

TITLE 21- CRIMES AND PUNISHMENTS

HB 2241 (effective November 1, 2008) amends 21 O.S. 142 to increase the amounts that may be paid to crime victims for compensation.

HB 2196 (effective November 1, 2008) Amends 21 O.S. § 187.1 to limit lobbyist activities during the legislative session. No 'lobbyist or lobbyist principal' shall 'make or promise to make a contribution to, or solicit or promise to solicit a contribution for' a member of the Oklahoma Legislature or a candidate for a state legislative office during any regular legislative session, and for 5 calendar days following *sine die* adjournment. A member of the Legislature or a candidate for a state legislative office shall not 'intentionally solicit or accept a contribution' from a lobbyist or lobbyist principal during the legislative session and for 5 calendar days after *sine die* adjournment. Any violation is a misdemeanor punishable by a fine of up to \$1,000, and/or imprisonment for up to 1 year.

SB 2003 (effective November 1, 2008) amends the treatment requirements of 21 O.S. § 644 to provide that 'three unexcused absences in succession or seven unexcused absences in a period of 52 weeks' from any court-ordered domestic abuse counseling or treatment program is reason for the district attorney to seek acceleration or revocation of any probation.

SB 2104 (effective November 1, 2008). Amends 21 O.S. § 644 to provide that the court may suspend sentencing in a domestic abuse case for up to 120 days for the defendant to 'present proof of attendance' of treatment, and then complete sentencing. 22 O.S. § 60.6 is amended to make the same provisions.

HB 1897 (effective November 1, 2008)

1. Amends 21 O.S. § 644 to include specific penalties for domestic abuse of a pregnant woman. A conviction of 'domestic abuse committed against a pregnant woman with knowledge of the pregnancy' is a misdemeanor, punishable by imprisonment for up to 1 year. A second or subsequent

offense is a felony, punishable by up to 10 years. If a miscarriage, or injury to the unborn child, occurs the penalty doubles.

2. Amends 21 O.S. § 1125, which contains prohibitions on registered sex offenders being near schools. An exception is created for sex offenders receiving 'medical' treatment at a medical facility near a school, but specifically excludes 'any form of psychological, social or rehabilitative counseling services or treatment programs'.

SB 1675 (effective November 1, 2008) amends 21 O.S. § 650.2 to extend prohibitions against assault and battery against DHS employees to include A&B against persons contracting with DHS to perform services.

HB 1021 (effective November 1, 2008). (*This is a lengthy and comprehensive Act which can only be summarized here.*)

1. Enacts a new law to be codified at 21 O.S. § 748. As used in this Act, 'Human trafficking' refers to modern-day slavery including extreme exploitation and the denial of freedom or liberty. 'Human trafficking for forced labor' includes forced labor in households, agricultural fields, sweatshops, and other workplaces; and 'human trafficking for forced sexual exploitation' includes forced commercial sexual activity such as performances, prostitution, production of pornography, performance in strip clubs, and exotic dancing or display.

The elements of the crime include 'recruiting, harboring, transporting, or obtaining a person' by 'force, fraud or coercion' or threats; and 'destroying, concealing, removing, confiscating, or possessing any passports or immigration documents'; and 'abusing or threatening abuse of the legal process'; or using a scheme, plan, or pattern intended to cause the person 'to believe that the person or another person would suffer serious harm or physical restraint', and 'benefiting financially from participation in an act of human trafficking'.

Violation is a felony punishable by imprisonment for not less than 5 years, and/or a fine of up to \$10,000. If a victim is under 14 at the time of the offense the punishment doubles. It is an affirmative defense that, during the commission of the offense, the defendant was a victim of human

trafficking.

2. Enacts a new law to be codified at 21 O.S. § 748.2

Human trafficking victims shall: (1.) Be housed appropriately (2.) Not be detained in facilities inappropriate to their status as victims; (3.) Not be jailed, fined, or otherwise penalized due to having been trafficked; (4.) Receive prompt medical care, mental health care, food, and other assistance; (5.) Have access to legal assistance and translation services; and (6.) Be provided protection if the safety of the victim is at risk or if there is a danger of additional harm by recapture by a trafficker, including:

- a. taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals, and
- b. ensuring that the names and identifying information are not disclosed to the public.

Any victim of human trafficking may file a civil action against the perpetrator. The court may award actual damages, punitive damages, reasonable attorney fees, and other costs. The civil action is stayed during the pendency of any criminal action arising out of the same occurrence.

SB 1600 (effective July 1, 2008) amends 21 O.S. 843.1 and 22 O.S. § 991a-16 to provide that a person convicted of ‘caretaker abuse, neglect, or exploitation’ is subject to mandatory minimum sentencing. Also amends 21 O.S. § 843.3 to increase the penalty for a neglect of a vulnerable adult.

HB 2606 (effective November 1, 2008) (*This law is the result of some Court of Criminal Appeals decisions which found that the prior statute was limited to photographs taken in private places.*) Amends 21 O.S. § 1171 to add a new section C: Anyone who uses ‘photographic, electronic, or video equipment’ in a clandestine manner for any ‘illegal, illegitimate, prurient, lewd, or lascivious purpose’ with the intent to view, watch, gaze or look upon any person and capture an image of a private area of a person ‘without the knowledge and consent’ of the person and does so under circumstances in which a reasonable person would believe that the private

area of the person would not be visible, regardless of whether the person is in a public or private place shall, upon conviction, be guilty of a misdemeanor, punishable by up to 1 year in jail, and/or a fine of up to \$5,000. The phrase 'private area of the person' means the 'naked or undergarment-clad genitals, pubic area, buttocks, or any portion of the areola of the female breast'.

SB 1672 (effective July 1, 2008) Enacts a new law, to be codified at 21 O.S. § 1272.3:

'It is unlawful for any person to knowingly discharge, or cause to be discharged, any electrical stun gun, tear gas weapon, mace, tear gas, pepper mace or any similar deleterious agent' against 'a peace officer, corrections officer, probation or parole officer, firefighter, or an EMT or paramedic who is acting in the course of official duty'. The penalty is imprisonment for up to 10 years, or county jail for up to 1 year.

HB 1622 (effective November 1, 2008)

1. Amends 21 O.S. § 1550.2, which concerns criminal use of credit cards. This amendment adds to the list of prohibited actions: 'use, or attempted use, of the internet' in making transactions.

