section 423, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 1533.1), which relates to identity theft; expanding scope of crime to include specific identification information; providing elements for aggravated identity theft; making certain acts unlawful; providing penalties for subsequent convictions; providing penalties for aggravated identity theft; authorizing the use of identity theft task force officers; providing for the dissemination of certain identification information; defining terms; and providing an effective date.*
 - HB 3244 strengthens Oklahoma's fraud and identity theft laws by expanding the definition of a pattern of criminal offenses to include crimes committed across multiple jurisdictions, including online and out-of-state activity. The bill also broadens the offense of identity theft to include additional forms of personal identifying information, such as usernames, passwords, biometric data, PINs, and DNA. It creates the offense of aggravated identity theft, increases penalties for repeat offenders, and expands protections for elderly, disabled, and other vulnerable victims exploited to commit criminal offenses.
 - HB 3244 has a significant impact on law enforcement by providing stronger tools to investigate and prosecute organized fraud and identity theft schemes. Officers investigating financial crimes should recognize that identity theft now encompasses a broader range of identifying information and that coordinated criminal activity occurring across jurisdictions or through electronic means may support enhanced charges. The bill also strengthens protections for vulnerable victims and encourages coordination among local, state, and federal agencies investigating complex fraud cases.
- ❖ [SB. No. 2067 - Financial Exploitation of Vulnerable Adults](#) - *An Act relating to financial institutions; amending O.S. 2021, Section 2205, which relates to the Financial Privacy Act; permitting disclosure or release of information for investigations of financial exploitation of protected adults; defining terms; requiring employees of certain institutions to notify the institution of suspected financial exploitation of a protected adult; directing certain institution to notify proper agency; permitting certain institution to notify trusted contact of suspected financial exploitation of a protected adult; authorizing temporary holds; requiring provision of certain notice of temporary hold; requiring provision of certain timeline for temporary hold; etc.*
 - SB 2067 amends Oklahoma's Financial Privacy Act to better protect protected adults from financial exploitation. The bill authorizes financial institutions to disclose financial records to law enforcement and other investigating agencies when financial exploitation is suspected, permits banks to place temporary holds on suspicious transactions, allows notification of a trusted contact (when appropriate), and provides immunity to financial institutions and employees who act in good faith. It also establishes record-retention requirements and procedures for providing financial records during an investigation.
 - SB 2067 provides law enforcement with improved access to financial records during investigations involving the financial exploitation of vulnerable adults. Officers investigating elder abuse, exploitation, or fraud should be aware that financial institutions now have greater authority to report suspicious activity, temporarily delay questionable transactions, and cooperate with investigators, helping preserve evidence and prevent additional financial losses.
- ❖ [SB No. 1810 - Human Trafficking](#) - *An Act relating to human trafficking; amending O.S. 2021, Section 748, as last amended which relate to domestic violence and sexual assault programs and services; modifying definition; authorizing Attorney General to enter into agreements for services for victims of human trafficking; providing for confidentiality of certain information; authorizing human trafficking shelters to provide certain services; expanding certain telephone communication service to victims of human trafficking; etc.*

- SB 1810 strengthens Oklahoma's response to human trafficking by expanding victim services and improving the prosecution of trafficking offenses. The bill addresses the admissibility of qualified expert testimony explaining the effects of human trafficking on a victim's behavior, authorizes the Attorney General to contract for victim services, requires certification of human trafficking shelters and programs, expands access to confidential services and victim communication, and authorizes the Attorney General and district attorneys to enforce certification requirements.
 - SB 1810 has a significant impact on law enforcement officers investigating human trafficking cases. Officers should expect expert testimony to play a larger role in explaining victim behavior that may otherwise appear inconsistent, such as delayed reporting, reluctance to cooperate, or continued association with a trafficker. The bill also strengthens coordination between law enforcement, prosecutors, and certified victim service providers, improving resources available to trafficking victims during investigations and prosecutions.
- ❖ [SB No. 1980 - Gift Card and Gift Certificate Fraud](#) - *An Act relating to crimes and punishments; defining terms; creating certain offenses related to gift cards and gift certificates; providing for penalties; providing for codification; and providing an effective date.*
- SB 1980 creates new criminal offenses related to the fraudulent use, alteration, theft, and tampering of gift cards and gift certificates. The bill is intended to address increasingly common gift card scams, including altering or stealing gift cards, manipulating card information, or possessing gift cards with the intent to commit fraud. It establishes specific criminal penalties for these offenses under Oklahoma law.
 - SB 1980 has a direct impact on law enforcement by providing officers and prosecutors with specific criminal offenses to address gift card fraud. Officers investigating theft, organized retail crime, or financial fraud should document evidence of gift card tampering, altered packaging, unauthorized access to card information, possession of fraudulently obtained cards, and intent to defraud, as these facts may support charges under the new statute.
- ❖ [HB No. 3581 – Riots](#) - *An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1312, as amended by Section 10, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 1312), which relates to punishment for riot; creating certain felony offenses; providing for penalties; amending 51 O.S. 2021, Section 155, as amended by Section 21, Chapter 228, O.S.L. 2022 (51 O.S. Supp. 2025, Section 155), which relates to exemptions from liability; modifying exemption; updating statutory reference; updating statutory language; and providing an effective date.*
- HB 3581 strengthens Oklahoma's riot laws by creating new felony offenses for conduct committed during a riot. The bill increases penalties for assault and battery, aggravated assault and battery, damage to buildings or property, wearing a mask or disguise to conceal identity, and obstructing public streets or highways while participating in a riot. It also limits governmental liability for damages arising from riots in certain circumstances.
 - HB 3581 has a direct impact on law enforcement by providing additional criminal charges for riot-related conduct. Officers responding to riots or civil disturbances should carefully document evidence of participation, property damage, assaults, obstruction of roadways, and efforts to conceal identity, as these facts may support enhanced felony charges under the new law.
- ❖ [SB No. 1636 - Cold Case Review](#) - *An Act relating to law enforcement; defining terms; requiring certain review upon certain requests stating review criteria; clarifying individuals authorized to make certain review; requiring confirmation of receipt; prohibiting more than one review at given time; stating time frame for which certain review shall be concluded; authorizing certain extension of time frame; requiring certain notice; requiring certain coordination; requiring certain consultation and meeting; stating time frame for which additional review is prohibited; construing provision; providing for codification; and providing an effective date.*
- SB 1636 creates a formal process allowing an immediate family member or other authorized person to request a law enforcement review of an unsolved cold case. Before requesting assistance from the Oklahoma State Bureau of Investigation (OSBI), the investigating law enforcement agency must conduct a case file review, meet with the requesting family member, and determine whether additional

investigation is warranted. The review generally must be completed within six months, and if no further investigation is justified, another review cannot be requested for five years.

