

1  
2 ENGROSSED HOUSE  
3 BILL NO. 1605

By: Enns and Sanders of the  
House

4  
5 and

Pederson of the Senate

6  
7  
8 An Act relating to driving under the influence;  
9 creating the Debra Reed and Amanda Carson Act;  
10 amending 22 O.S. 2011, Section 991a, as last amended  
11 by Section 1, Chapter 157, O.S.L. 2014 (22 O.S. Supp.  
12 2016, Section 991a), which relates to sentencing  
13 powers of the court; adding certain sentencing  
14 requirement; amending 47 O.S. 2011, Section 6-107.1  
15 and 6-107.2, which relate to the cancellation of  
16 driving privileges; modifying denial and cancellation  
17 periods for certain persons; deleting certain  
18 cancellation requirement; amending 47 O.S. 2011,  
19 Section 6-111, as last amended by Section 1, Chapter  
20 214, O.S.L. 2016 (47 O.S. Supp. 2016, Section 6-111),  
21 which relates to the issuance of driver licenses and  
22 identification cards; directing the Department of  
23 Public Safety to develop procedures for issuing  
24 certain replacement licenses and identification  
cards; requiring certain designation on driver  
licenses and identification cards for certain  
persons; providing for replacement driver licenses  
and identification cards; amending 47 O.S. 2011,  
Section 6-205.1, as amended by Section 1, Chapter  
393, O.S.L. 2013 (47 O.S. Supp. 2016, Section 6-  
205.1), which relates to driver license revocation  
periods; modifying revocation periods for certain  
persons; requiring installation of ignition interlock  
devices by certain person; specifying duration of  
license revocation and interlock installation;  
amending 47 O.S. 2011, Section 11-906.4, which  
relates to driving under the influence while under  
age; modifying statutory references; providing for  
noncodification; and providing an effective date.

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

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

4 This act shall be known and may be cited as the "Debra Reed and  
5 Amanda Carson Act".

6 SECTION 2. AMENDATORY 22 O.S. 2011, Section 991a, as  
7 last amended by Section 1, Chapter 157, O.S.L. 2014 (22 O.S. Supp.  
8 2016, Section 991a), is amended to read as follows:

9 Section 991a. A. Except as otherwise provided in the Elderly  
10 and Incapacitated Victim's Protection Program, when a defendant is  
11 convicted of a crime and no death sentence is imposed, the court  
12 shall either:

13 1. Suspend the execution of sentence in whole or in part, with  
14 or without probation. The court, in addition, may order the  
15 convicted defendant at the time of sentencing or at any time during  
16 the suspended sentence to do one or more of the following:

- 17 a. to provide restitution to the victim as provided by  
18 Section 991f et seq. of this title or according to a  
19 schedule of payments established by the sentencing  
20 court, together with interest upon any pecuniary sum  
21 at the rate of twelve percent (12%) per annum, if the  
22 defendant agrees to pay such restitution or, in the  
23 opinion of the court, if the defendant is able to pay  
24

1 such restitution without imposing manifest hardship on  
2 the defendant or the immediate family and if the  
3 extent of the damage to the victim is determinable  
4 with reasonable certainty,

5 b. to reimburse any state agency for amounts paid by the  
6 state agency for hospital and medical expenses  
7 incurred by the victim or victims, as a result of the  
8 criminal act for which such person was convicted,  
9 which reimbursement shall be made directly to the  
10 state agency, with interest accruing thereon at the  
11 rate of twelve percent (12%) per annum,

12 c. to engage in a term of community service without  
13 compensation, according to a schedule consistent with  
14 the employment and family responsibilities of the  
15 person convicted,

16 d. to pay a reasonable sum into any trust fund,  
17 established pursuant to the provisions of Sections 176  
18 through 180.4 of Title 60 of the Oklahoma Statutes,  
19 and which provides restitution payments by convicted  
20 defendants to victims of crimes committed within this  
21 state wherein such victim has incurred a financial  
22 loss,

23 e. to confinement in the county jail for a period not to  
24 exceed six (6) months,

- 1 f. to confinement as provided by law together with a term  
2 of post-imprisonment community supervision for not  
3 less than three (3) years of the total term allowed by  
4 law for imprisonment, with or without restitution;  
5 provided, however, the authority of this provision is  
6 limited to Section 843.5 of Title 21 of the Oklahoma  
7 Statutes when the offense involved sexual abuse or  
8 sexual exploitation; Sections 681, 741 and 843.1 of  
9 Title 21 of the Oklahoma Statutes when the offense  
10 involved sexual abuse or sexual exploitation; and  
11 Sections 865 et seq., 885, 886, 888, 891, 1021,  
12 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and  
13 1123 of Title 21 of the Oklahoma Statutes,
- 14 g. to repay the reward or part of the reward paid by a  
15 local certified crime stoppers program and the  
16 Oklahoma Reward System. In determining whether the  
17 defendant shall repay the reward or part of the  
18 reward, the court shall consider the ability of the  
19 defendant to make the payment, the financial hardship  
20 on the defendant to make the required payment, and the  
21 importance of the information to the prosecution of  
22 the defendant as provided by the arresting officer or  
23 the district attorney with due regard for the  
24 confidentiality of the records of the local certified

1 crime stoppers program and the Oklahoma Reward System.  
2 The court shall assess this repayment against the  
3 defendant as a cost of prosecution. The term  
4 "certified" means crime stoppers organizations that  
5 annually meet the certification standards for crime  
6 stoppers programs established by the Oklahoma Crime  
7 Stoppers Association to the extent those standards do  
8 not conflict with state statutes. The term "court"  
9 refers to all municipal and district courts within  
10 this state. The "Oklahoma Reward System" means the  
11 reward program established by Section 150.18 of Title  
12 74 of the Oklahoma Statutes,

13 h. to reimburse the Oklahoma State Bureau of  
14 Investigation for costs incurred by that agency during  
15 its investigation of the crime for which the defendant  
16 pleaded guilty, nolo contendere or was convicted,  
17 including compensation for laboratory, technical, or  
18 investigation services performed by the Bureau if, in  
19 the opinion of the court, the defendant is able to pay  
20 without imposing manifest hardship on the defendant,  
21 and if the costs incurred by the Bureau during the  
22 investigation of the defendant's case may be  
23 determined with reasonable certainty,  
24

- 1 i. to reimburse the Oklahoma State Bureau of  
2 Investigation and any authorized law enforcement  
3 agency for all costs incurred by that agency for  
4 cleaning up an illegal drug laboratory site for which  
5 the defendant pleaded guilty, nolo contendere or was  
6 convicted. The court clerk shall collect the amount  
7 and may retain five percent (5%) of such monies to be  
8 deposited in the Court Clerk Revolving Fund to cover  
9 administrative costs and shall remit the remainder to  
10 the Oklahoma State Bureau of Investigation to be  
11 deposited in the OSBI Revolving Fund established by  
12 Section 150.19a of Title 74 of the Oklahoma Statutes  
13 or to the general fund wherein the other law  
14 enforcement agency is located,
- 15 j. to pay a reasonable sum to the Crime Victims  
16 Compensation Board, created by Section 142.2 et seq.  
17 of Title 21 of the Oklahoma Statutes, for the benefit  
18 of crime victims,
- 19 k. to reimburse the court fund for amounts paid to court-  
20 appointed attorneys for representing the defendant in  
21 the case in which the person is being sentenced,
- 22 l. to participate in an assessment and evaluation by an  
23 assessment agency or assessment personnel certified by  
24 the Department of Mental Health and Substance Abuse

1 Services pursuant to Section 3-460 of Title 43A of the  
2 Oklahoma Statutes and, as determined by the  
3 assessment, participate in an alcohol and drug  
4 substance abuse course or treatment program or both,  
5 pursuant to Sections 3-452 and 3-453 of Title 43A of  
6 the Oklahoma Statutes, or as ordered by the court,  
7 m. to be placed in a victims impact panel program, as  
8 defined in subsection H of this section, or  
9 victim/offender reconciliation program and payment of  
10 a fee to the program of not less than Fifteen Dollars  
11 (\$15.00) nor more than Sixty Dollars (\$60.00) as set  
12 by the governing authority of the program to offset  
13 the cost of participation by the defendant. Provided,  
14 each victim/offender reconciliation program shall be  
15 required to obtain a written consent form voluntarily  
16 signed by the victim and defendant that specifies the  
17 methods to be used to resolve the issues, the  
18 obligations and rights of each person, and the  
19 confidentiality of the proceedings. Volunteer  
20 mediators and employees of a victim/offender  
21 reconciliation program shall be immune from liability  
22 and have rights of confidentiality as provided in  
23 Section 1805 of Title 12 of the Oklahoma Statutes,  
24

