

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 30

By: Anderson

4
5
6 AS INTRODUCED

7 An Act relating to intoxicating liquor; amending 22
8 O.S. 2011, Section 991a, as last amended by Section
9 1, Chapter 157, O.S.L. 2014 (22 O.S. Supp. 2014,
10 Section 991a), which relates to certain sentencing
11 powers of the court; adding certain sentencing
12 powers; amending 37 O.S. 2011, Sections 537, as
13 amended by Section 12, Chapter 298, O.S.L. 2014, and
14 538, as amended by Section 14, Chapter 298, O.S.L.
15 2014 (37 O.S. Supp. 2014, Sections 537 and 538),
16 which relate to certain prohibited acts and certain
17 penalties; prohibiting the sale, delivery or the
18 furnishing of alcoholic beverages to certain persons;
19 prohibiting certain persons from purchasing alcoholic
20 beverages; providing certain penalty; amending 47
21 O.S. 2011, Section 6-111, as amended by Section 5,
22 Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2014, Section
23 6-111), which relates to the issuance of certain
24 driver licenses and identification cards; requiring
the Department of Public Safety to develop procedures
for the issuance of certain replacement licenses and
cards; requiring certain designation and duration;
making such licenses or cards subject to certain
expiration and renewal procedures; providing for
certain replacement under certain circumstances; and
providing an effective date.

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

22 SECTION 1. AMENDATORY 22 O.S. 2011, Section 991a, as
23 last amended by Section 1, Chapter 157, O.S.L. 2014 (22 O.S. Supp.
24 2014, Section 991a), is amended to read as follows:

1 Section 991a. A. Except as otherwise provided in the Elderly
2 and Incapacitated Victim's Protection Program, when a defendant is
3 convicted of a crime and no death sentence is imposed, the court
4 shall either:

5 1. Suspend the execution of sentence in whole or in part, with
6 or without probation. The court, in addition, may order the
7 convicted defendant at the time of sentencing or at any time during
8 the suspended sentence to do one or more of the following:

9 a. to provide restitution to the victim as provided by
10 Section 991f et seq. of this title or according to a
11 schedule of payments established by the sentencing
12 court, together with interest upon any pecuniary sum
13 at the rate of twelve percent (12%) per annum, if the
14 defendant agrees to pay such restitution or, in the
15 opinion of the court, if the defendant is able to pay
16 such restitution without imposing manifest hardship on
17 the defendant or the immediate family and if the
18 extent of the damage to the victim is determinable
19 with reasonable certainty,

20 b. to reimburse any state agency for amounts paid by the
21 state agency for hospital and medical expenses
22 incurred by the victim or victims, as a result of the
23 criminal act for which such person was convicted,
24 which reimbursement shall be made directly to the

1 state agency, with interest accruing thereon at the
2 rate of twelve percent (12%) per annum,

3 c. to engage in a term of community service without
4 compensation, according to a schedule consistent with
5 the employment and family responsibilities of the
6 person convicted,

7 d. to pay a reasonable sum into any trust fund,
8 established pursuant to the provisions of Sections 176
9 through 180.4 of Title 60 of the Oklahoma Statutes,
10 and which provides restitution payments by convicted
11 defendants to victims of crimes committed within this
12 state wherein such victim has incurred a financial
13 loss,

14 e. to confinement in the county jail for a period not to
15 exceed six (6) months,

16 f. to confinement as provided by law together with a term
17 of post-imprisonment community supervision for not
18 less than three (3) years of the total term allowed by
19 law for imprisonment, with or without restitution;
20 provided, however, the authority of this provision is
21 limited to Section 843.5 of Title 21 of the Oklahoma
22 Statutes when the offense involved sexual abuse or
23 sexual exploitation; Sections 681, 741 and 843.1 of
24 Title 21 of the Oklahoma Statutes when the offense

1 involved sexual abuse or sexual exploitation; and
2 Sections 865 et seq., 885, 886, 888, 891, 1021,
3 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
4 1123 of Title 21 of the Oklahoma Statutes,

5 g. to repay the reward or part of the reward paid by a
6 local certified crime stoppers program and the
7 Oklahoma Reward System. In determining whether the
8 defendant shall repay the reward or part of the
9 reward, the court shall consider the ability of the
10 defendant to make the payment, the financial hardship
11 on the defendant to make the required payment, and the
12 importance of the information to the prosecution of
13 the defendant as provided by the arresting officer or
14 the district attorney with due regard for the
15 confidentiality of the records of the local certified
16 crime stoppers program and the Oklahoma Reward System.
17 The court shall assess this repayment against the
18 defendant as a cost of prosecution. The term
19 "certified" means crime stoppers organizations that
20 annually meet the certification standards for crime
21 stoppers programs established by the Oklahoma Crime
22 Stoppers Association to the extent those standards do
23 not conflict with state statutes. The term "court"
24 refers to all municipal and district courts within

1 this state. The "Oklahoma Reward System" means the
2 reward program established by Section 150.18 of Title
3 74 of the Oklahoma Statutes,

4 h. to reimburse the Oklahoma State Bureau of
5 Investigation for costs incurred by that agency during
6 its investigation of the crime for which the defendant
7 pleaded guilty, nolo contendere or was convicted,
8 including compensation for laboratory, technical, or
9 investigation services performed by the Bureau if, in
10 the opinion of the court, the defendant is able to pay
11 without imposing manifest hardship on the defendant,
12 and if the costs incurred by the Bureau during the
13 investigation of the defendant's case may be
14 determined with reasonable certainty,

15 i. to reimburse the Oklahoma State Bureau of
16 Investigation and any authorized law enforcement
17 agency for all costs incurred by that agency for
18 cleaning up an illegal drug laboratory site for which
19 the defendant pleaded guilty, nolo contendere or was
20 convicted. The court clerk shall collect the amount
21 and may retain five percent (5%) of such monies to be
22 deposited in the Court Clerk Revolving Fund to cover
23 administrative costs and shall remit the remainder to
24 the Oklahoma State Bureau of Investigation to be

1 deposited in the OSBI Revolving Fund established by
2 Section 150.19a of Title 74 of the Oklahoma Statutes
3 or to the general fund wherein the other law
4 enforcement agency is located,

5 j. to pay a reasonable sum to the Crime Victims
6 Compensation Board, created by ~~Section 142.2 et seq.~~
7 ~~of Title 21 of the Oklahoma Statutes,~~ the Oklahoma
8 Crime Victims Compensation Act for the benefit of
9 crime victims,

10 k. to reimburse the court fund for amounts paid to court-
11 appointed attorneys for representing the defendant in
12 the case in which the person is being sentenced,

13 l. to participate in an assessment and evaluation by an
14 assessment agency or assessment personnel certified by
15 the Department of Mental Health and Substance Abuse
16 Services pursuant to Section 3-460 of Title 43A of the
17 Oklahoma Statutes and, as determined by the
18 assessment, participate in an alcohol and drug
19 substance abuse course or treatment program or both,
20 pursuant to Sections 3-452 and 3-453 of Title 43A of
21 the Oklahoma Statutes, or as ordered by the court,

22 m. to be placed in a victims impact panel program, as
23 defined in subsection H of this section, or
24 victim/offender reconciliation program and payment of

1 a fee to the program of not less than Fifteen Dollars
2 (\$15.00) nor more than Sixty Dollars (\$60.00) as set
3 by the governing authority of the program to offset
4 the cost of participation by the defendant. Provided,
5 each victim/offender reconciliation program shall be
6 required to obtain a written consent form voluntarily
7 signed by the victim and defendant that specifies the
8 methods to be used to resolve the issues, the
9 obligations and rights of each person, and the
10 confidentiality of the proceedings. Volunteer
11 mediators and employees of a victim/offender
12 reconciliation program shall be immune from liability
13 and have rights of confidentiality as provided in
14 Section 1805 of Title 12 of the Oklahoma Statutes,
15 n. to install, at the expense of the defendant, an
16 ignition interlock device approved by the Board of
17 Tests for Alcohol and Drug Influence. The device
18 shall be installed upon every motor vehicle operated
19 by the defendant, and the court shall require that a
20 notation of this restriction be affixed to the
21 defendant's driver license. The restriction shall
22 remain on the driver license not exceeding two (2)
23 years to be determined by the court. The restriction
24 may be modified or removed only by order of the court

