

EHB 3240

1 THE STATE SENATE  
2 Wednesday, March 24, 2010

3 ENGROSSED

4 House Bill No. 3240

5 As Amended

6 ENGROSSED HOUSE BILL NO. 3240 - By: Derby of the House and Jolley of  
7 the Senate.

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

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

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

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

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

27 In cases where a person has been **convicted** of violating a  
28 municipal ordinance relating to driving a motor vehicle under the  
29 influence of alcohol or other intoxicating substance, the person

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,  
13 dated 3-23-10 - DO PASS, As Amended.