Council on Law Enforcement Education and Training

2025 Legal Update

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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 state laws on an annual basis and no later than 90 days following the adjournment of a legislative session. This year's legal update continues efforts started in 2021 to incorporate a review of some significant cases that affect Oklahoma peace officers in addition to applicable statutory and rules changes. I acknowledge the efforts of attorney James L. Hankins, whose Oklahoma Criminal Defense Weekly newsletter does a masterful job of reviewing and highlighting important criminal law appellate opinions and upon whose work I have relied in identifying many of the cases highlighted in this update. I'm also grateful to Austin Little, CLEET's assistant general counsel who has read and reread this update and acted as a sounding board during its preparation. I also am indebted to Abigayle Shropshire, an East Central University legal studies student who is interning at CLEET, for her efforts in identifying legislative bills from this session which impact law enforcement in some way and for proof-reading and link-checking this update. And my thanks goes out to CLEET's Jeanelle Hebert without whose technological assistance my efforts would be demonstrably less effective.

Please keep in mind that this document is, by necessity, a limited summary. If we were to address and link all the new cases and statutes that may have some impact on Oklahoma law enforcement and allied private industries, this document could run to several hundreds of pages. Even a brief summary of every case or provision would be unwieldy. I have attempted to include all new or revised statutes that have a direct or significantly tangential tie to law enforcement and allied private industries. I fully admit there may be provisions that directly impact law enforcement and allied private industries which I have missed in my efforts to review the latest legislative session and I am certain that my discernment of "significantly tangential" provisions will be different than many of yours would have been. My brief summaries of such provisions are meant only to highlight new or changed language and should not be relied upon as complete descriptions. Such summaries are also not offered as legal advice. Therefore, you are encouraged to read in their entirety any newly enacted or revised statutes, all of which are (or will be) available at www.oscn.net, and to seek guidance from competent legal counsel affiliated with your organizations before determining how or if the changes affect you. Copies of enrolled bills are also available on the Oklahoma Secretary of State's website: sos.ok.gov/gov/legislation.aspx. Hyperlinks to the enrolled bills are provided in this document as are hyperlinks to the various statutes, case opinions, constitutional provisions, and supporting materials discussed in the text. Please note that some of the hyperlinks may not bring up the new statutory language until the effective date of the enactments. Best efforts have been made to test the hyperlinks but I acknowledge my own limitations and those of my staff. My apologies for any that fail to work as expected.

Finally, I have tried my best to avoid too much editorializing, pontificating, or snarky commentating. To the extent I have failed, those extraneous comments are mine alone and do not reflect the official position of CLEET, the State of Oklahoma, or any other entity you may be tempted to complain about because of my statements.

CASE LAW UPDATES

CASES—INDIAN[1] COUNTRY JURISDICTION

City of Tulsa v. O'Brien, 2024 OK CR 31; *Stitt v. City of Tulsa*, 2025 OK CR 5. The State and its Municipalities Have Concurrent Jurisdiction Over Non-Member Indians Who Commit Non-Major Crimes in Indian Country.

O'Brien involves further assessment of a state's criminal jurisdiction in Indian Country. This case, and others like it, have had some rather circuitous and complicated histories despite originating as relatively simple fact patterns. In this instance, O'Brien, an enrolled citizen of the Osage Nation, was issued citations by a Tulsa police officer for DUI and other misdemeanor offenses occurring in that part of Tulsa which sits within the boundaries of the Muscogee (Creek) reservation.

At first, O'Brien argued the case should be dismissed because Tulsa, as a political subdivision of Oklahoma, had no criminal jurisdiction over him because he is an Indian and his criminal violations occurred within Indian Country. A Tulsa municipal judge rejected O'Brien's initial argument, finding instead that Section 14 of the Curtis Act specifically granted the city jurisdiction over Indians. Subsequently, the U.S. Court of Appeals for the Tenth Circuit heard another Indian-perpetrator traffic case out of Tulsa and rejected the city's reliance on the Curtis Act in such cases. *See Hooper v. City of Tulsa*, 71 F.4th 1270, 1288 (we covered *Hooper* in our 2023 Legal Update). Based on *Hooper*, O'Brien again filed a motion to dismiss for lack of jurisdiction. Following a review of the *Hooper* opinion, the Tulsa municipal judge determined the city lacked subject matter jurisdiction and dismissed the case. Tulsa then appealed to the Court of Criminal Appeals, arguing that the principles of concurrent jurisdiction announced in *Oklahoma v. Castro-Huerta*, 597 U.S. 629 (2022), authorized the city's assertion of jurisdiction.[2]

In considering Tulsa's appeal, the Court of Criminal Appeals noted that "the text of the General Crimes Act[[3], 18 U.S.C. § 1152,] . . . does not make federal jurisdiction exclusive or preempt state jurisdiction." *O'Brien* at ¶ 30. Therefore, the federal statute did not preclude the city's enforcement activity in this instance. As such, the next question is whether the exercise of jurisdiction by the state (or city) is preempted by principles of tribal self-government. *Id*. at ¶ 31.

To determine whether principles of tribal self-government preempt any particular state (or city) criminal enforcement activity, the courts must balance federal, state, and tribal interests as described in *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 145 (1980). First, the Court finds that an exercise of criminal jurisdiction by the state (or city) over a non-member Indian on a city's public streets and roads,

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[1] "Indian" and "Indian Country" are legal terms of art under both federal and state law. As such, the term "Indian" is used in this document to refer to people who in other contexts or by other writers may be identified as Native American, American Indian, First Nation, First People, Indigenous, or some other descriptor. *See* "The Impact of Words and Tips for Using Appropriate Terminology: Am I Using the Right Word?", an insightful article published by the National Museum of the American Indian on the appropriate use of terminology.

[2] Tulsa also argued to the Court of Criminal Appeals that the Curtis Act provided jurisdiction despite the Tenth Circuit's ruling otherwise. The Court of Criminal Appeals asserted that it was not bound by the Tenth Circuit's resolution of the Curtis Act question, but that it would follow the Tenth Circuit's guidance "until the United States Supreme Court rules on the issue." *O'Brien* at ¶ 37.

[3] The General Crimes Act is also known as the Indian Country Crimes Act. We generally refer to the statute as the Indian Country Crimes Act in the basic academy's legal block module on Indian Country jurisdiction.

despite being within the boundaries of an Indian reservation, in no way affects the reservation tribe's authority to regulate its own citizens' compliance with tribal law. This is because prosecuting a non-member Indian would not displace or diminish the tribe's ability to prosecute Indians for violations of local tribal law, but instead would "bolster the tribe's strong interest in public safety for its citizens in that part of the reservation shared by the city." *O'Brien* at ¶ 32. Next, the Court found the city's prosecution of non-member Indians for misdemeanor traffic offenses would not harm the federal government's interests in protecting Indians within the reservation boundaries. *Id*. at ¶ 33. Federal authorities would still have concurrent jurisdiction in such cases. And, like with the tribe, the federal interests would be enhanced by municipal enforcement efforts, especially as the city already has primary responsibility for law enforcement within its city limits and as the federal government has a relatively limited role in prosecuting traffic offenses occurring within the city. *Id*. Finally, the state (and city) has a "strong sovereign interest in ensuring public safety on the roads and highways of its territory and in ensuring criminal justice for all citizens—Indian and non-Indian." *Id*. at ¶ 34. Prosecution of non-member Indians for traffic offenses within the reservation as part of its concurrent jurisdiction enhances the state's (and city's) interests in protecting the motoring public, according to the Court, and hopefully reduces motor vehicle collisions and deaths across state/municipal territory, regardless of tribal identity or affiliation. *Id*.

The appeal in *Stitt v. City of Tulsa*, 2025 OK CR 5, paralleled the appeal in *O'Brien* and covered similar circumstances. In the *Stitt* case, an enrolled Cherokee Indian who received a citation from Tulsa Police for a traffic violation on city streets within the Muscogee (Creek) reservation, argued the city had no jurisdiction over him because of his Indian status and the situs of the crime being within a reservation. Stitt's legal arguments included that Tulsa's reliance on the Curtis Act was improper and that *Castro-Huerta* had no impact on his case. Citing *O'Brien*, the Court of Criminal Appeals affirmed the municipal conviction and reiterated that "Oklahoma has concurrent jurisdiction in Indian country over non-member Indian defendants accused of committing non-major crimes." *Stitt* at ¶ 8.

On June 25, 2025, the City of Tulsa and the Muscogee (Creek) Nation announced an agreement whereby "the city agrees that it will not exercise criminal jurisdiction over Indian defendants on the nation's reservation." According to a NonDoc article, the agreement provides that in cases involving Indian defendants on portions of the Muscogee (Creek) Nation's reservation that are within the Tulsa city limits, the city will no longer exercise criminal jurisdiction but will instead refer such cases to tribal or federal prosecutors as appropriate. Reports also say that the pre-existing cross-deputation agreement between the Tulsa Police Department and the Muscogee (Creek) Lighthorse Police will remain in full force and effect. Governor Stitt and various other state, county, and local leaders issued statements critical of the agreement. A primary criticism of the agreement is that the city had fought so diligently to exercise criminal jurisdiction over Indians within the city limits, including winning the right to prosecute non-member Indians who commit on-reservation crimes within city limits as recognized in *O'Brien*, that this agreement is a capitulation that will unnecessarily impede and complicate law enforcement efforts in the city.

***U.S. v. Little*, ___ F.4th __ (10th Cir. 2024). Can Evidence Collected by State Officers with No Jurisdiction Be Used to Convict an Indian Offender in Federal Court?**

After the Tenth Circuit issued its opinion in *Murphy v. Royal*, 875 F.3d 896 (10th Cir. 2017), finding the Muscogee (Creek) Reservation had not been disestablished and that all the territory within the historic reservation boundaries constituted Indian Country, state officials nonetheless continued to investigate and prosecute crimes involving Indian offenders within such territory until the U.S. Supreme Court issued its

historic decision in *McGirt v. Oklahoma*, 591 U.S. 894 (2020). Little was one such Indian offender whose crime was investigated by state officials during the period between the Tenth Circuit's ruling and *McGirt*.

Jenks Police Department officers investigated an apparent murder within their territorial jurisdiction in April 2018. The investigation led to Little, who was subsequently arrested and interrogated by state officials, had his property searched and seized by state officials, and was indicted by a federal grand jury. Little was tried before a federal jury and convicted of first-degree murder in Indian Country.

In his federal case, Little moved to suppress the evidence gathered by the Jenks PD, arguing the municipal police had no jurisdiction over his crime as he is an Indian and committed his crime within the boundaries of the Muscogee (Creek) Nation. The district court denied Little's motion, finding that the Jenks PD officers could reasonably have believed they had jurisdiction at the time of their investigation. As such, the district court found the actions of the state officials fell within the good-faith exception to the exclusionary rule.

The Tenth Circuit noted that although evidence collected by a police agency with no jurisdiction could be grounds for excluding such evidence, the use of the exclusionary rule must be tempered with concern for the heavy costs exclusion imposes when reliable and trustworthy evidence of guilt or innocence is lost. As such, the U.S. Supreme Court, which invented the exclusionary rule, has recognized a good-faith exception to the rule. Under such exception, when officers execute a search or conduct an interrogation under objectively reasonable reliance on a warrant, exclusion of the fruits of such actions would not normally be appropriate. In other words, the exclusionary rule "cannot be expected, and should not be applied, to deter objectively reasonable police activity." *Little*, Slip Op[4]. at 9. Following a pretty thorough review of the facts of the case and the Court's reading of prior cases, the Tenth Circuit determined that the exercise of authority by municipal officers during this time frame was reasonable, even though they did not have actual jurisdiction at the time. As such, the evidence obtained by the Jenks PD was admissible at Little's federal trial despite his status as an Indian offender whose crime had been committed in Indian Country.

Note that this opinion only applies to investigations conducted prior to a relevant decision finding a location constitutes Indian Country. It would not appear to apply in an instance in which state officers asserted jurisdiction knowing the assertion was meritless.

***Stroble v. Oklahoma Tax Commission*, 2025 OK 48. The Effects of *McGirt* Do Not Extend to State Taxing Authority.**

The Oklahoma Supreme Court decided *Stroble* in a short, unsigned per curiam[5] opinion, which was accompanied by five concurring opinions and one dissenting opinion. The five separate concurring opinions reflect the positions of six of the Court's nine justices, with the other three justices' positions included in the one dissent.

[4] A "Slip Op." or "slip opinion" is the first version of the Supreme Court's opinion in a case, which is posted on the court's website before the opinion is published in the bound volumes of the United States Reports. In this document, we also use the term "Slip Op." to refer to published cases from the Tenth Circuit that are available in first version form on the court's website or other online locations but are not yet "published" in the applicable reporter.

[5] A per curiam opinion is one that is not authored by or attributed to a specific judge.

The issue in the case was whether an Indian, whose income was earned from sources within Indian country under the jurisdiction of the tribe to which the person belonged, was living in Indian country such that the income would be exempt from state taxes. Under an Oklahoma Tax Commission rule, income of an enrolled member of a federally recognized Indian tribe is exempt from the state individual income tax when (a) the member is living within Indian country under the jurisdiction of their tribe and (b) their income is earned from sources within Indian country under the jurisdiction of their tribe. See OAC 710:50-15-2. In this case, the parties agreed that Stroble is an enrolled member of the of the Muscogee (Creek) Nation and that her income for the disputed tax years was earned from sources within Indian country under the jurisdiction of the Muscogee (Creek) Nation (she was a direct employee of the Nation's legislative branch). It was also agreed that Stroble lived in the city of Okmulgee, which is within the boundaries of the historic Muscogee (Creek) reservation, and that her residence is located on unrestricted, non-trust, private fee land, to which she had acquired title from a non-tribal grantor. Disputed, however, was whether Stroble was "living" within Indian country for purposes of the applicable administrative rule, OAC 710:50-15-2.

Under the rule, there are four categories of land that constitute Indian country for purposes of the state income tax exemption: formal reservations, informal reservations, dependent Indian communities, and Indian allotments. *Id*. Stroble argued the determination in *McGirt v. Oklahoma*, 591 U.S. 894 (2020), that the Muscogee (Creek) reservation had never been disestablished *ipso facto* meant that she lived within a formal reservation because her home is located within the boundaries of the historic Muscogee (Creek) reservation. The Tax Commission determined that her residence was not located within a formal reservation because the land was neither owned by the Muscogee (Creek) Nation nor held in trust for the Nation by the federal government and was not subject to any restrictions. The per curiam opinion noted that Stroble's residence would be in Indian country under *McGirt* for purposes of determining criminal jurisdiction but stressed that the U.S. Supreme Court in *McGirt* went to lengths to limit the impact of its decision to only criminal cases. As such, the Oklahoma Supreme Court stated that it would not extend *McGirt* to civil or taxing jurisdiction cases. Therefore, the Court held that Stroble did not qualify for an income tax exemption.

CASES—SEARCH AND SEIZURE

State v. Tannehill, 2024 OK CR 32. Post-Traffic Stop Consensual Discussion.

In Tannehill, an officer initiated a traffic stop for a failure to stop at a stop sign and a failure to signal a right turn. Once Tannehill's vehicle was stopped, the officer asked Tannehill for his drivers license and insurance information. The officer also asked Tannehill's passenger for ID. While checking with dispatch to determine the validity of the individuals' licenses and whether either had any outstanding warrants, the officer noticed Tannehill making unusual movements inside the vehicle. Dispatch also returned information that the passenger had an outstanding warrant.

The passenger was arrested, but after asking the driver to exit the vehicle the officer told Tannehill he was going to write him a warning for the traffic violations. While talking with Tannehill, the officer observed Tannehill exhibit behavior such as flailing his arms, tucking his arms into his armpits, walking back and forth, and sweating profusely, which lead the officer to suspect Tannehill may have been under the influence of narcotics. The officer asked Tannehill if he had used any narcotics and Tannehill denied

using any. The officer then decided to administer field sobriety tests to Tannehill. Tannehill attempted the tests but could not even stand with both of his feet together and told the officer his problems were related to a stroke he had suffered previously. Based upon his observations, the officer believed Tannehill was intoxicated and was unsafe to drive. The officer told Tannehill he would not let him drive but that he was free to go and needed to get a ride from someone. However, rather than leaving, Tannehill sat on the curb to try to figure out how to get a ride. About five minutes later, the officer asked Tannehill if there was anything illegal in the car and Tannehill replied that there shouldn't be, but he could not recall. The officer then asked for permission to search the vehicle, which Tannehill refused. Within seven minutes, another officer with a drug dog was on scene. The drug dog performed a sniff of the vehicle and alerted on it. A subsequent search of the vehicle revealed a trafficking amount of methamphetamine and Tannehill was arrested.

