

1 ENGROSSED HOUSE
2 BILL NO. 3240

By: Derby of the House

and

Jolley of the Senate

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

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

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

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

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

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

evaluation and assessment report submitted to the municipal court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from review by the general public. Nothing contained in this section shall be construed to prohibit the municipal court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the municipal court to obtain the evaluation and assessment required by this section. If the defendant fails or refuses to comply with an order of the municipal court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order.

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

Passed the House of Representatives the 9th day of March, 2010.

Presiding Officer of the House of
Representatives

Passed the Senate the _____ day of _____, 2010.

Presiding Officer of the Senate