

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB108 Of the printed Bill

Page 3-5 Section 1 Lines Of the Engrossed Bill

By deleting paragraphs 2, 3, 4 & 5 on Pages 3, 4 & 5 and inserting in lieu thereof, the following language:

"2. Any person who is convicted, receives a deferred sentence, or receives a suspended sentence for an offense provided for in this section, excluding the use of marijuana, and receives a second conviction within ten (10) years for an offense provided for in this section shall, upon conviction, be guilty of a misdemeanor punishable as such terms are provided for in paragraph 1 of this subsection. In addition, the person may be required to:

- a. complete a substance abuse assessment or evaluation and follow the recommendations subsequent thereto, and
b. complete a drug diversion program for up to one (1) year following the date of conviction as ordered by the court. If the person refuses or fails to complete the drug diversion program, the person may be subject to the terms of punishment provided for in paragraph 1 of this subsection.

3. Any person who is convicted, receives a deferred sentence, or receives a suspended sentence for an offense provided for in this section, excluding the use of marijuana, and receives a third or subsequent conviction within ten (10) years for an offense provided for in this section shall, upon conviction, be guilty of a misdemeanor punishable as such terms are provided for in paragraph 1 of this subsection. In addition, the person may be required to:

(AMENDMENT CONTINUED BELOW)

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Forrest Bennett

Adopted:

Reading Clerk

- a. complete a substance abuse assessment or evaluation and follow the recommendations subsequent thereto, and
- b. complete a drug diversion program for up to three (3) years following the date of conviction as ordered by the court. If the person refuses or fails to complete the drug diversion program, the person may be subject to the terms of punishment provided for in paragraph 1 of this subsection." and

Page 5, Section 1, Line 8: By inserting after the letter "C." and before the word "Any" the following language:

"Violations under this section shall be referred to the state or to a municipal court of record for prosecution. The offense may be prosecuted in a municipal court not of record if the court has the discretion to require any of the drug diversion options outlined in subparagraphs a and b of paragraphs 2 and 3 of subsection B of this section as a component of a sentence, deferred sentence, or suspended sentence. Municipal courts may adopt ordinances consistent with the provisions of this section.

D."