At trial, Tannehill moved to suppress the evidence, arguing that the officer had improperly extended the traffic stop and that the dog sniff, search of the vehicle, discovery of the methamphetamine, and resulting arrest were unlawful and the evidence should be excluded. The trial judge agreed with Tannehill's claim and suppressed the evidence, finding that the officer's questions about illegal materials in the vehicle somehow reinitiated a detention and resulted in an unlawful search. The state appealed the trial court's ruling.

Here, the Court of Criminal Appeals found that the traffic stop was concluded when the officer told Tannehill he was free to leave and needed to find a ride. The fact that Tannehill remained on the scene and consented to more conversation with the officer did not amount to a reinitiation of detention. Furthermore, because the vehicle was lawfully detained because the officer had determined Tannehill was not safe to drive, the drug sniff did not violate the Fourth Amendment.

Something that may be useful as officers are conducting traffic stops to determine whether a stop has ended and extended interactions have become consensual is the Court's reference to some guidance from the Tenth Circuit. In *U.S. v. Mercado-Gracia*, 989 F.3d 829, 836 (10th Cir. 2021), the federal court identified several factors to be considered when determining if an extended stop has become consensual. These include: (1) the location of the encounter, especially if the encounter is in an open public place where the suspect is within the view of other members of the public; (2) whether officers touch or physically restrain the suspect; (3) whether the officers are in uniform or plain clothes; (4) whether officers have displayed their weapons to the suspect; (5) the number, demeanor, and tone of voice used by officers; (6) whether, and for how long, the officers have retained a suspect's personal effects such as tickets or identification; and (7) whether or not officers have specifically advised the suspect that he or she was free to go or otherwise refuse consent to further contact.

In this case, the Court of Criminal Appeals specifically found that once the officer had told Tannehill that he needed to get a right and was free to leave, the further encounter with the officer about five minutes later was consensual. *Tannehill* at ¶ 12.

U.S. v. Santiago, ___ F.4th ___ (10th Cir. 2025). Be Careful When Preparing Probable Cause Affidavits for Search Warrants.

In 2021, an Oklahoma mother reported that her then-14-year-old daughter was missing but suspected to be with Santiago, who was 24 years old at the time. Police contacted Santiago and he confirmed the girl was with him and agreed to bring her to law enforcement. During a forensic interview, the girl said that Santiago was her boyfriend, that they were in love with each other, and that she had had sex with Santiago on more than one occasion. Subsequent to the interview, and without a warrant, police arrested Santiago and seized his cell phone. Several weeks after the arrest, an officer submitted an affidavit of probable cause to obtain a warrant to search Santiago's cell phone.

A state court judge issued a search warrant that allowed the search for "[a]ll call information, including voice mail messages, all outgoing and incoming calls, missed calls, recent calls, call logs, text messages, including incoming and outgoing messages, multimedia messages, including incoming and outgoing, IMEI numbers, serial numbers and any other numbers used to identify cell phones as well as any other information within said phone that may be deemed evidence that a crime has been or is about to be committed." The search warrant, however, did not reference any particular crime.

Pursuant to the warrant, state law enforcement officials searched Santiago's cell phone. That search uncovered images of child sex abuse materials, what we used to call child pornography[6]. The case was referred to federal officials, who in turn used the results of the state officials' search to seek a federal search warrant in order to further search Santiago's phone for child sex abuse materials. A federal search warrant was issued and a further search occurred, which turned up child sex abuse materials, including photos of the fourteen-year-old girl. A federal grand jury indicted Santiago and he moved to suppress the evidence from the search. The federal district court denied Santiago's motion but on appeal the Tenth Circuit found the evidence had to be suppressed because of Fourth Amendment violations.

The federal appeals court found the state warrant failed to comply with the Fourth Amendment's "particularity clause" because it granted officers authority to search the phone for any and all information that may be deemed evidence of a crime, but the warrant failed to identify the particular crimes with which Santiago had been charged. Slip op. at 6. The Court further stated that when the particularity requirement is missing, "no reasonable officer could believe that a warrant that plainly did not comply with that requirement was valid." *Id*. (quoting *Groh v Ramirez*, 540 U.S. 551, 563 (2003)). Because of this failure, reliance on the warrant to obtain evidence was improper. As such, execution of the plainly unconstitutional warrant is the type of police misconduct the exclusionary rule was designed to deter. Id. Therefore, there was no "good faith" for police to rely on in executing the Oklahoma warrant.

In addition, the Tenth Circuit found that when evidence from the Oklahoma warrant was excised from the federal warrant application, that the federal probable cause affidavit failed to support a warrant request. This is because the federal warrant sought evidence of child pornography but the only references to child pornography in the affidavit were statements that the state search of Santiago's phone revealed images of

[6] See HB 3936 (2024).

child pornography. No other references suggest evidence of child pornography may be on the phone. For instance, as the Tenth Circuit stated, the probable cause affidavit "describes a sexual relationship between a 24-year-old and a 14-year-old. It alleges that there are images of Mr. Santiago and [the 14-year-old girl] together that were sent over Snapchat, but none of these are described as being sexually explicit." Because probable cause showing an adult had an inappropriate intimate relationship with a minor or even probable cause showing the adult committed statutory rape does not "automatically create probable cause that the person in question possesses child pornography[,]" the allegations in the federal PC affidavit were insufficient to support the search of Santiago's phone for child pornography and all such evidence had to be suppressed. As a result, Santiago's conviction and sentence were vacated.

This case is a sober reminder of why it is so very important to be thorough, careful, and meticulous in submitting probable cause affidavits for search warrants.

State v. Velasquez, 2024 OK CR 29. The Exclusionary Rule Should Not Normally Be Applied to Suppress Evidence in Cases Involving a Violation of the Knock-and-Announce Rule.

In 2006, the U.S. Supreme Court opined that suppression of evidence is not required by the federal constitution when officers violate the knock-and-announce rule while serving a search warrant. See *Hudson v. Michigan*, 547 U.S. 586, 599 (2006). The Supreme Court explained that "[r]esort to the massive remedy of suppressing evidence of guilt [in cases involving knock-and-announce violations] is unjustified" because "the social costs of applying the exclusionary rule to [such] violations are considerable; the incentive to such violations is minimal . . . , and the extant deterrences against them are substantial[.]" *Id*. Oklahoma, on the other hand, has had somewhat of a tradition of enforcing knock-and-announce violations by applying the exclusionary rule. For instance, in 2007, the Court of Criminal Appeals noted that Oklahoma law, specifically 22 O.S. § 1228, requires, except in limited circumstances, appropriate notice and a subsequent refusal of admittance before peace officers may forcibly enter a residence for purposes of serving a search warrant. *Brumfield v. State*, 2007 OK CR 10. And the Court recognized that enforcement of Section 1228 through the suppression of evidence has long been observed in Oklahoma regardless of decisions from the U.S. Supreme Court. *Id*. at ¶¶ 12-14.

However, in *Velasquez*, the Court of Criminal Appeals made clear that the "'knock and announce rule' is to protect human life and limb, to protect property from destruction, and to protect privacy and dignity." *Velasquez* at ¶ 27. It is not to protect a person's "interest in preventing the government from seeing or taking evidence described in a warrant." *Id*. (quoting *Hudson*, 547 U.S. at 594). In addition, the interests and purpose of Section 1228 have "nothing to do with the seizure of evidence pursuant to a valid search warrant." *Id*. Moreover, since the exclusionary rule is designed as a legal deterrent to police misconduct, the Court asserted Oklahoma has other means of reining in knock-and-announce violations such as resort to suits under the Govermental Tort Claims Act, pushing for departmental discipline of officers who violate the rule, and the option of a DA to bring criminal charges against an officer who willfully exceeds his or her authority in executing a search warrant. *Id*. at ¶ 28. As such, the Court found, or at least suggested, that applying the exclusionary rule for knock-and-announce violations would constitute an

indiscriminate application of the rule and could generate disrespect for both the law and the administration of justice. *Id*.

***U.S. v. Lowe*, ___ F.4th ___ (10th Cir. 2024). No Search Warrant Is Necessary to Search a Location for Which the Suspect Has No Legitimate Expectation of Privacy.**

This case out of Colorado involved a felon who was out on supervised release. The felon's supervisor heard tales from informants that the felon was using a storage locker at his apartment complex to hide narcotics and firearms. When the supervisor asked the felon about the allegations, the felon stated that he did not have a storage locker. The manager for the felon's apartment complex also confirmed that the felon did not rent one of their on-site storage lockers.

The felon's supervisor conducted several unannounced searches of the felon's apartment and cell phone. On one occasion the search uncovered messages implying the felon was involved in drug trafficking, search history related to a firearm, and a large plastic bag containing hundreds of empty gelatin capsules in the felon's kitchen. On another occasion, a digital scale, plastic baggies, a pill bottle, concentrated marijuana, a pill press, and Xanax pills were all located in the felon's apartment.

A few days later, the supervisor received a tip that the felon had hidden narcotics and firearms in a storage unit at his apartment complex. The informant also stated that the felon's associates intended to clear out the unit. Based on the informant's information, police went to the apartment complex and with the property manager went to the indicated storage unit. The unit was padlocked and contained various items but the property manager confirmed that the unit should have been vacant and that no one should have access to the storage units unless they were paying for them. At the officers' request, the property manager consented to a search of the unit and had the padlock cut. Inside the unit, officers found a loaded firearm, suspected narcotics, ammunition, a ski mask, a black t-shirt with "Police" printed on it, small plastic baggies, digital scales with a white residue, and several items directly linked to the felon including a prescription, some correspondence, a Social Security card, and a passport.

At trial, the felon moved to suppress the evidence from the storage unit on the basis that the warrantless search violated his Fourth Amendment rights. The trial judge denied his motion and the felon was eventually convicted.

The Tenth Circuit found that to establish a "protectable Fourth Amendment interest," a defendant must show a "legitimate expectation of privacy" in the premises searched. A legitimate interest is one that "society is prepared to accept . . . as objectively reasonable." Slip op. at 7-8 (internal citation omitted). In general, the use of property without the owner's permission or the fraudulent use of property to store possessions does not recreate an objectively reasonable expectation of privacy. Such was the case in this instance. Because the felon used the storage unit without permission he had no legitimate expectation of privacy in the materials he placed in the unit and so the warrantless search based on the property manager's consent did not violate the felon's Fourth Amendment rights.

Thompson v. State, 2025 OK CR 4. Do Task Force Members Who Are Employed by a Law Enforcement Agency Other Than the Task Force Sponsor Have Jurisdiction to Act Outside of Their Employer's Territorial Jurisdiction?

In this case, a Norman Police Department officer who was also a DA investigator for DA District 21 was patrolling I-40 eastbound in Canadian County pursuant to a request by the Oklahoma Bureau of Narcotics. While on patrol, the officer determined by radar that Thompson was speeding and pulled him over. When the officer approached the vehicle, he smelled the strong odor of raw marijuana. A drug dog was run around the vehicle and alerted to the presence of drugs. A large hockey bag and two smaller bags were found in the vehicle and once they were searched police discovered 62 pounds of marijuana, more than 5,000 grams of methamphetamine, and more than 200 Xanax tablets.

Thompson did not assert that no probable cause existed to support the traffic stop, that the stop was improperly prolonged, or that his incriminating statements were involuntary. Instead, he argued that the officer was acting outside of his jurisdiction when he made the stop and so the subsequent arrest and search violated the Fourth Amendment. The Court of Criminal Appeals cited U.S. Supreme Court cases for the proposition that the reasonableness of a search or seizure under the Fourth Amendment is not dependent upon local law. In other words, whether some local regulation may govern the validity of a particular arrest, so long as the arrest is "lawful" in a constitutional sense, meaning it is based upon probable cause, then there is no Fourth Amendment violation. *Thompson* at ¶ 10 (relying on *Virgina v. Moore*, 553 U.S. 164, 177 (2008)). This does not mean that states cannot impose more stringent requirements on searches and seizures but that when they do so it is not based on the Fourth Amendment but upon the local law.

The majority opinion in this case found that because "the traffic stop and search comported with the tenets of the Fourth Amendment[,] . . . the trial court did not err in denying [Thompson's] motion to suppress." Id. at ¶ 14. But, law enforcement officers may want to be cautious in applying this case too broadly. It appears that Thompson may have failed to frame his jurisdictional complaint in the proper context. Because he framed it as a Fourth Amendment violation, the majority opinion really only looked at the stop, search, and seizure from the vantage of constitutional reasonableness. Had he more carefully framed his jurisdictional claim under state law, however, Thompson likely would have still lost his claim.

In fact, in his concurring opinion, Judge Lewis asserts that the Court could have addressed the jurisdictional claim directly. According to Judge Lewis, the Court could have simply undercut Thompson's argument by finding that the Norman officer/DA Investigator was acting within proper jurisdiction as the District 21 Task Force and the OBN both authorized his performance of the traffic and drug interdiction duties on I-40 which led to Thompson's arrest. *Thompson,* Concurrence at ¶¶ 1-2. After all, a peace officer may enforce criminal laws statewide with the prior consent of the head of a state law enforcement agency. See 21 O.S. § 99a(A)(2).

CASES—USE OF FORCE

Baca v. Cosper, __ F.4th __ (10th Cir. 2024). Does a Suspect's Action in Merely Holding a Knife Justify Officers in Using Deadly Force?

This case arises from a federal district court's grant of qualified immunity to a Las Cruces, New Mexico, police officer who shot and killed a 75-year-old woman who had threatened family members with knives and who refused to follow the officer's commands to drop the knives. The Tenth Circuit reversed the trial court's grant of qualified immunity and instead found a jury could determine the officer's use of force violated the woman's clearly-established constitutional rights.

The case began with a desperate 911 call from a woman who said her elderly mother, who was suffering from dementia, had become aggressive and threatened to kill the caller and the caller's daughter. The officer was less than a minute from the scene when the call came through and immediately drove to the location of the disturbance. When he arrived, he located two women in the home's living room talking calmly with the elderly woman who held a knife in each hand. The officer asked the two women to exit the house and then he concentrated on the elderly woman. The woman was approximately ten feet from the officer and both knives were pointed toward the ground.

The officer pointed his firearm at the woman and ordered her to drop her knives. As he did so, the women he'd asked to leave the house called from outside the front door that the elderly woman was "mentally sick." The officer acknowledged this information.

The elderly woman transferred the knife from her left hand to her right hand so that two knives were now held in her right hand. She lifted that hand toward the inside of the house and away from the officer, moving the knives from his view. The woman then raised her empty left hand toward the officer and pointed her hand toward the floor. The officer continued to yell at the woman to put the knives down. She lowered her right arm so that the knives in her right hand were again pointing at the floor and were visible to the officer. The woman then tilted her head back and took two slow steps toward the officer. On the second step, which brought her to about six feet from the officer, the officer fired two shots into her chest and the woman fell to the ground. She subsequently died from her wounds.

When a claim of excessive force is made, an officer is entitled to qualified immunity unless the plaintiff can establish (1) that the officer's actions violated the person's constitutional rights and (2) that existing law clearly established that the officer's conduct constituted a violation of those rights. According to the Tenth Circuit, such existing law is law established by Supreme Court or published Tenth Circuit cases or by the weight of authority from other courts. A clearly established right is one that is sufficiently clear such that every reasonable officer would understand that his or her conduct violated the right. Slip op. at 9.