2. Amends 21 O.S. § 1550.41, to add documents which contain 'the name and social security number of a person' to the list of prohibited false identification cards.

SB 1663 (effective November 1, 2008) Amends 21 O.S. § 1760 (malicious injury to property) by (1) Dropping the maximum dollar amount of damage for a misdemeanor from \$2500 to \$1000, (2) Dropping the minimum dollar amount of damage for a felony from \$2500 to \$1000, (3) Making a third or subsequent conviction a felony without regard to the value of the property. This amendment also makes the statute gender - neutral.

SB 2111 (effective November 1, 2008) amends 21 O.S. § 1835.2 to increase the penalty for second and subsequent trespassing offenses and to provide

for payment of restitution.

SB 1830 (effective February 28, 2008)

1. Amends 21 O.S. § 1021 to provide that when a person is convicted of lewd exposure or exhibition or distribution of 'obscene material or child pornography', and the crime was committed in the presence of a child under 12 years old, the minimum punishment is 25 years imprisonment.

2. Amends 21 O.S. § 1123 to apply the 25 year minimum sentence to lewd proposals, lewd molestation, and seclusion of a child, and the other crimes set out in that section.

3. Amends 21 O.S. § 1290.5 to extend from 1 year to 3 years the term 'from the expiration' of the SDA license to 'comply with the renewal requirements'.

SB 1992 (effective July 1, 2008) makes several changes in Title 21.

1. Enacts a new law, to be codified at 21 O.S. § 1040.12a, which provides that possession of 100 or more 'separate materials depicting child pornography' is considered 'aggravated possession', punishable by up to 20 years imprisonment and a fine of up to \$10,000.

2. Amends 21 O.S. § 1114 to include 'rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused' and 'rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused'.

3. Amends 21 O.S. § 1738 to allow seizure and forfeiture of aircraft, vehicles, coins, and other items in certain circumstances.

4. Enacts a new law, to be codified at 21 O.S. § 1161.1, to be known as 'Jenny's Law'. This law makes it a crime to desecrate a human corpse for purposes of evading prosecution or spoliation of evidence. It is punishable by up to 7 years imprisonment and/or a fine of up to \$8,000.

TITLE 47 - MOTOR VEHICLES

HB 2695 (effective immediately) Enacts a new law to be codified at 47 O.S. § 2-122.3 to allow the Department of Public Safety to 'acquire, house and train' canines to assist in 'detecting explosives, discovering controlled dangerous substances, performing drug interdiction, performing patrol activities, performing article searches, providing officer protection, and tracking' to assist in the arrest of criminals. Also allows the Department to kennel each canine with its full-time trainer-handler, and to pay for the construction and repair expenses of a kennel on private property.

HB 2215 (effective November 1, 2008)

1. Amends 47 O.S. § 11-101 to make general provisions regulating traffic on public highways applicable to turnpikes, unless otherwise provided for by law.

2. Amends 47 O.S. § 11-801 to allow the Oklahoma Turnpike Authority to prescribe maximum and minimum speeds for trucks, buses, and automobiles using turnpikes. Regulations are effective after approval by the Commissioner of Public Safety, and after signs have been posted on the turnpike giving notice.

3. Amends 47 O.S. § 11-1401 to make it unlawful to 'drive, operate or ride any bicycle or other man-powered vehicle or means of transportation' on a turnpike. O.T.A. may prohibit any vehicle it determines would be 'injurious to the turnpike surfacing or would be a traffic hazard' from entering the turnpike.

HB 3193 (effective November 1, 2008) amends 47 O.S. 11-405.1. This section concerns the duty of a driver to move over when approaching a stationary authorized emergency vehicle. A 'wrecker, or tow vehicle that is displaying a flashing combination red or blue light or any combination of red or blue lights' is added to the list of emergency vehicles.

HB 3268 (effective November 1, 2008) amends 47 O.S. § 11-1402 to provide that upon written request of the Department of Wildlife Conservation to

the Commissioner of Public Safety, the two Departments may enter into an agreement permitting the D.W.C. to perform, on turnpikes, law enforcement duties specified in the agreement. The costs are the responsibility of the Department of Wildlife Conservation.

SB 2086 (effective November 1, 2008)

1. amends 47 O.S. 11-1116 to provide that all-terrain vehicles or utility vehicles may be operated on streets and highways within a municipality if the municipal governing body has adopted an appropriate ordinance.

2. Amends 47 O.S. § 12-217 to provide that a motor vehicle may be equipped with no more than two auxiliary driving lamps mounted at a height of more than 42 inches from the ground. The lamps may be used with lower beam headlamps—or switch controlled in conjunction with the headlamps and may be used with either low or high beam headlamps.

SB 1384 (effective immediately)

1. Amends 47 O.S. § 11-702 to provide that ‘a bus as defined in Section 1-105 of this title’ must ‘comply with the railroad crossing provisions as prescribed in 49 C.F.R., Section 392.10’.

2. Amends 47 O.S. § 12-101 to include ‘Low-speed and medium-speed electrical vehicle vehicles which are in compliance with the equipment requirements in 49 C.F.R., Section 571.500’.

3. Several sections are ‘recodified’ (renumbered).

4. Amends 47 O.S. § 1102 (effective November 1, 2008) to provide a definition of ‘medium speed electric vehicle’.

SB 551 (effective August 22, 2008) enacts a new law, to be codified at 47 O.S. § 11-1118 *et seq.*, to be known as the ‘Forget-Me-Not Vehicle Safety Act’. A person ‘responsible for a child’ who is 6 years of age or younger, or a ‘caretaker of a vulnerable adult’, shall not leave that child or vulnerable adult unattended in a motor vehicle if the conditions present a risk to health or safety. It is not a violation if the child or vulnerable adult is accompanied in the motor vehicle by a person at least 12 years old who is not mentally incompetent. Violation is a misdemeanor, punishable by: (1)

A fine of at least \$50 upon a first conviction; (2) A fine of at least \$100 and community service of at least 50 hours upon a second conviction; and (3) A fine of at least \$200 upon a third or subsequent conviction, and the full record of that person's convictions shall be submitted to the Department of Human Services.

