

ENROLLED HOUSE
BILL NO. 3240

By: Derby of the House

and

Jolley of the Senate

An Act relating to cities and towns; creating the Aaron Gillming Act; requiring persons convicted with driving under the influence to participate in certain evaluation and assessment program; providing for reimbursement for evaluation and assessment; requiring submission of certain report; providing for confidentiality of report; providing guidelines for use of report when determining sentence; prohibiting reinstatement of driving privileges for noncompliance with certain court order; providing for codification; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

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

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

In cases where a person has been convicted of violating a municipal ordinance relating to driving a motor vehicle under the influence of alcohol or other intoxicating substance, the person shall be ordered to participate in, prior to sentencing, an alcohol and drug substance abuse evaluation and assessment program offered

by a certified assessment agency or certified assessor for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person. The municipal court shall order the person to reimburse the agency or assessor for the evaluation and assessment. The fee for an evaluation and assessment shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and assessment shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the municipal court. The agency or assessor shall, within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the municipal court for the purpose of assisting the municipal court in its final sentencing determination. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the municipal court shall, as a condition of any sentence imposed require the person to follow all recommendations identified by the evaluation and assessment and ordered by the municipal court. Any evaluation and assessment report submitted to the municipal court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from review by the general public. Nothing contained in this section shall be construed to prohibit the municipal court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the municipal court to obtain the evaluation and assessment required by this section. If the defendant fails or refuses to comply with an order of the municipal court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order.

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

Passed the House of Representatives the 3rd day of May, 2010.

Presiding Officer of the House of
Representatives

Passed the Senate the 7th day of April, 2010.

Presiding Officer of the Senate