- SB 1636 establishes new procedural responsibilities for agencies investigating cold cases. Law enforcement agencies must timely review qualifying requests, communicate with victims' families, and document the results of the review. While the bill does not change investigative authority or criminal procedure, it increases accountability and provides families with a structured process for requesting a renewed review of unsolved cases.
- ❖ [SB No. 2011 - Assault and Battery Expansion for Contract Corrections Employees](#) - *An Act relating to assault and battery; amending Section 10, Chapter 366, O.S.L. 2024, as amended by Section 4, Chapter 187, O.S.L. 2025 (21 O.S. Supp. 2025, Section 20J), which relates to Class B5 offenses; conforming reference to certain offense; amending Section 11, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20K), which relates to Class B6 offenses; conforming reference to certain offense; amending 21 O.S. 2021, Section 650.2, as amended by Section 153, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 650.2), which relates to assault and battery upon Department of Corrections, Department of Human Services, or Office of Juvenile Affairs employee or contractor; modifying scope of certain offenses; updating statutory language and references; and providing an effective date.*
- SB 2011 expands Oklahoma's assault and battery statute to include contracted employees of county detention facilities within the protections already afforded to Department of Corrections, Department of Human Services, and Office of Juvenile Affairs personnel. The bill also updates statutory references to conform to Oklahoma's felony classification system.
 - SB 2011 has a limited but positive impact on law enforcement by extending enhanced criminal penalties to assaults committed against contracted county jail employees. Officers investigating assaults in detention facilities should recognize that contract personnel now receive the same statutory protections as other covered correctional employees, which may affect charging decisions.
- ❖ [SB No. 0372 – Firearms: Lawful Carry Expansions](#) - *An Act relating to firearms; amending 21 O.S. 2021, Section 1277, as amended by Section 2, Chapter 251, O.S.L. 2025 (21 O.S. Supp. 2025, Section 1277), which relates to unlawful carry in certain places; modifying scope of lawful carry; and providing an effective date.*
- SB 372 expands the locations where a person who is lawfully carrying a firearm may carry, by modifying Oklahoma's list of prohibited places for firearms.
 - The substantive change in SB 372 is fairly narrow. It does not create broad new places where firearms may be carried. Instead, it removes the blanket prohibition on carrying firearms in most city, county, and state government buildings that conduct business with the public, while retaining the prohibition in courthouses, courtrooms, jails, prisons, detention facilities, and facilities used to process or house arrested persons.
 - The bill narrows certain location-based restrictions while leaving existing prohibitions in place where possession of firearms is otherwise prohibited by law. It takes effect November 1, 2026.
- ❖ [HB No. 4142 - Bombs and Explosive Devices](#) - *An Act relating to crimes and punishments; amending 21 O.S. 2021, Sections 1767.1, as amended by Section 459, Chapter 486, O.S.L. 2025, and 1767.3 (21 O.S. Supp. 2025, Section 1767.1), which relate to the unlawful use of bombs or explosive devices and related definitions; modifying elements of certain crimes; providing construing provision; updating certain defined terms; and providing an effective date.*
- HB 4142 updates Oklahoma's criminal statutes governing the unlawful use of bombs, explosive devices, incendiary devices, and simulated bombs. The bill modernizes statutory definitions, clarifies the prohibited conduct involving explosive devices, and expands the law to include individuals who conspire to place or use an explosive or incendiary device. It also updates provisions related to bomb threats and simulated explosive devices while expressly preserving the lawful possession and use of explosives for legitimate purposes, such as construction, mining, agriculture, or other activities authorized by state or federal law. The legislation is intended to close gaps in existing law and provide prosecutors with clearer authority to address explosive-related crimes before an attack occurs.
 - HB 4142 has a direct impact on law enforcement by expanding the criminal offenses available when investigating bomb-related incidents. Officers may now pursue charges not only against individuals

who place or use explosive devices, but also against those who conspire to commit those offenses, allowing intervention earlier in the planning stages of an attack. The bill also provides clearer statutory definitions, making it easier for officers and prosecutors to identify applicable charges involving explosive devices, incendiary devices, or simulated bombs. It does not expand officers' arrest authority or search powers, but it strengthens the criminal statutes available to investigate and prosecute bomb threats and explosive-related offenses.

- Officers should recognize that HB 4142 broadens Oklahoma's bomb and explosive device laws by adding conspiracy provisions and clarifying prohibited conduct. When investigating bomb threats or suspicious explosive devices, officers should thoroughly document evidence of planning, communications, or agreements between suspects, as that evidence may support conspiracy charges even if no device has yet been deployed.
- ❖ [HB No. 4104 - Repeat Voyeurism, Loitering, and Sex Offender Registration](#) – *An Act relating to crimes and punishments; amending Section 10, Chapter 366, O.S.L. 2024, as amended by Section 4, Chapter 187, O.S.L. 2025 (21 O.S. Supp. 2025, Section 20J), which relates to Class B5 offenses; adding certain offenses; amending Section 14, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20N), which relates to Class D1 offenses; removing certain offense; amending 21 O.S. 2021, Section 1171, as amended by Section 403, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 1171), which relates to loitering; creating felony offenses for certain second or subsequent offenses; reclassifying certain felony offense; etc.*
- HB 4104 strengthens Oklahoma's laws addressing voyeurism ("Peeping Tom" offenses), unlawful recording, and repeat loitering offenses. The bill reclassifies certain repeat offenses as felonies, adds specified voyeurism-related crimes to the list of Class B5 felony offenses, and amends Oklahoma's loitering statute to make certain second or subsequent violations felony offenses.
 - Most significantly, the bill adds qualifying convictions for repeat peeping, secret recording, and related offenses to the Sex Offenders Registration Act, requiring offenders convicted of those offenses to register as sex offenders. The legislation was requested by Oklahoma's Sexual Assault Forensic Evidence (SAFE) Board to provide greater protection for victims and increase accountability for repeat offenders.
 - HB 4104 has a direct impact on law enforcement, particularly officers investigating voyeurism, unlawful surveillance, and sex-related offenses. Officers should recognize that repeat peeping and unlawful recording offenses now carry significantly greater criminal consequences, including felony charges and, in qualifying cases, mandatory sex offender registration.
 - Investigators should carefully document prior convictions, the circumstances of the offense, and any evidence of secret recording or unlawful observation, as those facts may affect charging decisions and an offender's registration requirements. Agencies responsible for sex offender registration should also be aware of the expanded list of registerable offenses.
 - Officers should understand that repeat voyeurism and related offenses are no longer treated solely as misdemeanor privacy crimes. HB 4104 increases penalties for repeat offenders and expands the Sex Offender Registration Act to include certain peeping and unlawful recording convictions. Proper evidence collection, documentation of prior offenses, and coordination with prosecutors are essential to ensure the enhanced penalties and registration requirements are applied when appropriate.
- ❖ [SB No. 1589 - Gambling Offense Updates and Amendments](#) – *An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 941, as amended by Section 226, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 941), which relates to gambling; defining terms; modifying scope of certain offense; updating statutory language; updating statutory reference; and providing an effective date.*
- SB 1589 amends Oklahoma's gambling laws by expanding and clarifying the offense of commercial gambling. The bill updates statutory definitions and broadens the scope of prohibited conduct to address modern gambling operations, including individuals or entities that knowingly profit from or facilitate illegal gambling activities. It also updates statutory language and cross-references to improve enforcement and consistency within Oklahoma's criminal code. The bill became law after the Legislature overrode the Governor's veto.
 - SB 1589 has a moderate impact on law enforcement officers who investigate vice crimes, illegal gaming operations, or organized criminal activity. While it does not expand officers' arrest powers or

change criminal procedure, it broadens the conduct that may constitute commercial gambling, giving investigators and prosecutors clearer statutory authority to pursue individuals who organize, operate, finance, or profit from illegal gambling enterprises. Patrol officers are unlikely to see a significant change in their day-to-day duties, but detectives assigned to gambling or organized crime investigations should become familiar with the revised definitions and elements of the offense.

- Officers investigating suspected gambling operations should review the updated definitions of commercial gambling under 21 O.S. § 941. The amendments are intended to close gaps in the law and ensure that those who facilitate or profit from illegal gambling activities, not just participants, may be held criminally accountable.
- ❖ [HB No. 3764 – Gang Related Terrorism Offenses](#) - *An Act relating to gang-related offenses; amending 21 O.S. 2021, Section 856.3, as last amended by Section 25 of Enrolled Senate Bill No. 1627 of the 2nd Session of the 60th Oklahoma Legislature, which relates to condition of membership; criminalizing certain acts related to foreign terrorist organizations; providing for penalties; authorizing court to take judicial notice of certain designation; updating statutory language; and providing an effective date.*
- HB 3764 creates the Foreign Terrorist Organization Felony Enhancement Act, which increases criminal penalties for offenders who commit felony crimes on behalf of, in support of, or while acting as members of a designated foreign terrorist organization. The bill authorizes enhanced felony sentences, limits the availability of suspended or deferred sentences in qualifying cases, and allows courts to rely on the U.S. Department of State's designation of a foreign terrorist organization when applying the enhancement. It is intended to impose more severe punishment on individuals whose criminal conduct is connected to foreign terrorist organizations.
 - HB 3764 has little impact on officers' day-to-day authority, as it does not create new crimes, expand arrest powers, or change investigative procedures. However, it emphasizes the importance of identifying and documenting any evidence that a felony offense was committed in support of or in coordination with a designated foreign terrorist organization. Such evidence may allow prosecutors to seek enhanced penalties upon conviction.
 - For Oklahoma law enforcement, the bill reinforces the need for thorough intelligence gathering, careful documentation, and coordination with state and federal partners, particularly the FBI and Joint Terrorism Task Forces, when investigating cases with a potential terrorism nexus. While most officers will rarely encounter cases affected by this law, those who do should recognize that evidence of terrorist affiliation may significantly increase the penalties imposed after conviction.
- ❖ [HB No. 4108 - Airport Trespass](#) - *An Act relating to airports; amending 21 O.S. 2021, Section 1792, as amended by Section 699, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 1792), which relates to trespassing on property containing critical infrastructure; expanding scope of crime to include airports; and providing an effective date.*
- HB 4108 expands Oklahoma's criminal trespass laws involving critical infrastructure facilities to specifically include airports and airport operational areas. The bill clarifies that areas such as runways, taxiways, ramps, aircraft parking zones, fuel storage areas, and maintenance facilities are considered protected critical infrastructure. Entering or remaining on these areas without authorization is treated as criminal trespass under the statute.
 - The law makes it a misdemeanor offense to willfully trespass on airport property that falls within these protected operational areas. The penalty includes a mandatory minimum fine of at least \$1,000 and may include jail time of up to six months, depending on the circumstances and court disposition. The intent of the bill is to strengthen security protections around airports, treating them similarly to other critical infrastructure like power plants and refineries.
 - For law enforcement, HB 4108 primarily impacts airport security enforcement and trespass response calls. Officers—especially airport police, municipal agencies with airport jurisdiction, and sheriff's deputies assisting at regional airports—will need to treat unauthorized entry into operational areas as a clearly defined criminal trespass under the critical infrastructure statute. The bill may increase enforceable incidents involving perimeter breaches, runway incursions, or unauthorized presence in restricted airport zones, and it emphasizes stronger documentation and charging decisions when these events occur.