Any person who has left a child or vulnerable adult unattended in a motor vehicle on the premises of an 'establishment which sells alcoholic beverages for consumption on the premises', and who has 'consumed any alcoholic beverage during the period of time the child or vulnerable adult has been unattended', shall be punished by a fine of at least \$500. Nothing in this section precludes prosecution under any other provision of law.

HB 2474 (effective November 1, 2008) enacts a new law, to be codified at 47 O.S. § 11-1303 regarding endangerment of construction or maintenance workers:

A person is guilty of the offense of 'endangerment of a highway worker' if the person commits any of the following within a maintenance or construction zone:

1. Exceeding the posted speed limit by at least 15 miles per hour;
2. Failing to merge as required in Title 47;
3. Failing to stop for a work-zone flagman or failing to obey traffic-control devices;
4. Driving through or around a construction or maintenance area by any lane not clearly designated; or
5. Intentionally striking, moving, or altering barrels, barriers, or signs, for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

A conviction for endangerment of a highway worker, if no injury or death of a highway worker resulted, is punishable by a fine of up to \$1,000, in addition to any other penalty authorized by law.

It will be considered 'aggravated endangerment' if the offense results in the injury or death of a highway worker. It is punishable by a fine of up to \$5,000 if the offense resulted in injury, and up to \$10,000 if the offense

resulted in the death of a highway worker, in addition to any other penalty.

Generally, the act or omission must occur when one or more workers are in the construction area. Persons are not to be cited 'if the act or omission resulted, in whole or in part, from mechanical failure' or from the negligence of another person. Any highway worker killed while working on a section of highway 'shall have that mile of road named in honor of their memory'.

HB 2862 (effective November 1, 2008) enacts new law at 47 O.S. § 12-232 which allows a 'multiple-passenger van owned and operated by a nonprofit charitable organization' to be equipped with a flashing, strobe-light visible from a distance of not less than 500 feet to the front of the vehicle or the rear of the vehicle. The device may be activated while the van is operating.

TITLE 22 - CRIMINAL PROCEDURE

HB 2819 (effective November 1, 2008) amends sections in Title 22 and Title 11 to allow a 'digital or electronic signature' (as defined in 12A O.S. § 15-102) to be used in the following situations:

- a. Verification in Municipal Court (11 O.S. § 28-113.1)
- b. Signature for those who cannot write their name (22 O.S. § 7)
- c. Verification in District Court (22 O.S. § 303)

HB 3031 (effective November 1, 2008) amends 22 O.S. § 18 to add a new grounds for expungement of criminal records:

'The person has received a full pardon on the basis of a written finding by the Governor of actual innocence for the crime for which the claimant was sentenced'.

SB 1648 (effective November 1, 2008) amends 22 O.S. § 18 to include 'a person who has been released from prison at the time innocence was established' to the list of people who may be eligible for expungement of their records.

HB 2638 (effective July 1, 2008) Amends 22 O.S. § 60.14 to move the program which provides address confidentiality for victims of domestic abuse from the Secretary of State to the Attorney General. Also adds a provision that 'No employee of a state or local agency shall knowingly and intentionally disclose a program participant's actual address unless disclosure is permitted by law.'

SB 1950 (effective November 1, 2008) amends 22 O.S. § 152 (statute of limitations in criminal cases) to include child trafficking pursuant to 21 O.S. § 866. Prosecution must be commenced within 12 years after the discovery of the crime. However, prosecution may be commenced at any time if:

- a. the victim notified law enforcement within 12 years after the discovery of the crime,

- b. physical evidence is collected and preserved that is capable of being tested to obtain a DNA profile.
- c. the identity of the offender is subsequently established through the use of a DNA profile.

A prosecution under this exception must be commenced within three (3) years from the date on which the identity of the suspect is established.

HB 2522 (effective November 1, 2008) amends 22 O.S. § 471.1 to allow misdemeanor drug courts, which will follow the rules of felony drug courts except that the penalty for revocation may not exceed 1 year in the county jail or the maximum penalty for the misdemeanor allowed by statute, whichever is less.

HB 3336 (most sections effective immediately) makes amendments to several laws in Title 19, Title 22, and Title 57 affecting county jails and county and state inmates. *(This is a summary and reference to the entire bill is encouraged)*

1. In counties with a population over 500,000, deputies and detention officers will have a 5 year probationary period during which they are considered 'at-will' employees. After 5 years, the deputy or detention officer may be discharged only for 'just cause'.

2. Courts may not waive costs of incarceration 'in their entirety'. If the court finds that a reduction is warranted, the court equally applies 'the same percentage reduction to the fine, costs, and costs of incarceration'.

3. 22 O.S. § 988.12 (C), requiring the state to pay required medical expenses in certain situations, is stricken.

4. 22 O.S. § 991a-2 (D). requiring the Department of Corrections to reimburse the county for emergency medical care in certain situations. is stricken.

5. References to 'State Penitentiary' are changed to 'custody of the Department of Corrections'.

6. A new section (D) is added to 57 O.S. § 21, prohibiting the bringing of tobacco or cell phones into 'any place where prisoners are

located’.

7. ‘Tobacco products’ are added to the list of substances which a ‘detention officer, deputy sheriff, or other person employed as jail operations staff’ may not provide to inmates for compensation.

8. A new law is enacted as 57 O.S. § 38.3 concerning payment of medical expenses of inmates. (*Again, review of the entire bill is encouraged*).

9. Provision is made for testing of prisoners when an ‘officer or employee or any other person’ comes into contact with the bodily fluids of an inmate. The Sheriff must promulgate policies for this purpose.

SB 2163 (effective November 1, 2008)

1. Amends 22 O.S. § 60.6 to provide that a person sentenced for violating a protective order may be required to wear a global positioning sensor (GPS) and pay the associated expense.

2. Amends 22 O.S. § 60.17 (protective orders in domestic abuse cases) to provide that a person subject to a protective order may be required to wear a GPS pending the results of the prosecution. Since this is before a disposition, the court must find ‘that the defendant has a history that demonstrates an intent to commit violence against the victim, including, but not limited to, prior conviction for an offense under the Protection from Domestic Abuse Act or any other violent offense, or any other evidence that shows by a preponderance of the evidence that the defendant is likely to commit violence against the victim’. The court may order the defendant to pay the associated costs.