Excessive force claims are judged under a standard of reasonableness from the perspective of a reasonable officer on the scene. The reasonableness of an officer's actions depend on whether the officer was in danger at the moment the force was used and whether the officer's own reckless or deliberate conduct

during the seizure unreasonably created the need to use the force. Courts also look to the Graham factors in considering the reasonableness of the force: (1) the severity of the crime; (2) whether the suspect poses an immediate threat to the safety of officers or others; and (3) whether the suspect is actively resisting arrest or trying to flee. *Graham v. Connor*, 490 U.S. 386, 396 (1989). Factors that weigh on whether an "immediate threat" exists include "(1) 'whether the officers ordered the suspect to drop his weapon, and the suspect's compliance [or non-compliance] with police commands'; (2) 'whether any hostile motions were made with the weapon towards the officers'; (3) 'the distance separating the officers and the suspect'; and (4) 'the manifest intentions of the suspect.'" Slip op. at 11 (quoting *Est. of Larsen ex rel. Sturdivan v. Murr*, 511 F.3d 1255, 1260 (10th Cir. 2008)). And, in a summary judgment context, the court is to "accept facts clearly depicted in the officers' body camera video footage if they dispel any genuine dispute about those facts." Slip op. at 8-9.

In this particular case, the Court focused on "the 'most important' Graham factor," that of whether the decedent posed an immediate risk of serious physical harm to the officer or others. Slip op. at 11-12. However, the Court also found its published case law clearly answered the question. That is, if an officer "had reason to believe that a suspect was only holding a knife, not a gun, and the suspect was not charging the officer and had made no slicing or stabbing motions toward him[,]" the use of deadly force is constitutionally unreasonable. Slip op. at 12 (citing *Tenorio v. Pitzer*, 802 F.3d 1160, 1165-55 (10th Cir. 2015). Such published law, which involves sufficiently similar facts to the case at hand, constitutes a clearly established law from which the officer should have known his actions in shooting the elderly woman was a violation of her constitutional rights.

Bottom line? If a suspect is holding only a knife, but is not charging the officer or another person and has not made slashing or stabbing motions toward the officer or other person, the use of lethal force appears to be unreasonable in the Tenth Circuit, such that qualified immunity will not be granted.

Oklahoma Attorney General Opinion 2024-15. Recent Amendments to 22 O.S. § 34.1 Do Not Prohibit the Prosecution of Peace Officers Who Use Excessive Force.

In 2024, Oklahoma County District Attorney Vicki Behenna sought an opinion from Attorney General Gentner Drummond on the following question: "Whether the amendments to House Bill 2537 (2023) to title 22, Section 34.1 prohibit the prosecution of peace officers who use excessive force?"

You may recall from our 2023 Legal Update[7], that we noted the new language and wondered what the effect of such language would have on prosecutions of peace officers if a specific element of "excessive force" did not appear in the underlying criminal statute upon which the prosecution would be based. The AG's opinion clearly answers that wondering by noting that "[p]rosecution of peace officers for using excessive force is not limited to offenses that independently contain an 'excessive force' element. When a peace officer is prosecuted for a crime involving the use of excessive force in pursuance of the officer's

[7] We inadvertently labeled the bill as SB 2537 in our 2023 Legal Update, but the hyperlink linked to the correct bill, HB 2537.

law enforcement duties, the State must prove, beyond a reasonable doubt, that the officer utilized excessive force *in addition to* the elements of the charged offense." AG Opinion 2024-15 at 6 (emphasis added).

CASES—INTERROGATION

U.S. v. Maytubby, ___ F.4th ___ (10th Cir. 2025). Being Nice During an Interrogation Is Not Unconstitutional.

This case involves one of CLEET's own field representatives, TJ White, who was employed as the assistant police chief of Calera, Oklahoma, at the time the events in the case occurred. After two of Maytubby's nieces made accusations that Maytubby had sexually abused them several years previously, White called Maytubby and asked him to come to the police station to answer some questions. Maytubby agreed and joined White at the police station. White interviewed Maytubby in the police station break room. The door to the break room was left wide open during the interview. White informed Maytubby that he did not have to talk to police, that he was not under arrest, and that he was free to leave at any time. After some preliminaries, White informed Maytubby of the allegations his nieces had made and then, in a friendly and reasonable tone, invited Maytubby to tell him Maytubby's side of the story.

Maytubby initially denied the accusations, but White continued to ask questions and wondered aloud why the girls would make such detailed allegations if they were not true. White told Maytubby that the two girls' independent reports were "dead-on similar" even though neither knew the other had reported the sexual abuse. The officer also suggested that an "excuse" like a mental-health issue, excessive drinking, or drug usage might explain what had happened. Maytubby, however, continued to deny the accusations. White then told Maytubby that he had to deliver an investigative report to the DA and that he wanted the report to include any mitigating circumstances that may exist, such as Maytubby being a pastor who had made a mistake, having a long history as a "working man" and a "family man," and that any bad acts may have been "out of character" for Maytubby. In addition, White told Maytubby that in his interviews with various people he'd heard that Maytubby was "a good guy, and [] an honest guy and that [he had] a good heart." Slip op. at 3 (brackets in original).

Maytubby responded to these statements by asking, "So what's the difference? I mean, it's going to be the same [whether it was out of character or not], right?" White replied by saying,

> No, no there are people in this world that that is their M.O., that's what they do. That's what turns them on, is little kids, little girls or little boys, or whatever the case is. That that's their thing and their goal in their life is just to go and get as many of these people as they can. And then there's people that are drinking or on drugs or whatever that just are messed up on something or had a slipup and the next morning was like crap, I can't believe I did that, I don't believe that happened. You know, that it's not part of their DNA that it's not part of their character, but it happens. And of course once you ring a bell you can't take the ding back. And all you can do is be sorry for it and you know, ask God for forgiveness on it. You're a religious man, you know, that's by your own admission so I'm not trying to push my religion on you, but I, that's how I deal with stuff, I'll

> pray on it and ask for God's forgiveness and I'll ask for guidance and to making everybody better, making the situation better. That's, that's mine. You may be different with how you talk to God or if you talk to God at all. But I think it happened, I don't think you're that kind of guy and I think that it's something you've probably been struggling with. Those girls struggle too. And I don't think that they deserve to struggle. I don't think you deserve to struggle. I think it's something that everybody needs to get past, get into some counseling, and move on with life. Cause can't nobody just sit on this kind of stuff, it would, I know it would eat me up. But those girls are, those girls need to get on with their life just the same as you do. And I need to do my best to try to help along everybody getting closure. You know? Because stuff happens. Stuff happens.

White then told Maytubby he wanted to report that Maytubby had made a mistake and that he was not "any kind of predator" and that the behavior "hasn't happened since." Nevertheless, Maytubby continued to deny the allegations. White then said that the denials put him in a difficult position in reporting to the DA, but he remined Maytubby that Maytubby was not obligated to speak to him and told Maytubby he would not be arrested that day. However, White also stated that his desire to include mitigating information in his report depended upon Maytubby admitting to the sexual abuse. "I can't help you if you're not honest to me," White said, "I just can't. I can't go in there and say, . . . 'Hey, he manned up. This is how it is. The guy acted out of character.'"

Maytubby then expressed a desire to go home but before leaving he said, "Okay, I'm going to say 'yes.'" To which, White asked, "what do you mean? . . . You did those things?" Maytubby said he did do what was alleged and that he was telling the truth. He also requested that he not be arrested at his workplace and that he be allowed to go home and talk to his wife and family. As promised, White let Maytubby leave and even commented that Maytubby may not even be arrested at all because "it's in the hands of the DA." White also told Maytubby that "You being honest with me is going to go leaps and bounds in your favor."

After he was indicted, Maytubby moved to suppress his interview statements as involuntary, essentially arguing that White's inducement (including mitigating information in his report to the DA) combined with the mention of possible counseling needs overbore Maytubby's will. The district court denied the motion, finding that White truthfully told Maytubby that he was going to report to the DA whether or not Maytubby was cooperative and that White's suggestion that maybe the DA would take the mitigating circumstances into consideration did not amount to coercion that overcame Maytubby's free will.

On appeal, Maytubby essentially argued that White's statements were coercive because "offering a report that downplayed Maytubby's misconduct and portrayed him sympathetically was a powerful inducement that overbore his will." Slip op. at 10. The Tenth Circuit disagreed. It found White's statements were proper and that there was nothing unusual about an investigating officer advising a DA about mitigating facts and circumstances discovered in an investigation. White's statements were "a limited assurance—a general statement about the benefit of cooperating—which [the Tenth Circuit] ha[s] repeatedly held to be a permissible interrogation tactic." Slip op. at 11. In fact, the Court found that "none of Officer White's

statements were coercive, and Maytubby's will was not overborne. Maytubby's confession was voluntary." Slip op. at 15.

This case made Lexipol's *Xiphos* newsletter on May 16, 2025, under the title: "In Child Sexual Abuse Case, 'Talk Nice, Think Mean' Pays Off."

CASES—SEX OFFENDERS

Donaldson v. City of El Reno, 2025 OK 9. Does Enforcing Updates to Residential Restrictions Related to the Sex Offender Registration Act Constitute Ex Post Facto Clause Violations?

Donaldson pled guilty to one count of second-degree rape in 2005 and was required to register as a sex offender for life. Subsequently he had additional run-ins with the justice system but was released from prison in 2015. In 2017, he inquired with the El Reno Police Department whether he would be allowed to live at a particular location within the city. The police department told him that he could not live at the address he inquired about because it was just over 300 feet from Lake El Reno, which the city considered a park. The version of the Sex Offender Registration Act (SORA) then in effect prohibited registered sex offenders from living within a 2,000-foot radius of a city park. 57 O.S. § 590(A). Donaldson ignored the police department's admonition, purchased the property and then filed an action against the city seeking declaratory judgment that enforcing the current version of SORA against him, with its residential proximity restriction regarding parks, was an ex post facto violation as the version of the statute in effect when he was required to register as a sex offender did not include such a restriction.[8] The district court concluded that the residency restrictions were so punitive in nature that requiring Donaldson to comply with restrictions imposed after his original registration requirement date constituted ex post facto violations of both the federal and state constitutions. See U.S. Const., Art. I, § 10; Okla. Const. Art. 2, § 15.

The Oklahoma Supreme Court did a thorough review of SORA's history, the Legislature's intent in adding additional residency restrictions, if the effect of the law constituted retroactive punishment, and how constitutional principles applied to the matter, among other things. In the end, the Supreme Court determined that the residency restrictions do not amount to punishment and so do apply retroactively to individuals who became subject to SORA prior to the law's enactment or amendment without violating the ex post fact clauses of either the federal or state constitutions.

[8] When Donaldson was first required to register in 2005, the residential proximity prohibition only applied to public or private school or educational sites. In 2006, the prohibition on living within 2,000 feet of a park was added to SORA.

CASES—DUI AND BREATH/BLOOD TESTS

Oklahoma v. Armstrong, 2025 OK CR 3. May a Refusal to Submit to a Breath or Blood Test Be Used in Evidence in DUI Cases?

The Court of Criminal Appeals in *Armstrong* addressed how evidence that a person suspected of intoxicated driving may be used. The arresting officer in this case observed Armstrong's vehicle weaving between and crossing over the lines on the road. When he approached Armstrong's window, the officer noticed a smell of alcohol on Armstong's breath and noticed that his eyes were watery and he had slurred speech. The officer administered standard field sobriety tests to Armstrong and observed six out of six clues for Horizontal Gaze Nystagmus, six out of eight clues for the walk-and-turn, and one of four clues for the one leg stand. Armstrong was then arrested and the officer asked him, under the Implied Consent Test Request, to submit to a breath test. Armstrong refused the test.

Prior to trial, Armstrong filed a motion in limine, which is a legal maneuver to restrict the presentation of certain evidence. In his motion, Armstrong sought to prohibit evidence related to the field sobriety tests and his refusal to submit to a breath test. The prosecutor argued that evidence of the refusal should be admissible and that the state should be allowed to argue to the jury that the refusal was evidence of a consciousness of guilt. The trial court ruled the state could introduce evidence of the refusal but could not argue the effect of the refusal unless Armstrong testified at trial and was subject to cross-examination. The state also requested that OUJI CR 9-47 be given. The trial court refused this request.

The case proceeded to trial and the jury acquitted Armstrong of both counts, but the case got to the Court of Criminal Appeals on reserved questions of law pursuant to 22 O.S. § 1053(3). The questions submitted to the Court were:

> (1) whether [47 O.S. § 756] specifically allows the State to introduce a defendant's refusal to take the State's breath test and to argue to the jury that it is evidence of intoxication, is it error for the trial court to prohibit the State from presenting this evidence to the jury unless a defendant first takes the stand; and
>
> (2) whether Armstrong's refusal to take the State's breath test was a refusal pursuant to [47 O.S. § 756] and after Armstrong put into evidence both the implied consent test form and the refusal form, should the trial court have instructed the jury pursuant to [OUJI CR 9-47].

The Court reviewed the statute and jury instruction and determined that the state is allowed to present evidence of a driver's refusal to submit to a breath test pursuant to 47 O.S. § 756 and that the introduction of such evidence is not conditioned upon the driver first testifying at trial. In addition, evidence of a refusal to take the breath test is a circumstance, which along with all other evidence presented in the case, could be considered by the jury in determining guilt, so long as OUJI CR 9-47 is given to the jury before their deliberations.

STATUTORY UPDATES

TITLE 21 – CRIMES AND PUNISHMENTS (and related provisions)

HB 1413 (effective November 1, 2025) provides that any guilty pleas, nolo contendere pleas, and any findings of guilt for violations of 21 O.S. § 1173 and 22 O.S. § 60.6 constitute convictions under the statutes for prior conviction purposes.

Title 21, Section 1173, is our stalking statute and 22 O.S. § 60.6 governs violations of protective orders. HB 1413 adds to both statutes the following provision:

> Any pleas of guilty or nolo contendere or finding of guilt to a violation of any provision of this section shall constitute a conviction of the offense for the purpose of any subsection of this section under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any sentence or court imposed probationary term.

It appears this addition will ensure that deferred sentences imposed under either statute will have the same effect as a formal conviction would.

HB 1364 (effective November 1, 2025) nonconsensual dissemination of private sexual images statute amended to incorporate AI-assisted crimes.

Title 21, Section 1040.13b, Oklahoma's statute on nonconsensual dissemination of private sexual images, was heavily amended this year by HB 1364 to acknowledge the influence of AI on these crimes. Several new definitions were added, including one for "artificially generated sexual depiction" which is defined to mean "a visual depiction that (a) appears to authentically depict an individual in a state of nudity or engaged in sexual conduct that did not occur in reality and (b) the production of which was substantially dependent upon technical means, including artificial intelligence or photo editing software, rather than the ability of another person to physically impersonate the other person."

The amendments also add new means by which the crime can be committed. Effective November 1, 2025, a person will commit the crime of nonconsensual dissemination of private sexual images when they (a) disseminate an artificially generated sexual depiction of another person with the intent or with reckless disregard to harass, annoy, threaten, alarm, or cause physical, emotional, reputational, or economic harm to the depicted person, and (b) disseminate the artificially generated sexual depiction without the effective consent of the depicted person. Remember that it is also illegal to disseminate non-artificially generated sexual depictions such as photos taken with a cell phone or camera displaying sexual acts or exposed intimate parts if those images were obtained under circumstances in which a reasonable person would know or understand that the images were to remain private and they are intentionally disseminated without the effective consent of the person depicted in the images.

HB 1592 (effective November 1, 2025) creates the offense of organized retail crime, continues the Oklahoma Organized Retail Crime Task Force, and authorizes the AG to employ officers whose primary responsibility will be to combat organized retail crime.

This bill creates new law at 21 O.S. § 1731.2 to codify the new offense of organized retail crime. This new crime occurs when two or more of the following circumstances occur in relation to theft, retail theft, or larceny: (1) the property taken is intended for resale; (2) the property is taken by two or more persons acting jointly; (3) the persons taking the property do so while possessing tools of theft including, but not limited to, tag cutters, foil-lined bags, weapons, or other means of evading detection; (4) the persons taking the property attempt to exit through fire escapes, employee exits, or other non-public means of entry or exit; (5) the persons taking such property remove, destroy, deactivate, or knowingly evade any component of an anti-shoplifting or inventory control device to prevent the activation of that device or to facilitate another person in committing retail crime; (6) a person receives, purchases, or possesses retail merchandise for sale or resale knowing or believing the retail merchandise was stolen from a retail merchant; (7) the persons use a getaway driver or the motor vehicle of another person or a rented or stolen motor vehicle when committing retail crime; or (8) the persons use a paper, fraudulent, altered, or obstructed license plate, use a license plate meant for a different vehicle, or do not have any license plate. Punishment for a conviction will be a term of imprisonment of not more than five (5) years in DOC or not more than one (1) year in a county jail and/or a fine not to exceed $1,000.00 (for violations involving less than $15,000.00 value) or a term of imprisonment of not more than eight (8) years in DOC and/or a fine not to exceed $1,000.00 (for violations involving $15,000.00 or more in value). In addition, defendants are to be ordered to pay restitution.