- ❖ [HB No. 3678 – Use of Electronics to Harass Public Officials](#) - *An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1176, as last amended by Section 10, Chapter 452, O.S.L. 2024 (21 O.S. Supp. 2025, Section 1176), which relates to the use of electronic communication devices to threaten, intimidate, or harass public officials; expanding protection for municipal officials and public school board members; modifying scope of certain definition; and providing an effective date.*
 - HB 3678 updates Oklahoma law on the use of electronic communication devices to threaten, intimidate, or harass public officials. It expands existing protections by adding additional categories of protected individuals, including municipal officials and public school board members, and clarifies the scope of conduct that can be prosecuted when someone uses electronic communications to target or endanger those individuals.
 - The bill focuses on situations where a person knowingly uses electronic means, such as social media, messaging platforms, or other online communication tools, to publish or share personally identifiable information of protected officials with the intent to threaten, intimidate, or harass. If that conduct places the official in reasonable fear of death or serious bodily injury, it can be prosecuted under the statute.
 - For law enforcement, the bill does not change arrest procedures or investigative authority, but it does expand the category of victims officers may encounter under this statute. Officers may see more reports involving online harassment or “doxxing” of municipal leaders and school officials. These cases will typically require digital evidence collection, coordination with prosecutors, and careful evaluation of intent and threat level to distinguish protected speech from criminal harassment.
- ❖ [HB No. 3040 - Zone of Safety for Children](#) - *An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1125, as amended by Section 400, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 1125), which relates to zones of safety; expanding zone of safety to include certain places; prohibiting sex offenders from loitering near places that cater to minors; and providing an effective date.*
 - HB 3040 expands Oklahoma’s existing “zone of safety” law under Title 21. It broadens the locations where certain sex offenders are prohibited from loitering or being present. In addition to schools, childcare centers, parks, playgrounds, and similar child-focused locations, the bill adds other places that primarily serve minors, such as youth-oriented businesses and facilities.
 - The main purpose of the bill is to increase restrictions designed to protect children by expanding the geographic areas where offenders subject to these restrictions cannot congregate or loiter. It updates the law so it better reflects modern places where children regularly gather, not just traditional school or park environments.
 - For law enforcement, the bill does not change arrest authority or investigative procedures, but it does expand the areas officers must be aware of when enforcing sex offender compliance laws. Officers may see more calls or encounters involving alleged violations of the expanded “zone of safety,” especially in commercial or recreational locations that were not previously covered as clearly under the statute. It also increases the importance of accurate location assessment during investigations and compliance checks to determine whether someone is unlawfully present within a restricted zone.
- ❖ [SB No. 2184 – GPS Devices – Stalking and Harassment](#) - *An Act that amends multiple sections of law.*
 - SB 2184 is a broad measure amending numerous statutes. For law enforcement, an important component is its treatment of electronic tracking in stalking and harassment-related conduct. Officers should apply the specific statutory elements, intent requirements, consent provisions, and exceptions rather than assume that every nonconsensual use of a GPS or similar tracking device is independently criminal.
 - The bill is aimed at closing gaps in existing stalking and harassment laws where technology-based surveillance was not always clearly covered or charged consistently. It gives prosecutors clearer statutory language to pursue cases involving covert tracking as part of a broader pattern of stalking or domestic abuse behavior.
 - For Oklahoma law enforcement, SB 2184 is significant because it provides a clearer legal foundation for investigating cases where victims discover hidden tracking devices on vehicles, belongings, or

property. Officers responding to domestic violence or stalking calls should treat these devices as potential evidence, ensure proper documentation, and coordinate with forensic or digital evidence specialists when needed. The law strengthens officers' ability to connect surveillance technology to criminal stalking behavior, which is increasingly common in domestic violence-related cases.

- ❖ [SB No. 1232 – Copper Theft Amendments](#) - *An Act relating to crimes and punishments; amending Section 13, Chapter 366, O.S.L. 2024, as amended by Section 6, Chapter 187, O.S.L. 2025 (21 O.S. Supp. 2025, Section 20M), which relates to Class C2 offenses; adding certain offense; conforming statutory references; amending 21 O.S. 2021, Section 1727, as amended by Section 455, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 1727), which relates to copper theft; creating felony offense; updating statutory language; updating statutory reference; and providing an effective date.*

- SB 1232 amends Oklahoma's crimes and punishments statutes by strengthening penalties related to copper theft. The bill creates a new felony offense for certain copper theft violations and adds the offense to Oklahoma's sentencing classification system as a Class C2 offense. The legislation was enacted in response to ongoing problems involving the theft of copper wiring, utility infrastructure, telecommunications equipment, and other valuable metals that can cause significant property damage and service disruptions.
- The bill also updates existing statutory language and references within Oklahoma's copper theft laws to align with recent criminal justice reforms and sentencing classifications. While the conduct itself was already illegal, SB 1232 increases the consequences for offenders and provides prosecutors with a clearer felony charging option in qualifying cases.
- For Oklahoma law enforcement, the bill provides an additional enforcement tool when investigating thefts involving utility infrastructure, construction sites, agricultural operations, and vacant properties. Copper theft cases often result in damages far exceeding the value of the metal stolen, and the enhanced felony classification may serve as a stronger deterrent while giving investigators and prosecutors greater leverage when pursuing repeat offenders. Agencies that routinely investigate property crimes, rural crimes, and utility-related thefts may see the most direct impact from this legislation

- ❖ [SB No. 0743 – Criminal Disturbances](#) - *An Act relating to criminal disturbance; declaring legislative findings; amending 21 O.S. 2021, Sections 915 and 916, which relate to disturbance of religious meeting; specifying range of punishment for certain misdemeanor offense; establishing felony offense for certain convictions; specifying range of punishment for certain felony offense; modifying elements of certain offenses; providing for noncodification; and declaring an emergency.*

- Senate Bill 743 strengthens Oklahoma law protecting access to religious worship services by expanding and clarifying what counts as unlawful “disturbance” of a religious meeting. It adds specific actions like blocking entrances, physically obstructing people, or approaching within a limited distance near entrances to protest in certain ways as punishable conduct. It also increases penalties: a first offense remains a misdemeanor but repeat offenses can now be charged as a felony with higher fines and potential prison time. The bill is intended to balance protest rights with ensuring people can attend religious services without harassment or interference.
- For law enforcement in Oklahoma, Senate Bill 743 mainly changes how officers enforce and charge certain conduct around places of worship, rather than changing policing structure or authority. In practical terms, officers may need to more clearly distinguish between lawful protest activity and prohibited conduct near religious services, especially things like blocking entrances, physically obstructing people, or getting within restricted distances while attempting to engage worshippers. That means more emphasis on documenting intent and specific behaviors so prosecutors can decide whether conduct meets the updated statutory elements. It could also lead to more serious charging decisions in repeat cases, since a second or subsequent violation can now be treated as a felony instead of a misdemeanor. That increases the stakes of enforcement, arrest reports, and coordination with district attorneys. Overall, it doesn't change core police authority, but it does increase enforcement sensitivity around First Amendment-adjacent situations (protest vs. disturbance) and may result in more felony-level case processing in repeat or aggravated incidents.

