

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3240

6 By: Derby

7 COMMITTEE SUBSTITUTE

8 An Act relating to cities and towns; creating the
9 Aaron Gillming Act; requiring persons convicted of
10 driving under the influence to participate in certain
11 evaluation and assessment program; providing for
12 reimbursement for evaluation and assessment;
13 requiring submission of certain report; providing for
14 confidentiality of report; providing guidelines for
15 use of report when determining sentence; prohibiting
16 reinstatement of driving privileges for noncompliance
17 with certain court order; providing for codification;
18 providing for noncodification; and providing an
19 effective date.

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

21 SECTION 1. NEW LAW A new section of law not to be
22 codified in the Oklahoma Statutes reads as follows:

23 This act shall be known and may be cited as the "Aaron Gillming
24 Act".

25 SECTION 2. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 28-102b of Title 11, unless
27 there is created a duplication in numbering, reads as follows:

1 In cases where a person has been charged and subsequently
2 convicted of violating a municipal ordinance relating to driving a
3 motor vehicle under the influence of alcohol or other intoxicating
4 substance, the person shall be ordered to participate in, prior to
5 sentencing, an alcohol and drug substance abuse evaluation and
6 assessment program offered by a certified assessment agency or
7 certified assessor for the purpose of evaluating and assessing the
8 receptivity to treatment and prognosis of the person. The municipal
9 court shall order the person to reimburse the agency or assessor for
10 the evaluation and assessment. The fee for an evaluation and
11 assessment shall be the amount provided in subsection C of Section
12 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and
13 assessment shall be conducted at a certified assessment agency, the
14 office of a certified assessor or at another location as ordered by
15 the municipal court. The agency or assessor shall, within seventy-
16 two (72) hours from the time the person is evaluated and assessed,
17 submit a written report to the municipal court for the purpose of
18 assisting the municipal court in its final sentencing determination.
19 If such report indicates that the evaluation and assessment shows
20 that the defendant would benefit from a ten-hour or twenty-four-hour
21 alcohol and drug substance abuse course or a treatment program or
22 both, the municipal court shall, as a condition of any sentence
23 imposed require the person to follow all recommendations identified
24 by the evaluation and assessment and ordered by the municipal court.

1 Any evaluation and assessment report submitted to the municipal
2 court pursuant to the provisions of this subsection shall be handled
3 in a manner which will keep such report confidential from review by
4 the general public. Nothing contained in this section shall be
5 construed to prohibit the municipal court from ordering judgment and
6 sentence in the event the defendant fails or refuses to comply with
7 an order of the municipal court to obtain the evaluation and
8 assessment required by this section. If the defendant fails or
9 refuses to comply with an order of the municipal court to obtain the
10 evaluation and assessment, the Department of Public Safety shall not
11 reinstate driving privileges until the defendant has complied in
12 full with such order.

13 SECTION 3. This act shall become effective November 1, 2010.

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15 52-2-10126 GRS 02/25/10

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