

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 54

By: Weaver

AS INTRODUCED

An Act relating to motor vehicle safety; amending 47 O.S. 2021, Section 11-902, which relates to persons under the influence of alcohol or other intoxicating substance; modifying sentencing provisions for certain violations; modifying scope of certain offense; creating felony and misdemeanor offenses; modifying scope of penalties for certain offense; updating statutory language and references; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 11-902, is amended to read as follows:

Section 11-902. A. It is unlawful and punishable as provided for in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley, or lane which provides access to one or more single or multi-family dwellings, who:

1 1. Has a blood or breath alcohol concentration, as defined in
2 Section 756 of this title, of eight-hundredths (0.08) or more at the
3 time of a test of such person's blood or breath administered within
4 two (2) hours after the arrest of such person;

5 2. Is under the influence of alcohol;

6 3. Has any amount of a Schedule I chemical or controlled
7 substance, as defined in Section 2-204 of Title 63 of the Oklahoma
8 Statutes, or one of its metabolites or analogs in the person's
9 blood, saliva, urine, or any other bodily fluid at the time of a
10 test of such person's blood, saliva, urine, or any other bodily
11 fluid administered within two (2) hours after the arrest of such
12 person;

13 4. Is under the influence of any intoxicating substance other
14 than alcohol which may render such person incapable of safely
15 driving or operating a motor vehicle; or

16 5. Is under the combined influence of alcohol and any other
17 intoxicating substance which may render such person incapable of
18 safely driving or operating a motor vehicle.

19 B. The fact that any person charged with a violation of this
20 section is or has been lawfully entitled to use alcohol or a
21 controlled dangerous substance or any other intoxicating substance
22 shall not constitute a defense against any charge of violating this
23 section.

1 C. 1. Any person who is convicted of a violation of the
2 provisions of this section shall be guilty of a misdemeanor for the
3 first offense and shall:

- 4 a. participate in an assessment and evaluation pursuant
5 to subsection Ⓔ H of this section and shall follow all
6 recommendations made in the assessment and evaluation,
- 7 b. be punished by imprisonment in jail for not less than
8 ten (10) days nor more than one (1) year, and
- 9 c. be fined not more than One Thousand Dollars
10 (\$1,000.00).

11 2. Any person who, having been convicted of or having received
12 deferred judgment for a violation of this section or a violation
13 pursuant to the provisions of any law of this state or another state
14 prohibiting the offenses provided in this section, Section 11-904 of
15 this title, or paragraph 4 of subsection A of Section 852.1 of Title
16 21 of the Oklahoma Statutes, or having a prior conviction in a
17 municipal criminal court of record for the violation of a municipal
18 ordinance prohibiting the offense provided for in this section,
19 commits a subsequent violation of this section within ten (10) years
20 of the date following the completion of the execution of ~~said~~ such
21 sentence or deferred judgment shall, upon conviction, be guilty of a
22 felony and shall participate in an assessment and evaluation
23 pursuant to subsection Ⓔ H of this section and shall be sentenced
24 to:

- 1 a. follow all recommendations made in the assessment and
2 evaluation for treatment at the defendant's expense,
3 ~~or~~
- 4 b. ~~placement~~ use of an ignition interlock device, as
5 provided by subparagraph n of paragraph 1 of
6 subsection A of Section 991a of Title 22 of the
7 Oklahoma Statutes, for a minimum of thirty (30) days,
- 8 c. imprisonment in the custody of the Department of
9 Corrections for not less than one (1) year and not ~~to~~
10 ~~exceed~~ more than five (5) years, and
- 11 d. a fine ~~of~~ not more than Two Thousand Five Hundred
12 Dollars (\$2,500.00), ~~or~~
- 13 ~~e. treatment, imprisonment, and a fine within the~~
14 ~~limitations prescribed in subparagraphs a and b of~~
15 ~~this paragraph.~~

16 However, if the treatment in subsection G H of this section does
17 not include residential or inpatient treatment for a period of not
18 less than five (5) days, the person shall serve a term of
19 imprisonment of at least five (5) days.