- ❖ [SB No. 1936 – Search and Seizure and False Impersonation of a Peace Officer](#) - *An Act relating to crimes and punishments; amending Section 14, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20N), which relates to Class D1 offenses; adding certain offense; updating statutory references; amending 21 O.S. 2021, Section 264, which relates to false impersonation of peace officers; modifying elements of certain offense; creating felony offenses and providing penalties; amending 21 O.S. 2021, Section 1738, as amended by Section 1, Chapter 133, O.S.L. 2023 (21 O.S. Supp. 2025, Section 1738), which relates to seizure and forfeiture proceedings; broadening scope of allowable seizure; updating statutory language; and providing an effective date.*
 - SB 1936 is an Oklahoma criminal justice bill that expands and updates several laws related to criminal procedure, false impersonation of law enforcement, and seizure/forfeiture authority. The bill adds certain offenses to Oklahoma’s Class D1 felony category, increases penalties for people who falsely present themselves as peace officers, and creates additional felony offenses tied to that conduct. It also broadens the circumstances under which property may be seized in criminal investigations and updates statutory language and references throughout the law. The Act takes effect November 1, 2026.
- ❖ [HB No. 3419 – Corrupt Use of Nonpublic Information by Employees](#) - *amending Section 2, Chapter 336, O.S.L. 2025 (21 O.S. Supp 2025, Section 365)*
 - This bill amends Oklahoma law on the “corrupt use of nonpublic information” by expanding and clarifying that current or former state or local government officers, employees, and contractors cannot use confidential government information for personal financial gain or to benefit family members or associates.
 - It explicitly prohibits actions like trading or investing based on inside information, disclosing it to unauthorized people, or helping others do so, and classifies violations as felonies punishable by up to 5 years in prison and/or a \$10,000 fine.
 - It also adds additional consequences: anyone convicted is barred from holding public office or entering into contracts with the state or political subdivisions. Separately, it states that violating the law can be grounds for removal from office or termination from government employment. The law takes effect November 1, 2026.

10. Title 22 – Criminal Procedure

- ❖ [SB No. 2030 - Clean Slate Expungement](#) – *An Act relating to criminal records; amending 22 O.S. 2021, Section 18, as last amended by Section 1, Chapter 259, O.S.L. 2024 (22 O.S. Supp. 2025, Section 18), which relates to expungement of records; conforming duplicate section; modifying definitions; removing eligibility for automatic expungement of certain records; modifying requirements for sealing of certain records; defining terms; providing for eligibility for sealing of certain records without petition to the court; establishing requirements for expungement of certain records; etc.*
 - SB 2030 significantly updates Oklahoma's criminal records expungement process by creating a streamlined "clean slate" system for certain eligible records. The bill establishes an online OSBI portal for expedited expungement requests, allows some eligible records to be sealed without a court petition, and clarifies how OSBI determines expungement eligibility and sentence completion. It also reorganizes and consolidates Oklahoma's expungement statutes.
 - SB 2030 has a moderate administrative impact on law enforcement. While it does not change arrest authority or investigative procedures, it expands opportunities for eligible criminal records to be sealed. Expunged records generally become unavailable to the public and law enforcement, while certain "clean slate" sealed records remain accessible to law enforcement for criminal justice purposes. Officers should understand the distinction between expunged and sealed records when conducting investigations or background checks.

- ❖ [SB No. 1325 - Protection from Domestic Abuse Act - GPS Monitoring](#) - *An Act relating to domestic abuse; amending 22 O.S. 2021, Section 60.17, which relates to the Protection from Domestic Abuse Act; providing exception to certain court order; requiring defendants released on bond to use a Global Positioning System (GPS) device; requiring costs of device to be paid by the defendant; providing an exception; directing the Department of Corrections to provide list of GPS monitoring programs or systems; providing for the removal of GPS devices under certain circumstances; authorizing victims to monitor the location of defendants via computer- or cellular-generated signals; and providing an effective date.*
 - SB 1325 amends the Protection from Domestic Abuse Act by authorizing courts to require certain defendants charged with serious domestic violence offenses to wear a GPS monitoring device as a condition of release on bond. The bill also allows victims to receive real-time alerts when a monitored defendant enters a prohibited area or comes within a specified distance of the victim. Defendants are generally responsible for the cost of the monitoring device, with limited exceptions.
 - SB 1325 enhances victim safety by providing law enforcement with an additional tool to monitor high-risk domestic violence offenders released on bond. Officers responding to protective order violations or domestic violence calls may encounter GPS monitoring evidence that can assist in investigating violations and enforcing court-ordered conditions of release.
- ❖ [HB No. 2137 – Competency Restoration and Involuntary Medication](#) - *An Act relating to criminal procedure; amending 22 O.S. 2021, Section 1175.8, which relates to the resumption of competency; requiring the Department of Mental Health and Substance Abuse Services to provide notification to certain parties when seeking to administer medication; etc.*
 - HB 2137 establishes a formal court process for authorizing the involuntary administration of medication to criminal defendants who have been found incompetent to stand trial. Before medication may be administered, the Oklahoma Department of Mental Health and Substance Abuse Services must seek court approval, and the defendant is entitled to notice, legal representation, and a hearing.
 - The court may authorize treatment only after finding by clear and convincing evidence that the statutory requirements have been met. The bill also provides liability protection for medical professionals acting pursuant to a valid court order.
 - While it doesn't affect daily duties of law enforcement officers, it does affect the post-arrest criminal justice process when it comes to determining competency to stand trial.
- ❖ [HB No. 1185 - Seizing Historic Military Firearms](#) - *An Act relating to firearms; amending 22 O.S. 2021, Section 1325, which relates to unclaimed property in possession of the sheriff; prohibiting the destruction of historic military weapons; directing agencies to donate weapons to certain veterans' organizations; amending 63 O.S. 2021, Section 2-508 which relates to the disposition of seized property; prohibiting the destruction of historic military firearms; and directing agencies to donate weapons to certain veterans' organizations.*
 - HB 1185 changes how Oklahoma law enforcement agencies and sheriffs may dispose of certain firearms that come into their possession. The bill prohibits the destruction of firearms determined to have historic military value, such as collectible military surplus weapons. Instead of being destroyed, qualifying firearms must be donated to eligible veterans' organizations or otherwise disposed of in accordance with the new statutory requirements.
 - For Oklahoma law enforcement agencies, the bill primarily affects evidence rooms, property custodians, sheriffs' offices, and personnel responsible for handling seized or unclaimed firearms. Agencies will need procedures to identify firearms that may have historic military significance before authorizing destruction. This may require additional review and coordination when disposing of weapons that have been forfeited, seized, or remain unclaimed.
 - The bill does not change officers' authority to seize firearms, investigate firearm-related crimes, or enforce Oklahoma weapons laws. Its impact is largely administrative, ensuring that historically significant military firearms are preserved and transferred to qualifying veterans' organizations rather than destroyed. For most patrol officers, the effect will be minimal, but agencies that manage evidence and property inventories will need to update their disposal practices to comply with the new law.
- ❖ [HB No. 3269 – Arrest Warrants](#) - *amending 22 O.S. 2021, Section 171, which relates to issuing arrest warrants by verified complaints; authorizing telephonic or electronic communication of proposed arrest warrants to*

magistrates; establishing criteria for communicating telephonically; equating orally recorded authorizations by magistrates with issuing arrest warrants; requiring the audio recording, transcribing and filing of conversations related to arrest warrants; providing procedures for obtaining proposed affidavits; and providing an effective date.

