

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1987

By: Jordan

7  
8                               COMMITTEE SUBSTITUTE

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

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

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

20       A.   If the defendant intends to raise the question of  
21       involuntary intoxication at the time of the offense of driving under  
22       the influence of alcohol or a controlled dangerous substance or any  
23       other intoxicating substance, the defendant may file an application  
24       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 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2017 - DO PASS,  
18 As Amended.