20 3. Any person who commits a violation of this section after
21 having been convicted of a felony offense pursuant to the provisions
22 of this section or a violation pursuant to the provisions of any law
23 of this state or another state prohibiting the offenses provided for
24 in this section, Section 11-904 of this title, or paragraph 4 of

1 subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes
2 shall be guilty of a felony and participate in an assessment and
3 evaluation pursuant to subsection G H of this section and shall be
4 sentenced to:

5 a. follow all recommendations made in the assessment and
6 evaluation for treatment at the defendant's expense,

7 b. two hundred forty (240) hours of community service,
8 and

9 c. use of an ignition interlock device, as provided by
10 subparagraph n of paragraph 1 of subsection A of
11 Section 991a of Title 22 of the Oklahoma Statutes, ~~or~~
12 for a minimum of sixty (60) days,

13 ~~b.~~ placement

14 d. imprisonment in the custody of the Department of
15 Corrections for not less than one (1) year and not ~~to~~
16 ~~exceed~~ more than ten (10) years, and

17 e. a fine ~~of~~ not more than Five Thousand Dollars
18 (\$5,000.00), ~~or~~

19 ~~c. treatment, imprisonment and a fine within the~~
20 ~~limitations prescribed in subparagraphs a and b of~~
21 ~~this paragraph.~~

22 However, if the treatment in subsection G H of this section does
23 not include residential or inpatient treatment for a period of not
24

1 less than ten (10) days, the person shall serve a term of
2 imprisonment of at least ten (10) days.

3 4. Any person who commits a violation of this section after
4 having been twice convicted of a felony offense pursuant to the
5 provisions of this section or a violation pursuant to the provisions
6 of any law of this state or another state prohibiting the offenses
7 provided for in this section, Section 11-904 of this title, or
8 paragraph 4 of subsection A of Section 852.1 of Title 21 of the
9 Oklahoma Statutes shall be guilty of a felony and participate in an
10 assessment and evaluation pursuant to subsection ~~G~~ H of this section
11 and shall be sentenced to:

12 a. follow all recommendations made in the assessment and
13 evaluation for treatment at the defendant's expense,
14 followed by not less than one (1) year of supervision
15 and periodic testing as provided in subparagraph q of
16 paragraph 1 of subsection A of Section 991a of Title
17 22 of the Oklahoma Statutes at the defendant's
18 expense,

19 b. four hundred eighty (480) hours of community service,
20 ~~and~~

21 c. use of an ignition interlock device, as provided by
22 subparagraph n of paragraph 1 of subsection A of
23 Section 991a of Title 22 of the Oklahoma Statutes, for
24 a minimum of ~~thirty (30)~~ ninety (90) days, ~~or~~

1 ~~b. placement~~

2 d. imprisonment in the custody of the Department of
3 Corrections for not less than one (1) year and not to
4 ~~exceed~~ more than twenty (20) years, and

5 e. a fine ~~of~~ not more than Five Thousand Dollars
6 (\$5,000.00), ~~or~~

7 ~~e. treatment, imprisonment and a fine within the~~
8 ~~limitations prescribed in subparagraphs a and b of~~
9 ~~this paragraph.~~

10 However, if the person does not undergo residential or inpatient
11 treatment pursuant to subsection G H of this section the person
12 shall serve a term of imprisonment of at least ten (10) days.

13 5. Any person who, after a previous conviction of a violation
14 of murder in the second degree or manslaughter in the first degree
15 in which the death was caused as a result of driving under the
16 influence of alcohol or other intoxicating substance, is convicted
17 of a violation of this section shall be guilty of a felony and shall
18 be punished by imprisonment in the custody of the Department of
19 Corrections for not less than five (5) years and not to exceed
20 twenty (20) years, and a fine ~~of~~ not more than Ten Thousand Dollars
21 (\$10,000.00).