To deter organized retail crime and to enforce the new statute, the bill adds subsection H to 21 O.S. § 2200. The new subsection authorizes the AG to "employ, either directly or through memorandums of understanding or cross-deputization agreements, persons to serve as Oklahoma Organized Retail Crime Task Force officers" with primary responsibility to prevent, respond to, investigate, and prosecute organized retail crime.

The bill also recreates the Oklahoma Organized Retail Crime Task Force until June 1, 2026. 21 O.S. § 2200. The make up and duties of the task force remain as originally constituted.

HB 1595 (effective November 1, 2025) increases punishments for simple assaults and simple assaults and batteries.

HB 1595 increases the punishment for a simple assault under 21 O.S. § 644 from thirty (30) days in a county jail to ninety (90) days and the punishment for a simple assault and battery under the same statute from ninety (90) days to six (6) months in a county jail. Applicable fines remain the same at $500.00 for a simple assault or $1,000.00 for a simple assault and battery.

HB 1731 (effective November 1, 2025) provides that a person who is "impaired" while transporting or having a child or children in their vehicle commits child endangerment.

Title 21, Section 852.1, describes means of committing the crime of child endangerment. One way to do so has been to be the "driver, operator, or person in physical control of a vehicle" while transporting or having in the vehicle a child or children and while violating 47 O.S. § 11-902, the DUI statute. Under HB 1731, the person also commits child endangerment even if not in violation of Section 11-902 if the person is "impaired." What it means to be "impaired" is not defined in the bill.

HB 2068 (effective November 1, 2025) repeals 21 O.S. § 1852.

Title 21, Section 1851, makes it unlawful for any person to make a false report of a fire to a fire department. Section 1852 required fire chiefs to post copies of the Section 1851 at every fire alarm box or other place specially designed for the reporting of fires within the fire department's jurisdiction. That posting requirement is repealed effective November 1, 2025.

HB 1001 (effective November 1, 2025) Lauria and Ashley's Law.

This bill is named for Lauria Bible and Ashley Freeman of the small town of Welch in Craig County up in northeastern Oklahoma. Lauria and Ashley were 16-year-olds who were kidnapped, tortured, raped, and killed on or about New Year's Eve 1999. The girls' bodies have never been found but are presumed to have been dumped in a mine pit in nearby Pitcher. Ashley's parents, Danny and Kathy Freeman, were also killed during the crime.

The effect of the bill is to add to the list of 85% crimes the crimes of accessory to murder in the first degree or murder in the second degree. Eighty-five percent crimes are crimes in which the convicted person must serve not less than 85% of any sentence of imprisonment imposed as punishment prior to becoming eligible for parole. See 21 O.S. § 13.1. In addition, individuals convicted of 85% crimes are not eligible for earned credits or any other type of credits which would reduce the length of their served sentence to less than 85% of the sentence imposed.

HB 1995 (effective May 25, 2025) statutory rape and SROs or school security guards.

HB 1995 updated 21 O.S. Sections 1111 (the rape statute) and 1123 (child sexual offenses) to specify that school resource officers and security guards whether directly employed by or contracted with a school system are employees of the school system for purposes of determining relationship statuses. In other words, SROs and school security guards are school employees when it comes to statutory rape and other criminal offenses. SB 630 also made similar updates to 21 O.S. § 1111, making clear that contractors and subcontractors of a school system in addition to employees were subject to the statute.

The Legislature also included an emergency clause, making the amendments effective immediately after being signed by the Governor.

HB 2705 (effective November 1, 2025) rights of sexual assault victims.

This bill creates new law at 21 O.S. § 142C-6 outlining various rights of victims of sexual assault and obligations of law enforcement agencies. First, the statue requires a law enforcement agency, "[u]pon the request of a sexual assault victim," to inform the victim of the status of any forensic evidence review in the criminal case that involves the victim. Agencies may require victims to submit such requests in writing and the statute does not require agencies to communicate with victims or their advocates without a request. Second, the statute provides that sexual assault victims have the right to be informed of: (a) whether a DNA profile was obtained from testing forensic evidence in their case; (b) whether a DNA profile developed from the forensic evidence in their case has been entered into the Combined DNA Index System (CODIS) database; and (c) whether a confirmed match between the DNA profile in their case and a profile in CODIS occurred. Third, the statute states that its purpose is "to encourage" a law enforcement agency to notify victims of information in the agency's possession. And, fourth, the statute "shall not require the disclosure of evidence, information, or results which would impede or compromise an ongoing criminal investigation."

HB 1217 (effective May 5, 2025) certain "adult performances" outlawed.

This bill creates new law at 21 O.S. § 1024.6. The new law makes it illegal for anyone to engage in an "adult performance which contains obscene material" on public property or in a public place where a minor, as a part of the general public, could view the performance. It also makes it unlawful for any political subdivision of the state to "allow, permit, organize, or authorize" the viewing of such a performance in a public location. According to the bill, a "public place" is "any area or space that the general public may freely access without payment for admission."

Additionally, the bill defines "adult performance" as "any performance that contains obscene material, if done in view of a minor or in a public place" and "obscene material" is defined to mean the same as described in 21 O.S. § 1024.1. Under Section 1024.1, obscene material is "any representation, performance, depiction or description of sexual conduct" regardless of the format so long as the material (1) is patently offensive as found by the average person applying contemporary community standards, (2) taken as a whole has as its dominant theme an appeal to prurient interest in sex, and (3) a reasonable person would find the material or performance taken as a whole lacks serious literary, artistic, educational, political, or scientific purposes or value. "Sexual conduct" is also defined in Section 1024.1 to include (1) acts of sexual intercourse, whether "normal or perverted" and either actual or simulated; (2) acts of deviate sexual conduct, including oral and anal sodomy; (3) acts of masturbation; (4) acts of sadomasochistic abuse; (5) acts of excretion in a sexual context; and (6) acts of exhibiting human genitals or pubic areas.

SB 0053 (effective November 1, 2025) continues an effort begun last year to replace references to "child pornography" with the term "child sexual abuse materials."

Last year, HB 3936 substituted the term "child sexual abuse material" for "child pornography" in various provisions across several titles of the Oklahoma Statutes. This bill appears to be a continuation of that effort. Statutes amended by this bill include 15 O.S. § 791, 21 O.S. § 843.5, 21 O.S. § 1040.12a, and 21 O.S. § 1024.1. All the amendments in this bill appear to be related to the change in terminology and do not modify the substance of any of the amended statutes.

HB 1003 (effective November 1, 2025) raises victim age for purposes of rape statute from 16 to 18 and modifies the "young lovers" provision.

This bill amends 21 O.S. § 1111 to raise the victim age from 16 to 18 in both the general and student provisions of the statute. Under the student provision, once the bill is effective, rape can be charged "[w]here the victim is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of a school system[.]"

In addition, the bill modifies the "young lovers" statute, 21 O.S. § 1112, which protects certain young people who engage in consensual sex from being subject to prosecution for statutory rape. Previously, Section 1112 protected individuals who were not over the age of 18 from prosecution for sexual intercourse with someone over the age of 14, so long as the sex was consensual. The modified version will read "[n]o person can be convicted of rape or rape by instrumentation on account of an act of sexual intercourse with anyone over the age of sixteen (16) years of age or older, with his or her consent, unless such person was more than four (4) years older than the other person at the time of such act." In other words, once the amendment is effective, 20-year-olds will be able to have consensual sex with 16-year-olds and so on up to 22-year-olds having sex with 18-year-olds. This may eliminate some potential crimes at our colleges and universities, for instance, but will also protect older young adults who are hooking up with high schoolers.

HB 2104 and HB 2105 (effective January 1, 2026) modifies some of the felony classifications enacted in 2024's HB 1792 and adds other requirements.

Last year, HB 1792 was signed into law creating a modern felony classification system for Oklahoma. As explained in a House press release last year, the bill placed Oklahoma's more than 2,000 felonies into 14 different categories based on the severity of the crime. Those categories are found at 21 O.S. §§ 20B (Class Y), 20C (Class A1), 20D (Class A2), 20E (Class A3), 20F (Class B1), 20G (Class B2), 20H (Class B3), 20I (Class B4), 20J (Class B5), 20K (Class B6), 20L (Class C1), 20M (Class C2), 20N (Class D1), 20O (Class D2), and 20P (Class D3). That bill was set to become effective January 1, 2026.

HB 2104 is a behemoth of a bill, encompassing 712 pages, 33 ½ pages of which are just the introductory title material. According to our friends at the District Attorneys Council, modernization mostly deals with

ranges of punishment and percentages of time that must be served for certain crimes. There is also an enhanced emphasis on what types or severities of crimes a defendant may have as prior convictions. As an example, a prior second-degree burglary conviction for the burglary of a residence may affect the range of punishment on a current case differently than a prior second-degree burglary of a business.

HB 2105, which is significantly shorter than HB 2104, weighing in at only 46 pages, modifies some of those classifications by adding and removing various offenses from different class lists. The bill also requires that minimum time-served requirements of criminal sentences be included in the jury instructions in criminal trials, modifying the previous "may" to "shall." 21 O.S. § 20Q. It requires judgments to include the classification level of the felony crime for which the defendant was convicted and the required amount of minimum time to be served. 22 O.S. § 977(4). And it directs ODOC to default to the lowest possible classification for an offense if ODOC receives a judgment and sentence document that fails to provide the felony classification level. 57 O.S. § 37. HB 2105 becomes effective January 1, 2026.

SB 0369 (effective November 1, 2025) specifically adds strangulation to acts that constitute aggravated assault and battery upon a law officer.

Title 21, Section 650, makes it a felony for any person, without justifiable or excusable cause, to knowingly commit an aggravated assault and battery upon a peace officer or correctional officer who is in the performance of their duties. Previously, an aggravated assault and battery for purposes of this statute was specially defined to include physical contact with a peace officer in an attempt to gain control of a firearm. The amendment specifically adds "strangulation" as an act constituting aggravated assault and battery. The statute borrows the definition of strangulation from 21 O.S. § 644(J), which provides "'strangulation' means any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head."

SB 0631 (effective November 1, 2025) adds discharging a firearm into a dwelling or building used for public or business purposes.

This bill adds discharging a firearm at or into a dwelling or building used for public or business purposes, which is outlawed under 21 O.S. § 1289.17A, to the 85% statute, 21 O.S. § 13.1. The governor initially vetoed the bill arguing that the added crime, though being "potentially serious conduct," is "fundamentally different from crimes like murder, rape, or lewd molestation of a child, which justify the 85% rule because they directly threaten or take human life." The House and Senate overrode the governor's veto with at least a two-thirds vote in each house.

SB 0742 (effective November 1, 2025) adds appellate judges with valid handgun licenses to those people who are excepted from various restrictions on carrying concealed and unconcealed firearms in certain places.

Title 21, Section 1277 sets forth certain places where it is unlawful for "any person, including a person in possession of a valid handgun license, . . . to carry any concealed or unconcealed firearm[.]" Section 1277 also provides a list of exempted persons, including certain judges. Previously, district judges, associate district judges, and special district judges were exempted from the restrictions on carrying in courthouses, provided they had valid handgun licenses issued pursuant to the Oklahoma Self-Defense Act, had their names on a list maintained by the Administrative Director of the Courts, and were acting in the course and scope of their employment. See 21 O.S. § 1277(H)(2). The amendment adds appellate judges, including judges of the Court of Civil Appeals, judges of the Court of Criminal Appeals, and justices of the Supreme Court, to the exemptions.

SB 0500 (effective November 1, 2025) generally prohibits government entities from contracting with a company unless the contract contains a written verification from the company that it does not and will not discriminate against firearm entities or trade associations.

This bill creates new law at 21 O.S. § 1289.31 to provide that in order for a government entity to contract with a company for the purchase of goods or services, the contract must now contain a written verification from the company that it "[d]oes not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association" and that during the term of the contract the company will not discriminate against such companies or trade associations. Firearm entity is defined in the bill to mean (1) a manufacturer, distributor, wholesaler, supplier, or retailer of firearms, firearm accessories, or ammunition or (2) a gun range. Firearm trade association is defined to mean an organization that (1) is not organized or operated for profit, (2) has two or more firearm entities as members, and (3) is tax exempt.

Several exceptions are included in the bill, including sole-source contracts, contracts valued at less than $100,000, and contracts with companies who have fewer than ten full-time employees.

SB 0925 (effective November 1, 2025) creates new law regarding title theft.

This bill creates new law at 21 O.S. § 1534 and 16 O.S. § 311. Section 1534 outlaws the intentional alteration, falsification, forgery, or misrepresentation of a document related to real property (1) with the intent to deceive, defraud, or unlawfully transfer or encumber the ownership rights of the owner of the real property, (2) with the intent to defraud, misrepresents themselves as the owner or authorized representative of the owner of real property to induce another person to rely on such false information to obtain ownership or possession of such real property, or (3) with intent to defraud, takes, obtains, steals, encumbers, or transfers title or an interest in real property by fraud, forgery, larceny, or any other fraudulent or deceptive practice.

Section 311 provides a mechanism for victims of title theft to file in a county clerk's land records notices of fraudulent conveyances. Once a notice of fraudulent conveyance is filed with the county clerk, the statute directs the county clerk to deliver a copy of the notice to the DA for investigation and potential prosecution. County clerks are authorized to refuse to file notices of fraudulent conveyance that they reasonably believe constitute sham legal process under 21 O.S. § 1533 or are being presented as a slander of title to the real property.

SB 0541 (effective November 1, 2025) amendments relating to domestic assault and battery, the 85% rule, and the list of violent crimes.

This bill updates some language in 21 O.S. § 13.1 and eliminates some repetitive language in 21 O.S. § 644. The changes to Section 644 clarify that any person who, with the intent to do bodily harm and without justifiable or excusable cause, commits any assault and battery upon an intimate partner or a family or household member by means of any deadly weapon or any other means of force likely to produce death commits the crime of domestic assault and battery with a deadly weapon, a felony. The list of violent crimes in 57 O.S. § 571 is also updated to include subsequent offenses of domestic assault and battery and domestic abuse against a pregnant woman with knowledge of the pregnancy.

HB 1095 (effective November 1, 2025) authorizes cities and towns to allow concealed carry of firearms in buildings and office space.

This bill amends 21 O.S. § 1277 to authorize the governing bodies of cities and towns to allow the concealed carry of handguns into any building or office space owned or leased by the city or town. Despite this authorization, municipal governing bodies may not allow concealed-carry in courthouses, courtrooms, prisons, jails, detention facilities, or places used to process, hold, or house arrestees or prisoners.

The bill also appears to decrease the authority of district, associate, and special judges to carry firearms in courthouses under Section 1277. Previously, the statute authorized such judges, if in possession of a valid handgun license and having their name on a list maintained by the Administrative Office of the Court, to carry a firearm "when acting in the course and scope of employment within the courthouses of **this state**[.]" The amended version limits such carry to circumstances "when acting in the course and scope of employment within the courthouses of **the county that falls within the jurisdiction of the district judge, associate district judge, or special district judge**[.]"

New provisions are also added to Section 1277 regarding municipal judges and municipal elected officials and employees. One addition allows a municipal judge, who is in possession of a valid handgun license, when acting within the course and scope of employment, the authority to carry a handgun within the courthouse(s) of the municipality. Another addition allows elected municipal officials and approved municipal employees who possess valid handgun licenses to carry concealed handguns while acting in the performance of their official duties within municipal buildings that are within their jurisdiction. However, such officials and employees many not carry in (1) any building or office space on municipally owned or leased property that is designated as a firearm-prohibited location by the municipality or (2) in any police

department, courthouse, courtroom, prison, jail, detention facility, or other facility used to process, hold, or house arrestees or prisoners.