3. Amends 22 O.S. § 1105.3 to provide that a person eligible for pretrial release under this statute may be required to wear a global positioning sensor (GPS) and pay the associated costs.

SB 1921 (effective November 1, 2008) Amends 22 O.S. § 60.2 to provide that, in divorce cases in which a separate petition for a protective order is filed, the judge presiding over the divorce may also hear the petition for protective order if certain requirements are met.

SB 2004 (effective November 1, 2008) amends 22 O.S. § 984.1 to allow the

inclusion of religious invocations or references in victim's impact statements.

SB 2069 (effective November 1, 2008) enacts a new law, to be codified at 22 O.S. § 60.21 *et seq.*, which provides a comprehensive scheme for enforcement of Domestic Violence Protection Orders from other states.

1. A person 'authorized by the law of this state to seek enforcement of a protection order' may seek enforcement of a valid foreign protection order in a tribunal of this state. The court is to follow Oklahoma procedure and is to enforce the order if it was issued 'in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection'. The court may not enforce the order if it was 'issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order'.

2. The Oklahoma court is to enforce the provisions of a valid foreign protection order which govern 'custody and visitation', if the order was issued 'in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders' in the issuing state.

3. A protection order from another state is valid if it 'identifies the protected individual and the respondent', is currently in effect, was issued by 'a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state', and 'was issued after the respondent was given reasonable notice and had an opportunity to be heard' or, in the case of an order *ex parte*, the respondent was 'given notice and has had or will have an opportunity to be heard within a reasonable time' after the order was issued, in a manner consistent with due process. A foreign protection order 'valid on its face' is prima facie evidence of its validity.

4. Oklahoma courts may enforce provisions of a 'mutual foreign protection order which favor a respondent' only if the 'respondent filed a written pleading seeking a protection order' and the 'tribunal of the issuing state made specific findings in favor of the respondent'.

5. A law enforcement officer, upon determining that there is 'probable cause' to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order 'as if it were the

order of a tribunal of this state'. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be 'inscribed on a tangible medium' or may have 'been stored in an electronic or other medium if it is retrievable in perceivable form'. 'Presentation of a certified copy of a protection order is not required for enforcement'. If a foreign protection order is not presented, a law enforcement officer of this state 'may consider other information' in determining whether there is probable cause to believe that a valid foreign protection order exists. If the Officer determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer 'shall inform the respondent' of the order, make a 'reasonable effort to serve the order' upon the respondent, and allow the respondent a 'reasonable opportunity to comply' with the order before enforcing the order.

6. Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this act. A foreign protection order may be filed with the Secretary of State. The individual registering a foreign protection order 'shall file an affidavit' that the order is currently in effect. A foreign protection order registered under this act may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

7. Immunity is provided from civil and criminal liability for acts or omissions 'arising out of the registration or enforcement of a foreign protection order' or the 'detention or arrest' of an alleged violator of a foreign protection order if done 'in good faith in an effort to comply' with the act.

8. An individual who pursues remedies under this act is not precluded from pursuing other legal or equitable remedies against the respondent.

SB 1830 (effective February 28, 2008) amends 22 O.S. § 991a (sentencing powers of the Court) to extend the provisions for 'post-imprisonment

community supervision for not less than 3 years' to several additional crimes, and to clarify court costs provisions.

TITLE 10 - CHILDREN

HB 2643 (effective November 1, 2008) makes several changes in Title 10

1. Declares that the 'care and safety of children is a matter of the highest state priority'.

2. Amends 10 O.S. § 404 to provide that 'child care facilities' may not allow children to be left 'in the care of' a person under 18 years of age.

3. Amends 10 O.S. § 404.1 to require a records search of 'any person making application to establish or operate a child care facility', and requires records searches on other specific persons associated with child care facilities.

4. Amends 10 O.S. § 407 to allow revocation of the license of a child care facility, including 'unlicensed care' in an emergency, defined as a 'direct and serious threat to the health, safety, or welfare of any child' cared for' in that facility. This amendment also allows a 'CLEET-certified officer' to issue a citation for a violation as provided in 10 O.S. § 404.

5. Enacts a new law, to be codified at 10 O.S. 405.3, to require the Commission for Human Services to establish and maintain a 'child care worker registry, accessible to the public through an on-line database'.

SB 1830 (effective February 28, 2008) amends 10 O.S. § 7115 to provide that persons convicted of 'child sexual abuse' or 'child sexual exploitation' and sentenced to a term or 2 or more years, will be required to serve a 'term of post-imprisonment supervision' under 'conditions determined by the Department of Corrections'. The jury is to be advised that this supervision 'shall be in addition to the actual imprisonment'.

SB 1403 (effective immediately) Amends 10 O.S. § 7306-2.2 *et seq.* of the Youthful Offender Act. *(Please note that this is a brief summary of a very long Bill, and any persons who work with Youthful Offenders are encouraged to review the entire Bill.)*

1. Amends the 'purpose of the Youthful Offender Act' to remove the provision that allows a Y.O. who successfully completes the program to 'avoid conviction for a crime'.

2. Adds 'certification for the imposition of an adult sentence' to the list of reasons which may allow a Y.O. to be detained as an adult and incarcerated with the adult population.

3. Deletes the provision for a review hearing within 30 days of the youthful offender's 18th birthday.

4. Changes references to the 'Department of Juvenile Justice' to the 'Office of Juvenile Affairs'.

5. Changes sentencing rules to provide that the Y.O. is subject to the 'same type of sentencing procedures and duration of sentence, except for capital offenses, including suspension or deferment, as an adult' convicted of the same crime, with the exception that any sentence is to be served 'in the custody or under the supervision of the Office of Juvenile Affairs' until the expiration of the sentence, parole, discharge, or the Y.O. reaches 18 years of age, whichever occurs first. If the Y.O. reaches age 18 before the expiration of the sentence, the court has these options:

- a. return the Y.O. to the Office of Juvenile Affairs to complete a treatment program (up to age 18 and 5 months).
- b. incarcerate the Y.O. with the Department of Corrections. (The sentence cannot exceed the original sentence.)
- c. place the Y.O. on probation with the Department of Corrections.
- d. discharge the Y.O. from custody.