22 6. Provided, however, a conviction from another state shall not
23 be used to enhance punishment pursuant to the provisions of this
24

1 subsection if that conviction is based on a blood or breath alcohol
2 concentration of less than eight-hundredths (0.08).

3 7. In any case in which a defendant is charged with driving
4 under the influence of alcohol or other intoxicating substance
5 offense within any municipality with a municipal court other than a
6 court of record, the charge shall be presented to the county's
7 district attorney and filed with the district court of the county
8 within which the municipality is located.

9 D. Any person who is convicted of a violation of driving under
10 the influence with a blood or breath alcohol concentration of
11 fifteen-hundredths (0.15) or more ~~pursuant to this section~~ at the
12 time of a test of such person's blood or breath administered within
13 two (2) hours after the arrest of such person and one or more of the
14 following violations apply:

15 1. A motor vehicle incident involving one or more vehicles
16 resulting in a report pursuant to Section 40-102 of this title;

17 2. Driving the wrong way pursuant to Section 11-301, 11-302,
18 11-306, 11-309, or 11-311 of this title;

19 3. Driving while eluding law enforcement pursuant to Section
20 540a of Title 21 of the Oklahoma Statutes;

21 4. Driving with speed in excess of twenty (20) miles per hour
22 over the speed limit or ten (10) miles per hour over the speed limit
23 within an active school zone;

1 5. Operating a motor vehicle with a passenger younger than
2 eighteen (18) years of age; or

3 6. Reckless driving as defined in Section 11-901 of this title,
4 shall be deemed guilty of aggravated driving under the influence.
5 Any person convicted of a violation pursuant to this subsection
6 shall be guilty of a felony. If a person is convicted of a first
7 offense predicated solely on a blood or breath alcohol concentration
8 of fifteen-hundredths (0.15) or more, such person shall be guilty of
9 a misdemeanor.

10 E. A person convicted of aggravated driving under the influence
11 shall participate in an assessment and evaluation pursuant to
12 subsection G H of this section and shall comply with all
13 recommendations for treatment. Such person shall be sentenced as
14 provided in paragraph 1, 2, 3, 4, or 5 of subsection C of this
15 section and to:

16 1. Imprisonment in the custody of the Department of Corrections
17 as provided in paragraph 1, 2, 3, 4, or 5 of subsection C of this
18 section, provided that:

19 a. for a first offense of a violation pursuant to this
20 section, the first ten (10) days of the sentence shall
21 not be subject to probation, suspension, or deferral
22 and may be served by night or weekend incarceration
23 pursuant to Section 991a of Title 22 of the Oklahoma
24 Statutes,

1 b. for a second offense of a violation pursuant to this
2 section, the first thirty (30) days of the sentence
3 shall not be subject to probation, suspension, or
4 deferral; provided further, this mandatory minimum
5 period of confinement shall be served in the county
6 jail as a condition of a suspended or deferred
7 sentence, pursuant to Section 991a of Title 22 of the
8 Oklahoma Statutes, and

9 c. the portion of the sentence not subject to probation,
10 suspension, or deferral shall increase by thirty (30)
11 days for each subsequent conviction after the second
12 offense;

13 2. A fine pursuant to paragraph 1, 2, 3, 4, or 5 of subsection
14 C of this section;

15 3. Not less than one (1) year of supervision and periodic
16 testing as provided in subparagraph q of paragraph 1 of subsection A
17 of Section 991a of Title 22 of the Oklahoma Statutes at the
18 defendant's expense; and

19 ~~2.~~ 4. An ignition interlock device or devices, as provided by
20 subparagraph n of paragraph 1 of subsection A of Section 991a of
21 Title 22 of the Oklahoma Statutes, for a minimum of ninety (90) ~~one~~
22 hundred eighty (180) days.