1 and notice of any modification order shall be given to
2 the Department of Public Safety. Upon the expiration
3 of the period for the restriction, the Department of
4 Public Safety shall remove the restriction without
5 further court order. Failure to comply with the order
6 to install an ignition interlock device or operating
7 any vehicle without a device during the period of
8 restriction shall be a violation of the sentence and
9 may be punished as deemed proper by the sentencing
10 court. As used in this paragraph, "ignition interlock
11 device" means a device that, without tampering or
12 intervention by another person, would prevent the
13 defendant from operating a motor vehicle if the
14 defendant has a blood or breath alcohol concentration
15 of two-hundredths (0.02) or greater,

- 16 o. to be confined by electronic monitoring administered
17 and supervised by the Department of Corrections or a
18 community sentence provider, and payment of a
19 monitoring fee to the supervising authority, not to
20 exceed Three Hundred Dollars (\$300.00) per month. Any
21 fees collected pursuant to this paragraph shall be
22 deposited with the appropriate supervising authority.
23 Any willful violation of an order of the court for the
24 payment of the monitoring fee shall be a violation of

1 the sentence and may be punished as deemed proper by
2 the sentencing court. As used in this paragraph,
3 "electronic monitoring" means confinement of the
4 defendant within a specified location or locations
5 with supervision by means of an electronic device
6 approved by the Department of Corrections which is
7 designed to detect if the defendant is in the court-
8 ordered location at the required times and which
9 records violations for investigation by a qualified
10 supervisory agency or person,

11 p. to perform one or more courses of treatment, education
12 or rehabilitation for any conditions, behaviors,
13 deficiencies or disorders which may contribute to
14 criminal conduct, including but not limited to alcohol
15 and substance abuse, mental health, emotional health,
16 physical health, propensity for violence, antisocial
17 behavior, personality or attitudes, deviant sexual
18 behavior, child development, parenting assistance, job
19 skills, vocational-technical skills, domestic
20 relations, literacy, education, or any other
21 identifiable deficiency which may be treated
22 appropriately in the community and for which a
23 certified provider or a program recognized by the
24 court as having significant positive impact exists in

1 the community. Any treatment, education or
2 rehabilitation provider required to be certified
3 pursuant to law or rule shall be certified by the
4 appropriate state agency or a national organization,
5 q. to submit to periodic testing for alcohol,
6 intoxicating substance, or controlled dangerous
7 substances by a qualified laboratory,
8 r. to pay a fee, costs for treatment, education,
9 supervision, participation in a program, or any
10 combination thereof as determined by the court, based
11 upon the defendant's ability to pay the fees or costs,
12 s. to be supervised by a Department of Corrections
13 employee, a private supervision provider, or other
14 person designated by the court,
15 t. to obtain positive behavior modeling by a trained
16 mentor,
17 u. to serve a term of confinement in a restrictive
18 housing facility available in the community,
19 v. to serve a term of confinement in the county jail at
20 night or during weekends pursuant to Section 991a-2 of
21 this title or for work release,
22 w. to obtain employment or participate in employment-
23 related activities,
24

- 1 x. to participate in mandatory day reporting to
2 facilities or persons for services, payments, duties
3 or person-to-person contacts as specified by the
4 court,
- 5 y. to pay day fines not to exceed fifty percent (50%) of
6 the net wages earned. For purposes of this paragraph,
7 "day fine" means the offender is ordered to pay an
8 amount calculated as a percentage of net daily wages
9 earned. The day fine shall be paid to the local
10 community sentencing system as reparation to the
11 community. Day fines shall be used to support the
12 local system,
- 13 z. to submit to blood or saliva testing as required by
14 subsection I of this section,
- 15 aa. to repair or restore property damaged by the
16 defendant's conduct, if the court determines the
17 defendant possesses sufficient skill to repair or
18 restore the property and the victim consents to the
19 repairing or restoring of the property,
- 20 bb. to restore damaged property in kind or payment of out-
21 of-pocket expenses to the victim, if the court is able
22 to determine the actual out-of-pocket expenses
23 suffered by the victim,
24

1 cc. to attend a victim-offender reconciliation program if
2 the victim agrees to participate and the offender is
3 deemed appropriate for participation,

4 dd. in the case of a person convicted of prostitution
5 pursuant to Section 1029 of Title 21 of the Oklahoma
6 Statutes, require such person to receive counseling
7 for the behavior which may have caused such person to
8 engage in prostitution activities. Such person may be
9 required to receive counseling in areas including but
10 not limited to alcohol and substance abuse, sexual
11 behavior problems, or domestic abuse or child abuse
12 problems,

13 ee. in the case of a sex offender sentenced after November
14 1, 1989, and required by law to register pursuant to
15 the Sex Offender Registration Act, the court shall
16 require the person to comply with sex offender
17 specific rules and conditions of supervision
18 established by the Department of Corrections and
19 require the person to participate in a treatment
20 program designed for the treatment of sex offenders
21 during the period of time while the offender is
22 subject to supervision by the Department of
23 Corrections. The treatment program shall include
24 polygraph examinations specifically designed for use

1 with sex offenders for purposes of supervision and
2 treatment compliance, and shall be administered not
3 less than each six (6) months during the period of
4 supervision. The examination shall be administered by
5 a certified licensed polygraph examiner. The
6 treatment program must be approved by the Department
7 of Corrections or the Department of Mental Health and
8 Substance Abuse Services. Such treatment shall be at
9 the expense of the defendant based on the defendant's
10 ability to pay,

11 ff. in addition to other sentencing powers of the court,
12 the court in the case of a defendant being sentenced
13 for a felony conviction for a violation of Section 2-
14 402 of Title 63 of the Oklahoma Statutes which
15 involves marijuana may require the person to
16 participate in a drug court program, if available. If
17 a drug court program is not available, the defendant
18 may be required to participate in a community
19 sanctions program, if available,

20 gg. in the case of a person convicted of any false or
21 bogus check violation, as defined in Section 1541.4 of
22 Title 21 of the Oklahoma Statutes, impose a fee of
23 Twenty-five Dollars (\$25.00) to the victim for each
24 check, and impose a bogus check fee to be paid to the

1 district attorney. The bogus check fee paid to the
2 district attorney shall be equal to the amount
3 assessed as court costs plus Twenty-five Dollars
4 (\$25.00) for each check upon filing of the case in
5 district court. This money shall be deposited in the
6 Bogus Check Restitution Program Fund as established in
7 subsection B of Section 114 of this title.

8 Additionally, the court may require the offender to
9 pay restitution and bogus check fees on any other
10 bogus check or checks that have been submitted to the
11 District Attorney Bogus Check Restitution Program, ~~and~~

12 hh. in the case of a person convicted of operating or
13 being in control of a motor vehicle while the person
14 was under the influence of alcohol, order the person
15 to abstain or refrain from consuming alcohol for such
16 period as the court shall determine and to require
17 that a notation of this restriction be affixed to the
18 person's driver license at the time of reinstatement
19 of the license and notice of the order shall be given
20 to the Department of Public Safety. The restriction
21 shall remain on the driver license for such period as
22 the court shall determine. The restriction may be
23 modified or removed by order of the court and notice
24 of the order shall be given to the Department. Upon

1 the expiration of the period for the restriction, the
2 Department shall remove the restriction without
3 further court order. Failure to comply with the order
4 to abstain or refrain shall be a violation of the
5 sentence and may be punished as deemed proper by the
6 sentencing court, and

7 ii. any other provision specifically ordered by the court.

8 However, any such order for restitution, community service,
9 payment to a local certified crime stoppers program, payment to the
10 Oklahoma Reward System, or confinement in the county jail, or a
11 combination thereof, shall be made in conjunction with probation and
12 shall be made a condition of the suspended sentence.