Note that despite the modifications to Section 1277, 20 O.S. § 129 separately authorizes judges of the district court, retired judges of the district court, and municipal judges to carry firearms if they complete a handgun qualification course developed by CLEET and apply for and obtain a judicial firearms permit issued by CLEET. According to Section 129, a judge who complies with the statute and obtain a firearms permit "may carry a firearm on his or her person anywhere in the state to use only for personal protection[.]"

HB 2818 (effective May 14, 2025) makes clear that pointing a firearm in self-defense or defense of property is not a criminal act.

This bill modifies both the misdemeanor and felony pointing firearms statutes. The misdemeanor statute, 21 O.S. § 1279, generally makes it unlawful to point any firearm, whether loaded or not, at any other person. However, new language is added to the statute to provide that the prohibition "shall not apply to persons acting in self-defense or to home or business owners in defense of their private property." The felony statute is found at 21 O.S. § 1289.16. That section is heavily modified to transform the statute from a primarily prohibitive statute to one that describes lawful actions. **Lawful pointing now includes** (1) a person who can legally own or possess a weapon who points a firearm during an act of self-defense or in defense of real or private property; (2) when a person points a firearm in a defensive display as authorized in 21 O.S. § 1289.25; (3) when a law enforcement officer points a firearm in the performance of their duties; (4) when a licensed armed security guard points a firearm in the performance of their duties; (5) when a member of the state military forces points a firearm in the performance of their duties; (6) when a member of the federal military reserve or active duty forces points a firearm in the performance of their duties; (7) when any federal law enforcement officer points a firearm in the performance of their duties; and (8) when any person points a firearm as an actor during the performance of a play on stage, while performing in a rodeo, or when participating in a television or film project. **Unlawful conduct includes** "willfully and without lawful cause point[ing] a firearm, knife, or any other deadly weapon, whether loaded or not, at any person or persons for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation, or for purposes of whimsy, humor, or prank, or in anger or otherwise."

The bill also modifies 21 O.S. § 1289.25 to describe the justified defensive display of a firearm or other deadly weapon. Such justification occurs when, and to the extent a reasonable person believes, physical force is immediately necessary to protect themselves or another person or to protect real or private property. A defensive display of a firearm is defined to include, but is not limited to, (1) verbally informing another person that the person possesses or has available a firearm or any other deadly weapon; (2) exposing or displaying a firearm or deadly weapon in a manner that a reasonable person would understand was meant to protect the person against the use or attempted use of force against them; or (3) placing the hand of the person on a firearm or deadly weapon while the firearm is contained in a pocket, purse, holster, etc.

SB 0657 (effective November 1, 2025) modifies the justifiable homicide by officer statute.

This bill modifies 21 O.S. §732. Section 732 provides that a peace officer, correctional officer, or any person acting by their command to aid and assist the officer is justified in using deadly force under certain circumstances, including in effecting an arrest or preventing an escape so long as the force used is necessary and there is probable cause to believe the person to be arrested committed a crime involving the infliction or threatened infliction of serious bodily harm or the person is attempting to escape by using a deadly weapon or otherwise indicating an intent to endanger human life or inflict great bodily harm.

The amendment adds a provision that allows for an interlocutory, or immediate appeal, to the Court of Criminal Appeals if a peace officer, correctional officer, or other person acting under their command, is charged with a crime involving use of deadly force and such use of force is found at a pretrial hearing to have been unjustified. An interlocutory appeal must be initiated within 10 days of the ruling. If a timely appeal is made, the criminal case is to be stayed until the Court of Criminal Appeals rules on the appeal. If a timely interlocutory appeal is not made, the criminal case will proceed, but the officer may still assert a claim that the use of force was justified at trial and on appeal.

SB 0861 (effective November 1, 2025) cleans up some language in the gang-related offense statute but makes no substantive changes.

This bill appears to clean up some language in 21 O.S. § 856.3, which makes an attempted or completed gang-related offense a felony punishable by imprisonment in the custody of DOC for 5 years in addition to any other penalty imposed for the underlying offense. It does not appear that any substantive changes were made to the statute.

TITLE 22 – CRIMINAL PROCEDURE (and related provisions)

SB 0813 (effective July 1, 2025) adds new peace officer requirements regarding Victim Protection Orders.

This bill amends several sections in Title 22 with regard to peace officer responsibilities involving VPOs. In 22 O.S. § 40.3, a new provision is added to require peace officers to "[m]ake every attempt to serve the subject of [an emergency temporary protection] order and complete a return of service when filing the petition with the district court." When the initial peace officer is unable to obtain service, the petition "shall be filed by a peace officer with the district court the next business day." When delivered by the peace officer, the court clerk documents the hearing date and time assigned to the case. "If the court clerk observes that service has not been obtained, the petition shall still be filed by the court clerk and issued to the appropriate office of the county sheriff to obtain service with priority."

The same provision added to Section 40.3 is also added to 22 O.S. § 60.3, with regard to emergency ex parte protection orders, and 22 O.S. § 60.16, involving emergency temporary orders of protection.

Section 60.3 is also amended to clarify that peace officers who assist victims of domestic abuse to obtain emergency temporary orders of protection are to notify such victims that any emergency temporary order is only effective until the date of the hearing set by the authorizing judge. The peace officer should record on the order the date, time, and courtroom location of the hearing set by the judge for the further consideration of the application.

The bill also repeals 21 O.S. § 1173.1, which had required peace officers to provide a copy of a Stalking Warning Letter to the person accused of stalking.

SB 0623 (effective May 3, 2025) provides for priority service of VPOs to defendants who are in custody in a county jail.

This bill amends 22 O.S. § 60.4 to insert language in the preexisting priority service directions of the statute. Section 60.4 has made the service of emergency temporary orders, emergency ex parte orders, and notices of related hearings a priority and authorizes service 24 hours a day. The amendment specifically provides that such priority, 24-hour service, applies in cases in which a defendant is in custody in a county jail. The amendment also provides that the initial attempt at service must occur within 24 hours of the issuance of the order.

HB 1563 (effective November 1, 2025) provides for criminal defendants to have power to issue subpoenas duces tecum to businesses and commercial entities.

This bill amends 22 O.S. § 710 to authorize criminal defendants to issue subpoenas duces tecum to businesses and commercial entities for purposes of obtaining production of books, papers, documents, and/or recordings. Parties may request the court clerk to issue subpoenas duces tecum or they may have their own attorneys do so. The amendment specifically prohibits defendants from using the subpoena duces tecum process to obtain information or recordings related to interviews of victims in particular cases.

The bill also amends 22 O.S. § 2002 to require law enforcement to provide to the prosecutor's office certain records. Within 30 days of the filing of an endorsed complaint, indictment, or information, law enforcement are to provide to the prosecutor any body camera videos from the time of arrest, any vehicle-mounted camera videos from the time of arrest, and any recordings of the administration of a sobriety test. Within 90 days of the filing, law enforcement are to make such records available to the defendant or his or her attorney. The statute does provide for several authorized redactions of the material including confidential information related to juvenile records, information that would materially compromise an ongoing criminal investigation or prosecution, information that would undermine the assertion of the privilege to keep the identity of an informant confidential, information provided by a witness who has requested anonymity or who reasonably would be expected to have their physical safety or their property threatened if they were identified, and information that is not related to body camera videos or vehicle-mounted camera videos at the time of arrest or recordings of the administration of a sobriety test.

Governor Stitt vetoed this bill, arguing that the bill gave "unchecked power" to criminal defendants to demand records from business and imposed rigid deadlines for the release of the body-cam and dash-cam videos, even though other laws already give defendants access to such material. Enacting these requirements would place an unnecessary strain on law enforcement without improving transparency, according to the Governor. The Legislature overrode the veto.

HB 1693 (effective November 1, 2025) amendments to the process for determining competency to be executed.

This bill modifies some of the procedures for determining whether a death-row inmate is competent to be executed. It amends 22 O.S. § 1005.1 to provide that unless the Court of Criminal Appeals issues a stay of execution in a particular case, a trial court which is directed to hold a hearing on an inmate's competency must complete such hearing and make a decision on the matter before the scheduled execution date.

The bill also imposes some new time limits on various actions. For instance, if a trial court determines a defendant has made a substantial showing that he or she is incompetent to be executed, the court is required to order the examination of the defendant by a qualified forensic examiner designated by the Department of Mental Health and Substance Abuse Services (ODMHSAS). The examiner is required to provide a copy of their report to the state's attorney, the defense attorney, and the trial court within a time ordered by the court but which is not to exceed 45 days. Also, after all the examinations are complete, the trial court is to conduct a hearing within 30 days to determine competence to be executed. If the defendant is found to be competent, then the warden is to proceed to execute the judgment of death as certified in the warrant. If the prior execution date has expired or if the Court of Criminal Appeals had entered a stay of execution, a new execution date is to be set as provided in 22 O.S. § 1001.1(F).

Should the defendant be found to be mentally incompetent to be executed, the trial court is to notify of the Court of Criminal Appeals of such finding and order ODMHSAS to find a place for the defendant's safe confinement until his or her competency is restored. ODMHSAS is also to begin competency restoration services within 30 days of the trial court making its finding. Additional provisions for monitoring the defendant's competency status are also included in the amendments.

SB 1089 (effective November 1, 2025) amends provisions related to competency hearings for criminal defendants who are alleged to be mentally incompetent.

This bill amends several statutes related to competency determinations and criminal prosecutions. The definition of "reasonable period of time" is amended to exclude "[a]ny time period where the defendant refuses medication prescribed or ordered that is designed to restore the defendant to competency[.]" 22 O.S. § 1175.1. Procedures related to competency restoration services are amended in 22 O.S. § 1175.6a. A provision is added to the definition section of 43A O.S. § 1-103, providing that in determining if a person is a "person requiring treatment," several factors should be considered including (1) the person's history of violence or criminal acts; (2) the person's history with compliance with mental and behavioral health medications and treatments; (3) the probable result of the person's noncompliance with medication

and/or treatment; (4) the person's history of using weapons in an illegal or unsafe manner; and (5) any previous instances in which the person harmed, attempted to harm, or threatened harm to themselves or others. And, the bill amends 43A O.S. § 7-101 to add procedures for the Department of Mental Health and Substance Abuse Services to follow if a person is committed to their care following the dismissal of criminal charges pursuant to 22 O.S. § 1175.6a.

Stating the bill was "well-intentioned," Governor Stitt nonetheless vetoed it noting that in his estimation the bill "shifts competency restoration decisions from qualified clinicians to judges and attorneys." Such shifting, he said, "will result in worse outcomes for Oklahomans and higher burdens on taxpayers." Despite the gubernatorial veto, the House and Senate reconsidered the measure and passed the bill by a two-thirds vote in each house, thereby overriding the veto.

HB 1991 (effective November 1, 2025) allows inmates held in one jail but who have holds from other in-state jurisdictions to post bonds in the other jurisdictions and have the holds released.

This bill amends 22 O.S. § 461 to add the following language: "If a defendant is confined in a county jail, municipal jail, or a jail operated by a regional jail authority, and the defendant has a request to hold in custody from another jurisdiction within the state, the defendant may post a bond in the other jurisdiction to release the hold. Upon proof that a bond has been posted, the request to hold in custody from the other jurisdiction shall be released.

HB 1222 (effective November 1, 2025) modifies provisions in Titles 22 and 47 regarding peace officer responsibilities in certain suspected DUI situations.

The first section of this bill amends 22 O.S. § 1105 by adding a new paragraph E. That new language provides that "[n]o police officer or sheriff may release a person arrested for a second or subsequent violation of [47 O.S. § 11-902], without the granting of bail by a magistrate, court, judge, or on-call judge, whether by telephone or in person." The provision also gives guidance to the reviewing judge regarding what to consider in making decisions about bail. Included are whether the person is dependent upon alcohol or CDS or has a pattern or regular abuse of alcohol or CDS. In addition, the court is to consider the threat the person poses to public safety. The judge is required to "present written findings on the bail amount."

Sections 2, 3, and 4 of the bill amend various sections in Title 47. Section 10-104 is amended to remove language that declared the fact that a traffic accident resulting in death or great bodily injury constituted probable cause for requiring submission by a driver involved in the accident to an involuntary blood draw. The Court of Criminal Appeals had found that portion of the statute to be unconstitutional in the case of *Stewart v. State*, 2019 OK CR 6, and then again more recently in *State v. Burtrum*, 2023 OK CR 7.

The bill also exempts certain findings regarding intoxication in 47 O.S. § 11-902 from the testing timing requirements of 47 O.S. § 756. Particularly, findings that a person who is driving, operating, or in actual physical control of a motor vehicle "is under the influence of any intoxicating substance other than alcohol

which may render such person incapable of safely driving or operating a motor vehicle" or "is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle." Under Section 756 the test must be administered to the person within two hours of their arrest in order to be admissible in evidence.

Finally, the bill also modifies 47 O.S. § 752. Section 752 deals with blood draws for purposes of determining the blood concentration of alcohol or the presence of other intoxicating substances. The statutes allows for blood draws in various scenarios, such as when the person drawing the blood has been presented with a written statement authorizing the blood draw and (1) signed by the person whose blood is being drawn or (2) signed by a duly authorized peace officer that the person whose blood is being drawn has agreed to the withdrawal of blood. Such statements may also be signed by a duly authorized peace officer who asserts "there are exigent circumstances which necessitate the withdrawal of blood." This language is an amendment of a longer statement that referred to the automatic probable cause previously found in Section 10-104. The final option is for the officer to present a court order to the person who is asked to draw the blood.

SB 0981 (effective November 1, 2025) adds third and subsequent felony DUIs to list of crimes for which bail may be denied.

SB 0981 amends 22 O.S. § 1101, which lists certain crimes for which bail may be denied. Among those are capital offenses, violent offenses, offenses where the maximum sentence may be life imprisonment or life imprisonment without parole, and felony offenses committed by individuals with two or more prior felony convictions. This bill adds DUI to the list in cases in which the person charged has previously been convicted with two or more felony DUIs.

HB 1935 (effective November 1, 2025) modifies the statutes of limitations for certain child abuse offenses.

This bill modifies certain statutes of limitations found in 22 O.S. § 152. First, it modifies language from "child abuse pursuant to" to "any offense prohibited by" 21 O.S. § 843.5 as crimes that must have prosecutions "commenced by the forty-fifth birthday of the alleged victim." The "any offense" language, now ensures that not only child abuse but also neglect, exploitation, sexual abuse of a child, and other offenses outlined in Section 843.5 have the extended statute of limitations.

The bill also adds the failure to report abuse or neglect pursuant to 10A O.S. § 1-2-101 as crimes that must be commenced by the forty-fifth birthday of the alleged victim.

Note that there are caveats in the original statute that allow for prosecution of these and the other crimes previously listed in the statute "at any time after the commission of the offense" if certain conditions exist.

HB 1460 (effective November 1, 2025) significantly modifies some of the fines and fees authorized in criminal cases.

This bill removes several fees that previously have been collected from individuals who entered guilty or no contest pleas or were found guilty of various crimes.

As examples, the bill removes from 20 O.S. § 1313.2 the $5.00 fee previously assessed to those found guilty of misdemeanor possession of marijuana or drug paraphernalia. Such fees were forwarded to the Bureau of Narcotics Drug Education Revolving Fund.

The bill removes the authority of a judge to order a convicted defendant to reimburse the Oklahoma State Bureau of Investigation and any authorized law enforcement agency for all costs incurred by the agency for cleaning up an illegal drug laboratory site. Such authority had been in 22 O.S. § 991a and funds collected pursuant to the provision were deposited into the OSBI Revolving Fund.

Authority previously found under Section 991a to collect a $300.00 per month monitoring fee assessed against individuals confined by electronic monitoring administered and supervised by the Department of Corrections or a community sentence provider is removed by the bill.