1 n. to install, at the expense of the defendant, an  
2 ignition interlock device approved by the Board of  
3 Tests for Alcohol and Drug Influence. The device  
4 shall be installed upon every motor vehicle operated  
5 by the defendant, and the court shall require that a  
6 notation of this restriction be affixed to the  
7 defendant's driver license. The restriction shall  
8 remain on the driver license not exceeding two (2)  
9 years to be determined by the court. The restriction  
10 may be modified or removed only by order of the court  
11 and notice of any modification order shall be given to  
12 the Department of Public Safety. Upon the expiration  
13 of the period for the restriction, the Department of  
14 Public Safety shall remove the restriction without  
15 further court order. Failure to comply with the order  
16 to install an ignition interlock device or operating  
17 any vehicle without a device during the period of  
18 restriction shall be a violation of the sentence and  
19 may be punished as deemed proper by the sentencing  
20 court. As used in this paragraph, "ignition interlock  
21 device" means a device that, without tampering or  
22 intervention by another person, would prevent the  
23 defendant from operating a motor vehicle if the  
24



1 defendant has a blood or breath alcohol concentration  
2 of two-hundredths (0.02) or greater,

- 3 o. to be confined by electronic monitoring administered  
4 and supervised by the Department of Corrections or a  
5 community sentence provider, and payment of a  
6 monitoring fee to the supervising authority, not to  
7 exceed Three Hundred Dollars (\$300.00) per month. Any  
8 fees collected pursuant to this paragraph shall be  
9 deposited with the appropriate supervising authority.  
10 Any willful violation of an order of the court for the  
11 payment of the monitoring fee shall be a violation of  
12 the sentence and may be punished as deemed proper by  
13 the sentencing court. As used in this paragraph,  
14 "electronic monitoring" means confinement of the  
15 defendant within a specified location or locations  
16 with supervision by means of an electronic device  
17 approved by the Department of Corrections which is  
18 designed to detect if the defendant is in the court-  
19 ordered location at the required times and which  
20 records violations for investigation by a qualified  
21 supervisory agency or person,
- 22 p. to perform one or more courses of treatment, education  
23 or rehabilitation for any conditions, behaviors,  
24 deficiencies or disorders which may contribute to

1 criminal conduct, including but not limited to alcohol  
2 and substance abuse, mental health, emotional health,  
3 physical health, propensity for violence, antisocial  
4 behavior, personality or attitudes, deviant sexual  
5 behavior, child development, parenting assistance, job  
6 skills, vocational-technical skills, domestic  
7 relations, literacy, education, or any other  
8 identifiable deficiency which may be treated  
9 appropriately in the community and for which a  
10 certified provider or a program recognized by the  
11 court as having significant positive impact exists in  
12 the community. Any treatment, education or  
13 rehabilitation provider required to be certified  
14 pursuant to law or rule shall be certified by the  
15 appropriate state agency or a national organization,  
16 q. to submit to periodic testing for alcohol,  
17 intoxicating substance, or controlled dangerous  
18 substances by a qualified laboratory,  
19 r. to pay a fee, costs for treatment, education,  
20 supervision, participation in a program, or any  
21 combination thereof as determined by the court, based  
22 upon the defendant's ability to pay the fees or costs,  
23  
24

- 1 s. to be supervised by a Department of Corrections  
2 employee, a private supervision provider, or other  
3 person designated by the court,
- 4 t. to obtain positive behavior modeling by a trained  
5 mentor,
- 6 u. to serve a term of confinement in a restrictive  
7 housing facility available in the community,
- 8 v. to serve a term of confinement in the county jail at  
9 night or during weekends pursuant to Section 991a-2 of  
10 this title or for work release,
- 11 w. to obtain employment or participate in employment-  
12 related activities,
- 13 x. to participate in mandatory day reporting to  
14 facilities or persons for services, payments, duties  
15 or person-to-person contacts as specified by the  
16 court,
- 17 y. to pay day fines not to exceed fifty percent (50%) of  
18 the net wages earned. For purposes of this paragraph,  
19 "day fine" means the offender is ordered to pay an  
20 amount calculated as a percentage of net daily wages  
21 earned. The day fine shall be paid to the local  
22 community sentencing system as reparation to the  
23 community. Day fines shall be used to support the  
24 local system,

- 1           z.    to submit to blood or saliva testing as required by  
2                subsection I of this section,
- 3           aa.   to repair or restore property damaged by the  
4                defendant's conduct, if the court determines the  
5                defendant possesses sufficient skill to repair or  
6                restore the property and the victim consents to the  
7                repairing or restoring of the property,
- 8           bb.   to restore damaged property in kind or payment of out-  
9                of-pocket expenses to the victim, if the court is able  
10              to determine the actual out-of-pocket expenses  
11              suffered by the victim,
- 12          cc.   to attend a victim-offender reconciliation program if  
13              the victim agrees to participate and the offender is  
14              deemed appropriate for participation,
- 15          dd.   in the case of a person convicted of prostitution  
16              pursuant to Section 1029 of Title 21 of the Oklahoma  
17              Statutes, require such person to receive counseling  
18              for the behavior which may have caused such person to  
19              engage in prostitution activities. Such person may be  
20              required to receive counseling in areas including but  
21              not limited to alcohol and substance abuse, sexual  
22              behavior problems, or domestic abuse or child abuse  
23              problems,
- 24

1 ee. in the case of a sex offender sentenced after November  
2 1, 1989, and required by law to register pursuant to  
3 the Sex Offender Registration Act, the court shall  
4 require the person to comply with sex offender  
5 specific rules and conditions of supervision  
6 established by the Department of Corrections and  
7 require the person to participate in a treatment  
8 program designed for the treatment of sex offenders  
9 during the period of time while the offender is  
10 subject to supervision by the Department of  
11 Corrections. The treatment program shall include  
12 polygraph examinations specifically designed for use  
13 with sex offenders for purposes of supervision and  
14 treatment compliance, and shall be administered not  
15 less than each six (6) months during the period of  
16 supervision. The examination shall be administered by  
17 a certified licensed polygraph examiner. The  
18 treatment program must be approved by the Department  
19 of Corrections or the Department of Mental Health and  
20 Substance Abuse Services. Such treatment shall be at  
21 the expense of the defendant based on the defendant's  
22 ability to pay,

23 ff. in addition to other sentencing powers of the court,  
24 the court in the case of a defendant being sentenced

1 for a felony conviction for a violation of Section 2-  
2 402 of Title 63 of the Oklahoma Statutes which  
3 involves marijuana may require the person to  
4 participate in a drug court program, if available. If  
5 a drug court program is not available, the defendant  
6 may be required to participate in a community  
7 sanctions program, if available,

8 gg. in the case of a person convicted of any false or  
9 bogus check violation, as defined in Section 1541.4 of  
10 Title 21 of the Oklahoma Statutes, impose a fee of  
11 Twenty-five Dollars (\$25.00) to the victim for each  
12 check, and impose a bogus check fee to be paid to the  
13 district attorney. The bogus check fee paid to the  
14 district attorney shall be equal to the amount  
15 assessed as court costs plus Twenty-five Dollars  
16 (\$25.00) for each check upon filing of the case in  
17 district court. This money shall be deposited in the  
18 Bogus Check Restitution Program Fund as established in  
19 subsection B of Section 114 of this title.