13 However, unless under the supervision of the district attorney,
14 the offender shall be required to pay Forty Dollars (\$40.00) per
15 month to the district attorney during the first two (2) years of
16 probation to compensate the district attorney for the costs incurred
17 during the prosecution of the offender and for the additional work
18 of verifying the compliance of the offender with the rules and
19 conditions of his or her probation. The district attorney may waive
20 any part of this requirement in the best interests of justice. The
21 court shall not waive, suspend, defer or dismiss the costs of
22 prosecution in its entirety. However, if the court determines that
23 a reduction in the fine, costs and costs of prosecution is
24 warranted, the court shall equally apply the same percentage

1 reduction to the fine, costs and costs of prosecution owed by the
2 offender;

3 2. Impose a fine prescribed by law for the offense, with or
4 without probation or commitment and with or without restitution or
5 service as provided for in this section, Section 991a-4.1 of this
6 title or Section 227 of Title 57 of the Oklahoma Statutes;

7 3. Commit such person for confinement provided for by law with
8 or without restitution as provided for in this section;

9 4. Order the defendant to reimburse the Oklahoma State Bureau
10 of Investigation for costs incurred by that agency during its
11 investigation of the crime for which the defendant pleaded guilty,
12 nolo contendere or was convicted, including compensation for
13 laboratory, technical, or investigation services performed by the
14 Bureau if, in the opinion of the court, the defendant is able to pay
15 without imposing manifest hardship on the defendant, and if the
16 costs incurred by the Bureau during the investigation of the
17 defendant's case may be determined with reasonable certainty;

18 5. Order the defendant to reimburse the Oklahoma State Bureau
19 of Investigation for all costs incurred by that agency for cleaning
20 up an illegal drug laboratory site for which the defendant pleaded
21 guilty, nolo contendere or was convicted. The court clerk shall
22 collect the amount and may retain five percent (5%) of such monies
23 to be deposited in the Court Clerk Revolving Fund to cover
24 administrative costs and shall remit the remainder to the Oklahoma

1 State Bureau of Investigation to be deposited in the OSBI Revolving
2 Fund established by Section 150.19a of Title 74 of the Oklahoma
3 Statutes;

4 6. In the case of nonviolent felony offenses, sentence such
5 person to the Community Service Sentencing Program;

6 7. In addition to the other sentencing powers of the court, in
7 the case of a person convicted of operating or being in control of a
8 motor vehicle while the person was under the influence of alcohol,
9 other intoxicating substance, or a combination of alcohol or another
10 intoxicating substance, or convicted of operating a motor vehicle
11 while the ability of the person to operate such vehicle was impaired
12 due to the consumption of alcohol, require such person:

- 13 a. to participate in an alcohol and drug assessment and
14 evaluation by an assessment agency or assessment
15 personnel certified by the Department of Mental Health
16 and Substance Abuse Services pursuant to Section 3-460
17 of Title 43A of the Oklahoma Statutes and, as
18 determined by the assessment, participate in an
19 alcohol and drug substance abuse course or treatment
20 program or both, pursuant to Sections 3-452 and 3-453
21 of Title 43A of the Oklahoma Statutes,
- 22 b. to attend a victims impact panel program, as defined
23 in subsection H of this section, if such a program is
24 offered in the county where the judgment is rendered,

1 and to pay a fee of not less than Fifteen Dollars
2 (\$15.00) nor more than Sixty Dollars (\$60.00) as set
3 by the governing authority of the program and approved
4 by the court, to the program to offset the cost of
5 participation by the defendant, if in the opinion of
6 the court the defendant has the ability to pay such
7 fee,

8 c. to both participate in the alcohol and drug substance
9 abuse course or treatment program, pursuant to
10 subparagraph a of this paragraph and attend a victims
11 impact panel program, pursuant to subparagraph b of
12 this paragraph,

13 d. to install, at the expense of the person, an ignition
14 interlock device approved by the Board of Tests for
15 Alcohol and Drug Influence, upon every motor vehicle
16 operated by such person and to require that a notation
17 of this restriction be affixed to the person's driver
18 license at the time of reinstatement of the license.
19 The restriction shall remain on the driver license for
20 such period as the court shall determine. The
21 restriction may be modified or removed by order of the
22 court and notice of the order shall be given to the
23 Department of Public Safety. Upon the expiration of
24 the period for the restriction, the Department of

1 Public Safety shall remove the restriction without
2 further court order. Failure to comply with the order
3 to install an ignition interlock device or operating
4 any vehicle without such device during the period of
5 restriction shall be a violation of the sentence and
6 may be punished as deemed proper by the sentencing
7 court, or

8 e. beginning January 1, 1993, to submit to electronically
9 monitored home detention administered and supervised
10 by the Department of Corrections, and to pay to the
11 Department a monitoring fee, not to exceed Seventy-
12 five Dollars (\$75.00) a month, to the Department of
13 Corrections, if in the opinion of the court the
14 defendant has the ability to pay such fee. Any fees
15 collected pursuant to this subparagraph shall be
16 deposited in the Department of Corrections Revolving
17 Fund. Any order by the court for the payment of the
18 monitoring fee, if willfully disobeyed, may be
19 enforced as an indirect contempt of court;

20 8. In addition to the other sentencing powers of the court, in
21 the case of a person convicted of prostitution pursuant to Section
22 1029 of Title 21 of the Oklahoma Statutes, require such person to
23 receive counseling for the behavior which may have caused such
24 person to engage in prostitution activities. Such person may be

1 required to receive counseling in areas including but not limited to
2 alcohol and substance abuse, sexual behavior problems, or domestic
3 abuse or child abuse problems;

4 9. In addition to the other sentencing powers of the court, in
5 the case of a person convicted of any crime related to domestic
6 abuse, as defined in Section 60.1 of this title, the court may
7 require the defendant to undergo the treatment or participate in the
8 counseling services necessary to bring about the cessation of
9 domestic abuse against the victim. The defendant may be required to
10 pay all or part of the cost of the treatment or counseling services;

11 10. In addition to the other sentencing powers of the court,
12 the court, in the case of a sex offender sentenced after November 1,
13 1989, and required by law to register pursuant to the Sex Offenders
14 Registration Act, shall require the person to participate in a
15 treatment program designed specifically for the treatment of sex
16 offenders, if available. The treatment program will include
17 polygraph examinations specifically designed for use with sex
18 offenders for the purpose of supervision and treatment compliance,
19 provided the examination is administered by a certified licensed
20 polygraph examiner. The treatment program must be approved by the
21 Department of Corrections or the Department of Mental Health and
22 Substance Abuse Services. Such treatment shall be at the expense of
23 the defendant based on the defendant's ability to pay;

1 11. In addition to the other sentencing powers of the court,
2 the court, in the case of a person convicted of child abuse or
3 neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma
4 Statutes, may require the person to undergo treatment or to
5 participate in counseling services. The defendant may be required
6 to pay all or part of the cost of the treatment or counseling
7 services;

8 12. In addition to the other sentencing powers of the court,
9 the court, in the case of a person convicted of cruelty to animals
10 pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may
11 require the person to pay restitution to animal facilities for
12 medical care and any boarding costs of victimized animals;

13 13. In addition to the other sentencing powers of the court, a
14 sex offender who is habitual or aggravated as defined by Section 584
15 of Title 57 of the Oklahoma Statutes and who is required to register
16 as a sex offender pursuant to the Oklahoma Sex Offenders
17 Registration Act shall be supervised by the Department of
18 Corrections for the duration of the registration period and shall be
19 assigned to a global position monitoring device by the Department of
20 Corrections for the duration of the registration period. The cost
21 of such monitoring device shall be reimbursed by the offender;

22 14. In addition to the other sentencing powers of the court, in
23 the case of a sex offender who is required by law to register
24 pursuant to the Sex Offenders Registration Act, the court may

1 prohibit the person from accessing or using any Internet social
2 networking web site that has the potential or likelihood of allowing
3 the sex offender to have contact with any child who is under the age
4 of eighteen (18) years; or

5 15. In addition to the other sentencing powers of the court, in
6 the case of a sex offender who is required by law to register
7 pursuant to the Sex Offenders Registration Act, the court shall
8 require the person to register any electronic mail address
9 information, instant message, chat or other Internet communication
10 name or identity information that the person uses or intends to use
11 while accessing the Internet or used for other purposes of social
12 networking or other similar Internet communication.