- This Oklahoma bill modernizes the process for issuing arrest warrants by allowing them to be requested and approved through phone calls or electronic communication like email. When done by phone, officers must verbally present probable cause and read the warrant exactly as written, and the judge's oral approval counts as official issuance. All communications must be recorded, transcribed, and filed to ensure a documented record. The law takes effect November 1, 2026.
- ❖ [HB No. 3742 - Criminal Procedure and Discovery](#) - *An Act relating to criminal procedure; creating the Due Process Protection Act of 2026; amending 22 O.S. 2021, Section 258, as amended by Section 2, Chapter 269, O.S.L. 2022 (22 O.S. Supp. 2025, Section 258), which relates to preliminary examinations and proceedings; requiring the disclosure of certain information to the defense; providing construing provision; authorizing the court to set disclosure deadline under certain circumstances; etc.*
- HB 3742, known as the Due Process Protection Act of 2026, makes significant changes to Oklahoma's criminal discovery process. The bill requires prosecutors to provide much of their discovery material earlier in the case, including certain law enforcement records, eyewitness information, photographs, lineup materials, and reports related to examinations conducted during the investigation. It also requires discovery issues to be completed at least 30 days before trial, rather than the previous 10-day deadline.
 - The legislation is intended to give both prosecutors and defense attorneys more time to review evidence, evaluate cases, and prepare for trial. It also establishes procedures for addressing discovery violations and requires district attorneys to track and report cases involving jailhouse informants. Supporters described the bill as a due process reform designed to improve transparency and reduce the likelihood of surprise evidence disclosures shortly before trial.
 - HB 3742 increases the importance of timely, complete, and well-organized reports and case files. Officers should expect that investigative materials, witness information, photographs, body-camera evidence, lineup materials, and other records may need to be disclosed earlier in the criminal process. As a result, agencies may need to place greater emphasis on evidence management, report accuracy, and prompt submission of investigative materials to prosecutors.
 - The bill does not change officers' authority to investigate crimes or make arrests, but it does affect how criminal cases are prepared and litigated after an arrest is made. For CLEET training purposes, the key takeaway is that thorough documentation and timely evidence submission will become even more important as prosecutors work to meet the expanded discovery deadlines established by the new law.

11. Title 29 - Game and Fish

- ❖ [SB No. 2095 - Hunting Outfitter and Guide License](#) - *An Act relating to game and fish; defining terms; prohibiting residents and nonresidents from the taking of certain game for compensation without certain licenses; specifying requirements for certain licenses; setting fees for certain licenses; creating misdemeanor offense; requiring certain license revocation upon conviction; requiring court to transmit certain information; defining term; providing exceptions; providing penalties; providing for codification; and providing an effective date.*
- SB 2095 creates a new licensing system for individuals who guide or outfit waterfowl and crane hunts for compensation. The bill defines "outfitter" and "guide," requires those who provide hunting services for pay to obtain the appropriate Oklahoma Department of Wildlife Conservation license, establishes licensing fees, creates misdemeanor penalties for violations, and authorizes license revocation upon conviction. Legitimate landowner permission may be provided in writing or electronically.
 - SB 2095 has a limited impact on most law enforcement officers. Wildlife game wardens and officers assisting the Oklahoma Department of Wildlife Conservation will have new enforcement

authority over unlicensed commercial hunting operations. Officers investigating hunting-related complaints should be aware of the new licensing requirements and the misdemeanor offense for guiding or outfitting waterfowl or crane hunts for compensation without the required license.

13. Title 43 - Marriage

- ❖ [SB No. 0504 – Marriage Age Limit](#) - *An Act relating to marriage; amending 43 O.S 2021, Section 3, which relates to eligibility to marry; imposing age restriction on eligibility to marry; removing exceptions; updating statutory reference; and providing an effective date.*
 - SB 504 establishes 18 years of age as the minimum age to marry in Oklahoma and eliminates all previous exceptions that allowed minors to marry with parental consent or court approval. The bill creates a single, uniform minimum marriage age for the state. It became law without the Governor's signature on May 13, 2026.

14. Title 43A – Mental Health

- ❖ [SB No. 0065 – Emergency Opioid Antagonists and Adulterant Test Strips](#) - *An Act relating to substance abuse services; defining terms; authorizing the possession, acquisition, distribution, and administration of emergency opioid antagonists by any person; providing criminal and civil immunities; providing for codification; providing an effective date; and declaring an emergency.*
 - SB 0065 expands access to lifesaving overdose prevention tools by authorizing any person to possess, acquire, distribute, or administer an emergency opioid antagonist (such as naloxone) and adulterant test strips (such as fentanyl test strips). The bill also provides civil and criminal immunity for individuals who act in good faith when providing or administering these items in accordance with the law. The measure was enacted as an emergency, making it effective immediately upon becoming law.
 - SB 0065 has a direct impact on law enforcement. Officers may now encounter members of the public lawfully possessing naloxone and fentanyl test strips. Agencies should recognize that these items are no longer limited to healthcare providers or first responders, and officers should understand the immunity provisions when responding to overdose incidents or investigating possession of overdose prevention supplies.

15. Title 47 - Motor Vehicles

- ❖ [SB No. 1226 - Duty to Remain at the Scene of a Collision](#) - *An Act relating to motor vehicles; amending 47 O.S. 2021, Sections 10-103 and 10-106, which relate to accidents; expanding criteria by which a person must remain at scene or make notification of certain accident; making language gender neutral; updating statutory language; and providing an effective date.*
 - SB 1226 expands the circumstances under which a driver must stop, remain at the scene, or notify law enforcement following a motor vehicle collision. The bill broadens Oklahoma's hit-and-run statute to ensure drivers remain at the scene when an accident results in damage to any attended vehicle, person, or other property, rather than under more limited circumstances in prior law. It became law without the Governor's signature on May 13, 2026.
 - SB 1226 has a direct impact on traffic enforcement by expanding the situations in which officers may investigate and enforce Oklahoma's hit-and-run laws. Officers should recognize that drivers now have a broader statutory duty to stop and remain at the scene following qualifying collisions, which may result in additional hit-and-run investigations and prosecutions.

- ❖ [HB No. 4143 - Motor Vehicle Collision Reporting](#) - *An Act relating to motor vehicles; amending 47 O.S. 2021, Sections 10-108 and 40-102, which relate to traffic collisions and reports; modifying damage amount requiring a written report of collision; exempting certain accidents from reporting requirements; and providing an effective date.*
 - HB 4143 increases the property damage threshold requiring a written motor vehicle collision report from \$300 (or \$500 on public roadways) to \$3,000. A written report is no longer required when there are no injuries or fatalities, the only damage is to the involved vehicles, and the drivers exchange the required information. The bill updates reporting requirements to reflect modern vehicle repair costs.
 - HB 4143 reduces the number of minor crashes requiring a formal written report, decreasing administrative workload for officers. It does not change crash investigation authority or reporting requirements for collisions involving injuries, fatalities, criminal offenses, or significant property damage.
 - Officers should familiarize themselves with the new \$3,000 reporting threshold and update their crash reporting practices accordingly.
- ❖ [HB No. 3982 - License Plates](#) - *An Act relating to motor vehicles; amending 47 O.S. 2021, Section 1102, as last amended by Section 5, Chapter 236, O.S.L. 2024 (47 O.S. Supp. 2025, Section 1102), which relates to definitions; defining term; amending 47 O.S. 2021, Section 1112.2, as last amended by Section 6, Chapter 236, O.S.L. 2024 (47 O.S. Supp. 2025, Section 1112.2), which relates to transferability of license plates; requiring and providing for issuance of a sixty-day temporary license plate after certain date; requiring and providing for issuance commercial fleet temporary license plate; requiring certain information be provided; etc.*
 - HB 3982 changes Oklahoma law related to motor vehicle registration and license plates, specifically for vehicles that are purchased in Oklahoma but intended to be titled or registered in another state. The bill directs Service Oklahoma to issue a temporary “in-transit” credential instead of a standard Oklahoma license plate in those situations.
 - The bill also updates definitions and procedures for temporary license plates, including 10-day dealer tags, 60-day nonresident in-transit tags, and 90-day commercial fleet temporary plates. It allows buyers to attest that a vehicle will be registered out of state, which authorizes issuance of the appropriate temporary credential rather than a permanent Oklahoma plate.
 - For law enforcement, HB 3982 mainly affects vehicle registration verification during traffic stops and investigations. Officers may encounter more out-of-state purchasers operating vehicles with temporary in-transit credentials instead of standard plates. The bill does not change enforcement authority or create new offenses, but it does require officers to recognize and properly validate updated temporary tag formats and understand that certain vehicles may legally operate longer under extended temporary credentials depending on their classification.
- ❖ [HB No. 3695 - Motor Vehicle Accident Injuries](#) - *An Act relating to motor vehicles; amending 47 O.S. 2021, Section 11-904, as amended by Section 65, Chapter 486, O.S.L. 2025 (47 O.S. Supp. 2025, Section 11-904), which relates to personal injury accidents; modifying scope of certain defined term; and providing an effective date.*
 - HB 3695 amends 47 O.S. § 11-904, a motor-vehicle provision concerning personal-injury accidents, by modifying the scope of a defined injury term used in that statute. The change should be applied within the motor-vehicle context addressed by the Act rather than treated as a statewide redefinition of injury terminology for unrelated criminal offenses.
 - The bill does not create a general new injury standard across Oklahoma criminal law. Its practical effect is to clarify the injury definition used in the amended motor-vehicle statute, which may affect charging and proof in qualifying vehicle-related cases.
 - For Oklahoma law enforcement, HB 3695 reinforces the importance of precise documentation of injuries in motor-vehicle cases. Reports, photographs, medical observations, and EMS records should accurately describe the nature and severity of injury so prosecutors can apply the amended statutory definition.