6. Probation will be supervised by the Office of Juvenile Affairs up to age 18, then by the Department of Corrections.

7. Adds a provision that the Court may issue orders consistent with treatment up to age 18 and 5 months.

8. Adds a provision that a Y.O. who is 17 or 18 years old may be detained in a county jail pending placement if the county jail meets the standards for juvenile offenders. A Y.O. who is 18 or older may be held in the general jail population.

9. Changes the requirement for court review of the sentence from semi-annual to annual.

10. Makes changes in the options available to the court at the time of the annual reviews. The options are:

- a. Order the Y.O. discharged from custody and order dismissal and expungement of records.
- b. Revoke probation and place the Y.O. in the custody of OJA, if under age 18.
- c. Probation.
- d. Place the Y.O. in a sanction program of the OJA, if under age 18.
- e. Transfer the Y.O. to the custody or supervision of DOC. Such an order will be deemed an adult conviction.

SB 1525 (effective August 22, 2008) enacts a new law, to be codified at 10 O.S. § 7002-1.3, to clarify that the judge who presides over a 'deprived child action' may retain jurisdiction over any resulting 'adoption, guardianship, or other custody proceeding'.

HB 2530 (effective immediately) amends 10 O.S. § 7003-2.4 to provide for reporting in the situation in which a child is taken into emergency custody and subsequently 'returned to the home prior to an emergency custody hearing'. This requires an agreement of the District Attorney and the Department of Human Services. The specific form, set out in the statute, is to be completed and filed of record.

TITLE 57 - PRISONS

SB 1601 (effective July 1, 2008)

1. It is the intent of the Legislature that every person 'convicted of or receiving a deferred or suspended sentence' for an act of violence or child abuse is to be registered as a violent offender and be prohibited from caring for another person's child.

2. Amends 57 O.S. § 258 to provide that a person or business who 'offers or provides services to children' must conduct a name search of employees at least annually 'against the Sex Offender and Violent Crime Offenders registries' and 'all persons working with or providing services to children' are required to sign a statement declaring that he or she is not currently required to register. Failure to conduct the annual name search is a misdemeanor with a fine of up to \$1,000. The refusal of any person to sign the required statement is a misdemeanor, with a fine of up to \$1,000, and the person 'shall be immediately terminated' from employment. Any person discovering a violation must immediately report it to the District Attorney.

3. Amends 57 O.S. § 593 to make the provisions of the Mary Rippy Violent Crime Offenders Registration Act (MRVCORA) apply to any person 'residing, working or attending school in this state who is subsequently convicted of, or who receives a deferred judgment or suspended sentence for, any crime or attempted crime enumerated in subsection B of this section'.

4. The Act applies to any person who enters this state for 'purposes of residence, work or to attend school' after having been previously convicted of or is subject to a deferred judgment, suspended sentence, probation or parole in another state, federal or tribal court, or a military court for any crime or attempt which would be substantially similar to any crime enumerated in this section.

5. The following crimes and attempts shall be registered under the MRVCORA:

- a. First degree murder;
- b. Second degree murder;

- c. Manslaughter in the first degree;
- d. Shooting or discharging a firearm with intent to kill, use of a vehicle to facilitate the intentional discharge of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon;
- e. Assault with intent to kill.
- f. Bombing; and
- g. Abuse as specifically provided in this section; and
- h. Any crime or attempt constituting a 'substantially similar offense' which has been 'adjudicated by any court of another state, the United States, a tribal court, or a military court'.

6. The registration requirements do not apply while the person is incarcerated in a maximum or medium security institution of DOC, a private correctional institution, or another state, federal, tribal or military facility, but do apply to deferred, suspended, probation, parole, and discharges.

7. The requirement to register is to be determined by the judge 'at the time of sentencing or upon granting the defendant a deferred judgment'. The judge shall determine whether the crime resulted in:

- 'a. Physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, or mental anguish to the victim, or
- b. Deprivation of nutrition, clothing, shelter, health care, or other care or services which caused serious physical or mental injury to the victim',

and whether the facts or nature of the offense warrant registration for public disclosure and protection of victims.'

8. Not every enumerated offense requires automatic registration under the MRVCORA, and no other offenses are authorized for consideration for registration as a crime of abuse. The defendant does not have to register under the MRVCORA 'if the defendant is required to register pursuant to any provision of the Oklahoma Sex Offenders

Registration Act' for the same offense.

9. If the judge determines the defendant should register, the defendant shall be ordered to register and to comply with all provisions of the Act.

10. Enacts a new section of law, to be codified at 57 O.S. § 599.1, which provides for access to these registries.

- a. A person may contact the OSBI, complete a form and pay the required fees for a name search of both the Oklahoma Sex Offender Registry and the Mary Rippy Violent Crime Offenders Registry and search 'other criminal history records' pertaining to the person upon payment of the required fees;
- b. A person may conduct a free self-initiated search of both the Oklahoma Sex Offender Registry and the Mary Rippy Violent Crime Offenders Registry using a computer-Internet link to connect to a state-agency-controlled' database; or
- c. A person may contact either their local law enforcement agency or the Department of Corrections, complete the form and pay the required fees for a name search of both registries.

11. The Department of Corrections shall develop the 'necessary policies, procedures, forms and data access' and may 'publish web sites or other information'. The information provided in a name search includes the full name, any alias names, the crime which requires registration, and whether the person is deemed a habitual or aggravated offender. In addition, information may be provided concerning the date and place of the offense, the sentence disposition, a photograph of the registered person, and other pertinent information. Governmental agencies which release any information maintained on these registries are immunized from liability.

SB 1468 (effective July 1, 2008) Amends 57 O.S. § 510 by lowering the minimum age for correctional officers and guards to 20 years of age.

HB 2783 (effective immediately) amends 57 O.S. § 582.5 to provide that a

law enforcement agency that registers a sex offender must notify the 'Risk Assessment Review Committee of the Department of Corrections', and provides that the Committee must 'review the registration information' and make a 'determination of the numeric risk level' using the 'sex offender screening tool', and the Committee is to notify the person and the local law enforcement agency of the numeric risk level.

SB 763 (effective November 1, 2008) Amends 57 O.S. § 590 (restrictions on where Registered Sex Offenders may reside) from 'zoned' by a city, county, state, federal, or tribal government to 'established, operated, or supported in whole or part' by any of these governmental entities.