13 B. Notwithstanding any other provision of law, any person who
14 is found guilty of a violation of any provision of Section 761 or
15 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
16 guilty or nolo contendere for a violation of any provision of such
17 sections shall be ordered to participate in, prior to sentencing, an
18 alcohol and drug assessment and evaluation by an assessment agency
19 or assessment personnel certified by the Department of Mental Health
20 and Substance Abuse Services for the purpose of evaluating the
21 receptivity to treatment and prognosis of the person. The court
22 shall order the person to reimburse the agency or assessor for the
23 evaluation. The fee shall be the amount provided in subsection C of
24 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation

1 shall be conducted at a certified assessment agency, the office of a
2 certified assessor or at another location as ordered by the court.
3 The agency or assessor shall, within seventy-two (72) hours from the
4 time the person is assessed, submit a written report to the court
5 for the purpose of assisting the court in its final sentencing
6 determination. No person, agency or facility operating an alcohol
7 and drug substance abuse evaluation program certified by the
8 Department of Mental Health and Substance Abuse Services shall
9 solicit or refer any person evaluated pursuant to this subsection
10 for any treatment program or alcohol and drug substance abuse
11 service in which such person, agency or facility has a vested
12 interest; however, this provision shall not be construed to prohibit
13 the court from ordering participation in or any person from
14 voluntarily utilizing a treatment program or alcohol and drug
15 substance abuse service offered by such person, agency or facility.
16 If a person is sentenced to the custody of the Department of
17 Corrections and the court has received a written evaluation report
18 pursuant to this subsection, the report shall be furnished to the
19 Department of Corrections with the judgment and sentence. Any
20 evaluation report submitted to the court pursuant to this subsection
21 shall be handled in a manner which will keep such report
22 confidential from the general public's review. Nothing contained in
23 this subsection shall be construed to prohibit the court from
24 ordering judgment and sentence in the event the defendant fails or

1 refuses to comply with an order of the court to obtain the
2 evaluation required by this subsection.

3 C. When sentencing a person convicted of a crime, the court
4 shall first consider a program of restitution for the victim, as
5 well as imposition of a fine or incarceration of the offender. The
6 provisions of paragraph 1 of subsection A of this section shall not
7 apply to defendants being sentenced upon their third or subsequent
8 to their third conviction of a felony or, beginning January 1, 1993,
9 to defendants being sentenced for their second or subsequent felony
10 conviction for violation of Section 11-902 of Title 47 of the
11 Oklahoma Statutes, except as otherwise provided in this subsection.
12 In the case of a person being sentenced for their second or
13 subsequent felony conviction for violation of Section 11-902 of
14 Title 47 of the Oklahoma Statutes, the court may sentence the person
15 pursuant to the provisions of paragraph 1 of subsection A of this
16 section if the court orders the person to submit to electronically
17 monitored home detention administered and supervised by the
18 Department of Corrections pursuant to subparagraph e of paragraph 7
19 of subsection A of this section. Provided, the court may waive
20 these prohibitions upon written application of the district
21 attorney. Both the application and the waiver shall be made part of
22 the record of the case.

1 D. When sentencing a person convicted of a crime, the judge
2 shall consider any victims impact statements if submitted to the
3 jury, or the judge in the event a jury is waived.

4 E. Probation, for purposes of subsection A of this section, is
5 a procedure by which a defendant found guilty of a crime, whether
6 upon a verdict or plea of guilty or upon a plea of nolo contendere,
7 is released by the court subject to conditions imposed by the court
8 and subject to supervision by the Department of Corrections, a
9 private supervision provider or other person designated by the
10 court. Such supervision shall be initiated upon an order of
11 probation from the court, and shall not exceed two (2) years, unless
12 a petition alleging a violation of any condition of deferred
13 judgment or seeking revocation of the suspended sentence is filed
14 during the supervision, or as otherwise provided by law. In the
15 case of a person convicted of a sex offense, supervision shall begin
16 immediately upon release from incarceration or if parole is granted
17 and shall not be limited to two (2) years. Provided further, any
18 supervision provided for in this section may be extended for a
19 period not to exceed the expiration of the maximum term or terms of
20 the sentence upon a determination by the court or the Division of
21 Probation and Parole of the Department of Corrections that the best
22 interests of the public and the release will be served by an
23 extended period of supervision.
24

1 F. The Department of Corrections, or such other agency as the
2 court may designate, shall be responsible for the monitoring and
3 administration of the restitution and service programs provided for
4 by subparagraphs a, c, and d of paragraph 1 of subsection A of this
5 section, and shall ensure that restitution payments are forwarded to
6 the victim and that service assignments are properly performed.

7 G. 1. The Department of Corrections is hereby authorized,
8 subject to funds available through appropriation by the Legislature,
9 to contract with counties for the administration of county Community
10 Service Sentencing Programs.

11 2. Any offender eligible to participate in the Program pursuant
12 to this act shall be eligible to participate in a county Program;
13 provided, participation in county-funded Programs shall not be
14 limited to offenders who would otherwise be sentenced to confinement
15 with the Department of Corrections.

16 3. The Department shall establish criteria and specifications
17 for contracts with counties for such Programs. A county may apply
18 to the Department for a contract for a county-funded Program for a
19 specific period of time. The Department shall be responsible for
20 ensuring that any contracting county complies in full with
21 specifications and requirements of the contract. The contract shall
22 set appropriate compensation to the county for services to the
23 Department.
24

1 4. The Department is hereby authorized to provide technical
2 assistance to any county in establishing a Program, regardless of
3 whether the county enters into a contract pursuant to this
4 subsection. Technical assistance shall include appropriate
5 staffing, development of community resources, sponsorship,
6 supervision and any other requirements.

7 5. The Department shall annually make a report to the Governor,
8 the President Pro Tempore of the Senate and the Speaker of the House
9 on the number of such Programs, the number of participating
10 offenders, the success rates of each Program according to criteria
11 established by the Department and the costs of each Program.

12 H. As used in this section:

13 1. "Ignition interlock device" means a device that, without
14 tampering or intervention by another person, would prevent the
15 defendant from operating a motor vehicle if the defendant has a
16 blood or breath alcohol concentration of two-hundredths (0.02) or
17 greater;

18 2. "Electronically monitored home detention" means
19 incarceration of the defendant within a specified location or
20 locations with monitoring by means of a device approved by the
21 Department of Corrections that detects if the person leaves the
22 confines of any specified location; and

23 3. "Victims impact panel program" means a meeting with at least
24 one live presenter who will share personal stories with participants

1 about how alcohol, drug abuse and the illegal conduct of others has
2 personally impacted the life of the presenter. A victims impact
3 panel program shall be attended by persons who have committed the
4 offense of driving, operating or being in actual physical control of
5 a motor vehicle while under the influence of alcohol or other
6 intoxicating substance. Persons attending a victims impact panel
7 program shall be required to pay a fee of not less than Fifteen
8 Dollars (\$15.00) nor more than Sixty Dollars (\$60.00) to the
9 provider of the program. A certificate of completion shall be
10 issued to the person upon satisfying the attendance and fee
11 requirements of the victims impact panel program. A victims impact
12 panel program shall not be provided by any certified assessment
13 agency or certified assessor. The provider of the victims impact
14 panel program shall carry general liability insurance and maintain
15 an accurate accounting of all business transactions and funds
16 received in relation to the victims impact panel program.