16. Title 57 - Prisons and Reformatories

- ❖ [SB No. 0137 – DOC Electronic Monitoring Program](#) - *An Act relating to the Department of Corrections; amending 57 O.S. 2021, Section 510.9, which relates to the Electronic Monitoring Program; modifying elements of program eligibility; updating statutory language; updating statutory reference; and providing an effective date.*
 - ❖ SB 137 modifies Oklahoma's Department of Corrections Electronic Monitoring Program by revising eligibility requirements for inmates participating in the program. The bill clarifies that inmates who lose eligibility must be removed from electronic monitoring and specifically makes individuals convicted of driving under the influence resulting in great bodily injury ineligible to participate. The measure also updates statutory language to reflect current criminal code terminology. It became law without the Governor's signature on May 5, 2026.
 - ❖ SB 137 has limited direct impact on patrol officers but is important for correctional officers, probation and parole personnel, and agencies working with the Department of Corrections. Officers should be aware that offenders convicted of DUI causing great bodily injury are no longer eligible for the DOC Electronic Monitoring Program, and inmates who become ineligible must be removed from the program. The bill strengthens public safety by narrowing eligibility for community-based electronic monitoring of certain offenders.

17. Title 63 - Public Health and Safety

- ❖ [HB No. 1168 – Trafficking of Abortion-Inducing Drugs](#) - *An Act relating to abortion-inducing drugs; defining terms; prohibiting trafficking of certain drugs; providing for felony; providing exceptions; and providing for codification.*
 - HB 1168 creates a new felony offense for trafficking abortion-inducing drugs. The law prohibits knowingly possessing or delivering abortion-inducing drugs—including mifepristone, misoprostol, and methotrexate—to another person when the drugs are intended to be used for an unlawful abortion. The Act provides limited exceptions for lawful medical treatment and emergency circumstances consistent with existing Oklahoma abortion laws.
 - HB 1168 has a direct but limited impact on law enforcement. It creates a new felony offense that officers may investigate when there is probable cause to believe abortion-inducing drugs are being knowingly trafficked for an unlawful abortion. Investigators should document evidence establishing the identity of the drugs, the transfer or attempted transfer, and the suspect's knowledge and intent, as those elements are essential to proving the offense.
- ❖ [HB No. 1933 - Maddix Bias Act - Nitrous Oxide Abuse](#) - *An Act relating to nitrous oxide; creating the Maddix Bias Act; defining term; prohibiting the sale of nitrous oxide to persons under twenty-one; requiring proof of legal age; providing for enforcement; providing penalty; providing for imprisonment; providing exceptions; providing for noncodification; and providing for codification.*
 - HB 1933, known as the Maddix Bias Act, regulates the sale of nitrous oxide to persons under twenty-one years of age. The Act requires proof of legal age, provides enforcement and penalty provisions, and includes exceptions that preserve legitimate uses of nitrous oxide.
 - For law enforcement, the bill primarily affects enforcement of the new age restriction on nitrous oxide sales. Officers investigating suspected violations should document the seller, purchaser, age-verification process, substance involved, transaction, and any applicable statutory exception.
 - Maddix Bias was a 2023 graduate of Tecumseh High School and a standout baseball player who was killed in a motor vehicle crash caused by his employer, who was allegedly under the influence of nitrous oxide ("whippets" or "laughing gas") while driving.

- Following Maddix's death, his mother, Candi Morris, worked with Oklahoma legislators to address what they believed was a gap in state law. At the time, nitrous oxide had legitimate medical, culinary, and industrial uses, but Oklahoma had few restrictions on its recreational misuse or retail sale. Their advocacy led Representative Danny Sterling and Senator Darrell Weaver to sponsor HB 1933, which was named the Maddix Bias Act in Maddix's honor.
- The Act is designed to restrict youth access to nitrous oxide while preserving legitimate medical, dental, culinary, and industrial uses. Officers should apply the enacted elements and exceptions rather than treat all possession or use of nitrous oxide as prohibited by HB 1933.
 - On a personal note, Maddix graduated a year earlier than my own son from the same high school. For more information about Maddix's story, please visit [this link](#).

❖ [HB No. 3767 – Controlled Dangerous Substance Schedule Amendments](#) - *An Act relating to controlled dangerous substances; amending 63 O.S. 2021, Sections 2-204, as last amended by Section 3, Chapter 308, O.S.L. 2024, and 2-210 (63 O.S. Supp. 2025, Section 2-204), which relate to the Uniform Controlled Dangerous Substances Act; adding certain substances to Schedules I and IV; amending 63 O.S. 2021, Section 2-309B, as amended by Section 1, Chapter 69, O.S.L. 2022 (63 O.S. Supp. 2025, Section 2-309B), which relates to the Anti-Drug Diversion Act; modifying scope of certain definitions; and providing an effective date.*

- HB 3767 updates Oklahoma's Uniform Controlled Dangerous Substances Act by adding numerous newly identified and emerging drugs to Schedule I and Schedule IV. The additions include synthetic opioids, fentanyl analogs, synthetic cannabinoids, designer benzodiazepines, and other psychoactive substances that have emerged in the illicit drug market. The bill also updates definitions within the Anti-Drug Diversion Act to ensure Oklahoma law keeps pace with evolving controlled substances and allows the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBNDD) to continue exempting legitimate industrial or medical products when appropriate.
- HB 3767 has a direct impact on drug enforcement by expanding the list of substances that are illegal to possess, distribute, manufacture, or traffic. Officers should be aware that individuals found with these newly scheduled substances may now be subject to criminal prosecution under Oklahoma's controlled dangerous substances laws. While the bill does not change officers' arrest authority or investigative procedures, it ensures that law enforcement can take enforcement action against emerging synthetic drugs that previously may not have been specifically listed in Oklahoma's schedules.

❖ [SB No. 0444 - Seizure and Destruction of CDS](#) - *An Act relating to controlled dangerous substances; amending 63 O.S. 2021, Sections 2-315 and 2-508, which relate to destruction of controlled dangerous substances and disposition of seized property; modifying and removing requirements and procedures related to destruction; modifying terminology; requiring compliance with federal regulation; allowing ultimate user to submit own drugs for destruction under certain conditions; permitting destruction of decedent's prescribed drugs under certain conditions; authorizing qualified hospice program to destroy decedent's prescribed drugs under certain conditions; requiring completion and submission of certain form; defining terms; removing requirement for certain destruction site; updating statutory language; updating statutory references; and providing an effective date.*

- SB 444 modifies Oklahoma law related to the seizure, handling, and destruction of controlled dangerous substances (CDS). The bill generally updates and streamlines procedures so that law enforcement agencies and authorized entities can dispose of seized drugs in compliance with federal requirements. It also clarifies who may legally possess or transfer CDS for the purpose of destruction, including allowing certain individuals—such as authorized handlers and in limited circumstances those dealing with a decedent's property—to lawfully deliver substances for disposal under controlled procedures.
- The bill's core purpose is administrative: it reduces outdated or overly restrictive procedural steps in the chain of custody for destroyed narcotics while maintaining required safeguards. It emphasizes compliance with federal disposal standards and ensures that documentation and authorized handling remain in place so evidence integrity is not compromised before destruction.

