

1 ENGROSSED HOUSE  
2 BILL NO. 1987

By: Jordan of the House

and

Standridge of the Senate

3  
4  
5  
6  
7 An Act relating to criminal procedure; authorizing  
8 defendants to file application for certain  
9 evidentiary hearing; providing time limitations for  
10 filing applications and holding hearings; directing  
11 district courts to file decision within certain  
12 period of time; providing for codification; and  
13 declaring an emergency.

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

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

18 A. If the defendant intends to raise the question of  
19 involuntary intoxication at the time of the offense of driving under  
20 the influence of alcohol or a controlled dangerous substance or any  
21 other intoxicating substance, the defendant may file an application  
22 for an evidentiary hearing, together with affidavits setting out  
23 those items alleged to be necessary for disposition of the issue of  
24 involuntary intoxication.

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

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

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

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

14 Passed the House of Representatives the 21st day of March, 2017.

15

16

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

17

18

19 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2017.

20

21

\_\_\_\_\_  
Presiding Officer of the Senate

22

23

24

25