17 I. A person convicted of a felony offense or receiving any form
18 of probation for an offense in which registration is required
19 pursuant to the Sex Offenders Registration Act, shall submit to
20 deoxyribonucleic acid DNA testing for law enforcement identification
21 purposes in accordance with Section 150.27 of Title 74 of the
22 Oklahoma Statutes and the rules promulgated by the Oklahoma State
23 Bureau of Investigation for the OSBI Combined DNA Index System
24 (CODIS) Database. Subject to the availability of funds, any person

1 convicted of a misdemeanor offense of assault and battery, domestic
2 abuse, stalking, possession of a controlled substance prohibited
3 under Schedule IV of the Uniform Controlled Dangerous Substances
4 Act, outraging public decency, resisting arrest, escape or
5 attempting to escape, eluding a police officer, peeping tom,
6 pointing a firearm, unlawful carry of a firearm, illegal transport
7 of a firearm, discharging of a firearm, threatening an act of
8 violence, breaking and entering a dwelling place, destruction of
9 property, negligent homicide, or causing a personal injury accident
10 while driving under the influence of any intoxicating substance, or
11 any alien unlawfully present under federal immigration law, upon
12 arrest, shall submit to deoxyribonucleic acid DNA testing for law
13 enforcement identification purposes in accordance with Section
14 150.27 of Title 74 of the Oklahoma Statutes and the rules
15 promulgated by the Oklahoma State Bureau of Investigation for the
16 OSBI Combined DNA Index System (CODIS) Database. Any defendant
17 sentenced to probation shall be required to submit to testing within
18 thirty (30) days of sentencing either to the Department of
19 Corrections or to the county sheriff or other peace officer as
20 directed by the court. Defendants who are sentenced to a term of
21 incarceration shall submit to testing in accordance with Section
22 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who
23 enter the custody of the Department of Corrections or to the county
24 sheriff, for those defendants sentenced to incarceration in a county

1 jail. Convicted individuals who have previously submitted to DNA
2 testing under this section and for whom a valid sample is on file in
3 the OSBI Combined DNA Index System (CODIS) Database at the time of
4 sentencing shall not be required to submit to additional testing.
5 Except as required by the Sex Offenders Registration Act, a deferred
6 judgment does not require submission to deoxyribonucleic acid
7 testing.

8 Any person who is incarcerated in the custody of the Department
9 of Corrections after July 1, 1996, and who has not been released
10 before January 1, 2006, shall provide a blood or saliva sample prior
11 to release. Every person subject to DNA testing after January 1,
12 2006, whose sentence does not include a term of confinement with the
13 Department of Corrections shall submit a blood or saliva sample.
14 Every person subject to DNA testing who is sentenced to unsupervised
15 probation or otherwise not supervised by the Department of
16 Corrections shall submit for blood or saliva testing to the sheriff
17 of the sentencing county.

18 J. Samples of blood or saliva for DNA testing required by
19 subsection I of this section shall be taken by employees or
20 contractors of the Department of Corrections, peace officers, or the
21 county sheriff or employees or contractors of the sheriff's office.
22 The individuals shall be properly trained to collect blood or saliva
23 samples. Persons collecting blood or saliva for DNA testing
24 pursuant to this section shall be immune from civil liabilities

1 arising from this activity. All collectors of DNA samples shall
2 ensure the collection of samples are mailed to the Oklahoma State
3 Bureau of Investigation within ten (10) days of the time the subject
4 appears for testing or within ten (10) days of the date the subject
5 comes into physical custody to serve a term of incarceration. All
6 collectors of DNA samples shall use sample kits provided by the OSBI
7 and procedures promulgated by the OSBI. Persons subject to DNA
8 testing who are not received at the Lexington Assessment and
9 Reception Center shall be required to pay a fee of Fifteen Dollars
10 (\$15.00) to the agency collecting the sample for submission to the
11 OSBI Combined DNA Index System (CODIS) Database. Any fees collected
12 pursuant to this subsection shall be deposited in the revolving
13 account or the service fee account of the collection agency or
14 department.

15 K. When sentencing a person who has been convicted of a crime
16 that would subject that person to the provisions of the Sex
17 Offenders Registration Act, neither the court nor the district
18 attorney shall be allowed to waive or exempt such person from the
19 registration requirements of the Sex Offenders Registration Act.

20 SECTION 2. AMENDATORY 37 O.S. 2011, Section 537, as
21 amended by Section 12, Chapter 298, O.S.L. 2014 (37 O.S. Supp. 2014,
22 Section 537), is amended to read as follows:

23 Section 537. A. No person shall:
24

1 1. Knowingly sell, deliver, or furnish alcoholic beverages to
2 any person under twenty-one (21) years of age;

3 2. Sell, deliver or knowingly furnish alcoholic beverages to an
4 intoxicated person or to any person who has been adjudged insane or
5 mentally deficient;

6 3. Knowingly sell, deliver or furnish alcoholic beverages to a
7 person who has been ordered to abstain or refrain from consuming
8 alcohol as provided in Section 911a of Title 22 of the Oklahoma
9 Statutes;

10 4. Open a retail container or consume alcoholic beverages on
11 the premises of a retail package store;

12 ~~4.~~ 5. Import into this state, except as provided for in the
13 Oklahoma Alcoholic Beverage Control Act, any alcoholic beverages;
14 provided, that nothing herein shall prohibit the importation or
15 possession for personal use of not more than one (1) liter of
16 alcoholic beverages upon which the Oklahoma excise tax is
17 delinquent;

18 ~~5.~~ 6. Receive, possess, or use any alcoholic beverage in
19 violation of the provisions of the Oklahoma Alcoholic Beverage
20 Control Act;

21 ~~6.~~ 7. Transport into, within, or through this state more than
22 one (1) liter of alcoholic beverages upon which the Oklahoma excise
23 tax has not been paid unless the person accompanying or in charge of
24 the vehicle transporting same shall possess a true copy of a bill of

1 lading, invoice, manifest or other document particularly identifying
2 the alcoholic beverages being transported and showing the name and
3 address of the consignor and consignee; provided, this prohibition
4 shall not apply to the first one hundred eighty (180) liters of
5 alcoholic beverages classified as household goods by military
6 personnel, age twenty-one (21) or older when entering Oklahoma from
7 temporary active assignment outside the contiguous United States;

8 ~~7.~~ 8. Knowingly transport in any vehicle upon a public highway,
9 street or alley any alcoholic beverage except in the original
10 container which shall not have been opened and the seal upon which
11 shall not have been broken and from which the original cap or cork
12 shall not have been removed, unless the opened container be in the
13 rear trunk or rear compartment, which shall include the spare tire
14 compartment in a vehicle commonly known as a station wagon and panel
15 truck, or any outside compartment which is not accessible to the
16 driver or any other person in the vehicle while it is in motion;

17 ~~8.~~ 9. Drink intoxicating liquor in public except on the
18 premises of a licensee of the Alcoholic Beverage Laws Enforcement
19 Commission who is authorized to sell or serve alcoholic beverages by
20 the individual drink or be intoxicated in a public place. This
21 provision shall be cumulative and in addition to existing law;

22 ~~9.~~ 10. Forcibly resist lawful arrest, or by physical contact
23 interfere with an investigation of any infringement of the Oklahoma
24 Alcoholic Beverage Control Act or with any lawful search or seizure

1 being made by an inspector or agent of the ABLE Commission, when
2 such person knows or should know that such acts are being performed
3 by a state, county, or municipal officer, inspector or agent of the
4 ABLE Commission;

5 ~~10.~~ 11. Manufacture, duplicate, counterfeit or in any way
6 imitate any bottle club membership card required to be issued by the
7 ABLE Commission without the permission of the Commission;

8 ~~11.~~ 12. Consume or possess alcoholic beverages on the licensed
9 premises of a bottle club unless such person possesses a valid
10 membership card for that club issued by the club; ~~or~~

11 ~~12.~~ 13. Knowingly possess any bottle club membership card
12 required to be issued by the ABLE Commission, which has been
13 manufactured, counterfeited, imitated or in any way duplicated
14 without the permission of the Commission; or

15 14. Purchase alcoholic beverages if the person has been ordered
16 to refrain from consuming alcoholic beverages as provided in Section
17 991a of Title 22 of the Oklahoma Statutes.