TITLE 63 - PUBLIC HEALTH AND SAFETY

HB 2704 (effective November 1, 2008) enacts a new law to be codified at 63 O. S. § 1-849, requiring the State Department of Health to plan for the operation of a stand-alone 'long-term care facility' for sex offenders, including 'surveillance and security specifications providing for heightened security of residents to protect the public and residents'.

HB 3148 (effective November 1, 2008) amends the schedules found in 63 O.S. § 2-204 and § 2-206 to add several controlled dangerous substances

SB 1961 (effective July 1, 2008)

1. Enacts a new law, to be codified at 63 O.S. § 2-503.1a *et seq.*, to be known as the 'Drug Money Laundering and Wire Transmitter Act'. The OBNDD is to conduct a criminal financial check on 'all registration applications submitted pursuant to 6 O.S. § 1513'. OBNDD also has authority to 'access, review and investigate any registration application and supplier reports' submitted to the Oklahoma State Banking Commissioner, to identify or investigate 'suspicious or illegal activities' or to track illegal drug-related monies. A copy of all 'money services transaction reports' provided to the Oklahoma State Banking Commissioner will be provided to OBNDD.

2. Enacts a new law, to be codified at 63 O.S. § 2-503.1c, which prohibits 'conducting or attempting to conduct' a financial transaction knowing that the property involved 'represents the proceeds of some form of unlawful activity related to any violation of Sections 2-101 through 2-608 of Title 63' if 'acting with the intent to promote the continuation of the specified unlawful activity, or 'acting with the intent to engage in conduct which violates Sections 2-101 through 2-608 of Title 63 of the Oklahoma Statutes' or 'acting with the knowledge that the transaction is designed in whole or part to disguise' or avoid transaction reporting requirements.

3. Enacts a new law, to be codified at 63 O.S. Section 2-503.1d, which prohibits providing any 'money transmitter equipment, as defined by the Oklahoma Financial Transaction Reporting Act', to anyone 'not licensed by

the Oklahoma State Banking Commissioner'. A first offense is a misdemeanor, with a fine of up to \$3,000 and/or imprisonment for up to 1 year. A second offense is a felony with a fine of up to \$5,000 and/or imprisonment of up to 5 years. Encouraging, facilitating, or allowing access to 'any money transmitter equipment in any manner to facilitate any violation of Section 2-503.1 of Title 63' is also a felony.

4. Enacts a new law, to be codified at 63 O.S. Section 2-503.1e, to prohibit 'knowingly or intentionally' using a 'money services business, as defined by the Oklahoma Financial Transaction Reporting Act, or an 'electronic funds transfer network for any purpose in violation of Section 2-503.1 of Title 63'. Violation is a felony.

5. Knowingly transmitting, exchanging, or processing any 'securities or negotiable instruments' for any purpose 'in violation of Section 2-503.1 of Title 63 of the Oklahoma Statutes or Sections 1 through 9 of this act' is a felony.

6. Enacts a new law, to be codified at 63 O.S. Section 2-503.1f, which prohibits 'evading the reporting requirements' set out in state and federal law, and causing or attempting to cause the 'failure to file a report required' under state or federal law, or causing or attempting to cause the filing of a report that contains a 'material omission or misstatement' of fact.

7. Enacts a new law, to be codified at 63 O.S. Section 2-503.1g, adopting similar restrictions on efforts to 'structure, assist in structuring, attempt to structure, or attempt to assist in structuring' any transaction with one or more financial or nonfinancial trades or businesses, to include any importation or exportation of monetary instruments. For purposes of this section, "structuring" means 'to conduct one or more transactions in currency, in any amount', for the 'purpose of evading' reporting requirements.

8. Enacts a new law, to be codified at 63 O.S. Section 2-503.1i, which allows OBNDD to 'intercept, seize and forfeit' funds or equipment in violation of the Act.

9. Amends 63 O.S. Section 2-106 to permit the Director of OBNDD to 'purchase or sell real property, together with appurtenances, in the name of the OBNDD' upon approval of the Commission.

10. Enacts a new law, to be codified at 63 O.S. Section 2-106.2, which allows OBNDD to sell 'used vehicles, used equipment and forfeited property to any federal, state, county, or municipal agency, trust authority or public school district', to 'sell at public auction' any used vehicles, used equipment and any property forfeited to the Bureau, and 'donate or transfer title to any surplus property' or property forfeited to the Bureau, to 'any law enforcement agency of any political subdivision'. The use of such donated equipment is limited to valid and authorized law enforcement efforts.

11. Enacts a new law, to be codified at 63 O.S. § 2-111, which allows OBNDD to establish an employee performance recognition program.

SB 47 (effective November 1, 2008) enacts a new law, to be codified at 63 O.S. § 1-1430, providing that no person may require an individual to undergo the 'implanting of a microchip'. The State Department of Health may impose a fine of up to \$10,000 per day.

SB 1440 (effective immediately) amends 63 O.S. 2-410 to clarify that provisions related to deferral of judgment and sentence and expungement apply to the Controlled Dangerous Substances Act, and that such deferral 'shall constitute a conviction of the offense for the purpose of this act the Uniform Controlled Dangerous Substances Act or any other criminal statute under which the existence of a prior conviction is relevant'. This bill further provides that deferral is not available if the person 'pleads guilty or *nolo contendere* to, or is found guilty of, trafficking in illegal drugs'. Other changes make the language of the statute gender-neutral.

SB 1878 (effective November 1, 2008) *This bill was vetoed by the Governor because it 'does not provide an essential exemption for victims of rape and incest'. It was reconsidered and passed over the veto on April 18, 2008.*

1. Enacts a new law, to be codified at 63 O.S. § 1-728, to be known as the 'Freedom of Conscience Act'. An employer cannot refuse to 'reasonably accommodate the religious observance or practice of the employee' unless it would 'pose an undue hardship' on the business, if those religious beliefs

concern abortion or an 'experiment or procedure that destroys an embryo' or an 'experiment or procedure' that is not related to the 'beneficial treatment' of an embryo, or a procedure that uses 'fetal tissue or organs that come from a source other than a stillbirth or miscarriage' or 'euthanasia'.

2. Enacts a new law, to be codified at 63 O.S. § 1-728.3, which provides that a 'health care facility' is not required to 'admit any patient' or 'allow the use' of the facility for any of the acts specified in the proceeding Sections. This new law further prohibits discipline of any 'employee' who refuses in writing to participate in any of the specified activities.