The bill now authorizes courts to waive the costs of prosecution in the same manner as other financial obligations may be waived pursuant to 22 O.S. § 983. This authorization is found in 22 O.S. §§ 991a(A)(1) and 991c(A)(11). In addition, both sections now provide that any unpaid costs of prosecution are to be waived if the suspended sentence of an offender expires without being revoked (Section 991a) or if the deferred sentence of an offender expires without being accelerated (Section 991c).

The $40.00 non-refundable application fee that has previously been required before a court would accept a request for indigent defense has been removed. See 22 O.S. § 1355A. Such application fees previously were deposited in the Court Clerk's Revolving Fund.

A $15.00 fee previously authorized by 28 O.S. § 153 for collection from every misdemeanor and felony DUI case has been removed. Such fees were previously deposited in the Oklahoma Impaired Driver Database Revolving Fund.

The mandate to assess a $100.00 fee against anyone found guilty of DUI under 47 O.S. § 11-902 is revoked by this bill. Those fees previously have been deposited in the Drug Abuse Education and Treatment Revolving Fund.

The intent of this bill is summarized in a statement issued by the bill's House sponsor, Rep. Tammy West.

HB 1462 (effective November 1, 2025) prioritizes payment of restitution over payment of fines, fees, or assessments.

This bill modifies 22 O.S. §§ 991a, 991b, and 991f to prioritize the payment of restitution to victims of crimes over payment of other court costs including fines, fees, and other assessments.

HB 1066 (effective November 1, 2025) adds abuse against an intimate partner and child abuse as crimes for which bail on appeal following conviction is not allowed.

This bill modifies 22 O.S. § 1077. Section 1077 provides that "[b]ail on appeal . . . shall not be allowed after conviction" of a list of certain offenses. This bill adds "[a]buse against an intimate partner as defined by [22 O.S. § 60.1]" and "[a]buse of a child" to the list.

SB 0497 (effective November 1, 2025) imposes a new notice requirement on the Forensic Review Board.

The Forensic Review Board is a creature of 22 O.S. § 1161 and is composed of seven members appointed by the governor with the advice and consent of the Senate: four licensed mental health professionals, an attorney, a retired judge, and an at-large member. The Board is to meet as necessary to determine which individuals confined with ODMHSAS are eligible for therapeutic visits, conditional releases, or discharge, and whether to recommend such to the court of the county where the person was found either not guilty by reason of insanity or not guilty by reason of mental illness. This bill adds a requirement to the Board's duties by mandating the Board provide notice to the district attorney of the county where the person subject to their recommendations was found not guilty by reason of mental illness at least 45 days before the Board meets to determine the person's eligibility for therapeutic visits, conditional release, or discharge.

TITLE 10A – CHILDREN AND JUVENILE CODE

HB 1565 (effective November 1, 2025) modifies reporting requirements for referrals received by the DHS child abuse or neglect hotline.

This bill modifies 10A O.S. § 1-2-101, which established the statewide centralized hotline for the reporting of child abuse or neglect to the Department of Human Services. The bill inserts a new requirement that each referral received by the hotline that alleges abuse or neglect where the reported perpetrator is someone other than a person responsible for the child's health, safety, or welfare, be immediately reported to the appropriate local law enforcement agency for the purpose of conducting a possible criminal investigation. Such report is to be in writing. DHS is also required to maintain a record of any such reports transmitted to local law enforcement.

HB 1863 (effective November 1, 2025) establishes new law requiring the Oklahoma Commission on Children and Youth to create and maintain a secure database for use by multidisciplinary child abuse teams during case review.

This bill creates a new section of law at 10A 1-9-102a to require the Oklahoma Commission on Children and Youth (OCCY) to provide for the creation and maintenance of a secure database for use by freestanding multidisciplinary child abuse teams during case review. Guidance for the use of such database is included in the new statute.

The bill also amends 10A 1-9-102, which governs multidisciplinary child abuse teams established by district attorneys in coordination with the OCCY.

SB 0870 (effective November 1, 2025) creates the Accountability, Transparency, and Protection for Exploited Youth Act and amends some related provisions in other statutes.

This bill creates new law at 10A O.S. §§ 2-8-301, 2-8-302, 2-8-303, and 2-8-304 to be known as the Accountability, Transparency, and Protection for Exploited Youth Act. Section 2-8-302 imposes requirements on employees, contractors, volunteers, and others working in or around juvenile facilities to immediately report any observed or suspected sexual misconduct, coercive relationships, or exploitation between staff, volunteers, or contractors and juveniles. Such reports are to be made to the facility supervisor and the Office of Juvenile System Oversight (OJSO) for an independent investigation. Failure to report constitutes a felony offense. Investigation reports are to be forwarded to the district attorney in whose district the alleged abuse took place. In addition, the OJSO is to notify the juvenile victim's family and the Senate and House of Representative members for the district in which the juvenile victim lives that the investigation report has been forwarded to the DA. The DA, in turn, is to notify in writing the juvenile victim's family and the Senate and House members when a decision to file or decline charges is made.

Section 303 provides that an employee, officer, contractor, or volunteer who knowingly fails to report as required in Section 302 "shall be deemed" to be acting outside of the scope of their employment and thus be subject to civil liability outside of the Governmental Tort Claims Act (GTCA). The Section also provides that if a court finds an employee, officer, contractor, or volunteer was negligent in preventing, investigating, or responding to reports of sexual misconduct, the Office of Juvenile Affairs (OJA) and any contracted entity or group home operating under OJA supervision will be liable for damages. Such liability is expressly exempted from the liability limitations of the GTCA. Negligence is defined by the new law to include "failure to properly train employees on mandatory reporting, failure to respond to previous reports, failure to terminate employees who abuse juveniles, [and] failure to take action to safeguard juveniles from known risks." The Section authorizes juvenile victims, their parents or legal guardians, or next friends to file civil actions seeking damages and provides that civil fines of up to $50,000 per victim may be imposed.

Section 304 requires OJA to provide annual training to all employees, contractors, and volunteers on the prevention, identification, and reporting of sexual misconduct and coercive relationships between staff and juveniles. The Section also requires reporting by the OJSO to House and Senate leadership.

Governor Stitt vetoed the bill noting that although being supportive of protecting vulnerable children, he was concerned the nature of the bill was overbroad and would lead to overcriminalization and may unintentionally discourage volunteers and employees from working in juvenile facilities. The House and Senate overrode the veto.

TITLE 11 – CITIES AND TOWNS

SB 0102 (effective June 1, 2025 and July 1, 2025) increases contribution amounts from OPPRS members and participating municipalities.

This bill became law last year and was covered in our 2024 update but as some of the amendments became effective July 1, 2025, we are repeating it in this legal update. The bill amends provisions of the Oklahoma Police Pension and Retirement System (OPPRS), particularly 11 O.S. §§ 50-109 and 50-110. Section 50-109 is amended to increase the amount of funds a participating municipality must appropriate and submit to the system from 13% of the actual paid base salary of each member of the system employed by the municipality to 14%, effective July 1, 2025. Section 50-110 is amended to increase the minimum amount of actual paid base salary each member is to contribute to the system from 8% to 9%, effective July 1, 2025.

In addition, certain definition lists applicable to the system found in 62 O.S. § 3103 and 11 O.S. § 50-101 are amended. Part of Section 50-101's amendment was to increase the multiplier from 2½% to 3%, effective July 1, 2024. Also, the computation of a retirement annuity for individuals who completed ten or more years of credited service and elect the vested benefit is changed effective July 1, 2025.

You can read OPPRS's explanation of the effect of the bill here. The bill was originally vetoed by the Governor, but that veto was overridden by a two-thirds vote in both the House and Senate.

TITLE 12 – CIVIL PROCEDURE

SB 0747 (effective May 29, 2025) addresses online sheriffs' sales.

This bill amends several statutes and creates a new statute related to online sheriffs' sales. Title 12, Sections 757 and 764, are amended to provide that the written notice of a sale must include, if the sale is to utilize an online auction marketplace, that the sale will be conducted online, the Internet address where bids may be entered, the date of the sale, and the time when bidding is scheduled to be open. Sections 757 and 764 are also amended to clarify that the sheriff determines whether or not to use an online auction marketplace. If an online auction marketplace is used, it must comply with the provisions of a new statute found at 12 O.S. § 776.

Title 12, Section 765 is amended to remove information about the mechanism for collecting purchase moneys and remitting them to the court clerk in sales involving online auction marketplaces. The new Section 776 provides directions replacing the material removed from Section 765.

The contours of the new Section 776 include restrictions on purchases at the sale by sheriff's office personnel and officers and employees of the online auction marketplace and close relatives and associates of such individuals. In addition, any online auction marketplace must provide a nonelectronic option for bidders to bid on the sale. The section also authorizes the online auction marketplace to impose reasonable terms of service or use, so long as they are compliant with Oklahoma law. The online auction marketplace

is authorized to collect deposits and payments by wire transfer, electronic funds transfer, or cashier's check and to remit payment to the court clerk within five days of the completion of the sale. Finally, the section prohibits the charging of a buyer's premium and authorizes the online auction marketplace to assess costs but in an amount not to exceed $425.00.

SB 0607 (effective November 1, 2025) makes certain statements about domestic abuse admissible in pre-trial and post-trial hearings.

This bill creates a new section of law in the Oklahoma Evidence Code at 12 O.S. § 2803.3. The section provides that a statement purporting to narrate, describe, report, or explain an incident of domestic abuse that is (1) made by the domestic abuse victim to a law enforcement officer within one week of the incident; (2) made on an application for a protective order a victim of domestic abuse within one week of the incident; or (3) given as testimony by the domestic abuse victim at a hearing on an application for a protective order, shall be admissible in pre-trial or post-trial and juvenile delinquent domestic abuse prosecutions including at preliminary hearings, prosecutive merit hearings, or hearings on the revocation of probation or acceleration of a deferred judgment.

TITLE 19 – COUNTIES

HB 1414 (effective November 1, 2025) significantly modifies the statute outlining the qualifications for county sheriff.

This bill amends 19 O.S. § 510 by adding several provisions to the statute. First, it defines "peace officer" for purposes of the statute to mean "a full-time duly appointed or elected officer who is currently or has previously been paid for working more than twenty-five (25) hours per week and whose duties include or included preserving the public peace, protection of life and property, prevention of crime, service of warrants, and the enforcement of: 1. Federal laws; 2. The laws of this state; 3. The laws of any other state in the United States; or 4. The local ordinances of any political subdivision of such state." This definition is slightly different than the definition previously included in the statute and its placement in the statute has been rearranged.

Second, it requires candidates for the office of sheriff to present proof of peace officer qualification at the time of filing a declaration of candidacy with the county election board.

And third, the bill provides that any veteran who has served as military police may count 4 or more years of service as military police to meet the experience requirement of the statute. Veterans are required to submit a DD214 when filing a declaration of candidacy if they are claiming military police experience.

The bill preserves the previous base requirements of (1) being an Oklahoma resident for at least two years, (2) being a registered voter of the party whose nomination the person seeks or a registered independent within the county for which the person seeks election and for at least six months before the first day of the filing period, (3) being at least 25 years old, (4) possessing at least a high school education, and (5) having

served as a duly certified peace officer in a full-time capacity for a period of 4 years or more prior to the date for filing.

SB 0752 (effective July 1, 2025) removes OMES approval from county commissioners' establishment of an online bidding process.

This bill modifies 19 O.S. § 1500.1. Among other things, Section 1500.1 authorizes county commissioners to establish an online bidding process with a vendor. The previous version of the statute mandated that the vendor selected by the county commissioners be authorized by state contract as provided by the Office of Management and Enterprise Services (OMES). This version removes the involvement of OMES.

SB 0523 (effective November 1, 2025) provides that sheriffs and deputies assigned to perform duties outside of their counties of employment have the same powers and duties as if employed by the sheriff's office for which they are performing duties.

This bill modifies 19 O.S. § 547.1, which previously made special provision for sheriffs and deputies who were to be assigned duties associated with the National Sheriffs' Association (NSA) annual conference within Oklahoma County during June 2024. The statute is amended to remove all references to the NSA conference and instead applies a more universal rule that sheriffs and deputies who are assigned to perform duties outside of their county of employment shall have the same powers and duties as though employed by the sheriff's office for which they are performing duties. The bill provides that liability for the conduct of such out-of-county folks and for their salaries and benefits remains with the county in which they are regularly employed.

SB 0403 (effective November 1, 2025) modifies county purchasing procedures.

This bill amends some of the county purchasing procedures in 19 O.S. §§ 1501 and 1505. In Section 1505, the amendments appear to remove purchases of information technology and telecommunication goods as well as professional services from the mandated procedures. Other modifications are also included. We suggest you review the bill if you are subject to county purchasing procedures.

HB 1664 (effective May 27, 2025) provides some exceptions to county officials regarding the Open Meetings Act.

This bill allows county commissioners to attend various meetings including conferences, trainings, and other events even if a quorum is present so long as no official action is taken and any discussion of the business of the commissioners is incidental to the event. It also allows county commissioners to attend and participate in meetings of the legislature, even if a quorum is present, so long as no official action is taken. The bill also allows for county commissioners to communicate with other county elected officers in counties with county budget boards, so long as a quorum of the budget board is not present and no official action is taken. See 19 O.S. § 326.

The Open Meetings Act is also amended at 25 O.S. § 304 to exclude boards of county commissioners from the definition of "public body" for purposes described in 19 O.S. § 326.

TITLE 37A – INTOXICATING LIQUORS, ALCOHOLIC BEVERAGES

SB 1032 (effective November 1, 2025) provides new law insulating licensed establishments from liability for certain actions of employees.

This bill creates new law at 37A O.S. §§ 6-130 and 6-130.1. The law provides that certain actions of employees are not attributable to establishments licensed by the Alcoholic Beverage Laws Enforcement (ABLE) Commission. In order to escape liability, the establishment must meet certain standards including ensuring employees are properly licensed and trained, that the establishment has adopted written policies prohibiting the acts, and that employees have read and understood the policies. The acts of employees for which an establishment can avoid liability are (1) the selling, furnishing, or giving of an alcoholic beverage to minors, insane people, or people who are already intoxicated and (2) allowing the consumption of alcohol by minors, insane people, or people who are already intoxicated.

HB 2369 (effective July 1, 2026) creates the Marissa Murrow Act.

This bill, named for Marissa Murrow, a 19-year-old University of Central Oklahoma student who was killed in a head-on collision with a drunk driver who had been overserved alcohol at a wedding venue. The bill amends various segments of the Alcoholic Beverages Control Act to require bartenders who are serving alcohol at events to hold a separate license, to require all bartenders to undergo training to help identify inebriated customers, and to require that all beer and wine served at an event venue must be served by an ABLE-licensed caterer, mixed beverage licensee, or event bartender licensee. The bill amends 37A O.S. §§ 1-103, 2-101, and 2-113. The bill does not become effective until July 1, **2026**.

TITLE 43 – MARRIAGE

HB 2081 (effective November 1, 2025) enacting the Uniform Child Abduction Prevention Act.

We don't often provide references to Title 43 in our Legal Update but this bill enacts the Uniform Child Abduction Prevention Act, which includes several passages related to law enforcement that we thought you should be aware of. This bill creates new law at 43 O.S. §§ 571-101, 571-102, 571-103, 571-104, 571-105, 571-106, 571-107, 571-108, 571-109, 571-110, 571-111, and 571-112. The act was first proposed nationally in 2006 by the Uniform Law Commission (ULC), an organization established in 1892, which says its purpose is to provide states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law. Oklahoma's passage of the law joins us to more than 20 other states that have passed versions of the act. According to the ULC, the purpose of the act is to provide courts with guidelines to follow during custody disputes and divorce proceedings

in order to help them identify families at risk for abduction and prevent the abduction of children. Upon the signing of the bill, the legislature released a press statement that includes several statements from the bill's sponsor, Rep. Jason Blair.

Sections 571-108 and 571-109 allow for courts to issue "ex parte warrants" to take physical custody of children who are determined to be at risk for abduction. Such warrants are to direct law enforcement officers to immediately take physical custody of the subject child or to take "any action reasonably necessary to locate the child, obtain return of the child, or enforce a custody determination[.]" The act also provides that, if the court "finds that a less intrusive remedy will not be effective," the court may authorize peace officers to "enter private property to take physical custody of the child" and, if exigent circumstances require, law enforcement officers may make forcible entry "at any hour" to do so. Such warrants are also enforceable throughout the state.