18 B. No licensee of the ABLE Commission shall:

19 1. Receive, possess, or sell any alcoholic beverage except as
20 authorized by the Oklahoma Alcoholic Beverage Control Act and by the
21 license or permit which the licensee holds;

22 2. Employ any person under the age of twenty-one (21) in the
23 selling or handling of alcoholic beverages. Provided, that a mixed
24 beverage, beer and wine, caterer, public event, special event or

1 bottle club licensee may employ servers who are at least eighteen
2 (18) years of age, except persons under twenty-one (21) years of age
3 may not serve in designated bar or lounge areas, and a mixed
4 beverage, beer and wine, caterer, public event, special event or
5 bottle club licensee may employ or hire musical bands who have
6 musicians who are under twenty-one (21) years of age if each such
7 musician is either accompanied by a parent or legal guardian or has
8 on their person, to be made available for inspection upon demand by
9 any ABLE Commission officer or law enforcement officer, a written,
10 notarized affidavit from the parent or legal guardian giving the
11 underage musician permission to perform in designated bar or lounge
12 areas;

13 3. Give any alcoholic beverage as a prize, premium or
14 consideration for any lottery, game of chance or skill or any type
15 of competition;

16 4. Advertise or offer "happy hours" or any other means or
17 inducements to stimulate the consumption of alcoholic beverages
18 including:

- 19 a. deliver more than two drinks to one person at one
20 time,
- 21 b. sell or offer to sell to any person or group of
22 persons any drinks at a price less than the price
23 regularly charged for such drinks during the same
24

1 calendar week, except at private functions not open to
2 the public,

3 c. sell or offer to sell to any person an unlimited
4 number of drinks during any set period of time for a
5 fixed price, except at private functions not open to
6 the public,

7 d. sell or offer to sell drinks to any person or group of
8 persons on any one day at prices less than those
9 charged the general public on that day, except at
10 private functions not open to the public,

11 e. increase the volume of alcoholic beverages contained
12 in a drink without increasing proportionately the
13 price regularly charged for such drink during the same
14 calendar week, or

15 f. encourage or permit, on the licensed premises, any
16 game or contest which involves drinking or the
17 awarding of drinks as prizes.

18 Provided that the provisions of this paragraph shall not prohibit
19 the advertising or offering of food or entertainment in licensed
20 establishments;

21 5. Permit or allow any patron or person to exit the licensed
22 premises with an open container of any alcoholic beverage.

23 Provided, that this prohibition shall not be applicable to closed
24 original containers of alcoholic beverages which are carried from

1 the licensed premises of a bottle club by a patron, closed original
2 wine containers removed from the premises of restaurants, hotels,
3 and motels, or to closed original containers of alcoholic beverages
4 transported to and from the place of business of a licensed caterer
5 by the caterer or an employee of the caterer;

6 6. Serve or sell alcoholic beverages with an expired license
7 issued by the ABLE Commission; or

8 7. Permit any person to be drunk or intoxicated on the
9 licensee's licensed premises.

10 C. No package store licensee shall:

11 1. Purchase or receive any alcoholic beverage other than from a
12 person holding a brewer, wholesaler or Class B wholesaler license
13 issued pursuant to the Oklahoma Alcoholic Beverage Control Act;

14 2. Suffer or permit any retail container to be opened, or any
15 alcoholic beverage to be consumed, on the licensed premises;

16 3. Sell, or keep package store premises open for the purpose of
17 selling, any alcoholic beverages at any hour other than between the
18 hours of 10:00 a.m. and 9:00 p.m. Monday through Saturday; provided,
19 that no such sales shall be made, or package store premises be
20 allowed to remain open for the purpose of making such sales on New
21 Year's Day, Memorial Day, the Fourth of July, Labor Day,
22 Thanksgiving Day or Christmas Day. Package store licensees shall be
23 permitted to sell, or keep package store premises open for the
24 purpose of selling, alcoholic beverages on the day of any General,

1 Primary, Runoff Primary or Special Election whether on a national,
2 state, county or city election, provided that the election day does
3 not occur on any day on which such sales are otherwise prohibited by
4 law;

5 4. Operate a retail package store unless such store shall be
6 located in a city or town having a population in excess of two
7 hundred (200) according to the latest Federal Decennial Census;

8 5. Sell any alcoholic beverage on credit; provided that
9 acceptance by a retail liquor store of a cash or debit card, or a
10 nationally recognized credit card, in lieu of actual cash payment
11 does not constitute the extension of credit; provided further, as
12 used in this section:

13 a. "cash or debit card" means any instrument or device
14 whether known as a debit card or by any other name,
15 issued with or without fee by an issuer for the use of
16 the cardholder in depositing, obtaining or
17 transferring funds from a consumer banking electronic
18 facility, and

19 b. "nationally recognized credit card" means any
20 instrument or device, whether known as a credit card,
21 credit plate, charge plate or by any other name,
22 issued with or without fee by an issuer for the use of
23 the cardholder in obtaining money, goods, services or
24

1 anything else of value on credit which is accepted by
2 over one hundred merchants;

3 6. Offer or furnish any prize, premium, gift or similar
4 inducement to a consumer in connection with the sale of alcoholic
5 beverage, except that goods or merchandise included by the
6 manufacturer in packaging with alcoholic beverages or for packaging
7 with alcoholic beverages shall not be included in this prohibition,
8 but no wholesaler or package store shall sell any alcoholic beverage
9 prepackaged with other goods or merchandise at a price which is
10 greater than the price at which the alcoholic beverage alone is
11 sold;

12 7. Permit any person under twenty-one (21) years of age to
13 enter into, remain within or loiter about the licensed premises; or

14 8. Pay for alcoholic beverages by a check or draft which is
15 dishonored by the drawee when presented to such drawee for payment;
16 and the ABLE Commission may cancel or suspend the license of any
17 retailer who has given a check or draft, as maker or endorser, which
18 is so dishonored upon presentation.

19 D. No wholesaler licensee shall:

20 1. Sell or deliver any amount of spirits or wines to any
21 package store licensee on Saturday or Sunday; or

22 2. Sell or deliver any amount of spirits or wines to any
23 package store licensee on New Year's Day, Memorial Day, the Fourth
24 of July, Labor Day, Thanksgiving Day or Christmas Day.

1 E. No mixed beverage, public event, special event or beer and
2 wine licensee shall:

3 1. Purchase or receive any alcoholic beverage other than from a
4 person holding a wholesaler or Class B wholesaler license issued
5 pursuant to the Oklahoma Alcoholic Beverage Control Act; provided, a
6 mixed beverage or beer and wine licensee whose premises are a
7 restaurant may purchase wine produced at wineries in this state
8 directly from an Oklahoma winemaker as provided in Section 3 of
9 Article XXVIII of the Oklahoma Constitution;

10 2. Transport alcoholic beverages from the place of purchase to
11 the licensed premises unless the licensee also holds a private
12 carrier license issued by the ABLE Commission;

13 3. Use or allow the use of any mark or label on a container of
14 alcoholic beverage which is kept for sale which does not clearly and
15 precisely indicate the nature of the contents or which might deceive
16 or conceal the nature, composition, quantity, age or quality of such
17 beverage;

18 4. Keep or knowingly permit any alcoholic beverage to be kept,
19 brought or consumed on the licensed premises which is not allowed to
20 be sold or served upon such premises; or

21 5. Allow any person under twenty-one (21) years of age to enter
22 into, remain within or loiter about the designated bar area of the
23 licensed premises, except for persons who incidentally pass through
24 the designated area.

1 The prohibition in this subsection against persons under twenty-
2 one (21) years of age entering or remaining within the designated
3 bar area of the licensed premises shall not apply, if the licensed
4 premises are closed to the public during a time the premises are
5 legally permitted to be open for business and the premises are used
6 for a private party at which alcoholic beverages may be served to
7 persons twenty-one (21) years of age or older. Any alcoholic
8 beverages served at a private party on the licensed premises may be
9 purchased from the licensee at a negotiated price or purchased
10 privately and served at the private party on the licensed premises.
11 Any licensee who desires to conduct such a private party shall
12 notify the ABLE Commission, in writing, at least ten (10) calendar
13 days prior to the private party. The notification shall include the
14 date, time, and purpose of the private party and any other
15 information the ABLE Commission may deem necessary.

