

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 1987

By: Jordan

COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; authorizing defendants to file application for certain evidentiary hearing; providing time limitations for filing applications and holding hearings; directing district courts to file decision within certain period of time; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1281 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. If the defendant intends to raise the question of involuntary intoxication at the time of the offense of driving under the influence of alcohol or a controlled dangerous substance or any other intoxicating substance, the defendant may file an application for an evidentiary hearing, together with affidavits setting out

1 those items alleged to be necessary for disposition of the issue of  
2 involuntary intoxication.

3 B. The application for an evidentiary hearing shall be filed  
4 with the court no later than thirty (30) days after formal  
5 arraignment.

6 C. If the district court determines that an evidentiary hearing  
7 should be held, the hearing shall be held within thirty (30) days  
8 from the date that the application was filed by the defendant.

9 D. The district court shall file its decision together with  
10 findings of fact and conclusions of law within forty-five (45) days  
11 from the date of the conclusion of the evidentiary hearing.

12 SECTION 2. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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17 56-1-7208 SD 03/01/17  
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