20 Additionally, the court may require the offender to  
21 pay restitution and bogus check fees on any other  
22 bogus check or checks that have been submitted to the  
23 District Attorney Bogus Check Restitution Program, and  
24

1           hh.   in the case of a person convicted of operating or  
2                   being in control of a motor vehicle while the person  
3                   was under the influence of alcohol, order the person  
4                   to abstain or refrain from consuming alcohol for such  
5                   period as the court shall determine and to require  
6                   that a notation of this restriction be affixed to the  
7                   driver license of the person at the time of  
8                   reinstatement of the license. Notice of the order by  
9                   the court shall be transmitted to the Department of  
10                  Public Safety. The restriction shall remain on the  
11                  driver license of the person for a period of three (3)  
12                  years. The restriction may be modified or removed by  
13                  order of the court and notice of the order shall be  
14                  given to the Department. Upon the expiration of the  
15                  period for the restriction, the Department shall  
16                  remove the restriction without further court order.  
17                  Failure to comply with the order to abstain or refrain  
18                  from consuming alcohol shall be a violation of the  
19                  sentence and may be punished as deemed proper by the  
20                  sentencing court, and

21            ii. any other provision specifically ordered by the court.

22            However, any such order for restitution, community service,  
23            payment to a local certified crime stoppers program, payment to the  
24            Oklahoma Reward System, or confinement in the county jail, or a

1 combination thereof, shall be made in conjunction with probation and  
2 shall be made a condition of the suspended sentence.

3       However, unless under the supervision of the district attorney,  
4 the offender shall be required to pay Forty Dollars (\$40.00) per  
5 month to the district attorney during the first two (2) years of  
6 probation to compensate the district attorney for the costs incurred  
7 during the prosecution of the offender and for the additional work  
8 of verifying the compliance of the offender with the rules and  
9 conditions of his or her probation. The district attorney may waive  
10 any part of this requirement in the best interests of justice. The  
11 court shall not waive, suspend, defer or dismiss the costs of  
12 prosecution in its entirety. However, if the court determines that  
13 a reduction in the fine, costs and costs of prosecution is  
14 warranted, the court shall equally apply the same percentage  
15 reduction to the fine, costs and costs of prosecution owed by the  
16 offender;

17       2. Impose a fine prescribed by law for the offense, with or  
18 without probation or commitment and with or without restitution or  
19 service as provided for in this section, Section 991a-4.1 of this  
20 title or Section 227 of Title 57 of the Oklahoma Statutes;

21       3. Commit such person for confinement provided for by law with  
22 or without restitution as provided for in this section;

23       4. Order the defendant to reimburse the Oklahoma State Bureau  
24 of Investigation for costs incurred by that agency during its



1 investigation of the crime for which the defendant pleaded guilty,  
2 nolo contendere or was convicted, including compensation for  
3 laboratory, technical, or investigation services performed by the  
4 Bureau if, in the opinion of the court, the defendant is able to pay  
5 without imposing manifest hardship on the defendant, and if the  
6 costs incurred by the Bureau during the investigation of the  
7 defendant's case may be determined with reasonable certainty;

8       5. Order the defendant to reimburse the Oklahoma State Bureau  
9 of Investigation for all costs incurred by that agency for cleaning  
10 up an illegal drug laboratory site for which the defendant pleaded  
11 guilty, nolo contendere or was convicted. The court clerk shall  
12 collect the amount and may retain five percent (5%) of such monies  
13 to be deposited in the Court Clerk Revolving Fund to cover  
14 administrative costs and shall remit the remainder to the Oklahoma  
15 State Bureau of Investigation to be deposited in the OSBI Revolving  
16 Fund established by Section 150.19a of Title 74 of the Oklahoma  
17 Statutes;

18       6. In the case of nonviolent felony offenses, sentence such  
19 person to the Community Service Sentencing Program;

20       7. In addition to the other sentencing powers of the court, in  
21 the case of a person convicted of operating or being in control of a  
22 motor vehicle while the person was under the influence of alcohol,  
23 other intoxicating substance, or a combination of alcohol or another  
24 intoxicating substance, or convicted of operating a motor vehicle

1 while the ability of the person to operate such vehicle was impaired  
2 due to the consumption of alcohol, require such person:

3 a. to participate in an alcohol and drug assessment and  
4 evaluation by an assessment agency or assessment  
5 personnel certified by the Department of Mental Health  
6 and Substance Abuse Services pursuant to Section 3-460  
7 of Title 43A of the Oklahoma Statutes and, as  
8 determined by the assessment, participate in an  
9 alcohol and drug substance abuse course or treatment  
10 program or both, pursuant to Sections 3-452 and 3-453  
11 of Title 43A of the Oklahoma Statutes,

12 b. to attend a victims impact panel program, as defined  
13 in subsection H of this section, if such a program is  
14 offered in the county where the judgment is rendered,  
15 and to pay a fee of not less than Fifteen Dollars  
16 (\$15.00) nor more than Sixty Dollars (\$60.00) as set  
17 by the governing authority of the program and approved  
18 by the court, to the program to offset the cost of  
19 participation by the defendant, if in the opinion of  
20 the court the defendant has the ability to pay such  
21 fee,

22 c. to both participate in the alcohol and drug substance  
23 abuse course or treatment program, pursuant to  
24 subparagraph a of this paragraph and attend a victims

1 impact panel program, pursuant to subparagraph b of  
2 this paragraph,

- 3 d. to install, at the expense of the person, an ignition  
4 interlock device approved by the Board of Tests for  
5 Alcohol and Drug Influence, upon every motor vehicle  
6 operated by such person and to require that a notation  
7 of this restriction be affixed to the person's driver  
8 license at the time of reinstatement of the license.  
9 The restriction shall remain on the driver license for  
10 such period as the court shall determine. The  
11 restriction may be modified or removed by order of the  
12 court and notice of the order shall be given to the  
13 Department of Public Safety. Upon the expiration of  
14 the period for the restriction, the Department of  
15 Public Safety shall remove the restriction without  
16 further court order. Failure to comply with the order  
17 to install an ignition interlock device or operating  
18 any vehicle without such device during the period of  
19 restriction shall be a violation of the sentence and  
20 may be punished as deemed proper by the sentencing  
21 court, or
- 22 e. beginning January 1, 1993, to submit to electronically  
23 monitored home detention administered and supervised  
24 by the Department of Corrections, and to pay to the

1 Department a monitoring fee, not to exceed Seventy-  
2 five Dollars (\$75.00) a month, to the Department of  
3 Corrections, if in the opinion of the court the  
4 defendant has the ability to pay such fee. Any fees  
5 collected pursuant to this subparagraph shall be  
6 deposited in the Department of Corrections Revolving  
7 Fund. Any order by the court for the payment of the  
8 monitoring fee, if willfully disobeyed, may be  
9 enforced as an indirect contempt of court;

10 8. In addition to the other sentencing powers of the court, in  
11 the case of a person convicted of prostitution pursuant to Section  
12 1029 of Title 21 of the Oklahoma Statutes, require such person to  
13 receive counseling for the behavior which may have caused such  
14 person to engage in prostitution activities. Such person may be  
15 required to receive counseling in areas including but not limited to  
16 alcohol and substance abuse, sexual behavior problems, or domestic  
17 abuse or child abuse problems;

18 9. In addition to the other sentencing powers of the court, in  
19 the case of a person convicted of any crime related to domestic  
20 abuse, as defined in Section 60.1 of this title, the court may  
21 require the defendant to undergo the treatment or participate in the  
22 counseling services necessary to bring about the cessation of  
23 domestic abuse against the victim. The defendant may be required to  
24 pay all or part of the cost of the treatment or counseling services;

1        10. In addition to the other sentencing powers of the court,  
2 the court, in the case of a sex offender sentenced after November 1,  
3 1989, and required by law to register pursuant to the Sex Offenders  
4 Registration Act, shall require the person to participate in a  
5 treatment program designed specifically for the treatment of sex  
6 offenders, if available. The treatment program will include  
7 polygraph examinations specifically designed for use with sex  
8 offenders for the purpose of supervision and treatment compliance,  
9 provided the examination is administered by a certified licensed  
10 polygraph examiner. The treatment program must be approved by the  
11 Department of Corrections or the Department of Mental Health and  
12 Substance Abuse Services. Such treatment shall be at the expense of  
13 the defendant based on the defendant's ability to pay;

14        11. In addition to the other sentencing powers of the court,  
15 the court, in the case of a person convicted of child abuse or  
16 neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma  
17 Statutes, may require the person to undergo treatment or to  
18 participate in counseling services. The defendant may be required  
19 to pay all or part of the cost of the treatment or counseling  
20 services;

21        12. In addition to the other sentencing powers of the court,  
22 the court, in the case of a person convicted of cruelty to animals  
23 pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may  
24