3. Enacts a new law, to be codified at 63 O.S. § 1-728.4, which prohibits discrimination against a person based on their refusal to participate in the specified acts, and makes it clear that a 'health care facility' is not required to participate in, or 'make facilities available for' the specified activities.

4. Enacts a new law, to be codified at 63 O.S. § 1-729, which restricts the distribution of 'RU-486, also known as mifepristone' and provides for civil actions related to its misuse. Violation is a felony.

5. Enacts a new law, to be codified at 63 O.S. § 1-737.1, which requires abortion facilities to post certain specified signs notifying the patient of her rights, applies administrative fines for failure to post the signs, and requires written notice of rights to be given to minors.

6. Enacts a new law, to be codified at 63 O.S. § 1-738.1, which requires an ultrasound examination at least 1 hour prior to any abortion and civil contempt penalties for any violation. The statute specifically provides that the woman may not be prevented from 'averting her eyes'.

TITLE 19 - COUNTIES AND COUNTY OFFICERS

SB 811 (effective July 1, 2008) makes several changes to 19 O.S. § 746, which concerns medical care for county jail inmates.

1. Modifies the definition of 'pre-existing condition' to a 'condition for which the person received medical treatment or advice, or a condition which was diagnosed in the 6 months preceding the custody of the person by the law enforcement agency'. An 'accidental injury sustained during the 6 months preceding the custody' will also be considered a pre-existing condition.

2. An inmate must be given an opportunity to seek medical care for a pre-existing condition.

3. If there is a dispute between the jail and the 'medical provider' concerning the 'existence or extent of a pre-existing condition' or the 'liability to pay medical expenses relating to such condition', and the Sheriff pays the expense pending a final determination of liability, the offender is to reimburse the sheriff for all 'medical care and treatment for preexisting conditions and injuries'. Nothing in this section shall 'require' a jail to pay disputed medical expenses or expenses for any pre-existing condition.

TITLE 70 - SCHOOLS

SB 1625 (effective November 1, 2008) Amends 70 O.S. § 3311

1. Subsection (B)(13) has been amended to include 'individuals', 'educational institutions', and 'tribal' entities in the list of parties with which CLEET can contract for use of the facilities. This revised subsection (B)(13) also specifies that CLEET may charge for 'professional services' and 'supplies, and staff overtime costs incurred as a result of the user's request to schedule functions after-hours, on weekends, or anytime such requests extend staff beyond its normal capacity'.

2. *If there was any doubt about whether a crime of domestic violence was sufficient to disqualify an applicant, that question has been answered. Several subsections have been changed.*

-(E)(2)(a) No person shall be certified as a police or peace officer unless the employing agency has reported to the Council that the OSBI and the FBI have reported that such person has 'no record of a conviction of a felony, a crime involving moral turpitude, or a crime of domestic violence'.

-(E)(2)(d) requires that the applicant may not be 'participating in a deferred sentence agreement for a felony, a crime involving moral turpitude, or a crime of domestic violence'.

-(F) 'No person shall be certified as a police or peace officer by the Council or be employed' who has been 'convicted of a felony, a crime involving moral turpitude, or a crime of domestic violence, unless a full pardon has been granted by the proper agency'.

-(K)(11) Requires the district attorney who 'prosecutes a person holding police or peace officer certification for a felony, a crime involving moral turpitude, or a crime of domestic violence in which a plea of guilty, *nolo contendere*, or other finding of guilt is entered' to report to CLEET within ten days.

3. A new subsection, codified as (K)(8), requires a law enforcement agency to, 'within 30 days of a final order of termination or resignation while under investigation' of a CLEET-certified officer, report such order

or resignation 'in writing' to the Director of CLEET. The Council may, by a majority vote, order the suspension or revocation of the CLEET certification of the peace officer.

4. A law enforcement agency which has internal disciplinary procedures will handle officer discipline, instead of CLEET. However, CLEET can still handle cases involving felonies, crimes of moral turpitude, and crimes of domestic violence.

5. Finally, amends 70 O.S. § 3311.4, (continuing education) to provide that an officer's failure to meet the C.E. requirements, must be reported to (in addition to the District Attorney) the 'liability insurance company' of the law enforcement agency, the 'chief elected official' of the governing body of the agency, and the 'chief law enforcement officer' of the agency.

HB 3003 (effective January 1, 2009) amends 70 O.S. § 3311.5 to provide that, CLEET 'shall include in its required courses of study for law enforcement certification a minimum of four (4) hours' of oil field equipment theft training.

SB 1830 (effective February 28, 2008) amends 70 O.S. § 3311.5 to require a 6 hour course in 'evidence-based sexual assault and sexual violence' training.

SB 1941 (effective November 1, 2008)

1. Amends 70 O.S. § 6114 to require schools to modify bullying policies to 'specifically address electronic communications', to 'establish procedures for investigation' of bullying, to recommend 'community mental health care options', to 'request disclosure of mental health information on specific threats', and to require the State Board of Education to 'promulgate policies to assure compliance'.

2. Amends 74 O.S. § 51.3 to include a 'representative of a public school district' and a 'representative of an institution of higher learning' to the Regional Advisory Council on Homeland Security.

MISCELLANEOUS

TITLE 59 - PROFESSIONS AND OCCUPATIONS

SB 1453 (effective May 2, 2008) amends 59 O.S. § 1412 by adding 'metal beer kegs that are clearly marked as being the property of the beer manufacturer' to the list of things a junk dealer may not buy without documentary proof of ownership.

HB 2732 (effective November 1, 2008) amends several sections in Title 59 to increase the penalty for practicing any of these professions without a license: Dentistry, Dental Hygiene, Medicine, Surgery, Osteopathic medicine, and Veterinary medicine.

TITLE 43A - MENTAL HEALTH

HB 2765 (effective November 1, 2008). Amends 43A O.S. § 1161 in several ways:

1. If a jury acquits a person on the grounds of insanity, the court is to order an examination by the DMHSAS, to determine if the person is dangerous. The Department is authorized to supply such 'psychiatric, medical, or other therapeutic treatment' as in its judgment should be administered.