TITLE 47 – MOTOR VEHICLES

HB 1027 (effective May 7, 2025) authorizes some OU, OSU, and GRDA officers to participate in OLERS.

This bill authorizes CLEET-certified police officers employed by the University of Oklahoma or Oklahoma State University and lake patrolmen and dispatchers of the Grand River Dam Authority to participate in the Oklahoma Law Enforcement Retirement System (OLERS). Other amendments also occur. If you are a current member of OLERS or are an OU, OSU, or GRDA employee who may now be eligible for membership in OLERS, we encourage you to review the bill. Provisions that are affected by this bill include 47 O.S. §§ 2-300, 2-304, and 2-307.2.

HB 1487 (effective November 1, 2025) authorizes special license plates in support of the Tulsa Air and Space Museum and Planetarium, the Church Studio, Star Spencer High School, and the Ralph Ellison Foundation.

Four new authorized Oklahoma license plates for law enforcement officials to be aware of this year. This bill amends 47 O.S. §§ 1135.3 and 1135.5 to add to the long lists of official, special license plates available in Oklahoma. Pursuant to the bill, Service Oklahoma is authorized to design and issue special plates to people who want to demonstrate support, interest, etc., in the Tulsa Air and Space Museum and Planetarium, the Church Studio, Star Spencer High School, and the Ralph Ellison Foundation. The new designs are not published yet, but Service Oklahoma maintains a full catalog of specialty plates available in Oklahoma.

The governor vetoed the bill, suggesting that it was "turning Service OK into Etsy for car bumpers." The House and Senate overrode the veto.

HB 2013 (effective November 1, 2025) "Dylan's Law" allows for the voluntary designation by someone who has an Oklahoma driver license or ID card that they have been diagnosed with epilepsy.

This bill goes into effect November 1, 2025, but a section of new law contained in the bill does not become effective until **June 1, 2026**. The new section will be codified at 47 O.S. § 6-130. On that date, Service Oklahoma is to permit a driver license or state identification cardholder to voluntarily designate the placement of a unique symbol on the license or card that indicates the person has been diagnosed with epilepsy by a licensed physician. The intent of the designation is to allow law enforcement and emergency medical professionals to identify and effectively communicate with someone who has been diagnosed with epilepsy. The person will be able to choose whether to have the designation displayed on their physical card or in the Oklahoma Law Enforcement Telecommunications System (OLETS).

The bill also contains amendments to various statutes related to education about and the diagnosis of epilepsy and sudden unexpected death in epilepsy (SUDEP). The bill is named for Dylan Whitten, who passed away in 2017 due to SUDEP.

HB 2263 (effective November 1, 2025) creates new law regarding the use of cellular telephones while driving.

This bill makes it illegal to use a cell phone or other device to manually compose, send, or read text messages or hold or use a cell phone while driving in a properly marked school zone or a construction zone. Exceptions are provided for, including using hands-free technology or during an imminent emergency situation. The bill also provides that law enforcement officers, without the consent of the person, are not to confiscate a cell phone or other device for the purpose of determining if the person was complying with the requirement or to retain it as evidence pending trial for a violation of the section. In addition, the law prohibits law enforcement officers from downloading any information from the cell phone or other device without (1) probable cause to believe the device has been used in the commission of a crime, (2) a valid search warrant, or (3) as otherwise authorized by law. The new law is to be codified at 47 O.S. § 11-902e.

The Governor vetoed the bill asserting that because texting and driving is already outlawed in Oklahoma there is no reason to have an additional law focused on specific locations. The House and Senate overrode the veto.

SB 0216 (effective July 1, 2026) provides mechanism for certain inmates to obtain a driver license after release.

This bill creates new law at 47 O.S. § 6-205.3 to provide a 6-month driver license extension to any inmate who had a valid, unexpired Oklahoma driver license upon imprisonment and which expired within the last three years of the person's term of imprisonment. Upon an inmate's release, Service Oklahoma is to mail

a replacement driver license to the address provided by the inmate. Amendments to 47 O.S. § 6-212 and 57 O.S. § 513.3 are also made.

HB 2215 (effective May 13, 2025) eliminates the authority of a law enforcement officer to seize a license plate when encountering an uninsured motorist.

HB 2215 deletes authorization under 47 O.S. § 7-606 for law enforcement officers to seize license plates upon issuing citations to drivers for failure to comply with the compulsory insurance laws. The bill also makes the change effective immediately. Previously, an officer could issue a citation and seize the license plate which would allow the driver to continue driving the vehicle for up to 10 days without the plate and provisions were made for the person to get their plate back upon obtaining appropriate insurance, paying an administrative fee, and paying the citation.

SB 0544 (effective May 3, 2025) modifies some provisions related to false or fraudulent identification documents.

This bill renames the Department of Public Safety's Fraudulent Documents Identification Unit to the Identification Verification Unit. It also switches some authority related to identification documents from Service Oklahoma to the Department of Public Safety. Those statutes amended by the bill include 47 O.S. §§ 2-106.3, 6-110.2, and 6-301. Section 6-110.2 was subsequently repealed by HB 1751 on July 1, 2025.

SB 0634 (effective November 1, 2025) expands the membership of the Impaired Driving Prevention Advisory Committee.

The Impaired Driving Prevention Advisory Committee is directed by 47 O.S. § 6-212.7 to meet at least annually to review information related to impaired driving and provide a statewide strategic plan to reduce the incidents of impaired driving in the state. Previously, the committee consisted of the following fifteen members: the Commissioner of Public Safety or a designee, who serves as chair; the chief of the Oklahoma Highway Patrol or designee; a member appointed by the District Attorneys Council; a member appointed by the Administrative Office of the Courts; the Commissioner of Mental Health and Substance Abuse Services or designee; the director of the Oklahoma State Bureau of Investigation or designee; the director of Tests for Alcohol and Drug Influence or designee; the director of the Oklahoma Highway Safety Office or designee; the president of the Oklahoma Association of Chiefs of Police or designee; the president of the Oklahoma Sheriffs Association or designee; the executive director of Service Oklahoma or designee; a member of the Board of Directors of Safety and Advocacy for Empowerment (SAFE); a representative designated by a victim advocacy group to be selected by the Commissioner of Public Safety; a member to the House of Representatives appointed by the Speaker of the House; and a member of the Senate appointed by the Pro Tem. This bill adds seven additional seats: the State Commissioner of Health or designee; the executive director of the Department of Transportation or designee; the executive director of the Oklahoma Medical Marijuana Authority or designee; the executive director of the State Board of Pharmacy or a designee; the executive director of the Alcoholic Beverage Laws Enforcement Commission

or designee; the executive director of the Oklahoma Turnpike Authority or designee; and the executive director of the Oklahoma Indigent Defense System or designee.

SB 0020 (effective May 27, 2025) the Oklahoma Secure Roads and Safe Trucking Act of 2025.

This bill primarily addresses non-domiciled commercial driver licenses and commercial learner permits. Non-domiciled driver licenses and learner permits are authorized by 47 O.S. § 6-111. That second is amended by the bill to emphasize that a person holding a non-domiciled license or permit is required to also possess a valid work visa and proof of citizenship to validate his or her identity while operating a commercial motor vehicle. Penalties for violations by the driver and commercial motor carrier are also added. New sections of law to be codified at 47 O.S. §§ 6-126.1 and 6-126.2 are also created by the bill. Section 6-126.1 requires drivers who are operating a commercial motor vehicle with a commercial driver license issued by a Canadian or Mexican governmental authority or other nation to also have verifiable proof of citizenship of the country that issued the license. Section 6-126.2 requires operators of commercial vehicles within the state to demonstrate proficiency in English sufficient to converse with the general public, understand highway traffic signs and signals written in English, respond to official inquiries, and make entries on reports and records. Both new sections also include penalties for violations.

SB 0054 (effective November 1, 2025) modifies provisions related to DUI.

This bill modifies several provisions related to DUI. One significant modification is the addition to 47 O.S. § 11-902 of a series of circumstances that will elevate a DUI violation to a felony aggravated DUI. Such circumstances include (1) having a BAC of 0.15 or more; (2) causing a vehicle incident involving one or more vehicles and resulting in injury, death, and/or apparent property damage of $500.00 or more; (3) driving in a manner that violates passing or centerline provisions; (4) driving while eluding a peace officer; (5) driving at a speed in excess of 20 miles per hour over the speed limit (or 10 miles per hour over the limit in an active school zone); (6) operating the motor vehicle with a minor passenger; and (7) driving recklessly. The bill also provides for some limitations of sentencing for those convicted of aggravated DUI.

Governor Stitt vetoed this bill asserting, in part, that the bill removed meaningful judicial discretion in sentencing violations. The House and Senate overrode the veto.

HB 1022 (effective November 1, 2025) reduces fee amount assessed to individuals who fail to yield a right-of-way and cause a fatality or great bodily injury to $500.00.

This bill amends 47 O.S. § 11-403.1, which previously provided for the possible assessment of a fee "in an amount not exceeding" $1,000.00 against any person convicted of failure to yield a right-of-way and who causes a fatality or serious bodily injury as a result of the violation. The amendment makes the assessment mandatory but reduces the fee to a set amount of $500.00. The amendment also changes the term "serious bodily injury" to "great bodily injury," and references the definition of great bodily injury found in 47 O.S. § 11-904, which is "bodily injury which creates a substantial risk of death or which

causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ." The amendment then repeats the provision inserting "serious bodily injury" instead of "great bodily injury" but with the same mandatory $500.00 fee. Serious bodily injury is defined in the amendment as "an injury that is serious in nature but does not quite rise to the level of a great bodily injury or a fatality."

The amendment also provides additional penalties that may be imposed upon conviction in addition to the fee. Those penalties include (1) requiring the person to complete a remedial driving course; (2) suspending the person's driver license for 90 days; or (3) requiring a payment of restitution.

HB 2297 (effective November 1, 2025) requires Service Oklahoma to enter into a reciprocity agreement for driver licenses with Ireland.

Title 47, Section 6-102 authorizes nonresidents who are at least 16 years old to operate motor vehicles on Oklahoma's roadways if (1) they are properly licensed in their home state or country and has immediate possession of a valid driver license from their home state or country or (2) they are a member of the of the U.S. Armed Forces, or a family member of such a person, and they have been issued and are in possession of a valid driver license from an overseas component of the Armed Forces. Section 6-102 also generally authorizes Service Oklahoma to enter into reciprocity agreements with foreign countries. This bill, however, mandates that "Service Oklahoma shall enter into a reciprocity agreement for driver licenses with the country of Ireland."

The bill, which was sponsored by the Speaker of the House, passed on St. Patrick's Day. A press release states that the idea for the legislation came to the Speaker while he was visiting Ireland last year and meeting with Irish elected officials. According to the press release, Oklahoma already had reciprocal agreements with Germany, France, South Korea, and Taiwan.

HB 1751 (effective July 1, 2025) notice provisions for Service Oklahoma and limitation on holding one identification credential at a time.

This bill covers a lot of territory, but we'll focus on four law-enforcement-related features. First, it adds to 47 O.S. § 2-116 new notice procedures for Service Oklahoma to use whenever it is authorized or required to give notice to someone. That notice is to be provided by first class mail, postage prepaid, to the person at the address the person has provided to Service Oklahoma. Once Service Oklahoma has mailed such notice to such address, the notice is deemed complete after ten days. Failure of the person to receive notice because the person failed to notify Service Oklahoma of a change in mailing address is specifically identified as insufficient grounds for protesting the notice.

Second, it clarifies that no person may hold more than one state-issued driver license or identification card from Oklahoma or any other state and prohibits Service Oklahoma from issuing a driver license or identification card to a person if they have already been issued one or the other without first having the person surrender the previous credential. There is a grandfather clause that allows someone who currently has both a valid Oklahoma driver license and a valid Oklahoma identification card to continue to possess

both credentials until the first expiration of either. At that time the person will be allowed to retain, replace, or renew either the driver license or identification card and will be required to surrender the other to Service Oklahoma. This prohibition on dual credentials is reflected in amendments to 47 O.S. §§ 6-101, 6-105.3, and 6-111.

Third, it provides that Service Oklahoma will take no action in driving privilege revocation cases based on sworn reports of law enforcement officers that are received by Service Oklahoma more than 180 days following the arrest of the person. 47 O.S. § 6-211.

Fourth, the bill adds provisions to 47 O.S. § 752 regarding the collection of a person's blood or breath, when such collection is authorized. In order for a blood sample to be considered valid and admissible in evidence, the blood collection must be performed by a person who is a medical doctor, licensed osteopathic physician, license chiropractic physician, registered nurse, licensed practical nurse, certified physician's assistant, employee of a hospital or health care facility who is authorized to draw blood, or individuals who are licensed as intermediate or advanced EMTs or paramedics. For the analysis of the blood to be valid and admissible, the analysis must have been performed by a laboratory accredited in accordance with ISO/IEC 17025 as defined in 74 O.S. § 150.37. For a breath sample to be valid and admissible, it must have (1) been collected by a person possessing a valid permit issued by the Board of Tests for Alcohol and Drug Influence, (2) been collected on a breath alcohol measurement device appearing on the most current conforming products list of such devises published by the U.S. Department of Transportation, (3) must be performed on a device maintained by the Board of Tests, and (4) shall have been performed in accordance with the operating procedure prescribed by the Board of Tests.

The Governor vetoed this 86-page bill arguing that it hid provisions to increase the state's fleet numbers and purchase more cars. The gubernatorial veto was overridden by the Legislature.

HB 1021 (effective November 1, 2025) removes prohibition on handlebars that are higher than the eye level of the operator.

Previously, 47 O.S. § 12-609 prohibited the handlebars on motorcycles from being higher than the eye level of the operation. This bill deletes that prohibition.

TITLE 57 – PRISONS AND REFORMATORIES (and related provisions)

HB 2364 (effective November 1, 2025) modifies the Sarah Stitt Act.

The Sarah Stitt Act was originally passed in 2021 to direct the Oklahoma Department of Corrections to assist inmates who are being discharged from custody in obtaining a current and valid REAL ID Noncompliant Identification Card prior to discharge. The statute is found at 57 O.S. § 513.3. The amendments update a reference to the Department of Public Safety to Service Oklahoma and include the option of obtaining a REAL ID Noncompliant Driver License as an alternative to an ID card.

SB 0076 (effective November 1, 2025) provides the Pardon and Parole Board authority to revoke parole granted by the Board.

This bill amends 57 O.S. § 516 to add a role for the Pardon and Parole Board in assessing parole violators. Section 516 authorizes probation and parole officers, upon reasonable grounds to believe a parolee has violated the terms and conditions of parole, to notify the Department of Corrections and request the parolee's arrest and possible revocation of parole. Previously, decisions on parole revocation rested solely with the governor. The amendments included in the bill now give the Pardon and Parole Board authority to revoke, by majority vote, any parole that had been granted by the Pardon and Parole Board. The governor will retain authority to revoke any parole granted by the governor.

SB 0085 (effective November 1, 2025) increases the daily reimbursement rate to counties for housing DOC inmates.

This bill increases the per inmate daily reimbursement rate from $27.00 per day to $32.00 per day for DOC inmates held in county jails. See 57 O.S. § 38.

SB 0690 (effective November 1, 2025) provides for inmates to obtain high school credit while incarcerated in a county jail.

This bill amends 57 O.S. § 138 in part to provide that achievement earned credits for a high school diploma or high school equivalency diploma may be attained by an inmate who completes a diploma program during continuous custody in a county jail while awaiting trial, sentencing, or transfer to DOC. Certain limitations and requirements apply.

TITLE 63 – PUBLIC HEALTH AND SAFETY (and related provisions)

HB 2807 (effective May 27, 2025) provides for annual warehouse permits for licensed medical marijuana transporters.

