

ENGROSSED SENATE
BILL NO. 406

By: Henry of the Senate

and

Matlock of the House

An Act relating to driving under the influence of alcohol; requiring all municipal courts to order substance abuse evaluation prior to sentencing; directing the Department of Mental Health and Substance Abuse Services to provide evaluation, set certain fees and make certain report; requiring report to be confidential; construing provision; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-114 of Title 11, unless there is created a duplication in numbering, reads as follows:

Any person who is found guilty of a violation of any municipal ordinance for driving under the influence of alcohol or other intoxicating substance shall be ordered by the municipal court to participate in, prior to sentencing, an alcohol and drug substance abuse evaluation program offered by a facility or qualified practitioner certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court

shall order the person to reimburse the facility or qualified practitioner for the evaluation. The Department of Mental Health and Substance Abuse Services shall establish a fee schedule, based upon a person's ability to pay, provided the fee for an evaluation shall not exceed Seventy-five Dollars (\$75.00). The evaluation shall be conducted at a certified facility, the office of a qualified practitioner or at another location as ordered by the court. The facility or qualified practitioner shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. Any evaluation report submitted to the court pursuant to this section shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this section shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this section.

SECTION 2. This act shall become effective November 1, 1995.

Passed the Senate the 1st day of March, 1995.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1995.

Speaker of the House of Representatives