

1 ENGROSSED HOUSE
2 BILL NO. 1659

By: Brown, Sherrer and Hoskin
of the House

3 and

4 Barrington of the Senate
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8 An Act relating to motor vehicles; creating the
9 Cassandra Jade Law; amending 47 O.S. 2011, Section
10 751, which relates to implied consent to breath or
11 blood tests; requiring certain persons to submit to
12 blood or breath tests; providing for civil remedies;
13 providing for the revocation of driver license;
14 providing for noncodification; and providing an
15 effective date.

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

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

19 This act shall be known and may be cited as the "Cassandra Jade
20 Law".

21 SECTION 2. AMENDATORY 47 O.S. 2011, Section 751, is
22 amended to read as follows:

23 Section 751. A. 1. Any person who operates a motor vehicle
24 upon the public roads, highways, streets, turnpikes or other public
place or upon any private road, street, alley or lane which provides
access to one or more single or multifamily dwellings within this

1 state shall be deemed to have given consent to a test or tests of
2 such person's blood or breath, for the purpose of determining the
3 alcohol concentration as defined in Section 756 of this title, and
4 such person's blood, saliva or urine for determining the presence or
5 concentration of any other intoxicating substance therein as defined
6 in this section, if arrested for any offense arising out of acts
7 alleged to have been committed while the person was operating or in
8 actual physical control of a motor vehicle upon the public roads,
9 highways, streets, turnpikes or other public place or upon any
10 private road, street, alley or lane which provides access to one or
11 more single or multifamily dwellings while under the influence of
12 alcohol or other intoxicating substance, or the combined influence
13 of alcohol and any other intoxicating substance, or if the person is
14 involved in a traffic accident that resulted in the immediate death
15 or serious injury of any person and is removed from the scene of the
16 accident to a hospital or other health care facility outside the
17 State of Oklahoma before a law enforcement officer can effect an
18 arrest.

19 2. A law enforcement officer, having reasonable grounds to
20 believe that such person was operating or in actual physical control
21 of a motor vehicle while under the influence may direct the
22 administration of or administer the test or tests.

23 As used in this title, the term "other intoxicating substance"
24 shall mean any controlled dangerous substance as defined in the

1 Uniform Controlled Dangerous Substances Act and any other substance,
2 other than alcohol, which is capable of being ingested, inhaled,
3 injected or absorbed into the human body and is capable of adversely
4 affecting the central nervous system, vision, hearing or other
5 sensory or motor functions.

6 B. The law enforcement agency by which the arresting officer is
7 employed may designate, in accordance with the rules of the Board of
8 Tests for Alcohol and Drug Influence, hereinafter referred to as the
9 Board, whether blood or breath is to be tested for the alcohol
10 concentration thereof, and whether blood, saliva or urine is to be
11 tested for the presence or concentration of any other intoxicating
12 substance therein.

13 In the event the law enforcement agency does not designate the
14 test to be administered, breath shall be the substance tested for
15 alcohol concentration. Blood may also be tested to determine the
16 alcohol concentration thereof in the event that breath cannot be
17 tested to determine the alcohol concentration thereof because of the
18 lack of an approved device or qualified person to administer a
19 breath test or because such breath test for any other reason cannot
20 be administered in accordance with the rules of the Board.

21 In the event the law enforcement agency does not designate the
22 test to be administered, blood, saliva or urine shall be the
23 substance tested for the presence or concentration of any other
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1 intoxicating substance or the combination of alcohol and any other
2 intoxicating substance.

3 C. In the event the person is incapable of submitting to and
4 successfully completing, by reason of illness or injury or other
5 physical disability, the test to be administered, an alternate test
6 may be administered in accordance with the rules of the Board.

7 D. Any person who is unconscious or otherwise incapable of
8 refusing to submit to a test of such person's blood or breath to
9 determine the alcohol concentration thereof, or to a test of such
10 person's blood, saliva or urine to determine the presence or
11 concentration of any other intoxicating substance therein, shall be
12 deemed not to have withdrawn the consent provided by subsection A of
13 this section, and such test may be administered as provided herein.

14 An unconscious person who has been issued a citation by a law
15 enforcement officer for one of the offenses listed in subsection A
16 of this section is arrested for purposes of this section. The
17 arresting officer must leave a copy of the citation with the
18 arrested person which may be accomplished by handing it to the
19 arrested person, or by leaving it with the personal effects of the
20 arrested party, so as to inform the unconscious person of the
21 arrest.

22 Any person who has been arrested for one of the offenses listed
23 in subsection A of this section who is unconscious or injured and
24 who requires immediate medical treatment as determined by a treating

1 physician may be released on the person's own recognizance for
2 medical reasons by the arresting officer. The arresting officer who
3 releases an arrested person on the person's own recognizance must
4 indicate the release on the face of the citation. Any person
5 released on his or her own recognizance for medical reasons shall
6 remain at liberty pending the filing of charges.

7 E. In addition to any test designated by the arresting officer,
8 the arrested person may also designate any additional test to be
9 administered to determine the concentration of alcohol, or the
10 presence or concentration of any other intoxicating substance or the
11 combination of alcohol and any other intoxicating substance. The
12 cost of such additional test shall be at the expense of the arrested
13 person.

14 A sufficient quantity of any specimen obtained at the
15 designation of the arrested person shall be available to the law
16 enforcement agency employing the arresting officer. Such specimens
17 shall be treated in accordance with the rules applicable to the
18 specimens obtained by an arresting officer.

19 F. When a law enforcement officer has determined that the blood
20 alcohol content of an individual is to be tested for the presence or
21 concentration of alcohol, other intoxicating substance, or the
22 combination of alcohol and any other intoxicating substance, the law
23 enforcement officer shall inform the individual to be tested that
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1 the withdrawal of blood shall only be performed by certain medical
2 personnel as provided for in Section 752 of this title.

3 G. A person who operates a motor vehicle who is involved in a
4 motor vehicle accident or collision resulting in the immediate death
5 of any person shall submit to a test or tests of the person's blood
6 or breath to determine the alcohol concentration as defined in
7 Section 756 of this title, and such person's blood, saliva or urine
8 for determining the presence or concentration of any other
9 intoxicating substance, or the combined influence of alcohol and any
10 other intoxicating substance. The investigating law enforcement
11 officer shall cause a test to be administered as soon as practicable
12 following the motor vehicle accident or collision in the same manner
13 as prescribed in Section 752 of this title. The result of the test
14 shall be admissible at trial. If a person fails to submit to a test
15 under the provisions of this subsection, the Department of Public
16 Safety shall revoke the driver license of the person and any
17 nonresident operating privilege for a period as provided by Section
18 6-205.1 of this title.

19 SECTION 3. This act shall become effective November 1, 2015.
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1 Passed the House of Representatives the 2nd day of March, 2015.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

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Presiding Officer of the Senate