23 ~~E.~~ F. When a person is sentenced to imprisonment in the custody
24 of the Department of Corrections, the person shall be processed

1 through the Lexington Assessment and Reception Center or at a place
2 determined by the Director of the Department of Corrections. The
3 Department of Corrections shall classify and assign the person to
4 one or more of the following:

5 1. The Department of Mental Health and Substance Abuse Services
6 pursuant to paragraph 1 of subsection A of Section 612 of Title 57
7 of the Oklahoma Statutes; or

8 2. A correctional facility operated by the Department of
9 Corrections with assignment to substance abuse treatment.

10 Successful completion of a Department-of-Corrections-approved
11 substance abuse treatment program shall satisfy the recommendation
12 for a ten-hour or twenty-four-hour alcohol and drug substance abuse
13 course or treatment program or both. Successful completion of an
14 approved Department of Corrections substance abuse treatment program
15 may precede or follow the required assessment.

16 ~~F. G.~~ The Department of Public Safety Service Oklahoma is
17 hereby authorized to reinstate any suspended or revoked driving
18 privilege when the person meets the statutory requirements which
19 affect the existing driving privilege.

20 ~~G. H.~~ Any person who is found guilty of a violation of the
21 provisions of this section shall be ordered to participate in an
22 alcohol and drug substance abuse evaluation and assessment program
23 offered by a certified assessment agency or certified assessor for
24 the purpose of evaluating and assessing the receptivity to treatment

1 and prognosis of the person and shall follow all recommendations
2 made in the assessment and evaluation for treatment. The court
3 shall order the person to reimburse the agency or assessor for the
4 evaluation and assessment. Payment shall be remitted by the
5 defendant or on behalf of the defendant by any third party;
6 provided, no state-appropriated funds are utilized. The fee for an
7 evaluation and assessment shall be the amount provided in subsection
8 C of Section 3-460 of Title 43A of the Oklahoma Statutes. The
9 evaluation and assessment shall be conducted at a certified
10 assessment agency, the office of a certified assessor, or at another
11 location as ordered by the court. The agency or assessor shall,
12 within seventy-two (72) hours from the time the person is evaluated
13 and assessed, submit a written report to the court for the purpose
14 of assisting the court in its sentencing determination. The court
15 shall, as a condition of any sentence imposed, including deferred
16 and suspended sentences, require the person to participate in and
17 successfully complete all recommendations from the evaluation, such
18 as an alcohol and substance abuse treatment program pursuant to
19 Section 3-452 of Title 43A of the Oklahoma Statutes. If such report
20 indicates that the evaluation and assessment shows that the
21 defendant would benefit from a ten-hour or twenty-four-hour alcohol
22 and drug substance abuse course or a treatment program or both, the
23 court shall, as a condition of any sentence imposed, including
24 deferred and suspended sentences, require the person to follow all

1 recommendations identified by the evaluation and assessment and
2 ordered by the court. No person, agency, or facility operating an
3 evaluation and assessment program certified by the Department of
4 Mental Health and Substance Abuse Services shall solicit or refer
5 any person evaluated and assessed pursuant to this section for any
6 treatment program or substance abuse service in which such person,
7 agency, or facility has a vested interest; however, this provision
8 shall not be construed to prohibit the court from ordering
9 participation in or any person from voluntarily utilizing a
10 treatment program or substance abuse service offered by such person,
11 agency, or facility. If a person is sentenced to imprisonment in
12 the custody of the Department of Corrections and the court has
13 received a written evaluation report pursuant to the provisions of
14 this subsection, the report shall be furnished to the Department of
15 Corrections with the judgment and sentence. Any evaluation and
16 assessment report submitted to the court pursuant to the provisions
17 of this subsection shall be handled in a manner which will keep such
18 report confidential from the general public's review. Nothing
19 contained in this subsection shall be construed to prohibit the
20 court from ordering judgment and sentence in the event the defendant
21 fails or refuses to comply with an order of the court to obtain the
22 evaluation and assessment required by this subsection. If the
23 defendant fails or refuses to comply with an order of the court to
24 obtain the evaluation and assessment, ~~the Department of Public~~

1 ~~Safety~~ Service Oklahoma shall not reinstate driving privileges until
2 the defendant has complied in full with such order. Nothing
3 contained in this subsection shall be construed to prohibit the
4 court from ordering judgment and sentence and any other sanction
5 authorized by law for failure or refusal to comply with an order of
6 the court.