- For Oklahoma law enforcement, SB 444 is mainly a workflow and evidence-handling update rather than a change in criminal law. Officers and property/evidence technicians may see simplified procedures for turning over or disposing of controlled substances once cases are adjudicated or the substances are no longer needed for evidentiary purposes. The Act clarifies authorized disposal pathways and reinforces documentation requirements for destruction of narcotics evidence.
 - Overall, the practical effect is improved efficiency in drug evidence management—less administrative friction, clearer authority for disposal, and stronger alignment with federal standards—while leaving enforcement powers and criminal penalties unchanged.
- ❖ [HB No. 3127 – Medical Marijuana Updates](#) – *An Act relating to medical marijuana; amending 63 O.S. 2021, Section 427.8, which relates to rights and restrictions related to medical marijuana use and possession; modifying exception to certain employer mandate; implementing zero-tolerance policy for certain applicants and employees; clarifying exceptions to certain act and medical marijuana laws; modifying scope of certain defined term; and providing an effective date.*
- This bill updates Oklahoma's medical marijuana law primarily in the employment context. It clarifies employer authority concerning zero-tolerance policies for specified applicants and employees, including safety-sensitive positions, within Oklahoma's existing workplace drug-testing and employment-law framework.
 - Employers generally may not refuse to hire or otherwise penalize a person solely because of medical-marijuana-patient status or a positive test unless a statutory exception applies. Employers that conduct testing must continue to comply with applicable written-policy, testing, and employment-law requirements.
 - The bill also confirms that employers do not have to accommodate marijuana use at work, and it preserves existing rules allowing businesses to prohibit smoking or vaping on their premises. It further reiterates protections such as no impact on eligibility for public assistance programs or firearm rights based solely on medical marijuana status. The law takes effect November 1, 2026.
- ❖ [HB No. 2941 – Mandatory Reporting for Drug Overdose](#) - *NEW LAW. A new section of law to be codified in the Oklahoma Statutes as Section 1-2506.3 of Title 63.*
- Oklahoma House Bill 2941 addresses fentanyl overdose reporting. It requires a first responder who reasonably believes a person is experiencing or has experienced a drug overdose to contact local law enforcement after attending to the person's medical needs, and it provides specified immunity for good-faith conduct under the Act.
 - In a fatal-overdose investigation or prosecution, the Act provides that a detectable amount of fentanyl constitutes rebuttable prima facie evidence that fentanyl was the proximate cause of death, subject to the enacted statutory language. The law takes effect November 1, 2026.

Title 70 – Schools

- ❖ [HB No. 1276 – School Cell Phone and Personal Electronic Device Ban](#) - *An Act relating to schools; amending Section 1, Chapter 30, O.S.L. 2025 (70 O.S. Supp. 2025, Section 1-126), which relates to prohibited use of cell phones and personal electronic devices on certain campuses; extending prohibition; removing language allowing public school district boards of education to adopt certain policy beginning in certain school year; providing an effective date; and declaring an emergency.*
- HB 1276 makes Oklahoma's school-day ban on student cell phones and personal electronic devices permanent. The bill removes the previous provision allowing local school boards to decide after the initial implementation period whether to continue the prohibition. School districts must maintain policies prohibiting student use of cell phones and personal electronic devices during the school day, while continuing to provide exceptions for emergencies and other circumstances authorized by law or school policy.

- HB 1276 has minimal direct impact on law enforcement. It does not create new criminal offenses or expand police authority. However, School Resource Officers (SROs) and officers assigned to schools should be familiar with district cell phone policies when assisting school administrators with student disciplinary issues or emergency situations. The law is intended to reduce classroom distractions and improve school safety by limiting student access to personal electronic devices during the school day.
- ❖ [SB No. 1733 – Mandatory School Reporting to Law Enforcement](#) - *An Act relating to schools; amending Section 1, Chapter 297, O.S.L. 2024 (70 O.S Supp. 2025, Section 6-401), which relates to student communications; requiring immediate notification to law enforcement of certain violations; updating statutory language; requiring public and private school employees to report certain disclosure, allegation, or information to law enforcement within certain time period; clarifying term; requiring certain officer to submit certain report under certain circumstances; requiring certain report to law enforcement prior to certain formal investigation or questioning; prohibiting school personnel from taking certain actions until law enforcement has been notified; providing exception; requiring certain information to be kept confidential or redacted; requiring public and private school employees to annually sign certain attestation; providing certain construction; providing for codification; providing an effective date; and declaring an emergency.*
 - SB 1733 strengthens Oklahoma's mandatory reporting requirements for public and private school employees when they receive a disclosure, allegation, or information indicating that a student may be the victim of certain criminal conduct. The bill requires school employees to notify law enforcement within 24 hours and requires that law enforcement be notified before the school conducts a formal investigation or interviews the student about the allegation, except in limited emergency circumstances. The law also requires school employees to annually sign an attestation acknowledging their reporting obligations.
 - SB 1733 has a significant impact on law enforcement. Agencies should expect earlier notification from schools of allegations involving criminal conduct against students, allowing officers to begin investigations before evidence is compromised or witness statements are influenced by internal school interviews. Officers investigating child abuse, sexual abuse, or other crimes involving students should be aware that schools are generally prohibited from conducting formal questioning until law enforcement has been notified, improving coordination between schools and investigators.
- ❖ [HB No. 1484 – Rain's Law \(Fentanyl Abuse Prevention Education\)](#) – *An Act relating to schools; creating Rain's Law; requiring certain instruction on fentanyl abuse prevention and drug poisoning awareness; prescribing frequency of and grades for instruction; listing information to be included in fentanyl abuse instruction; authorizing organizations and persons to provide instruction; directing the State Board of Education to adopt certain curriculum standards; requiring the Department to provide certain resources to schools; requiring fentanyl awareness curriculum in certain units of instruction; directing Governor to designate Fentanyl Poisoning Awareness Week in schools; requiring correlation with National Red Ribbon Week; providing for certain instruction during designated week; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.*
 - HB 1484, known as Rain's Law, requires Oklahoma public schools to provide age-appropriate instruction on fentanyl abuse prevention and drug poisoning awareness for students in designated grade levels. The curriculum must educate students about the dangers of fentanyl, recognizing overdose symptoms, counterfeit pills, and available prevention resources. The Oklahoma State Department of Education is directed to adopt curriculum standards and provide educational resources. The law also establishes Fentanyl Poisoning Awareness Week in conjunction with National Red Ribbon Week.
 - HB 1484 has a limited but meaningful impact on law enforcement. While it does not create new criminal offenses or expand police authority, it supports statewide fentanyl prevention efforts through education. Officers serving as School Resource Officers (SROs) or participating in community outreach may be asked to assist with fentanyl awareness presentations and prevention programs. Increased public education may also improve recognition and reporting of fentanyl-related overdoses and counterfeit pill activity.
 - Rain's Law is named in honor of Rain Reece, a 19-year-old Oklahoma college student who died after unknowingly taking a counterfeit pill containing fentanyl. Her death prompted the Legislature to

require fentanyl education in Oklahoma schools to help prevent similar tragedies. More about Rain can be found [here](#) and [here](#).