1 require the person to pay restitution to animal facilities for  
2 medical care and any boarding costs of victimized animals;

3 13. In addition to the other sentencing powers of the court, a  
4 sex offender who is habitual or aggravated as defined by Section 584  
5 of Title 57 of the Oklahoma Statutes and who is required to register  
6 as a sex offender pursuant to the Oklahoma Sex Offenders  
7 Registration Act shall be supervised by the Department of  
8 Corrections for the duration of the registration period and shall be  
9 assigned to a global position monitoring device by the Department of  
10 Corrections for the duration of the registration period. The cost  
11 of such monitoring device shall be reimbursed by the offender;

12 14. In addition to the other sentencing powers of the court, in  
13 the case of a sex offender who is required by law to register  
14 pursuant to the Sex Offenders Registration Act, the court may  
15 prohibit the person from accessing or using any Internet social  
16 networking website that has the potential or likelihood of allowing  
17 the sex offender to have contact with any child who is under the age  
18 of eighteen (18) years; or

19 15. In addition to the other sentencing powers of the court, in  
20 the case of a sex offender who is required by law to register  
21 pursuant to the Sex Offenders Registration Act, the court shall  
22 require the person to register any electronic mail address  
23 information, instant message, chat or other Internet communication  
24 name or identity information that the person uses or intends to use

1 while accessing the Internet or used for other purposes of social  
2 networking or other similar Internet communication.

3 B. Notwithstanding any other provision of law, any person who  
4 is found guilty of a violation of any provision of Section 761 or  
5 11-902 of Title 47 of the Oklahoma Statutes or any person pleading  
6 guilty or nolo contendere for a violation of any provision of such  
7 sections shall be ordered to participate in, prior to sentencing, an  
8 alcohol and drug assessment and evaluation by an assessment agency  
9 or assessment personnel certified by the Department of Mental Health  
10 and Substance Abuse Services for the purpose of evaluating the  
11 receptivity to treatment and prognosis of the person. The court  
12 shall order the person to reimburse the agency or assessor for the  
13 evaluation. The fee shall be the amount provided in subsection C of  
14 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation  
15 shall be conducted at a certified assessment agency, the office of a  
16 certified assessor or at another location as ordered by the court.  
17 The agency or assessor shall, within seventy-two (72) hours from the  
18 time the person is assessed, submit a written report to the court  
19 for the purpose of assisting the court in its final sentencing  
20 determination. No person, agency or facility operating an alcohol  
21 and drug substance abuse evaluation program certified by the  
22 Department of Mental Health and Substance Abuse Services shall  
23 solicit or refer any person evaluated pursuant to this subsection  
24 for any treatment program or alcohol and drug substance abuse

1 service in which such person, agency or facility has a vested  
2 interest; however, this provision shall not be construed to prohibit  
3 the court from ordering participation in or any person from  
4 voluntarily utilizing a treatment program or alcohol and drug  
5 substance abuse service offered by such person, agency or facility.  
6 If a person is sentenced to the custody of the Department of  
7 Corrections and the court has received a written evaluation report  
8 pursuant to this subsection, the report shall be furnished to the  
9 Department of Corrections with the judgment and sentence. Any  
10 evaluation report submitted to the court pursuant to this subsection  
11 shall be handled in a manner which will keep such report  
12 confidential from the general public's review. Nothing contained in  
13 this subsection shall be construed to prohibit the court from  
14 ordering judgment and sentence in the event the defendant fails or  
15 refuses to comply with an order of the court to obtain the  
16 evaluation required by this subsection.

17 C. When sentencing a person convicted of a crime, the court  
18 shall first consider a program of restitution for the victim, as  
19 well as imposition of a fine or incarceration of the offender. The  
20 provisions of paragraph 1 of subsection A of this section shall not  
21 apply to defendants being sentenced upon their third or subsequent  
22 to their third conviction of a felony or, beginning January 1, 1993,  
23 to defendants being sentenced for their second or subsequent felony  
24 conviction for violation of Section 11-902 of Title 47 of the



1 Oklahoma Statutes, except as otherwise provided in this subsection.  
2 In the case of a person being sentenced for their second or  
3 subsequent felony conviction for violation of Section 11-902 of  
4 Title 47 of the Oklahoma Statutes, the court may sentence the person  
5 pursuant to the provisions of paragraph 1 of subsection A of this  
6 section if the court orders the person to submit to electronically  
7 monitored home detention administered and supervised by the  
8 Department of Corrections pursuant to subparagraph e of paragraph 7  
9 of subsection A of this section. Provided, the court may waive  
10 these prohibitions upon written application of the district  
11 attorney. Both the application and the waiver shall be made part of  
12 the record of the case.

13 D. When sentencing a person convicted of a crime, the judge  
14 shall consider any victims impact statements if submitted to the  
15 jury, or the judge in the event a jury is waived.

16 E. Probation, for purposes of subsection A of this section, is  
17 a procedure by which a defendant found guilty of a crime, whether  
18 upon a verdict or plea of guilty or upon a plea of nolo contendere,  
19 is released by the court subject to conditions imposed by the court  
20 and subject to supervision by the Department of Corrections, a  
21 private supervision provider or other person designated by the  
22 court. Such supervision shall be initiated upon an order of  
23 probation from the court, and shall not exceed two (2) years, unless  
24 a petition alleging a violation of any condition of deferred

1 judgment or seeking revocation of the suspended sentence is filed  
2 during the supervision, or as otherwise provided by law. In the  
3 case of a person convicted of a sex offense, supervision shall begin  
4 immediately upon release from incarceration or if parole is granted  
5 and shall not be limited to two (2) years. Provided further, any  
6 supervision provided for in this section may be extended for a  
7 period not to exceed the expiration of the maximum term or terms of  
8 the sentence upon a determination by the court or the Division of  
9 Probation and Parole of the Department of Corrections that the best  
10 interests of the public and the release will be served by an  
11 extended period of supervision.

12 F. The Department of Corrections, or such other agency as the  
13 court may designate, shall be responsible for the monitoring and  
14 administration of the restitution and service programs provided for  
15 by subparagraphs a, c, and d of paragraph 1 of subsection A of this  
16 section, and shall ensure that restitution payments are forwarded to  
17 the victim and that service assignments are properly performed.

18 G. 1. The Department of Corrections is hereby authorized,  
19 subject to funds available through appropriation by the Legislature,  
20 to contract with counties for the administration of county Community  
21 Service Sentencing Programs.

22 2. Any offender eligible to participate in the Program pursuant  
23 to this act shall be eligible to participate in a county Program;  
24 provided, participation in county-funded Programs shall not be

1 limited to offenders who would otherwise be sentenced to confinement  
2 with the Department of Corrections.

3 3. The Department shall establish criteria and specifications  
4 for contracts with counties for such Programs. A county may apply  
5 to the Department for a contract for a county-funded Program for a  
6 specific period of time. The Department shall be responsible for  
7 ensuring that any contracting county complies in full with  
8 specifications and requirements of the contract. The contract shall  
9 set appropriate compensation to the county for services to the  
10 Department.

11 4. The Department is hereby authorized to provide technical  
12 assistance to any county in establishing a Program, regardless of  
13 whether the county enters into a contract pursuant to this  
14 subsection. Technical assistance shall include appropriate  
15 staffing, development of community resources, sponsorship,  
16 supervision and any other requirements.

17 5. The Department shall annually make a report to the Governor,  
18 the President Pro Tempore of the Senate and the Speaker of the House  
19 on the number of such Programs, the number of participating  
20 offenders, the success rates of each Program according to criteria  
21 established by the Department and the costs of each Program.