This bill modifies 63 O.S. § 427.16 to provide for annual permitting of warehouse locations maintained and operated by licensed medical marijuana transporters for the purpose of temporarily storing medical marijuana, medical marijuana concentrate, and medical marijuana products. Under the bill, all temporary storage at such facilities must be documented, tracked, and traceable in the state-mandated seed-to-sale tracking system. The bill also requires licensed dispensaries, effective June 1, 2025, to sell all medical marijuana flower, trim, shake, kief, noninfused pre-rolls, infused pre-roles, and other flower-based product not defined as a concentrate in pre-packaged forms only. See 63 O.S. § 431.1. The amendment of Section 431.1 gives the licensed dispensaries until November 1, 2025, to sell or waste all current inventory that is not pre-packaged.

TITLE 68 – TAXES (and related provisions)

HB 1360 (effective July 1, 2025) authorizes participants in the AG's address confidentiality program to request that their personal information not be published on the Internet by their county assessor.

The Attorney General's Office is authorized to operate an address confidentiality program pursuant to 22 O.S. § 60.14. The program may be used by victims of domestic abuse, sexual assault, stalking, human trafficking, and/or child abduction. HB 1360 amends 68 O.S. § 2899.1 to add participants in the address confidentiality program to the list of persons who may request county assessors to keep their personal information secure and not make it publicly accessible via the Internet. This is the same protection already afforded to elected county officials and peace officers by the statute. The amendment took effect July 1, 2025.

TITLE 69 – ROADS, BRIDGES, AND FERRIES

SB 0061 (effective November 1, 2025) and HB 1486 (effective November 1, 2025) name various bridges and stretches of highway in memory of former Oklahoma law enforcement officers..

These bills name various bridges and stretches of highway in memory of former Oklahoma law enforcement officers, military personnel, and others. The law enforcement officer memorialized in SB 0061 is ABLE Agent Lori Thomas, who was killed in a vehicle collision in 1994 when a car that was being pursued by Durant police officers struck her departmental vehicle. The bridge on U.S. Highway 70 crossing over South 9th Avenue in Durant is designated by the bill as the ABLE Agent Lori Thomas Memorial Bridge.

The law enforcement officer memorialized in HB 1486 is Bob Impson, who was a former Oklahoma Highway Patrol trooper that subsequently served as the Sheriff of Pushmataha County. A portion of U.S. Highway 271 between East 1900 Road and East 1880 Road is designated as the Trooper Bob Impson Memorial Highway.

If you're aware of any other law enforcement memorials this year, please let me know.

TITLE 70 – SCHOOLS (and related provisions)

HB 2047 (effective November 1, 2025) enacts the Emerson Kate Cole Act.

This bill amends 70 O.S. § 1-116.3 to require schools to contact 911 as soon as possible after Epinephrine is administered to a student. The bill also directs schools to adopt policies to include, at a minimum, required annual training for teachers and other school employees on the topics of food allergies, recognizing anaphylaxis, and how to administer Epinephrine. It also removes previous language that

required parent permission before Epinephrine could be administered. Now, trained school personnel are authorized to administer Epinephrine whenever the person in good faith believes a student is having an anaphylactic reaction. The Act is named for Emerson Kate Cole, a ten-year-old student from Amarillo, Texas, who experienced a food-allergy-related anaphylaxis and subsequently passed away.

TITLES 24, 50, 51, 64, 74, 75, and 80 – STATE GOVERNMENT (and related provisions)

SB 0626 (effective January 1, 2026) updates security breach notification definitions and obligations.

This bill updates and adds definitions related to the Security Breach Notification Act. "Personal information" as defined in 24 O.S. § 162 is updated to include unique electronic identifiers or routing codes in conjunction with security access codes or passwords and unique biometric data such as fingerprints, retina scans, etc. A definition of "reasonable safeguards" is also added to mean "policies and practices that ensure personal information is secure, taking into consideration an entity's size and the type and amount of personal information. The term includes, but is not limited to, conducting risk assessments, implementing technical and physical layered defenses, employee training on handling personal information, and establishing an incident response plan[.]" The bill also includes amendments to 24 O.S. §§ 163, 164, 165, and 166, regarding obligations for providing notice of a security breach and possible consequences for failure to use reasonable safeguards or give appropriate notices.

HB 2622 (effective November 1, 2025) removes conviction requirement for public nuisance determination.

Title 50, Section 21, previously provided that the repeated use of any real property or structure to commit acts which resulted in felony convictions under the Oklahoma Uniform Controlled Dangerous Substances Act may constitute a public nuisance. This bill removes the conviction requirement and instead provides that the repeated use of any such property to commit unlawful drug distribution, prostitution, or human and/or sex trafficking acts shall constitute a public nuisance.

HB 2163 (effective May 14, 2025) creates the Public Access Counselor Unit in the Attorney General's Office.

In creating new law at 51 O.S. § 24A.40, this bill established a Public Access Counselor Unit (PACU) at the AG's office to which individuals whose public records requests are denied by a public body may seek review of the denial. Requests for review must be submitted in writing within 30 days of the denial. Individuals whose open records requests are made for commercial purposes are excluded from being able to seek review by the PACU. After examining the request for review, the PACU may determine that no further action is warranted and advise the requester and public body of the same. Or, the PACU may determine to undertake a substantive review, in which case it is to forward the request for review to the public body and ask for documents to be submitted to the PACU to facilitate its review. If a substantive

review is undertaken, the PACU will issue an advisement to the public body and the public body is to comply with the advice received. The bill also amends 74 O.S. § 18b to add authority to the AG's office to investigate and prosecute any civil or criminal action related to violations of the Oklahoma Open Records Act.

The Governor vetoed the bill, decrying the "sweeping and unchecked authority" it provides the AG. For his part, Attorney General Gentner Drummond has praised the legislation. The House and Senate overrode the veto.

SB 0535 (effective November 1, 2025) amends the Open Records Act.

This bill amends the definition of "law enforcement agency" under 51 O.S. 24A.3 to include state and local fire marshals when investigating potential violations of federal, state, or local criminal laws or when acting on behalf of a law enforcement agency. It also amends 51 O.S. § 24A.5 to allow public bodies to require advanced payment of estimated fees if the estimated cost exceeds $75.00 or if the requestor has outstanding fees from previous requests. Additionally, the law is amended to allow public bodies to require requestors to complete records request forms and to provide reasonable specificity about the records requested.

SB 1091 (effective May 23, 2025) and HB 2083 (effective November 1, 2025) adds a formal exemption to the dual office holding prohibition of 51 O.S. § 6.

Dual office holding is generally prohibited in Oklahoma pursuant to 51 O.S. § 6, although many exemptions, including several specifically tied to various categories of law enforcement officers, exist in the statute. These bills add one more such exemption. They both exempt campus police officers who are elected as members of the governing board of a town or municipality that is outside of the town or municipality where the person services as a campus police officer from concerns that such service may constitute dual office holding. Also, please note that CLEET does not regulate dual office holding issues. Decisions about whether a peace officer's additional service in another office constitutes a violation of the dual office holding provisions should be made by the officer and his or her employing agency in consultation with competent legal counsel.

HB 2235 (effective November 1, 2025) modifies the potential amount of compensation that can be awarded to wrongfully convicted individuals.

In addition to other provisions, this bill modifies 51 O.S. § 154 to create a per-year amount of compensation that can be awarded to wrongfully convicted individuals. Previously, Section 154 provided that the total liability of the state and its political subdivisions for claims arising out of wrongful felony convictions could not exceed $175,000.00 per claim. This amendment now provides that such a claimant is entitled to an amount equal to $50,000.00 per year multiplied by the number of years served in prison. It also allows for payment for partial years served on a percentage basis. Additionally, those claimants who were released on parole or probation are entitled to compensation in an amount of $25,000.00 per year served on parole or probation, including partial years on a percentage basis. If a claimant's total

award is $1,000,000.00 or less, the person is to be paid in one lump sum. If a claimant's total award is more than $1,000,000.00, then the person is to be paid $1,000,000.00 in a lump sum, and the remainder is to be paid out annually in equal payments over three years. These new award amounts are limited to exonerations occurring on or after July 1, 2025.

The Governor used his line-item veto authority to strip from the bill provisions for health coverage and waivers of tuition and fees at Oklahoma colleges for successful claimants.

SB 1168 (effective November 1, 2025) amends the Governmental Tort Claims Act.

This bill makes changes to the Governmental Tort Claims Act (GTCA) by modifying and adding definitions to 51 O.S. § 152 and increasing the liability amounts in 51 O.S. § 154. In Section 154, maximum liability amounts per claim are (1) raised from $25,000.00 per occurrence to $75,000.00 for property losses; (2) added for inconvenience, annoyance, or discomfort in nuisance claims in maximum amounts of $225,000.00 per act for claimants in counties with less than 150,000 in population and $275,000.00 for claimants in counties with 150,000 or more population; (3) added for nuisances in the amount of $275,000.00 per occurrence and $275,000.00 for municipal sewer overflows to $275,000.00 per occurrence; (4) $250,000.00 per claimant per occurrence for other losses by claimants from counties with population less than 150,000 and $375,000.00 for claimants from counties with populations of 150,000 or more (with some special limitations); (5) $1,000,000.00 for any number of claims for indemnification under 51 O.S. § 162; and $2,000,000.00 in the aggregate for any number of claims arising out of a single occurrence or accident. Additional limitations for medical students and public trust hospitals and physicians are also added. The GTCA is also amended to provides that the liability limits set in this bill are to adjusted beginning January 1, 2031, and every five years thereafter for inflation to reflect the lesser of either the percentage change in the Consumer Price Index or 4%.

HB 1138 (effective November 1, 2025) amends the Human Capital Management statute to authorize OMES's HCM Division to receive and act upon complaints and grievances filed by peace officer state employees, including state troopers.

This bill amends 62 O.S. § 34.301 to authorize OMES's Human Capital Management Division to "[r]eceive and act upon complaints from disciplinary action and grievances filed by state employees who are employed to perform duties as [peace officers as defined in 70 O.S. § 3311(E)(6) and commissioned officers of the Oklahoma Highway Patrol as described in 47 O.S. § 2-105]." The amendments also appear to provide somewhat more favorable timetables and options for peace officers and troopers than are provided for other state employees. The Governor vetoed the legislation, asserting that the amendments make it harder to hold bad actors accountable. The Legislature overrode the veto.

HB 2728 (effective July 1, 2025) makes some significant changes in the administrative rules process.

This bill makes changes to the administrative rules process to provide more significant scrutiny of the economic impacts of proposed rules. The Legislative Office of Fiscal Transparency becomes largely

responsible for conducting reviews of proposed rules, especially so-called "major rules," which are defined as administrative rules likely to result in $1,000,000.00 or more in implementation and compliance costs over the initial five-years of the rules' existence. See 62 O.S. §§ 8012, 8016; 75 O.S. § 250.3. Significant additional requirements are imposed on agencies when preparing rule impact statements whether for emergency or permanent rules. See 75 O.S. §§ 253, 303.

SB 0068 (effective May 27, 2025) authorizes agencies to employ certain IT personnel.

This bill modifies 62 O.S. § 35.3 to add the OSBI, District Attorneys Council, Attorney General, and Office of the State Auditor and Inspector, to the list of agencies excluded from the definition of agency for OMES IT purposes. It also adds a new section of law at 62 O.S. § 35.7a which allows any state agency to employ IT personnel so long as the agency remains subject to the standards, policies, and oversight of the state's Chief Information Officer and enters into a memorandum of understanding with the CIO with certain set provisions.

SB 0146 (effective November 1, 2025) expands services of DPS's Mental Wellness Division to retirees.

This bill amends 74 O.S. § 9102 to expand the scope of the Department of Public Safety's First Responder's Wellness Division[9] to include providing services to both public safety personnel and retirees.

HB 1137 (effective November 1, 2025) removes language referencing federal funding from legislation regarding the OSBI's Office of Liaison for Missing and Murdered Indigenous Persons.

This bill amends 74 O.S. § 150.12A-1 to remove references to the obtaining of funding through federal funds, federal grants, or private entities to fund the OSBI's Office of Liaison for Missing and Murdered Indigenous Persons. Governor Stitt vetoed the legislation which was subsequently overridden by two-thirds votes in the House and Senate.

SB 0595 (effective April 28, 2025) significantly overhauls the jail standards statutes.

This bill significantly overhauls 74 O.S. § 192, creates new law at 74 O.S. §§ 192.1, 192.2, 192.3, 192.4, 192.5, 192.6, 192.7, 192.8, and 192.9, amends 57 O.S. §§ 37, 47, 52, 53, 55, 57, and other sections in other titles. I started going through the 30-plus pages of this bill to try to hit highlights but there is so much information that it's probably best to simply say it should be required reading for any sheriff's office, municipality, or jail trust that operates a jail. One specific point is that the Jail Standards Act does not apply to counties, cities, or towns that operate a holding facility so long as no person is held in the facility for longer than 12 hours and as long as an employee of the county, city, or town is available to render aid or to release a confined person in the event of an emergency.

[9] The statute refers to the division as the Mental Wellness Division but it is popularly known as the Oklahoma First Responders Wellness Division.

HB 1458 (effective November 1, 2025) amends provisions related to death benefits of OPERS members.

This bill provides that beneficiaries of death benefits provided to members of the Oklahoma Public Employee Retirement System (OPERS) under 74 O.S. § 916.1 may be disclaimed by such beneficiaries such that the benefits shall transfer to a licensed provider of funeral services. The amendment provides requirements for the disclaimer, including that it must be in writing and is irrevocable.

HB 2724 (effective November 1, 2025) authorizes the Oklahoma Highway Patrol to donate surplus OHP vehicles to certain law enforcement agencies.

This bill amends 74 O.S. § 62.3 to authorize the OHP to donate surplus vehicles that have been driven over 90,000 miles. Such donations can be made to "any law enforcement agency of any political subdivision . . . in a county with a population of no more than one hundred thousand (100,000) residents." Such donated vehicles can only be used for valid and authorized law enforcement efforts by the receiving agency.

HB 2729 (effective November 1, 2025) directs reviewing courts that hear administrative actions not to defer to interpretations of statues, rules, or regulations adopted by state agencies.

This bill modifies 75 O.S. § 318 to specifically direct courts that review administrative actions to not defer to interpretations of statutes, rules, or regulations put forth by the agencies responsible for administering such statutes, rules, or regulations, but instead to interpret the meaning and effect of such statutes, rules, and regulations de novo. In addition, after considering and applying the customary tools of interpretation, the courts are directed to "exercise any remaining doubt in favor of a reasonable interpretation which limits agency power and maximizes individual liberty." The bill also creates new law at 75 O.S. § 321.1 that limits the abilities of agencies to seek civil penalties except by jury trial or under the small claims act.

SB 0995 (effective May 27, 2025) amends portions of the APA and repeals 75 O.S. § 308.3.

This bill repeals 75 O.S. § 308.3 and amends the definition of final rule found in 75 O.S. §§ 250.3 by removing approval processes previously enshrined in Section 308.3. It also amends 75 O.S. § 308 by removing references to Section 308.3.

SB 1024 (effective July 1, 2025) adds requirements to rule impact statements.

This bill amends 75 O.S. § 303 by adding three additional requirements to rule impact statements: (1) an analysis of alternatives to adopting the rule; (2) estimates of the amount of time that would be spent by state employees to develop the rule and the amount of resources utilized to develop the rule; and (3) a summary and preliminary comparison of any existing or proposed federal regulations intended to address the activities to be regulated by the proposed rule.

SB 0930 (effective November 1, 2025) allows for concurrent state and federal jurisdiction for law enforcement purposes on United States military installations.

This bill creates new law at 80 O.S. § 6.1 accept the relinquishment of exclusive jurisdiction by the United States on military installations and allows for Oklahoma to assert concurrent jurisdiction on such installations. The stated purpose of the act is to "ensure that law enforcement services are available . . . especially for the enforcement of juvenile matters including, but not limited to, delinquency, children in need of care, families in need of services, and any other matters affecting the safety and welfare of juveniles within the state." Department of Defense resources explain the potential benefits of concurrent jurisdiction from the DOD's perspective. Once concurrent jurisdiction is established, state agencies and local jurisdictions, at the sole discretion of such agencies and jurisdictions, may enter into reciprocal agreements with federal agencies to designate duties related to the concurrent jurisdiction. The bill specifically provides that it does not create a responsibility for any state agency, local government, or political subdivision to enter into a reciprocal agreement related to the investigation or prosecution of any case, incident, or allegation.