7 ~~H.~~ I. Any person who is found guilty of a violation of the
8 provisions of this section shall be required by the court to attend
9 a victims impact panel program, as defined in subsection H of
10 Section 991a of Title 22 of the Oklahoma Statutes, if such a program
11 is offered in the county where the judgment is rendered, and to pay
12 a fee of Seventy-five Dollars (\$75.00), as set by the governing
13 authority of the program and approved by the court, to the program
14 to offset the cost of participation by the defendant, if in the
15 opinion of the court the defendant has the ability to pay such fee.

16 ~~I.~~ J. Any person who is found guilty of a felony violation of
17 the provisions of this section shall be required to submit to
18 electronic monitoring as authorized and defined by Section 991a of
19 Title 22 of the Oklahoma Statutes.

20 ~~J.~~ K. Any person who is found guilty of a violation of the
21 provisions of this section who has been sentenced by the court to
22 perform any type of community service shall not be permitted to pay
23 a fine in lieu of performing the community service.
24

1 ~~K.~~ L. When a person is found guilty of a violation of the
2 provisions of this section, the court shall order, in addition to
3 any other penalty, the defendant to pay ~~a one-hundred-dollar~~
4 ~~assessment~~ an assessment of One Hundred Dollars (\$100.00) to be
5 deposited in the Drug Abuse Education and Treatment Revolving Fund
6 created in Section 2-503.2 of Title 63 of the Oklahoma Statutes,
7 upon collection.

8 ~~L.~~ M. 1. When a person is eighteen (18) years of age or older,
9 and is the driver, operator, or person in physical control of a
10 vehicle, and is convicted of violating any provision of this section
11 while transporting or having in the motor vehicle any child less
12 than eighteen (18) years of age, the fine shall be enhanced to
13 double the amount of the fine imposed for the underlying driving
14 under the influence (DUI) violation which shall be in addition to
15 any other penalties allowed by this section.

16 2. Nothing in this subsection shall prohibit the prosecution of
17 a person pursuant to Section 852.1 of Title 21 of the Oklahoma
18 Statutes who is in violation of any provision of this section or
19 Section 11-904 of this title.

20 ~~M.~~ N. Any plea of guilty, nolo contendere, or finding of guilt
21 for a violation of this section or a violation pursuant to the
22 provisions of any law of this state or another state prohibiting the
23 offenses provided for in this section, Section 11-904 of this title,
24 or paragraph 4 of subsection A of Section 852.1 of Title 21 of the

1 Oklahoma Statutes, shall constitute a conviction of the offense for
2 the purpose of this section; provided, any deferred judgment shall
3 only be considered to constitute a conviction for a period of ten
4 (10) years following the completion of any court-imposed
5 probationary term.

6 ~~N.~~ O. If qualified by knowledge, skill, experience, training,
7 or education, a witness shall be allowed to testify in the form of
8 an opinion or otherwise solely on the issue of impairment, but not
9 on the issue of specific alcohol concentration level, relating to
10 the following:

11 1. The results of any standardized field sobriety test
12 including, but not limited to, the horizontal gaze nystagmus (HGN)
13 test administered by a person who has completed training in
14 standardized field sobriety testing; or

15 2. Whether a person was under the influence of one or more
16 impairing substances and the category of such impairing substance or
17 substances. A witness who has received training and holds a current
18 certification as a drug recognition expert shall be qualified to
19 give the testimony in any case in which such testimony may be
20 relevant.

21 SECTION 2. This act shall become effective November 1, 2025.

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