22 H. As used in this section:

23 1. "Ignition interlock device" means a device that, without  
24 tampering or intervention by another person, would prevent the

1 defendant from operating a motor vehicle if the defendant has a  
2 blood or breath alcohol concentration of two-hundredths (0.02) or  
3 greater;

4 2. "Electronically monitored home detention" means  
5 incarceration of the defendant within a specified location or  
6 locations with monitoring by means of a device approved by the  
7 Department of Corrections that detects if the person leaves the  
8 confines of any specified location; and

9 3. "Victims impact panel program" means a meeting with at least  
10 one live presenter who will share personal stories with participants  
11 about how alcohol, drug abuse and the illegal conduct of others has  
12 personally impacted the life of the presenter. A victims impact  
13 panel program shall be attended by persons who have committed the  
14 offense of driving, operating or being in actual physical control of  
15 a motor vehicle while under the influence of alcohol or other  
16 intoxicating substance. Persons attending a victims impact panel  
17 program shall be required to pay a fee of not less than Fifteen  
18 Dollars (\$15.00) nor more than Sixty Dollars (\$60.00) to the  
19 provider of the program. A certificate of completion shall be  
20 issued to the person upon satisfying the attendance and fee  
21 requirements of the victims impact panel program. A victims impact  
22 panel program shall not be provided by any certified assessment  
23 agency or certified assessor. The provider of the victims impact  
24 panel program shall carry general liability insurance and maintain

1 an accurate accounting of all business transactions and funds  
2 received in relation to the victims impact panel program.

3 I. A person convicted of a felony offense or receiving any form  
4 of probation for an offense in which registration is required  
5 pursuant to the Sex Offenders Registration Act, shall submit to  
6 deoxyribonucleic acid DNA testing for law enforcement identification  
7 purposes in accordance with Section 150.27 of Title 74 of the  
8 Oklahoma Statutes and the rules promulgated by the Oklahoma State  
9 Bureau of Investigation for the OSBI Combined DNA Index System  
10 (CODIS) Database. Subject to the availability of funds, any person  
11 convicted of a misdemeanor offense of assault and battery, domestic  
12 abuse, stalking, possession of a controlled substance prohibited  
13 under Schedule IV of the Uniform Controlled Dangerous Substances  
14 Act, outraging public decency, resisting arrest, escape or  
15 attempting to escape, eluding a police officer, peeping tom,  
16 pointing a firearm, unlawful carry of a firearm, illegal transport  
17 of a firearm, discharging of a firearm, threatening an act of  
18 violence, breaking and entering a dwelling place, destruction of  
19 property, negligent homicide, or causing a personal injury accident  
20 while driving under the influence of any intoxicating substance, or  
21 any alien unlawfully present under federal immigration law, upon  
22 arrest, shall submit to deoxyribonucleic acid DNA testing for law  
23 enforcement identification purposes in accordance with Section  
24 150.27 of Title 74 of the Oklahoma Statutes and the rules

1 promulgated by the Oklahoma State Bureau of Investigation for the  
2 OSBI Combined DNA Index System (CODIS) Database. Any defendant  
3 sentenced to probation shall be required to submit to testing within  
4 thirty (30) days of sentencing either to the Department of  
5 Corrections or to the county sheriff or other peace officer as  
6 directed by the court. Defendants who are sentenced to a term of  
7 incarceration shall submit to testing in accordance with Section  
8 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who  
9 enter the custody of the Department of Corrections or to the county  
10 sheriff, for those defendants sentenced to incarceration in a county  
11 jail. Convicted individuals who have previously submitted to DNA  
12 testing under this section and for whom a valid sample is on file in  
13 the OSBI Combined DNA Index System (CODIS) Database at the time of  
14 sentencing shall not be required to submit to additional testing.  
15 Except as required by the Sex Offenders Registration Act, a deferred  
16 judgment does not require submission to deoxyribonucleic acid  
17 testing.

18 Any person who is incarcerated in the custody of the Department  
19 of Corrections after July 1, 1996, and who has not been released  
20 before January 1, 2006, shall provide a blood or saliva sample prior  
21 to release. Every person subject to DNA testing after January 1,  
22 2006, whose sentence does not include a term of confinement with the  
23 Department of Corrections shall submit a blood or saliva sample.  
24 Every person subject to DNA testing who is sentenced to unsupervised

1 probation or otherwise not supervised by the Department of  
2 Corrections shall submit for blood or saliva testing to the sheriff  
3 of the sentencing county.

4 J. Samples of blood or saliva for DNA testing required by  
5 subsection I of this section shall be taken by employees or  
6 contractors of the Department of Corrections, peace officers, or the  
7 county sheriff or employees or contractors of the sheriff's office.  
8 The individuals shall be properly trained to collect blood or saliva  
9 samples. Persons collecting blood or saliva for DNA testing  
10 pursuant to this section shall be immune from civil liabilities  
11 arising from this activity. All collectors of DNA samples shall  
12 ensure the collection of samples are mailed to the Oklahoma State  
13 Bureau of Investigation within ten (10) days of the time the subject  
14 appears for testing or within ten (10) days of the date the subject  
15 comes into physical custody to serve a term of incarceration. All  
16 collectors of DNA samples shall use sample kits provided by the OSBI  
17 and procedures promulgated by the OSBI. Persons subject to DNA  
18 testing who are not received at the Lexington Assessment and  
19 Reception Center shall be required to pay a fee of Fifteen Dollars  
20 (\$15.00) to the agency collecting the sample for submission to the  
21 OSBI Combined DNA Index System (CODIS) Database. Any fees collected  
22 pursuant to this subsection shall be deposited in the revolving  
23 account or the service fee account of the collection agency or  
24 department.

1 K. When sentencing a person who has been convicted of a crime  
2 that would subject that person to the provisions of the Sex  
3 Offenders Registration Act, neither the court nor the district  
4 attorney shall be allowed to waive or exempt such person from the  
5 registration requirements of the Sex Offenders Registration Act.

6 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-107.1, is  
7 amended to read as follows:

8 Section 6-107.1 A. When any district court, municipal court of  
9 record or any municipal court in a city or town in which the judge  
10 is an attorney licensed to practice law in this state has determined  
11 that a person under the age of eighteen (18) years has committed any  
12 offense described in subsection C of this section, ~~or that a person~~  
13 ~~eighteen (18), nineteen (19), or twenty (20) years of age has~~  
14 ~~committed an offense described in Section 11-906.4 of this title,~~  
15 the court shall notify the Department of Public Safety on a form  
16 prescribed by the Department as provided in Section 6-107.2 of this  
17 title.

18 B. The notice shall include the name, date of birth, physical  
19 description and, if known, the driver license number of the person.  
20 The notice shall contain an order to the Department to cancel or  
21 deny driving privileges for a specified period of time, except as  
22 otherwise provided by law, as follows:

- 23 1. For a period of six (6) months for a first offense;
- 24 2. For a period of one (1) year for a second offense;



1           3. For a period of two (2) years for a third or subsequent  
2 offense; or

3           4. In the discretion of the court, until the person attains  
4 twenty-one (21) years of age, if that period of time would be longer  
5 than the period of time provided in paragraph 1, 2 or 3 of this  
6 subsection.

7           Provided, however, if the person is less than sixteen (16) years  
8 of age at the time of the determination, and the person will be less  
9 than sixteen (16) years of age at the end of the period of  
10 cancellation or denial, the Department shall extend the period of  
11 cancellation or denial to the date the person attains sixteen (16)  
12 years of age.

13           The court shall send a copy of the notice to the person first  
14 class, postage prepaid.

15           C. In addition to the administrative revocation of driving  
16 privileges pursuant to Section 754 of this title, and the mandatory  
17 revocation of driving privileges pursuant to Section 6-205.1 of this  
18 title, this section applies to any crime, violation, infraction,  
19 traffic offense or other offense involving or relating to the  
20 possession, use, sale, purchase, transportation, distribution,  
21 manufacture, or consumption of beer, alcohol, or any beverage  
22 containing alcohol and to any crime, violation, infraction, traffic  
23 offense or other offense involving or relating to the possession,  
24 use, sale, purchase, transportation, distribution, manufacture,

1 trafficking, cultivation, consumption, ingestion, inhalation,  
2 injection, or absorption of any controlled dangerous substance as  
3 defined by paragraph 8 of Section 2-101 of Title 63 of the Oklahoma  
4 Statutes or any substance which is capable of being ingested,  
5 inhaled, injected, or absorbed into the human body and is capable of  
6 adversely affecting the central nervous system, vision, hearing, or  
7 other sensory or motor functions.

8 D. When any district court, municipal court of record or any  
9 municipal court in a city or town in which the judge is an attorney  
10 licensed to practice law in this state has determined that a person  
11 under the age of twenty-one (21) years has committed an offense  
12 described in Section 11-906.4 of this title, the court shall notify  
13 the Department of Public Safety on a form prescribed by the  
14 Department as provided in Section 6-107.2 of this title.