16 F. No bottle club licensee shall:

17 1. Use or allow the use of any mark or label on a container of
18 alcoholic beverage which does not clearly and precisely indicate the
19 nature of the contents or which might deceive or conceal the nature,
20 composition, quantity, age or quality of any such beverage;

21 2. Act as an agent for any bottle club member and purchase any
22 alcoholic beverage for the member;

23 3. Use or allow the use of any pool system of storage or
24 purchase of alcoholic beverages;

1 4. Allow any person to enter or remain in the designated bar or
2 lounge area of the club unless that person possesses a valid
3 membership card for that club issued by the club;

4 5. Sell any alcoholic beverage;

5 6. Deliver or furnish to any club member any alcoholic beverage
6 that does not belong to the member;

7 7. Serve alcoholic beverages to any person who does not possess
8 a valid membership card for that club issued by the club;

9 8. Issue a membership card for the club to a person under
10 twenty-one (21) years of age; or

11 9. Allow any person under twenty-one (21) years of age to enter
12 into, remain within or loiter about the designated bar area of the
13 licensed premises, except for members of a musical band employed or
14 hired as provided in paragraph 2 of subsection B of this section
15 when the band is to perform within such area.

16 The prohibition in this subsection against persons under twenty-
17 one (21) years of age entering or remaining within the designated
18 bar area of the licensed premises shall not apply, if the licensed
19 premises are closed to the public during a time the premises are
20 legally permitted to be open for business and the premises are used
21 for a private party at which alcoholic beverages may be served to
22 persons twenty-one (21) years of age or older. Any alcoholic
23 beverages served at a private party on the licensed premises may be
24 purchased from the licensee at a negotiated price or purchased

1 privately and served at the private party on the licensed premises.
2 Any licensee who desires to conduct such a private party shall
3 notify the ABLE Commission, in writing, at least ten (10) calendar
4 days prior to the private party. The notification shall include the
5 date, time, and purpose of the private party and any other
6 information the ABLE Commission may deem necessary.

7 G. No special event or caterer licensee shall:

8 1. Purchase or receive any alcoholic beverage other than from a
9 person holding a wholesaler or Class B wholesaler license issued
10 pursuant to the provisions of the Oklahoma Alcoholic Beverage
11 Control Act; provided, a special event or caterer licensee may
12 purchase wine produced at wineries in this state directly from an
13 Oklahoma winemaker as provided in Section 3 of Article XXVIII of the
14 Oklahoma Constitution; or

15 2. Transport alcoholic beverages from the place of purchase to
16 the licensed premises unless the licensee also holds a private
17 carrier license issued by the ABLE Commission.

18 SECTION 3. AMENDATORY 37 O.S. 2011, Section 538, as
19 amended by Section 14, Chapter 298, O.S.L. 2014 (37 O.S. Supp. 2014,
20 Section 538), is amended to read as follows:

21 Section 538. A. Any person who shall operate a whiskey still
22 with intent to produce alcoholic beverages or any person who shall
23 carry on the business of a distiller without having in his
24 possession a valid and existing distiller's license issued pursuant

1 to the provisions of the Oklahoma Alcoholic Beverage Control Act
2 shall be guilty of a felony and upon conviction be fined not less
3 than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than
4 Five Thousand Dollars (\$5,000.00), or imprisoned in the State
5 Penitentiary for not more than three (3) years, or both such fine
6 and imprisonment.

7 B. Any person who shall file a false or fraudulent return in
8 connection with any tax imposed by the Oklahoma Alcoholic Beverage
9 Control Act, or willfully evade, or attempt to evade, any tax herein
10 levied shall be guilty of a felony and upon conviction be fined not
11 less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more
12 than Five Thousand Dollars (\$5,000.00), or imprisoned in the State
13 Penitentiary for not more than three (3) years, or both such fine
14 and imprisonment.

15 C. Any person who shall knowingly engage in any activity or
16 perform any transaction or act for which a license is required under
17 the Oklahoma Alcoholic Beverage Control Act, not having such
18 license, shall be guilty of a misdemeanor and for the first offense
19 be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00)
20 and imprisoned for not less than thirty (30) days nor more than six
21 (6) months, and for a second or subsequent offense shall be guilty
22 of a felony and be fined not more than Two Thousand Five Hundred
23 Dollars (\$2,500.00), or imprisoned in the State Penitentiary for not
24 more than one (1) year, or both such fine and imprisonment.

1 D. Any person holding a license issued pursuant to the Oklahoma
2 Alcoholic Beverage Control Act who shall sell or deliver alcoholic
3 beverage to any person not entitled to purchase or receive same,
4 except as provided in subsection F of this section, or who shall
5 possess for sale any alcoholic beverage which he or she is not
6 entitled to sell under his or her license, or any person who buys
7 any alcoholic beverage, either retail or wholesale, from any person
8 other than a licensed dealer under the terms of the Oklahoma
9 Alcoholic Beverage Control Act, shall be guilty of a misdemeanor and
10 upon conviction be fined not more than One Thousand Five Hundred
11 Dollars (\$1,500.00), or imprisoned in the county jail for not more
12 than six (6) months, or both such fine and imprisonment.

13 E. Any person under twenty-one (21) years of age who shall
14 misrepresent his or her age in writing or by presenting false
15 documentation of age for the purpose of inducing any person to sell
16 or serve him or her alcoholic beverage or issue him or her a bottle
17 club membership card, or who enters or attempts to enter a package
18 store or a separate or enclosed bar area as designated by the ABLE
19 Commission, shall be guilty of a misdemeanor and fined not more than
20 Fifty Dollars (\$50.00). In addition, if a person is convicted or
21 pleads guilty to a violation of the provisions of this subsection in
22 any court having jurisdiction over said offense, the court may order
23 the Department of Public Safety to cancel or deny the offender's
24 privilege to operate a motor vehicle and, upon such order, shall

1 require that the operator's or chauffeur's license, if any, be
2 surrendered to the Department pursuant to Section 6-209 of Title 47
3 of the Oklahoma Statutes. The cancellation or denial period shall
4 be for one (1) year, or until the person reaches twenty-one (21)
5 years of age, whichever is longer.

6 Any person whose driving privileges are ordered cancelled or
7 denied pursuant to this section may petition the court of original
8 jurisdiction for review of the order. Upon notice and hearing, the
9 court may modify or withdraw the order as the court deems
10 appropriate except:

11 1. A court may not withdraw an order for at least ninety (90)
12 days following the issuance of the order if it is the first such
13 order issued regarding the person named; and

14 2. A court may not withdraw an order for at least six (6)
15 months following the issuance of the order if it is the second or
16 subsequent such order issued regarding the person named. If the
17 Department receives written notice from the court of original
18 jurisdiction that it has withdrawn such an order, the Department
19 shall immediately reinstate any driving privileges that have been
20 canceled or denied under this section, without requiring payment of
21 a reinstatement fee.

22 F. Any person who shall knowingly sell, furnish or give
23 alcoholic beverage to a person under twenty-one (21) years of age
24 shall be guilty of a felony, and shall be fined not less than Two

1 Thousand Five Hundred Dollars (\$2,500.00) nor more than Five
2 Thousand Dollars (\$5,000.00), or imprisoned in the State
3 Penitentiary for not more than five (5) years, or both such fine and
4 imprisonment. The ABLE Commission shall revoke the license of any
5 person convicted of a violation of this subsection.

6 G. Any person who shall knowingly sell, furnish or give
7 alcoholic beverage to an insane, mentally deficient, or intoxicated
8 person shall be guilty of a felony, and shall be fined not less than
9 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
10 (\$1,000.00), or imprisoned in the ~~State Penitentiary~~ custody of the
11 Department of Corrections for not more than one (1) year, or both
12 such fine and imprisonment.

13 H. Any person who shall knowingly sell, furnish or give
14 alcoholic beverage to a person who has been ordered to abstain or
15 refrain from consuming alcohol as provided in Section 911a of Title
16 22 of the Oklahoma Statutes shall be guilty of a felony, and shall
17 be fined not less than Five Hundred Dollars (\$500.00) nor more than
18 One Thousand Dollars (\$1,000.00), or imprisoned in the custody of
19 the Department of Corrections for not more than one (1) year, or
20 both such fine and imprisonment.

21 I. The payment of the special tax required of liquor dealers by
22 the United States by any person within this state without a
23 corresponding state license shall constitute prima facie evidence of
24

1 an intention to violate the provisions of the Oklahoma Alcoholic
2 Beverage Control Act.