Additional Relevant Statutes

- ❖ [HB No. 3322 – Statutory Interpretation of Multiple Amendments](#) - *An Act relating to statutes and reports; amending 75 O.S. 2021, Section 11a, which relates to statutory interpretation; providing for construction of certain amendatory enactments; stating legislative intent; creating presumption; defining term; and providing an effective date.*
 - HB 3322 clarifies how Oklahoma courts should interpret statutes when the Legislature passes multiple bills amending the same statute during the same legislative session. The law instructs courts to reconcile the amendments whenever possible, discourages repeal by implication, and creates a presumption that, if an unavoidable conflict exists, the version enacted last in time reflects the Legislature's intent. It also clarifies that unchanged language reproduced in an amendatory act is included for context and is not intended to alter existing law.
 - HB 3322 has minimal direct operational impact on law enforcement. It does not create new criminal offenses or change officers' investigative or arrest authority. However, it provides greater certainty in statutory interpretation when multiple bills amend the same law, reducing confusion over which version of a statute governs and assisting officers, prosecutors, and courts in applying Oklahoma law consistently.
- ❖ [HB No. 2959 – School Employee Abuse Reporting](#) - *An Act relating to schools; amending 70 O.S. 2021, Section 1210.163, as last amended by Section 3, Chapter 260, O.S.L. 2025 (70 O.S. Supp. 2025, Section 1210.163), which relates to student abuse or neglect reporting; requiring superintendents and school administrators to report suspected abuse by school employees to law enforcement within twenty-four hours; requiring reporting before formal school investigation; prohibiting formal interviews of suspected involved parties until notification of and interviews by law enforcement; establishing duty to report regardless of employment status of accused; updating references; requiring employees to sign an attestation of duties to report abuse or neglect; defining term; requiring a written report from school resource officers under certain circumstances; amending Section 1, Chapter 297, O.S.L. 2024 (70 O.S. Supp. 2025, Section 6-401), which relates to school personnel electronic communication with students; requiring immediate notification to law enforcement for certain violations; providing an effective date; and declaring an emergency.*
 - HB 2959 strengthens Oklahoma's laws governing the reporting and investigation of suspected abuse or neglect of students by school employees. The bill requires school superintendents and administrators to notify law enforcement within 24 hours after learning of an allegation that a school employee abused or neglected a student.
 - It also prohibits schools from conducting formal interviews or investigations of the accused employee before notifying law enforcement and allowing officers the opportunity to conduct their own interviews. Additionally, the bill requires all school employees to annually sign an acknowledgment of their mandatory duty to report suspected child abuse or neglect and requires immediate notification to law enforcement if a school employee engages in prohibited private electronic communications with a student.
 - HB 2959 has a direct impact on law enforcement, particularly agencies that investigate crimes involving children. Officers can expect to receive reports from schools much earlier in the investigative process, before school administrators conduct internal interviews or investigations that could compromise witness statements or evidence. This gives law enforcement the opportunity to conduct independent interviews, preserve evidence, coordinate with child welfare authorities, and determine whether criminal charges are appropriate. The bill also increases the number of incidents that must be reported to law enforcement, including certain improper electronic communications between school employees and students.
 - Officers investigating allegations of abuse involving school employees should understand that schools are now required to involve law enforcement at the outset of the investigation. Agencies should be prepared to respond promptly to these reports, coordinate with school officials and child

welfare investigators, and ensure criminal investigations proceed independently of any administrative employment investigation.

- ❖ **SB No. 1145 – Public Employee Retirement** – *amending 62 O.S. 2021, Section 3103, as last amended by Section 2, Chapter 361, O.S.L. 2024 (62 O.S. Supp. 2025, Section 3103)*
 - This bill gives certain retired members of the Oklahoma Public Employees Retirement System a cost-of-living increase beginning November 1, 2026. Retirees who have been retired for less than 10 years receive no increase, those retired 10–19 years receive a 3% increase, and those retired 20 years or more receive a 6% increase. The bill also updates Oklahoma pension law definitions so that this type of cost-of-living adjustment is classified as a “nonfiscal retirement bill” under state actuarial review rules. In practice, the main effect is to authorize and implement the retirement benefit increases for long-term OPERS retirees.
- ❖ **SB No. 0169 – Longevity Pay** – *amending 74 O.S. 2021, Section 840-2.18, as last amended by Section 1, Chapter 18, 1st Extraordinary Session, O.S.L. 2023 (74 O.S. Supp. 2025, Section 840-2.18)*
 - This bill increases the annual “longevity pay” bonuses for many Oklahoma state employees and updates some technical language in the law. Longevity pay is an annual lump-sum bonus paid to eligible state workers based on how many years they’ve worked for the state. The law takes effect July 1, 2026. The bill significantly raises the annual bonus amounts for employees with 2–20 years of service.
 - Examples:
 - 2–4 years of service: increases from \$250 → \$375
 - 4–6 years: \$426 → \$639
 - 10–12 years: \$1,062 → \$1,593
 - 20 years: \$2,000 → \$3,000
 - After 20 years of service: Current law adds \$200 every additional 2 years
 - This bill raises that to \$300 every additional 2 years
 - Overall, most longevity payments increase by about 50%.
- ❖ **SB No. 1146 – Police Pensions** – *An Act relating to the Oklahoma Police Pension and Retirement System; authorizing benefit increase for certain retired members of the Oklahoma Police Pension and Retirement System; amending 62 O.S. 2021, Section 3103, as last amended by Section 2, Chapter 361, O.S.L. 2024 (62 O.S. Supp. 2025, Section 3103), which relates to the Oklahoma Pension Legislation Actuarial Analysis Act; modifying certain definition; updating statutory language; providing for codification; and providing effective dates.*
 - Senate Bill 1146 increases retirement benefits for members of the Oklahoma Police Pension and Retirement System depending on how long they have been retired as of June 30, 2026. Retirees under 10 years get no increase, those retired 10–19 years get a 3% increase, and those retired 20 years or more get a 6% increase. The bill also updates and clarifies definitions and rules in Oklahoma’s pension law, including how retirement bills are evaluated and how benefit changes are calculated. These updates take effect in October and November 2026, depending on the section.
- ❖ **SB No. 1149 – Public Employee Retirement Systems** – *An Act relating to public retirement systems; defining term; directing the Oklahoma Firefighters Pension and Retirement Board to issue certain stipend to certain members; defining term; directing the Oklahoma Police Pension and Retirement Board to issue certain stipend to certain members; amending 62 O.S. 2021, Section 3103, as last amended by Section 2, Chapter 361, O.S.L. 2024 (62 O.S. Supp. 2025, Section 3103), which relates to the Oklahoma Pension Legislation Actuarial Analysis Act; modifying certain definition; updating statutory language; providing for codification; and providing effective dates.*
 - The bill provides a one-time \$25,000 stipend to certain retirees of Oklahoma’s Firefighters and Police Pension and Retirement Systems, referred to as “tweeners.” Tweeners are those who retired before a certain date (Firefighters: before Nov 1, 1989; Police: before June 30, 1990) and who did not have 20 years of credited service as of May 26, 1983.
 - These members were previously ineligible for some retirement plan benefits and deferred options. It clarifies and updates definitions and provisions in the Oklahoma Pension Legislation Actuarial

Analysis Act, including nonfiscal retirement bills, cost-of-living adjustments, disability pensions, and membership rules for law enforcement and firefighters. Effective dates: Oct 1, 2026 for actuarial amendments; Nov 1, 2026 for stipends.

- ❖ [HB 1739 – Law Enforcement Retirement Pensions](#) – *An Act relating to retirement; amending 62 O.S. 2021, Section 3103, as last amended by Section 2, Chapter 361, O.S.L. 2024 (62 O.S. Supp. 2025, Section 3103), which relates to the Oklahoma Pension Legislation Actuarial Analysis Act; modifying terms; amending 47 O.S. 2021, Sections 2-304, as amended by Section 2, Chapter 45, O.S.L. 2025, and 2-305, as last amended by Section 9, Chapter 151, O.S.L. 2023 (47 O.S. Supp. 2025, Sections 2-304 and 2-305), which relate to the Oklahoma Law Enforcement Retirement System; modifying employer contributions; modifying employee contribution, modifying top base salary provisions; modifying positions that receive certain benefit computation; providing that certain provisions apply to certain individuals; providing effective dates; providing for contingent effective dates based on outcome of approval of the emergency clause; and declaring an emergency.*
 - HB 1739 strengthens the Oklahoma Law Enforcement Retirement System (OLERS) by increasing both employee and employer contribution rates over several years and expanding eligibility for the top base salary benefit calculation to all OLERS retirees, including survivors of officers killed in the line of duty, regardless of when they entered the system. The phased contribution increases are intended to improve the long-term financial stability of OLERS and fully fund enhanced retirement benefits.
- ❖ [HB No. 4050 – Public Employee Retirement](#)- *amending 74 O.S. 2021, Section 920.*
 - This bill amends Oklahoma’s public employee retirement law by temporarily reducing the employer contribution rate to the Oklahoma Public Employees Retirement System (OPERS). Under current law, participating state agencies contribute 16.5% of employee compensation, but the bill lowers that rate to 9.5% from July 1, 2026, through June 30, 2031, before restoring the rate back to 16.5% beginning July 1, 2031.
 - The measure also updates statutory references and maintains existing requirements related to actuarial funding, employer obligations, and contributions for employees participating in the defined contribution retirement system. The Act contains an emergency clause; however, the reduced 9.5% employer contribution rate applies beginning July 1, 2026.

Thank you for sticking with me and I hope you enjoyed this year’s Legal Update.

For questions or comments, please contact Kate Springer at kate.springer@cleet.state.ok.gov.