2. Creates a 'Forensic Review Board' to determine which individuals 'confined with' the DMHSAS are eligible for 'therapeutic visits, conditional release, or discharge' and whether the Board wishes to make such a recommendation to the court where the individual was 'found not guilty by reason of insanity'.

3. Provides for notice of the Board's recommendations and opportunity for the State to object.

4. Any conditional release is to be reviewed by the Board annually.

TITLE 50 - NUISANCES

SB 1672 (effective July 1, 2008) amends 50 O.S. 21 (public nuisance as a result of a violation of the Controlled Dangerous Substances Act.) This amendment changes 'commit a felony' to 'commit acts which result in a felony conviction'.

TITLE 25 - PUBLIC MEETINGS

HB 2969 (effective November 1, 2008) enacts a new law to be codified at 25 O.S. § 158, which provides that 'All state agencies and political subdivisions shall only purchase United States and Oklahoma flags that are manufactured in the United States. A flag is manufactured in the United States if a substantial majority of the principal components are assembled into the final product in an assembly plant in the United States.'

TITLE 12 - CIVIL PROCEDURE

HB 1460 (effective November 1, 2008) enacts a new law codified at 12 O.S. § 2506.2 which provides an evidentiary privilege for communications between 'emergency services personnel' and 'public safety personnel' and persons involved in 'peer support counseling' set up by the Agency. The privilege does not apply to threats of suicide or homicide, information related to abuse of children or the elderly, or any admission of crimes or planned crimes.

SB 1839 (effective November 1, 2008) amends 12 O.S. § 2611.7 to remove a 'court-appointed special advocate' (CASA) from the list of persons who may be appointed as an advocate to monitor the potential for emotional trauma to a child witness.

TITLE 29 - GAME AND FISH

SB 1463 (effective immediately)

1. Amends 29 O.S. § 5-201 to provide that 'no person shall hunt wildlife

by computer-assisted remote control hunting', and that no person shall provide, sell, offers for sale, assists in, or provides facilities for 'computer-assisted remote control hunting of wildlife'. 'Computer-assisted remote control hunting' means the use of a computer or any other device, equipment, or software to remotely control the hunting, taking, or attempt to take wildlife'. A person is exempt if 'permanently physically disabled and incapable of using a firearm, crossbow, or conventional bow, as certified in writing by a physician' if that person has in their possession 'written evidence of the certification' while in the field hunting. Also, a person is exempt if providing facilities for, assisting in, selling, or offering for sale a computer-assisted remote control hunting activity for a person who is physically disabled. The physically disabled person must be physically present and be in control and operating the computer-assisted remote control. A violation is punishable by a fine of \$100 to \$500.

Providing equipment or facilities is punishable by a fine of \$250 to \$500 and/or imprisonment for up to 1 year. The court may order that the offender's hunting or fishing license be revoked for a period of 1 to 5 years. The cost of reinstating a license revoked pursuant to this subsection for residents shall be \$200 and for nonresidents shall be \$500, in addition to any other fees required.

SB 1735 (effective November 1, 2008) amends 29 O.S. § 6-304 (fishing on property of another) to provide that a person convicted of a first violation is responsible for any actual damages incurred and a fine of \$50 to \$500 and/or imprisonment for up to 30 days. A second or subsequent violation is a misdemeanor punishable by a fine of \$500 to \$1,000, and/or imprisonment for 30 days to 6 months.

TITLE 36 - INSURANCE

SB 1168 (effective November 1, 2008) enacts a new law to be codified as 36 O.S. § 6060.4a, which provides that health benefit plans 'offered, issued or renewed in the state on or after January 1, 2009', shall not exclude 'otherwise allowable claims which occur in conjunction with the arrest or

pretrial detention of the policyholder prior to adjudication of guilt and sentencing to incarceration’.

TITLE 38 - JURORS

SB 74 (effective November 1, 2008) amends 38 O.S. § 28 to make jailers or law enforcement officers eligible to serve as jurors on noncriminal actions.

TITLE 74 - STATE GOVERNMENT

SB 1675 (effective November 1, 2008) amends 74 O.S. § 150.5 to allow the OSBI to share information with DHS to assist in child abuse investigations.

SB 1673 (effective immediately) amends 74 O.S. § 150.9 to require that any ‘state agency, board, department, or commission or any other entity authorized to request’ a criminal history record or an analysis of fingerprints for purposes, other than law enforcement, must conduct a ‘national criminal history records check’ on all persons of the entity authorized to access or review national criminal history records checks information by July 1, 2009.

HB 3003 (effective January 1, 2009) amends several sections in Title 74, beginning at Section 152.2, to address theft of oil field equipment.

1. Section 152.2 provides new definitions of ‘brokers’ and ‘dealers’ and ‘oil field equipment’ and other related terms.

2. Sections 152.3 and 152.6 are amended to give OSBI and ‘state-certified Peace Officers’ and FBI agents the authority to ‘stop any vehicle transporting or appearing to transport any oil field equipment’, to inspect the ‘cargo being transported’ and to ‘inspect bills of lading’.

3. Enacts a new law to be codified at 74 O.S. § 152.11 which requires a ‘dealer, broker, or peddler’ to verify ownership of used oil-field equipment before purchasing it, and to keep certain records.

4. Enacts a new law codified at 74 O.S. § 152.12, to provide that agents of the OSBI, the FBI, any commissioned officer of DPS, and each

Sheriff may 'enter the business premises of a dealer, broker, or peddler during normal business hours' to inspect the premises and the records to determine 'compliance with the requirements of the act'. The dealer, broker, or peddler 'must allow and shall not interfere with' these inspections. Inspections are to 'be commenced and completed with reasonable promptness and in a reasonable manner'.

TITLE 11 - CITIES AND TOWNS

SB 1754 (effective immediately) enacts a new law, to be codified at 11 O.S. § 22-115.1, which provides that a newly established 'dog kennel' may not be located within 2500 feet of a school or 'licensed day care facility' in a municipality with a population of over 300,000

TITLE 20 - COURTS

SB 1960 (effective July 1, 2008) amends 20 O.S. § 1313.2 to provide that any person entering a plea of 'guilty or *nolo contendere*' to the crime of 'misdemeanor possession of marijuana' will pay a fee of \$5, to be paid to the 'Bureau of Narcotics Drug Education Revolving Fund'.