3 ~~F.~~ J. Any person selling or keeping a package store open to
4 sell any alcoholic beverage during any day or hours not authorized
5 by the Oklahoma Alcoholic Beverage Control Act shall be guilty of a
6 misdemeanor.

7 ~~F.~~ K. Any licensee permitting a person to be drunk or
8 intoxicated on the licensee's licensed premises shall be guilty of a
9 misdemeanor, and upon conviction punishable by a fine in an amount
10 not exceeding One Hundred Dollars (\$100.00), by imprisonment in the
11 county jail for a term not more than thirty (30) days, or by both
12 such fine and imprisonment.

13 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-111, as
14 amended by Section 5, Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2014,
15 Section 6-111), is amended to read as follows:

16 Section 6-111. A. 1. The Department of Public Safety shall,
17 upon payment of the required fee, issue to every applicant
18 qualifying therefor a Class A, B, C or D driver license or
19 identification card as applied for, which license or card shall bear
20 thereon a distinguishing alphanumeric identification assigned to the
21 licensee or cardholder, date of issuance and date of expiration of
22 the license or card, the full name, signature or computerized
23 signature, date of birth, residence address, sex, a color photograph
24 or computerized image of the licensee or cardholder and security

1 features as determined by the Department. The photograph or image
2 shall depict a full front unobstructed view of the entire face of
3 the licensee or cardholder; provided, a commercial learner permit
4 shall not bear the photograph or image of the licensee. When any
5 person is issued both a driver license and an identification card,
6 the Department shall ensure the information on both the license and
7 the card are the same, unless otherwise provided by law.

8 2. A driver license or identification card issued by the
9 Department on or after March 1, 2004, shall bear thereon the county
10 of residence of the licensee or cardholder.

11 3. The Department may cancel the distinguishing number, when
12 that distinguishing number is another person's Social Security
13 number, assign a new distinguishing alphanumeric identification, and
14 issue a new license or identification card without charge to the
15 licensee or cardholder.

16 4. The Department may promulgate rules for inclusion of the
17 height and a brief description of the licensee or cardholder on the
18 face of the card or license identifying the licensee or cardholder
19 as deaf or hard-of-hearing.

20 5. It is unlawful for any person to apply, adhere, or otherwise
21 attach to a driver license or identification card any decal,
22 sticker, label, or other attachment. Any law enforcement officer is
23 authorized to remove and dispose of any unlawful decal, sticker,
24 label, or other attachment from the driver license of a person. The

1 law enforcement officer, the employing agency of the officer, the
2 Department of Public Safety, and the State of Oklahoma shall be
3 immune from any liability for any loss suffered by the licensee,
4 cardholder, or the owner of the decal, sticker, label, or other
5 attachment caused by the removal and destruction of the decal,
6 sticker, label, or other attachment.

7 6. The Department of Public Safety shall develop by rule an
8 alternative procedure whereby a person applying for a renewal or
9 replacement Class D license or identification card, when the person
10 satisfactorily demonstrates to the Department the inability to
11 appear personally to be photographed because the person is not in
12 the state at the time of renewal or at a time a replacement is
13 required by the person, may be issued a license or card; provided,
14 immediately upon returning to Oklahoma, the person shall obtain a
15 replacement license or card as provided in Section 6-114 of this
16 title.

17 B. The Department may issue a temporary permit to an applicant
18 for a driver license permitting such applicant to operate a motor
19 vehicle while the Department is completing its investigation and
20 determination of all facts relative to such applicant's privilege to
21 receive a license. Such permit must be in the immediate possession
22 of the driver while operating a motor vehicle, and it shall be
23 invalid when the applicant's driver license has been issued or for
24 good cause has been refused.

1 C. 1. The Department may issue a restricted commercial driver
2 license to seasonal drivers eighteen (18) years of age or older for
3 any of the following specific farm-related service industries:

- 4 a. farm retail outlets and suppliers,
- 5 b. agri-chemical businesses,
- 6 c. custom harvesters, and
- 7 d. livestock feeders.

8 The applicant shall hold a valid Oklahoma driver license and
9 shall meet all the requirements for a commercial driver license.

10 The restricted commercial driver license shall not exceed a total of
11 one hundred eighty (180) days within any twelve-month period.

12 2. The restricted commercial driver license shall not be valid
13 for operators of commercial motor vehicles beyond one hundred fifty
14 (150) miles from the place of business or the farm currently being
15 served. Such license shall be limited to Class B vehicles. Holders
16 of such licenses who transport hazardous materials which are
17 required to be placarded shall be limited to the following:

- 18 a. diesel fuel in quantities of one thousand (1,000)
19 gallons or less,
 - 20 b. liquid fertilizers in vehicles with total capacities
21 of three thousand (3,000) gallons or less, and
 - 22 c. solid fertilizers that are not mixed with any organic
23 substance.
- 24

1 No other placarded hazardous materials shall be transported by
2 holders of such licenses.

3 D. 1. The Department shall develop a procedure whereby a
4 person applying for an original, renewal or replacement Class A, B,
5 C or D driver license or identification card who is required to
6 register as a convicted sex offender with the Department of
7 Corrections pursuant to the provisions of the Sex Offenders
8 Registration Act and who the Department of Corrections designates as
9 an aggravated or habitual offender pursuant to subsection J of
10 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
11 license or card bearing the words "Sex Offender".

12 2. The Department shall notify every person subject to
13 registration under the provisions of Section 1-101 et seq. of this
14 title who holds a current Class A, B, C or D driver license or
15 identification card that such person is required to surrender the
16 license or card to the Department within one hundred eighty (180)
17 days from the date of the notice.

18 3. Upon surrendering the license or card for the reason set
19 forth in this subsection, application may be made with the
20 Department for a replacement license or card bearing the words "Sex
21 Offender".

22 4. Failure to comply with the requirements set forth in such
23 notice shall result in cancellation of the person's license or card.
24 Such cancellation shall be in effect for one (1) year, after which

1 time the person may make application with the Department for a new
2 license or card bearing the words "Sex Offender". Continued use of
3 a canceled license or card shall constitute a misdemeanor and shall,
4 upon conviction thereof, be punishable by a fine of not less than
5 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
6 (\$200.00). When an individual is no longer required to register as
7 a convicted sex offender with the Department of Corrections pursuant
8 to the provisions of the Sex Offenders Registration Act, the
9 individual shall be eligible to receive a driver license or
10 identification card which does not bear the words "Sex Offender".

11 E. Nothing in subsection D of this section shall be deemed to
12 impose any liability upon or give rise to a cause of action against
13 any employee, agent or official of the Department of Corrections for
14 failing to designate a sex offender as an aggravated or habitual
15 offender pursuant to subsection J of Section 584 of Title 57 of the
16 Oklahoma Statutes.

17 F. The Department shall develop a procedure whereby a person
18 subject to an order for the installation of an ignition interlock
19 device shall be required by the Department to submit their driver
20 license for a replacement. The replacement driver license shall
21 bear the words "Interlock Required" and such designation shall
22 remain on the driver license for the duration of the order requiring
23 the ignition interlock device. The replacement license shall be
24 subject to the same expiration and renewal procedures provided by

1 law. Upon completion of the requirements for the interlock device,
2 a person may apply for a replacement driver license.

3 G. The Department shall develop a procedure whereby a person
4 subject to an order to abstain or refrain from consuming alcohol as
5 provided in Section 991a of Title 22 of the Oklahoma Statutes shall
6 be required by the Department to submit their driver license or card
7 for a replacement. The replacement driver license or card shall
8 bear the words "Alcohol Restricted" and such designation shall
9 remain on the driver license or card for the duration of the order
10 to abstain or refrain. The replacement license or card shall be
11 subject to the same expiration and renewal procedures provided by
12 law. Upon completion of the requirements for the order to abstain
13 or refrain, a person may apply for a replacement driver license or
14 card.

15 H. The Department shall develop a procedure whereby a person
16 applying for an original, renewal or replacement Class D driver
17 license who has been granted modified driving privileges under this
18 title shall be issued a Class D driver license which identifies the
19 license as a modified license.

20 SECTION 5. This act shall become effective January 1, 2016.

21
22 55-1-277 BH 2/18/2016 7:04:19 PM
23
24