



1 As used in the Oklahoma 24/7 Sobriety and Drug Monitoring  
2 Program Act:

3 1. "Core components" means those elements of a 24/7 program  
4 that analysis demonstrates are most likely to account for positive  
5 program outcomes;

6 2. "Immediate sanction" means sanctions which are applied  
7 within minutes of a noncompliant test event;

8 3. "Jurisdiction" means the county or municipality which  
9 chooses to participate in a 24/7 program;

10 4. "Law enforcement agency" means the law enforcement agency  
11 charged with enforcement of a 24/7 program;

12 5. "24/7 sobriety and drug monitoring program" or "24/7  
13 program" means the 24/7 sobriety and drug monitoring program created  
14 in the Oklahoma 24/7 Sobriety and Drug Monitoring Program Act which  
15 authorizes a court or agency, as a condition of bond, sentence,  
16 probation, parole, or work permit, to:

17 a. require an individual who has been charged, pled  
18 guilty or been convicted of a crime in which the abuse  
19 of alcohol or dangerous drugs was a contributing  
20 factor in the commission of the crime, including but  
21 not limited to, driving under the influence of alcohol  
22 or dangerous drugs, to abstain from alcohol or  
23 dangerous drugs for a period of time, and  
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1           b.    require the individual to be subject to testing to  
2                   determine the presence of alcohol or dangerous drugs  
3                   as follows:

4                   (1)   at least twice a day at a central location where  
5                            immediate sanctions can be applied,

6                   (2)   where twice a day testing is impractical, by  
7                            continuous or transdermal alcohol monitoring by  
8                            means of an electronic monitoring device where  
9                            timely sanctions can be applied, or

10                  (3)   by an alternate method consistent with the  
11                            provisions of the Oklahoma 24/7 Sobriety and Drug  
12                            Monitoring Program Act.

13           6.    "Testing" means a procedure for determining the presence and  
14           level of alcohol or a dangerous drug, in an individual's breath or  
15           body fluid, including blood, urine, saliva or perspiration, and  
16           includes any combination of the use of breath testing, drug patch  
17           testing, urinalysis testing, saliva testing or continuous or  
18           transdermal alcohol monitoring; and

19           7.    "Timely sanction" means a sanction that is applied within  
20           hours or days after a noncompliant test event, provided, the period  
21           of time shall be as short as possible and shall not exceed fourteen  
22           (14) days.

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 6-213.2 of Title 47, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. For the purposes of the Oklahoma 24/7 Sobriety and Drug  
5 Monitoring Program Act, core components of the statewide 24/7  
6 program shall include use of a primary testing methodology for the  
7 presence of alcohol or dangerous drugs that best facilitates the  
8 ability to apply immediate sanctions for noncompliance at an  
9 affordable cost. In cases of economic hardship or when a program  
10 participant is rewarded with less stringent testing requirements,  
11 testing methodologies with timely sanctions for noncompliance may be  
12 utilized.

13 B. The statewide 24/7 program must be supported by evidence of  
14 effectiveness and satisfy at least two of the following categories:

- 15 1. The program is included in the federal registry of evidence-  
16 based programs and practices;
- 17 2. The program has been reported in a peer-reviewed journal as  
18 having positive effects on the primary targeted outcome; or
- 19 3. The program has been documented as effective by informed  
20 experts and other sources.

21 C. If a jurisdiction participates in the 24/7 program:

- 22 1. The law enforcement agency may designate an entity to  
23 provide the testing services or to take any other action required or  
24 authorized to be provided by the law enforcement agency pursuant to

1 the provisions of the Oklahoma 24/7 Sobriety and Drug Monitoring  
2 Program Act, except that the law enforcement agency's designee may  
3 not determine whether to participate in the 24/7 sobriety and drug  
4 monitoring program; and

5 2. The law enforcement agency shall establish the testing  
6 locations and times for the jurisdiction, but must have at least one  
7 testing location and two daily testing times approximately twelve  
8 (12) hours apart.

9 SECTION 4. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 6-213.3 of Title 47, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. Any court, county attorney, or city attorney in a  
13 participating jurisdiction may utilize the 24/7 program.

14 B. 1. Any entity utilizing the 24/7 program may stay any  
15 sanctions imposed against an offender while the offender is in  
16 compliance with the 24/7 program.

17 2. If an individual convicted of a second or subsequent offense  
18 of driving under the influence has been required to participate in  
19 the 24/7 program, the court may, upon the individual's successful  
20 completion of a court-approved chemical dependency treatment program  
21 and proof of insurance as required by law, notify the Department of  
22 Public Safety that as a participant in the sobriety program, the  
23 individual is eligible for a restricted probationary driver license.

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1           3. If the individual fails to comply with the requirements of  
2 the 24/7 program, the court may notify the Department of the  
3 individual's noncompliance and direct the Department to withdraw the  
4 individual's probationary driver's license and reinstate the  
5 remainder of the suspension period.

6           C. The court may condition any bond or pretrial release for an  
7 individual charged with a second or subsequent violation of driving  
8 under the influence or for an individual charged with any crime in  
9 which the abuse of alcohol or dangerous drugs was a contributing  
10 factor in the commission of the crime upon participation in the 24/7  
11 sobriety and drug monitoring program and payment of the fees  
12 required by the court.

13           D. The court may condition the granting of a suspended  
14 execution of sentence, or probation for an individual convicted of a  
15 second or subsequent violation of driving under the influence or for  
16 an individual convicted for any crime in which the abuse of alcohol  
17 or dangerous drugs was a contributing factor in the commission of  
18 the crime upon participation in the 24/7 sobriety and drug  
19 monitoring program and payment of the fees required by the court.

20           E. The Pardon and Parole Board, the Department of Corrections  
21 or a parole officer may condition parole for a second or subsequent  
22 violation of driving under the influence or may condition parole for  
23 any crime in which the abuse of alcohol or dangerous drugs was a  
24 contributing factor in the commission of the crime upon

1 participation in the 24/7 sobriety and drug monitoring program and  
2 payment of the fees required by the court.

3 SECTION 5. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 6-213.4 of Title 47, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. The law enforcement agency of a jurisdiction in which a 24/7  
7 sobriety and drug monitoring program exists shall collect the  
8 testing fee required by the rules of the agency and deposit the fees  
9 into the local 24/7 program account established pursuant to such  
10 rules.

11 B. The fee must be distributed according to the rules to the  
12 proper jurisdiction for use by the law enforcement agency or the  
13 designee of the law enforcement agency pursuant to the terms  
14 determined by the law enforcement agency in accordance with the  
15 provisions of and rules implementing the Oklahoma 24/7 Sobriety and  
16 Drug Monitoring Program Act.

17 C. The law enforcement agency shall:

18 1. Distribute a portion of the fees to the participating  
19 vendors in accordance with the vendor agreements; and

20 2. Place the remainder of the fee proceeds in the sobriety  
21 program account authorized pursuant to the rules for use by the law  
22 enforcement agency for the sole purpose of administering the 24/7  
23 sobriety program.

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1 SECTION 6. This act shall become effective November 1, 2013.

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/03/2013 - DO  
4 PASS, As Amended.

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