15 E. The notice shall include the name, date of birth, physical  
16 description and, if known, the driver license number of the person.  
17 The notice shall contain an order to the Department to cancel or  
18 deny driving privileges until the person attains twenty-one (21)  
19 years of age. The court shall send a copy of the notice to the  
20 person first-class, postage prepaid.

21 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-107.2, is  
22 amended to read as follows:

23 Section 6-107.2 A. The Department of Public Safety shall  
24 prepare and distribute a Notification form to be used by the courts,

1 as provided in Section 6-107.1 of this title. In addition to any  
2 other authority to cancel or deny driving privileges, the Department  
3 of Public Safety shall, upon receipt of such completed Notification  
4 form from a court, cancel or deny all driving privileges of the  
5 person named in the Notification form without hearing, for a period  
6 of time recommended by the court.

7 ~~B. Upon receipt of a second or subsequent Notification from a~~  
8 ~~court relating to the same person, the Department shall cancel or~~  
9 ~~deny driving privileges of the person for a period of two (2) years~~  
10 ~~or until the person attains eighteen (18) years of age, whichever is~~  
11 ~~longer.~~

12 ~~C.~~ Any person whose driving privileges are canceled or denied  
13 pursuant to this section may file a petition for relief based upon  
14 error or hardship.

15 1. The petition shall be filed in the district court which  
16 notified the Department pursuant to Section 6-107.1 of this title  
17 or, if the Notification originated in a municipal court, the  
18 petition shall be filed in the district court of the county in which  
19 the court is located. A copy of the Notification and a copy of the  
20 Department's action canceling or denying driving privileges pursuant  
21 to this section, shall be attached to the petition.

22 2. The district court shall conduct a hearing on the petition  
23 and may determine the matter de novo, without notice to the  
24 Department, and, if applicable, without notice to the municipal

1 court; provided, the district court shall not consider a collateral  
2 attack upon the merits of any conviction or determination which has  
3 become final.

4 3. The district court may deny the petition, or, in its  
5 discretion, issue a written Order to the Department to increase or  
6 decrease the period of cancellation or denial to any period or issue  
7 a written Order to vacate the Department's action taken pursuant to  
8 this section, in its entirety. The content of the Order shall not  
9 grant or purport to grant any driving privileges to the person,  
10 however such order may direct the Department of Public Safety to do  
11 so if the person is otherwise eligible therefor.

12 ~~D.~~ Upon receipt of a written Order from the appropriate court,  
13 the Department shall modify or reinstate any driving privileges as  
14 provided in the Order.

15 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-111, as  
16 last amended by Section 1, Chapter 214, O.S.L. 2016 (47 O.S. Supp.  
17 2016, Section 6-111), is amended to read as follows:

18 Section 6-111. A. 1. The Department of Public Safety shall,  
19 upon payment of the required fee, issue to every applicant  
20 qualifying therefor a Class A, B, C or D driver license or  
21 identification card as applied for, which license or card shall bear  
22 thereon a distinguishing alphanumeric identification assigned to the  
23 licensee or cardholder, date of issuance and date of expiration of  
24 the license or card, the full name, signature or computerized

1 signature, date of birth, residence address, sex, a color photograph  
2 or computerized image of the licensee or cardholder and security  
3 features as determined by the Department. The photograph or image  
4 shall depict a full front unobstructed view of the entire face of  
5 the licensee or cardholder; provided, a commercial learner permit  
6 shall not bear the photograph or image of the licensee. When any  
7 person is issued both a driver license and an identification card,  
8 the Department shall ensure the information on both the license and  
9 the card are the same, unless otherwise provided by law.

10 2. A driver license or identification card issued by the  
11 Department on or after March 1, 2004, shall bear thereon the county  
12 of residence of the licensee or cardholder.

13 3. The Department may cancel the distinguishing number, when  
14 that distinguishing number is another person's Social Security  
15 number, assign a new distinguishing alphanumeric identification, and  
16 issue a new license or identification card without charge to the  
17 licensee or cardholder.

18 4. The Department may promulgate rules for inclusion of the  
19 height and a brief description of the licensee or cardholder on the  
20 face of the card or license identifying the licensee or cardholder  
21 as deaf or hard-of-hearing.

22 5. It is unlawful for any person to apply, adhere, or otherwise  
23 attach to a driver license or identification card any decal,  
24 sticker, label, or other attachment. Any law enforcement officer is

1 authorized to remove and dispose of any unlawful decal, sticker,  
2 label, or other attachment from the driver license of a person. The  
3 law enforcement officer, the employing agency of the officer, the  
4 Department of Public Safety, and the State of Oklahoma shall be  
5 immune from any liability for any loss suffered by the licensee,  
6 cardholder, or the owner of the decal, sticker, label, or other  
7 attachment caused by the removal and destruction of the decal,  
8 sticker, label, or other attachment.

9 6. The Department of Public Safety may develop by rule an  
10 alternative procedure whereby a person may apply for a renewal or  
11 replacement Oklahoma Class D license or Oklahoma identification  
12 card.

13 B. The Department may issue a temporary permit to an applicant  
14 for a driver license permitting such applicant to operate a motor  
15 vehicle while the Department is completing its investigation and  
16 determination of all facts relative to such applicant's privilege to  
17 receive a license. Such permit must be in the immediate possession  
18 of the driver while operating a motor vehicle, and it shall be  
19 invalid when the applicant's driver license has been issued or for  
20 good cause has been refused.

21 C. 1. The Department may issue a restricted commercial driver  
22 license to drivers eighteen (18) years of age or older for any of  
23 the following specific farm-related service industries:

24 a. farm retail outlets and suppliers,

- b. agri-chemical businesses,
- c. custom harvesters, and
- d. livestock feeders.

The applicant shall hold a valid Oklahoma driver license and shall meet all the requirements for a commercial driver license.

The restricted commercial driver license shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

2. The restricted commercial driver license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

- a. diesel fuel in quantities of one thousand (1,000) gallons or less,
- b. liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less, and
- c. solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of such licenses.

D. The Department may issue a non-domiciled commercial learner permit or a non-domiciled commercial driver license to:

1 1. An H2A-Temporary Agricultural worker lawfully present in the  
2 United States as indicated on an original, valid and unexpired I-94  
3 immigration status document issued by the United States Customs and  
4 Immigration Service; and

5 2. A J-1 Exchange Visitor Program participant lawfully present  
6 in the United States as indicated on a valid and unexpired J-1  
7 Visitor Visa issued by the United States Customs and Immigration  
8 Service and who is enrolled in an agricultural education training  
9 program.

10 A person applying for such permit or license must comply with  
11 all testing and licensing requirements in accordance with applicable  
12 federal regulations, state laws and Department rules. The issued  
13 license shall be valid until the expiration of the visa for the non-  
14 domiciled worker. The Department may promulgate rules for the  
15 implementation of the process to carry out the provisions of this  
16 section.

17 E. 1. The Department shall develop a procedure whereby a  
18 person applying for an original, renewal or replacement Class A, B,  
19 C or D driver license or identification card who is required to  
20 register as a convicted sex offender with the Department of  
21 Corrections pursuant to the provisions of the Sex Offenders  
22 Registration Act and who the Department of Corrections designates as  
23 an aggravated or habitual offender pursuant to subsection ¶ N of  
24



1 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a  
2 license or card bearing the words "Sex Offender".

3 2. The Department shall notify every person subject to  
4 registration under the provisions of Section 1-101 et seq. of this  
5 title who holds a current Class A, B, C or D driver license or  
6 identification card that such person is required to surrender the  
7 license or card to the Department within one hundred eighty (180)  
8 days from the date of the notice.

9 3. Upon surrendering the license or card for the reason set  
10 forth in this subsection, application may be made with the  
11 Department for a replacement license or card bearing the words "Sex  
12 Offender".

13 4. Failure to comply with the requirements set forth in such  
14 notice shall result in cancellation of the person's license or card.  
15 Such cancellation shall be in effect for one (1) year, after which  
16 time the person may make application with the Department for a new  
17 license or card bearing the words "Sex Offender". Continued use of  
18 a canceled license or card shall constitute a misdemeanor and shall,  
19 upon conviction thereof, be punishable by a fine of not less than  
20 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars  
21 (\$200.00). When an individual is no longer required to register as  
22 a convicted sex offender with the Department of Corrections pursuant  
23 to the provisions of the Sex Offenders Registration Act, the  
24

1 individual shall be eligible to receive a driver license or  
2 identification card which does not bear the words "Sex Offender".

