

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 655

By: Brooks

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 17-101, which relates to misdemeanor violations; authorizing certain charge only under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 17-101, is amended to read as follows:

Section 17-101. A. It is a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this state declared to be a felony.

B. 1. Every person convicted of a misdemeanor for a violation of any of the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title for which another penalty is not provided shall upon conviction thereof be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year after

1 the first conviction by imprisonment for not more than twenty (20)
2 days; upon a third or subsequent conviction within one (1) year
3 after the first conviction by imprisonment for not more than six (6)
4 months, or by both such fine and imprisonment.

5 2. Any person violating the provisions of Sections 10-101
6 through 14-121 or Sections 16-101 through 16-114 of this title,
7 where a jail sentence is not mandatory may, in the discretion of the
8 district attorney wherein the offense occurred, be permitted to
9 enter a plea of guilty by written statement by the person charged to
10 be presented to the court wherein the case is filed. A remittance
11 covering the fine and costs may be considered and received with the
12 same force and effect as a written plea of guilty.

13 3. Any person convicted of a misdemeanor for a violation of the
14 provisions of Sections 10-101 through 14-121 or Sections 16-101
15 through 16-114 of this title and that causes the death of another
16 person during the commission of the act may only be charged with
17 negligent homicide as defined by Section 11-903 of this title,
18 unless such person is also in violation of the provisions of
19 Sections 11-901 through 11-906.4 of this title when the act that
20 caused the death of the other person occurs.

21 C. Unless another penalty is in this title or by the laws of
22 this state provided, every person convicted of a misdemeanor for the
23 violation of any other provision of this title shall be punished by
24 a fine of not less than Five Dollars (\$5.00) nor more than Five

1 Hundred Dollars (\$500.00), or by imprisonment for not more than six
2 (6) months, or by both such fine and imprisonment.

3 D. Provided, however, notwithstanding any provision of law to
4 the contrary, any offense, including traffic offenses, in violation
5 of any of the provisions of this title which is not otherwise
6 punishable by a term of imprisonment or confinement shall be
7 punishable by a term of imprisonment not to exceed one day in the
8 discretion of the court, in addition to any fine prescribed by law.

9 E. The conviction of any person, as prescribed in this section,
10 when the offense occurred during a period when the driving
11 privileges of the person were under suspension, revocation,
12 cancellation, denial, or disqualification or the person had not been
13 granted driving privileges by Oklahoma or any other state, shall
14 result in the doubling of the appropriate fine, as provided for in
15 subsections B and C of this section, and the doubling of all court
16 costs and all fees collected by the court on behalf of any other
17 entity, unless waived by the court.

18 F. One-half (1/2) of any fine collected pursuant to the
19 provisions of subsection E of this section, shall be deposited to
20 the Trauma Care Assistance Revolving Fund created in Section 1-2522
21 of Title 63 of the Oklahoma Statutes.

22 SECTION 2. This act shall become effective November 1, 2023.
23

24 59-1-281 TEK 1/18/2023 10:30:11 AM
25