3 F. Nothing in subsection E of this section shall be deemed to  
4 impose any liability upon or give rise to a cause of action against  
5 any employee, agent or official of the Department of Corrections for  
6 failing to designate a sex offender as an aggravated or habitual  
7 offender pursuant to subsection ¶ N of Section 584 of Title 57 of  
8 the Oklahoma Statutes.

9 G. The Department shall develop a procedure whereby a person  
10 subject to an order for the installation of an ignition interlock  
11 device shall be required by the Department to submit their driver  
12 license for a replacement. The replacement driver license shall  
13 bear the words "Interlock Required" and such designation shall  
14 remain on the driver license for the duration of the order requiring  
15 the ignition interlock device. The replacement license shall be  
16 subject to the same expiration and renewal procedures provided by  
17 law. Upon completion of the requirements for the interlock device,  
18 a person may apply for a replacement driver license.

19 H. The Department shall develop a procedure whereby a person  
20 subject to an order by a court to abstain or refrain from consuming  
21 alcohol as provided in Section 991a of Title 22 of the Oklahoma  
22 Statutes shall be required by the Department to submit his or her  
23 driver license or identification card for a replacement. The  
24 replacement driver license or identification card shall bear the

1 words "Alcohol Restricted" and such designation shall remain on the  
2 driver license or identification card for a period of three (3)  
3 years. The replacement driver license or identification card shall  
4 be subject to the same expiration and renewal procedures provided by  
5 law. Upon completion of the requirements for the order by the court  
6 to abstain or refrain from consuming alcohol, a person may apply for  
7 a replacement driver license or identification card.

8 I. The Department shall develop a procedure whereby a person  
9 applying for an original, renewal or replacement Class D driver  
10 license who has been granted modified driving privileges under this  
11 title shall be issued a Class D driver license which identifies the  
12 license as a modified license.

13 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-205.1, as  
14 amended by Section 1, Chapter 393, O.S.L. 2013 (47 O.S. Supp. 2016,  
15 Section 6-205.1), is amended to read as follows:

16 Section 6-205.1 A. ~~The~~ Except as provided for in subsection F  
17 of this section, the driving privilege of a person twenty-one (21)  
18 years of age or older who is convicted of any offense as provided in  
19 paragraph 2 of subsection A of Section 6-205 of this title, or a  
20 person who has refused to submit to a test or tests as provided in  
21 Section 753 of this title, or a person whose alcohol concentration  
22 is subject to the provisions of Section 754 of this title, shall be  
23 revoked or denied by the Department of Public Safety for the  
24 following period, as applicable:

1        1. The first license revocation pursuant to paragraph 2 of  
2 subsection A of Section 6-205 of this title or to Section 753 or 754  
3 of this title shall be for one hundred eighty (180) days, which may  
4 be modified; provided, any modification under this paragraph shall  
5 apply to Class D motor vehicles only;

6        2. A revocation pursuant to paragraph 2 of subsection A of  
7 Section 6-205 of this title, or to Section 753 or 754 of this title  
8 shall be for a period of one (1) year or longer if driving  
9 privileges are modified pursuant to the provisions of this paragraph  
10 if within ten (10) years preceding the date of arrest relating  
11 thereto, as shown by the records of the Department:

12            a. a prior revocation commenced pursuant to paragraph 2  
13                    or 6 of subsection A of Section 6-205 of this title,  
14                    or to Section 753 or 754 of this title, or

15            b. the record of the person reflects a prior conviction  
16                    in another jurisdiction which did not result in a  
17                    revocation of Oklahoma driving privileges, for a  
18                    violation substantially similar to paragraph 2 of  
19                    subsection A of Section 6-205 of this title, and the  
20                    person was not a resident or a licensee of Oklahoma at  
21                    the time of the offense resulting in the conviction.

22 Such one-year period of revocation may be modified; provided, any  
23 modification under this paragraph shall apply to Class D motor  
24 vehicles only. For any modification, the person shall be required

1 to install an ignition interlock device or devices, pursuant to  
2 Section 754.1 of this title. The period of revocation and the  
3 period of interlock installation shall run concurrently and each  
4 shall be for no less than one (1) year; or

5 3. A revocation pursuant to paragraph 2 of subsection A of  
6 Section 6-205 of this title, or to Section 753 or 754 of this title  
7 shall be for a period of three (3) years or longer if driving  
8 privileges are modified pursuant to the provisions of this paragraph  
9 if within ten (10) years preceding the date of arrest relating  
10 thereto, as shown by the records of the Department:

11 a. two or more prior revocations commenced pursuant to  
12 paragraph 2 or 6 of subsection A of Section 6-205 of  
13 this title, or to Section 753 or 754 of this title,

14 b. the record of the person reflects two or more prior  
15 convictions in another jurisdiction which did not  
16 result in a revocation of Oklahoma driving privileges,  
17 for a violation substantially similar to paragraph 2  
18 of subsection A of Section 6-205 of this title, and  
19 the person was not a resident or a licensee of  
20 Oklahoma at the time of the offense resulting in the  
21 conviction, or

22 c. any combination of two or more prior revocations or  
23 convictions as described in subparagraphs a and b of  
24 this paragraph.

1 Such three-year period of revocation may be modified; provided, any  
2 modification under this paragraph shall apply to Class D motor  
3 vehicles only. For any modification, the person shall be required  
4 to install an ignition interlock device or devices, pursuant to  
5 Section 754.1 of this title. The period of revocation and the  
6 period of interlock installation shall run concurrently and each  
7 shall be for no less than three (3) years.

8 B. The driving privilege of a person who is convicted of any  
9 offense as provided in paragraph 6 of subsection A of Section 6-205  
10 of this title shall be revoked or denied by the Department of Public  
11 Safety for the following period, as applicable:

12 1. The first license revocation shall be for one hundred eighty  
13 (180) days, which may be modified; provided, for license revocations  
14 for a misdemeanor charge of possessing a controlled dangerous  
15 substance, the provisions of this paragraph shall apply to any such  
16 revocations by the Department on or after January 1, 1993; provided  
17 further, any modification under this paragraph shall apply to Class  
18 D motor vehicles only;

19 2. A revocation shall be for a period of one (1) year if within  
20 ten (10) years preceding the date of arrest relating thereto, as  
21 shown by the records of the Department:

22 a. a prior revocation commenced pursuant to paragraph 2  
23 or 6 of subsection A of Section 6-205 of this title,  
24 or under Section 753 or 754 of this title, or

1           b.    the record of the person reflects a prior conviction  
2                    in another jurisdiction which did not result in a  
3                    revocation of Oklahoma driving privileges, for a  
4                    violation substantially similar to paragraph 2 or 6 of  
5                    subsection A of Section 6-205 of this title, and the  
6                    person was not a resident or a licensee of Oklahoma at  
7                    the time of the offense resulting in the conviction.

8 Such period shall not be modified; or

9           3.    A revocation shall be for a period of three (3) years if  
10                within ten (10) years preceding the date of arrest relating thereto,  
11                as shown by the records of the Department:

12           a.    two or more prior revocations commenced pursuant to  
13                    paragraph 2 or 6 of subsection A of Section 6-205 of  
14                    this title, or under Section 753 or 754 of this title,

15           b.    the record of the person reflects two or more prior  
16                    convictions in another jurisdiction which did not  
17                    result in a revocation of Oklahoma driving privileges,  
18                    for a violation substantially similar to paragraph 2  
19                    or 6 of subsection A of Section 6-205 of this title,  
20                    and the person was not a resident or licensee of  
21                    Oklahoma at the time of the offense resulting in the  
22                    conviction, or

1 c. any combination of two or more prior revocations as  
2 described in subparagraphs a and b ~~or~~ of this  
3 paragraph.

4 Such period shall not be modified.

5 The revocation of the driving privilege of any person under this  
6 subsection shall not run concurrently with any other withdrawal of  
7 driving privilege resulting from a different incident and which  
8 requires the driving privilege to be withdrawn for a prescribed  
9 amount of time. A denial based on a conviction of any offense as  
10 provided in paragraph 6 of subsection A of Section 6-205 of this  
11 title shall become effective on the first day the convicted person  
12 is otherwise eligible to apply for and be granted driving privilege  
13 if the person was not eligible to do so at the time of the  
14 conviction.

15 C. For the purposes of this subsection:

16 1. The term "conviction" includes a juvenile delinquency  
17 adjudication by a court or any notification from a court pursuant to  
18 Section 6-107.1 of this title; and

19 2. The term "revocation" includes a denial of driving  
20 privileges by the Department.

21 D. Each period of revocation not subject to modification shall  
22 be mandatory and neither the Department nor any court shall grant  
23 driving privileges based upon hardship or otherwise for the duration  
24 of that period. Each period of revocation, subject to modification



1 as provided for in this section, may be modified as provided for in  
2 Section 754.1 or 755 of this title; provided, any modification under  
3 this paragraph shall apply to Class D motor vehicles only.

4 E. Any appeal of a revocation or denial of driving privileges  
5 shall be governed by Section 6-211 of this title.

6 F. Any person under the age of twenty-one (21) years who is  
7 convicted of an offense described in Section 11-906.4 of this title  
8 shall have driving privileges revoked or denied by the Department of  
9 Public Safety until the person attains twenty-one (21) years of age.  
10 Such period may be modified; provided, any modification under this  
11 subsection shall apply to Class D motor vehicles only. For any  
12 modification, the person shall be required to install an ignition  
13 interlock device or devices, pursuant to Section 754.1 of this  
14 title. The period of revocation and the period of interlock  
15 installation shall run concurrently until the person attains twenty-  
16 one (21) years of age.

17 SECTION 7. AMENDATORY 47 O.S. 2011, Section 11-906.4, is  
18 amended to read as follows:

19 Section 11-906.4 A. It is unlawful, and punishable as provided  
20 in subsection B of this section, for any person under twenty-one  
21 (21) years of age to drive, operate, or be in actual physical  
22 control of a motor vehicle within this state who:  
23  
24

1           1. Has any measurable quantity of alcohol in the person's blood  
2 or breath at the time of a test administered within two (2) hours  
3 after an arrest of the person;

4           2. Exhibits evidence of being under the influence of any other  
5 intoxicating substance as shown by analysis of a specimen of the  
6 person's blood, breath, saliva, or urine in accordance with the  
7 provisions of Sections 752 and 759 of this title; or

8           3. Exhibits evidence of the combined influence of alcohol and  
9 any other intoxicating substance.

10          B. Any person under twenty-one (21) years of age who violates  
11 any provision of this section shall be subject to the seizure of the  
12 driver license of that person at the time of arrest or detention and  
13 the person, upon conviction, shall be guilty of operating or being  
14 in actual physical control of a motor vehicle while under the  
15 influence while under age and shall be punished:

16           1. For a first conviction, by:

17               a. a fine of not less than One Hundred Dollars (\$100.00)

18                       nor more than Five Hundred Dollars (\$500.00),

19               b. assignment to and completion of twenty (20) hours of  
20                       community service,

21               c. requiring the person to attend and complete a  
22                       treatment program, or

23               d. any combination of fine, community service, or  
24                       treatment;

1        2. Upon a second conviction, by:

- 2            a. assignment to and completion of not less than two  
3            hundred forty (240) hours of community service, and  
4            b. the requirement, after the conclusion of the mandatory  
5            revocation period, to install an ignition interlock  
6            device or devices, as provided by subparagraph n of  
7            paragraph 1 of subsection A of Section 991a of Title  
8            22 of the Oklahoma Statutes, for a period of not less  
9            than thirty (30) days.

10 In addition, a second conviction may be punished by a fine of not  
11 less than One Hundred Dollars (\$100.00) nor more than One Thousand  
12 Dollars (\$1,000.00), or by requiring the person to attend and  
13 complete a treatment program, as recommended by the assessment  
14 required pursuant to subparagraph c of paragraph 2 of subsection D  
15 of this section, or by both; or

16        3. Upon a third or subsequent conviction, by:

- 17            a. assignment to and completion of not less than four  
18            hundred eighty (480) hours of community service, and  
19            b. the requirement, after the conclusion of the mandatory  
20            revocation period, to install an ignition interlock  
21            device or devices, as provided by subparagraph n of  
22            paragraph 1 of subsection A of Section 991a of Title  
23            22 of the Oklahoma Statutes, for a period of not less  
24            than thirty (30) days.

1 In addition, a third or subsequent conviction may be punished by a  
2 fine of not less than One Hundred Dollars (\$100.00) nor more than  
3 Two Thousand Dollars (\$2,000.00), or by requiring the person to  
4 attend and complete a treatment program, as recommended by the  
5 assessment required pursuant to subparagraph c of paragraph 2 of  
6 subsection D of this section, or by both.

7 C. The court may assess additional community service hours in  
8 lieu of any fine specified in this section.

9 D. In addition to any penalty or condition imposed pursuant to  
10 the provisions of this section, the person shall be subject to:

11 1. Upon a first conviction:

12 a. the cancellation or denial of driving privileges as  
13 ordered by the court pursuant to subsection B of  
14 Section 6-107.1 of this title,

15 b. the mandatory revocation of driving privileges  
16 pursuant to Section 6-205.1, 753 or 754 of this title,  
17 which revocation period may be modified as provided by  
18 law, and

19 c. the continued installation of an ignition interlock  
20 device or devices, at the expense of the person, as  
21 provided in subsection D of Section 6-212.3 of this  
22 title, after the mandatory period of cancellation,  
23 denial or revocation for a period as provided in  
24

1 paragraph 1 of subsection A of Section 6-212.3 of this  
2 title;

3 2. Upon a second conviction:

- 4 a. the cancellation or denial of driving privileges, as  
5 ordered by the court pursuant to subsection ~~B~~ E of  
6 Section ~~6-107.2~~ 6-107.1 of this title,  
7  
8 b. the mandatory revocation of driving privileges  
9 pursuant to Section 6-205.1, 753 or 754 of this title,  
10 which period may be modified as provided by law,  
11  
12 c. an assessment of the person's degree of alcohol abuse,  
13 in the same manner as prescribed in subsection ~~H~~ G of  
14 Section 11-902 of this title, which may result in  
15 treatment as deemed appropriate by the court, and  
16  
17 d. the continued installation of an ignition interlock  
18 device or devices, at the expense of the person, as  
19 provided in subsection D of Section 6-212.3 of this  
20 title, after the mandatory period of cancellation,  
21 denial or revocation for a period as provided in  
22 paragraph 2 of subsection A of Section 6-212.3 of this  
23 title; and  
24

21 3. Upon a third or subsequent conviction:

- 22 a. the cancellation or denial of driving privileges as  
23 ordered by the court pursuant to subsection ~~B~~ E of  
24 Section ~~6-107.2~~ 6-107.1 of this title,

- 1           b.    the mandatory revocation of driving privileges  
2                   pursuant to Section 6-205.1, 753 or 754 of this title,  
3                   which period may be modified as provided by law,  
4           c.    an assessment of the person's degree of alcohol abuse,  
5                   in the same manner as prescribed in subsection ~~H~~ G of  
6                   Section 11-902 of this title, which may result in  
7                   treatment as deemed appropriate by the court, and  
8           d.    the continued installation of an ignition interlock  
9                   device or devices, at the expense of the person, as  
10                  provided in subsection D of Section 6-212.3 of this  
11                  title, after the mandatory period of cancellation,  
12                  denial, or revocation for a period as provided in  
13                  paragraph 3 of subsection A of Section 6-212.3 of this  
14                  title.

15           E.    Nothing in this section shall be construed to prohibit the  
16   filing of charges pursuant to Section 761 or 11-902 of this title  
17   when the facts warrant.

18           F.    As used in this section:

19           1.    The term "conviction" includes a juvenile delinquency  
20   adjudication by a court; and

21           2.    The term "revocation" includes the cancellation or denial of  
22   driving privileges by the Department.

23           SECTION 8.   This act shall become effective November 1, 2017.  
24

1 Passed the House of Representatives the 22nd day of March, 2017.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

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

6  
7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate