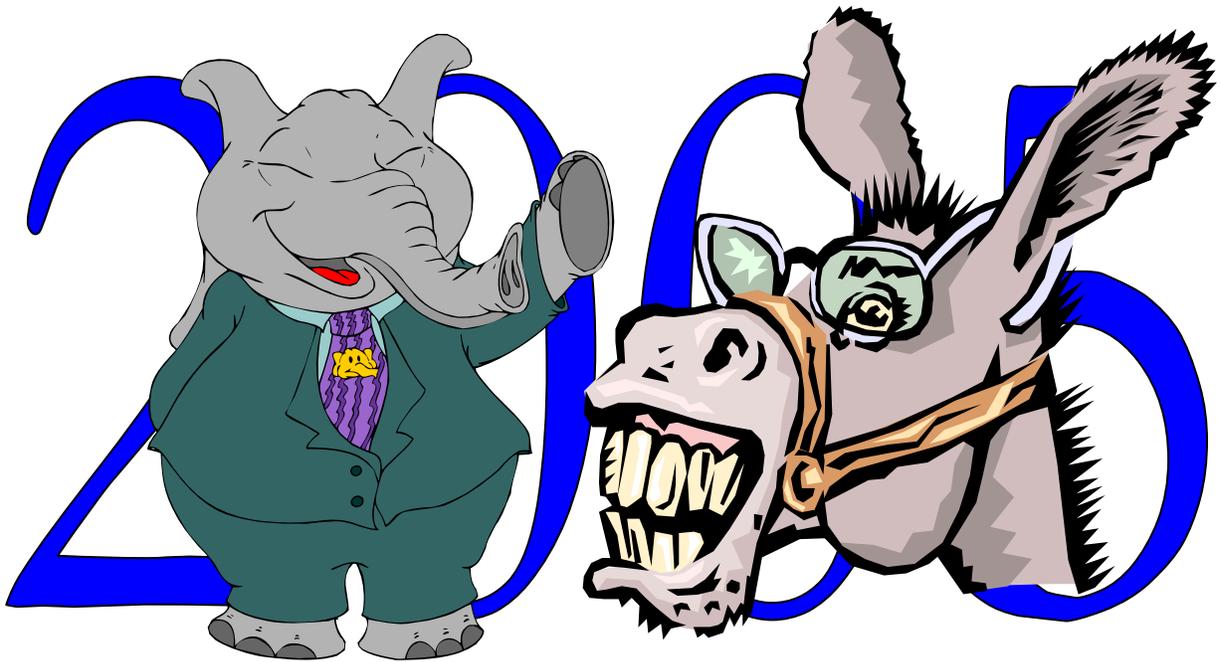


THE OKLAHOMA DISTRICT ATTORNEYS COUNCIL AND
THE OKLAHOMA DISTRICT ATTORNEYS ASSOCIATION
PROUDLY PRESENTS:



LEGISLATIVE UPDATE

By: Trent H. Baggett
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Oklahoma District Attorneys Council

FORWARD

The views expressed in this *FORWARD* are the views of this author only and do not necessarily reflect the views of the District Attorneys Council.

“And when I am elected I promise smaller government, less government intrusion into your personal lives, fewer taxes, more accountability, to be tough on crime, not to cater to special interest groups, not to play party politics, not to be a “good ol’ boy,” not to be a career politician, never to give anything to a *@#!%’ trial lawyer, and to vote by THE Book.”

The 1st Session of the 50th Oklahoma Legislature welcomed fifty-two (Yes, 52) new faces to the State Capitol. Thirty-nine (39) Representatives and thirteen (13) Senators. Thirty (30) Republicans and twenty-two (22) Democrats. For the first time in approximately eighty (80) years, the Republican Party held the majority in the Oklahoma House of Representatives. To give you a little history on the issues of the day in 1925, here are a few of the events that occurred: Benito Mussolini became dictator of Italy; Calvin Coolidge became the first President to have his inauguration broadcast on radio; The Chrysler Corporation was founded; Adolph Hitler published *Mein Kampf*; The Grand Ole Opry debuted on radio; Babe Ruth graced Yankee Stadium; and, John T. Scopes was indicted in Tennessee for teaching Darwin’s Theory of Evolution.

More bills were filed in the Legislature in 2005 than anyone in recent history could recall. Twenty-three hundred thirty-nine (2,339) bills were filed in a legislature comprised one-third by freshmen. Of that enormous number of bills, six hundred sixty-two (662) included the word “tax,” two hundred twenty-seven (227) the word “misdemeanor,” two hundred eight (208) the word “felony,” one hundred seventy-seven (177) the words “District Attorney,” one hundred fifty-nine (159) the word “veteran,” one hundred forty-seven (147) the word “military,” nineteen (19) the word “abortion” and eighteen (18) the word “unborn.”

This year, the legislative package developed by your ODAA Legislative Committee included, inter alia, proposals related to preliminary hearings, credit card fraud, cemetery vandalism, negligent homicide, DUI with a child passenger, sex between school teachers and students, and of course, license plates. Of these items, none of our original bills passed. Nada! Zippo! Zilch! We wore the collar!!! However, as they say, when presented with lemons, make lemonade. With great gnashing of teeth, wringing of hands and a little fancy foot-work, we were able to get some of our proposals passed through other bills. A cemetery vandalism bill passed making it, in certain circumstances, a felony. A negligent homicide bill passed making the age of the driver irrelevant. A DUI bill with our input passed, although you can still drive around drunker than Cooter Brown, with your baby in the backseat, and it is still a “simple” DUI.

Easily, the most substantial gains made by District Attorneys this year came in the area of appropriations (funding). For the first time in recorded history (at least as far as anyone can remember), the Legislature gave us a supplemental appropriation to make it through the fiscal year that ends June 30, 2005. Combined with additional monies appropriated for fiscal year 2006, the District Attorney system saw a nine percent (9%) increase over last year’s funding level. While that does not restore our funding to pre-budget-cut levels, it’s better than a poke in the eye with a sharp stick. And, it’s helluva lot better than this time last year.

While our legislative package did not make it through unscathed, I don’t want to give the impression that the Legislature didn’t do their duty. They passed badly needed drug court funding, they passed a juvenile drug court bill, they made it illegal for automobile passengers to be in possession of open containers of alcohol or beer, and they outlawed alcohol inhalation devices. They also found time to make the strawberry the official state fruit, the Hourglass Selenite Crystal the official state crystal (I think we were the last state in the Union not to have a state crystal), and Gusty became the official state cartoon character. Personally, I wanted Yosemite Sam.

Is this a great state or what?

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CRIMINAL LAW & PROCEDURE

[HB 1013 – STATUTE OF LIMITATIONS](#)

This bill amends 22 O.S. §152 by changing the statute of limitations for certain sex crimes from seven (7) years after discovery to twelve (12) years after discovery.

Effective Date: November 1, 2005

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[HB 1242 – ESCAPE OR ABSCONDING FROM ELECTRONIC MONITORING](#)

This bill amends 21 O.S. §443 by applying the escape statute to any person who escapes after having removed an electronic monitoring device from their body. It also amends 22 O.S. §1105.2 relating to pretrial release from custody in Tulsa and Oklahoma County by providing that the court may order the alleged offender to be placed on electronic monitoring as a condition of pretrial release, that they pay a supervision fee to cover the expense of the electronic supervision, and the court clerk shall collect the supervision fee.

Effective Date: November 1, 2005

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[HB 1267 – TECHNICAL VIOLATIONS OF PROBATION](#)

This bill amends 22 O.S. §§991b and 991c relating to violations of suspended and deferred sentences. Under this bill, technical violations of probation will be punished by an intermediate sanctions process through DOC. The sanctions that could be meted out include, but are not limited to short-term jail or lockup, day treatment, community service, outpatient or inpatient treatment, monetary fines, curfews and ignition interlock device installation. If the offender fails to comply with the imposed sanction, a revocation or acceleration proceeding may be initiated. Records of the intermediate sanctions will be made available to the Court and the District Attorney.

Effective Date: November 1, 2005

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[HB 1277 – REPORTING DOMESTIC ABUSE](#)

This bill makes certain changes to the requirements for reporting criminally injurious conduct that resulted in domestic abuse for children and adults. Most notably, it removes the requirement that healthcare providers report such conduct if the victim is an adult over the age of eighteen (18) and the victim requests either orally or in writing that the report be made. (The way this is written, I guess the victim must be at least nineteen (19) years of age for this to apply.)

Effective Date: November 1, 2005

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[HB 1294 – FALSE AMBER ALERTS](#)

This bill amends 21 O.S. §589 by making it a misdemeanor, punishable by up to one (1) year in jail and/or a fine of not less than one thousand dollars (\$1,000), to knowingly communicate false information resulting in a false Amber Alert.

Effective Date: November 1, 2005

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[HB 1379 – MALICIOUS DESTRUCTION OF TOMBSTONES](#)

This bill amends the provisions of 21 O.S. §1167 relating to the malicious destruction of tombstones or monuments. If the damage amounts to less than five thousand dollars (\$5,000), the crime shall be a misdemeanor punishable by up to ninety (90) days in jail and/or a fine of up to one thousand dollars (\$1,000). If the damage amounts to five thousand dollars (\$5,000) or more, it shall constitute a felony punishable by (are you ready for this) up to six (6) months in the county jail and/or a fine of up to two thousand dollars (\$2,500). Additionally, there is a requirement that the court assess community service and that the community service cannot be suspended. Now, we seem to have misdemeanors, felonies, bastardized felonies and petit-felonies.

Effective Date: November 1, 2005

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[HB 1450 – SEX OFFENDER REGISTRATION](#)

This bill makes a few changes to the Sex Offender Registration Act (57 O.S. §581 et seq.). It clarifies that the Act applies to offenders who are currently serving a sentence, are on any form of probation, or are on parole. It also requires the local law enforcement agency where the offender registers to inform the offender that if he/she changes addresses he/she must notify the local law enforcement agency within three (3) days of the change of address.

Effective Date: November 1, 2005

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[HB 1465 – EXPUNGEMENT OF VICTIM PROTECTION ORDERS](#)

This bill creates a new law codified at 22 O.S. §60.18 that provides for expungement of VPOs issued pursuant to the Protection from Domestic Abuse Act under certain circumstances. A motion for expungement may lie if one or more of the following criteria are met:

1. An ex parte order was issued but later terminated due to dismissal of the petition prior to the full hearing, denial of the petition upon full hearing, or failure of the plaintiff to appear for the full hearing and at least ninety (90) days have passed since the date for the full hearing;
2. Plaintiff filed an application for a VPO and failed to appear for the full hearing and at least ninety (90) days have passed since the date for the full hearing;
3. The plaintiff or defendant has had the VPO vacated and three (3) years have passed since it was vacated; or
4. The plaintiff or defendant is deceased.



Effective Date: November 1, 2005

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[HB 1468 – DRIVING EXCEPTION FOR DRUG COURT](#)

This bill amends 47 O.S. §18-101 relating to convictions for traffic violations that are to be recorded on the person's permanent driving record. It excludes felony drug offenses for which the offender is eligible for participation in drug court. The purpose of this change is so these offenders may travel to and from drug court and participate.

Effective Date: November 1, 2005

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[HB 1524 – SERVICE ANIMALS](#)

This bill amends 21 O.S. §649.3 by expanding the proscription on harming or killing service dogs to service animals. Further, no registration or licensing fee shall be enacted or enforced for any service animal.

Effective Date: November 1, 2005

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[HB 1649 – OKLAHOMA EDUCATION LOTTERY ACT](#)

This bill amends 3A O.S. §710 by prohibiting the purchase of lottery tickets with debit cards. It also creates a new law and procedure by which debts owed to DHS by a lottery prize winner will be paid by the withholding of the applicable amount of the winnings.

Effective Date: April 25, 2005

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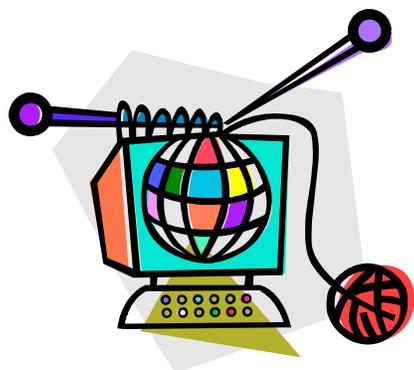
[HB 1686 – UNBORN FETUSES/CHILDREN](#)

This bill makes some significant amendments to state law relative to the status of the unborn.

1. It allows wrongful death actions to be brought by the personal representative of an unborn.
2. It amends 21 O.S. §652 to extend the protections of that statute to the unborn.
3. It deletes the wording of 21 O.S. §713 relative to killing an unborn quick child and makes the crime the willful killing of the unborn and sets the punishment at up to Life.
4. It also provides a definition of "unborn child" for purposes of those statutes as the time from conception to birth, and allows for the prosecution of the mother if the mother committed a crime that caused the death of the unborn child. Changing the definition of "unborn child" appears to result in removal of the "viable fetus" concept, thereby removing the possibility of a Murder I charge and the death penalty.

Effective Date: May 20, 2005

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[HB 1698 – VICTIM INFORMATION ON COURT-CONTROLLED WEBSITES](#)

This bill creates a new law at 12 O.S. §39 prohibiting court clerks from posting on court-controlled websites the following criminal charges: Child Abuse, Domestic A&B, Kidnapping, Caretaker Abuse, Incest, Indecent Exposure, some Child Pornography charges, Use of a Computer to Facilitate Sexual Conduct with a Minor, Pandering, Restraining a Prostitute in a Prostitution House, Child

Prostitution, Rape and Lewd Molestation. The purpose of this bill is to protect the identity of the victim of these crimes. While the charge shall not be on the court's website, the court file will still be open to public review.

Effective Date: July 1, 2005

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HB 1804 – THREATENING TELECOMMUNICATION

This bill amends 21 O.S. §1172 by making it a crime to threaten, intimidate or harass another via a telecommunication device.

Effective Date: November 1, 2005

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HB 1809 – OKLAHOMA APIARY ACT

This bill makes a number of changes to and strengthens the Oklahoma Apiary Act, including but not limited to making it unlawful to rent a colony of bees to another and misrepresent the strength of the colony, and to retain Africanized honeybees except for specifically approved research purposes.

Effective Date: November 1, 2005

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SB 513 – COMMERCIAL COMPUTER TECHS TO REPORT KIDDIE PORN

This bill amends 21 O.S. §1021.4 by requiring commercial computer technicians who, in their professional capacity or employment, discover child pornography on a computer to report it to law enforcement.

Effective Date: April 5, 2005

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SB 518 – DROWN NIGHT & HAPPY HOUR

This bill creates a new law at 37 O.S. §220 that prohibits “drown night” and “happy hour.” Violations of this section are misdemeanors and are subject to a fine of up to five hundred dollars (\$500).

Effective Date: November 1, 2005

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SB 631 – JESSICA LUNSFORD'S LAW

This bill amends the provisions of 22 O.S. §991a regarding the powers of the court in that a court shall order Habitual and Aggravated Sex Offenders to be assigned to wear a global positioning monitoring device for the duration of their sex offender registration (life).

Effective Date: May 17, 2005

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SB 644 – PUMP PIRACY

This bill amends the punishment provided in 21 O.S. §1740 for pump piracy from up to one hundred dollars (\$100) to up to five hundred (\$500).

Effective Date: November 1, 2005

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SB 663 – ALCOHOL INHALATION DEVICES

This bill creates a new crime at 21 O.S. §1220.1 making it a misdemeanor to buy, sell, furnish, manufacture or possess alcohol inhalation devices or any other device capable of causing a BAC in the body by means of fumes, vapors or gases. Punishment for this crime is a fine of five thousand dollars (\$5,000). Not up to five thousand dollars (\$5,000). Just five thousand dollars (\$5,000). And don't forget about the one (1) day in the county jail provision in 21 O.S. §11, as well.

Effective Date: June 6, 2005

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SB 684 – COLLECTION OF CERTAIN MISDEMEANOR WARRANTS

This bill creates a program by which certain outstanding misdemeanor warrants may be collected by a private contractor. It authorizes sheriffs to contract with private providers to locate and notify persons of outstanding misdemeanor warrants. This program will allow persons to make payment directly to the court or the private contractor may accept payment. Any payment received by the private contractor shall be paid within 15 days of receipt to the court clerk. Payment of the outstanding amount by a person may be made in lieu of appearance before the court and such payment shall constitute a finding of guilt as though a nolo contendere plea had been entered with the court. This program shall apply to any misdemeanor warrant relating to any proceeding pursuant to the State and Municipal Traffic Bail Bond Procedure Act and any misdemeanor warrant issued that allows a defendant to resolve the matter in lieu of a personal appearance in court. Misdemeanor warrants referred to a contractor shall include an additional twenty percent (20%) of the sum due that is to be paid that shall constitute an administrative cost, a portion of which may be paid to the contractor.

The bill also amends 19 O.S. §165 by increasing the monthly travel allowance county commissioners and sheriffs may receive from five hundred dollars (\$500) to six hundred dollars (\$600) in lieu of travel reimbursement.

Effective Date: November 1, 2005

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SB 759 – DELAYED SENTENCING PROGRAM FOR YOUNG ADULTS

This bill amends 22 O.S. §996.1 by making the Delayed Sentencing Program for young Adults applicable to anyone eighteen (18) to twenty-one (21) who is charged with or certified to stand trial for a nonviolent offense and who has not been convicted of certain other crimes. Also, they cannot have a pending violent offense. DOC will now have ninety (90) days rather than the current thirty (30) days to complete and submit the offender accountability plan.

Effective Date: July 1, 2005

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[SB 777 – IMPERSONATING A MEMBER OF THE MILITARY](#)



This bill creates new crimes at 72 O.S. §§6-1 through 6-3 making it unlawful to “knowingly and with intent to impersonate and with intent to deceive,” present yourself as a veteran or a member of the military by wearing any medal or decoration authorized by Congress or the Armed Forces. Depending on the type of medal and the extent of the impersonation, the punishment can be anywhere from up to six (6) months in a county jail and/or up to a one hundred dollar (\$100) fine (misdemeanor), or up to one (1) year in a county jail and/or up to a fine thousand dollar (\$5,000) fine (felony). These crimes are designed to address the situation presented by the man who presented himself as a member of the military during the barge incident causing the bridge collapse in eastern Oklahoma a few years ago.

Effective Date: November 1, 2005

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MISCELLANEOUS

[HB 1208 -- BOARD OF POLYGRAPH EXAMINERS](#)

This bill amends 59 O.S. §1455 by extending the sunset provision for this Board from 2005 to 2011.

Effective Date: April 6, 2005

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[HB 1227 – OSBI INVESTIGATIVE REPORTS](#)

This bill amends 74 O.S. §150.5 by authorizing certain information gained during OSBI investigations to be revealed to outside agencies to further the investigation, e.g., interpreter services, document examination, and the like.

Effective Date: November 1, 2005

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[HB 1243 – TRANSPORTING AND STORING FIREARMS](#)

This bill amends 21 O.S. §1289.7a by prohibiting businesses, employers, etc., from enforcing policies prohibiting anyone except convicted felons from transporting and storing firearms locked in or to a motor vehicle. It also provides civil immunity for occurrences that result from the storing of the firearm in a locked vehicle unless the person commits a criminal act involving the use of the firearm.

Effective Date: November 1, 2005

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[HB 1245 – VOLUNTARY PAYROLL DEDUCTIONS](#)

This bill amends 62 O.S. §7.10 by authorizing state employees to make voluntary payroll deductions to any credit union, bank or savings association having an office in the state. If any county, municipality or school district provides for voluntary payroll deductions, this same service shall be provided. I encourage anyone and everyone to do this.

Effective Date: July 1, 2005

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[HB 1321 – TAX RECORDS](#)

This bill amends 68 O.S. §205 by granting to the Oklahoma Tax Commission, pursuant to a court order, the authority to allow OBN and the OSBI to look at the tax records of a person or entity that is the subject of an investigation for violation of the Controlled Dangerous Substances Act. Notice of the review shall not be given to the person or entity for at least ninety (90) days from the issuance of the order.



Effective Date: November 1, 2005

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[HB 1363 – RETIREMENT BENEFITS](#)

This bill amends 19 O.S. §956.2 by vesting the retirement benefits of all state employees hired prior to November 1, 2005, at one hundred percent (100%) after five (5) years of service. Further, for any employee hired after November 1, 2005, there shall be no partial vesting and they will simply vest after five (5) years of service.

Effective Date: November 1, 2005

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[HB 1385 – EXPUNGEMENT FEE](#)

This bill amends 74 O.S. §150.12 by requiring any person receiving an expungement of their record to pay a one hundred fifty dollar (\$150) to OSBI to have their criminal history record changed. You can't get a job because of your criminal history record, but you can't get your record cleared until you pay \$150, but you can't pay the \$150 until you get a job and you can't get a job . . .

Effective Date: September 1, 2005

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[HB 1402 – DISPOSAL OF CONFISCATED PROPERTY](#)



This bill amends 11 O.S. §34-104 by authorizing the court to order the chief of police to dispose of property confiscated by a law enforcement agency and for which no ownership is established to donate, sell, destroy or transfer the property to a third-party agent for sale over the internet.

Effective Date: November 1, 2005

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HB 1432 – JUDICIAL SECRETARY-BAILIFFS

This bill amends 20 O.S. §125 by granting court secretary-bailiffs who are CLEET-certified the powers and authority of a peace officer when acting as the secretary-bailiff.

Effective Date: November 1, 2005

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HB 1434 – JAIL INCARCERATION FEES

This bill does 2 things that seem to have very little common ground. It amends 19 O.S. §548 by requiring the sheriff to maintain a list of every appointment of undersheriff and deputy and to make it available to the public upon request. It also amends 22 O.S. §979a by relieving the district attorney and municipal attorney from the burden of asking the court to require inmates to pay the jail or holding facility incarceration fee and requiring the court to impose the fee without being asked.

Effective Date: November 1, 2005

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HB 1516 – GARNISHMENT

This bill amends 12 O.S. §1194 by providing state, city and political subdivision employees from personal liability for failure, neglect or refusal to answer a garnishment summons unless the failure, neglect or refusal is willful.

Effective Date: November 1, 2005

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HB 1611 – CHILD ADVOCACY CENTER ACCREDITATION

This bill amends some statutes in Title 10 relating to the accreditation and reaccreditation of child advocacy centers in Oklahoma. It also provides that a properly accredited child advocacy center shall be immune from civil liability regarding any investigative process or judicial proceeding in which they are involved.

Effective Date: May 17, 2005

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HB 1623 – INMATE LAWSUITS

This bill was designed to further streamline the procedures relative to inmate lawsuits. All inmate lawsuits will have a one year statute of limitations, inmate transport orders in civil cases are limited to the final hearing on the merits, interest earned on all funds held by DOC on behalf of inmates will be sent to the Oklahoma Crime Victim's Compensation Board, and all administrative remedies must be exhausted prior to a civil action being instituted.

Effective Date: May 10, 2005

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HB 1725 – TASK FORCE ON REACTIVE ATTACHMENT DISORDERS IN CHILDREN

This bill creates the eighteen (18) member Task Force on Reactive Attachment Disorders in Children, of which the DAC Executive Coordinator or his/her designee is one. The task force is designed to examine the issue as it relates

to children in the custody of OJA and/or DHS. The task force will meet from July 1, 2005, until December, 2006.

Effective Date: May 2, 2005

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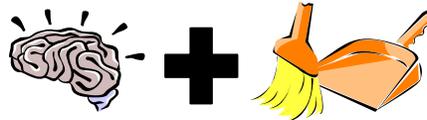
HB 1747 – BADGE AND FIREARM DISPOSITION UPON DEATH

This bill amends 19 O.S. §553 to allow the surviving spouse of a sheriff, deputy, or reserve deputy to request to retain the deceased spouse's badge and firearm. The bill also amends 21 O.S. §1289.8 to allow any retired state, county or municipal peace officer classified as a reserve to retain their peace officer status for purposes of carrying a concealed weapon.

Effective Date: November 1, 2005

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HB 1845 – MENTAL HEALTH CLEAN-UP BILL



For 72 pages and 76 sections of law, this bill does nothing more than change references from patients to consumers, from institutions to facilities, from child to minor, and from superintendent to executive director.

Effective Date: May 9, 2005

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HB 1860 – TELECONFERENCING

This bill amends the Open Meetings Act in Title 25 by providing restrictions for teleconferencing meetings of public bodies. Among other things, it provides that no less than a quorum must be present at any meeting that is broadcast via teleconference, that the agenda of the meeting shall indicate the videoconferencing locations, that the public official shall participate at a videoconferencing location within his/her political subdivision from which they are elected or appointed, that the public shall be allowed to participate from the videoconferencing location, that materials shared electronically shall be immediately available at the videoconferencing site, and all votes conducted using videoconferencing shall be recorded by roll call vote. The bill also creates a task force (just what we need is another task force) of legislators to study the use of tele/videoconferencing.

Effective Date: November 1, 2005

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HB 1927 – FLEET MANAGEMENT TASK FORCE

This bill creates another task force (what waste in government?) to review and attempt to cure the concerns with the Fleet Management Division at DCS. The task force is to consist of legislators who will consult with DCS, the State Auditor & Inspector and any other agencies which utilize state-owned vehicles.

Effective Date: June 7, 2005

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HB 1944 – TRANSITIONAL LIVING FACILITIES

This bill creates a new law at 57 O.S. §563.4 that provides a definition of transitional living facilities and provides that they shall not be located within twenty-five hundred (2,500) feet of any public or private school, state training

school or residential neighborhood. Such facilities currently in existence are grandfathered in.

Effective Date: May 3, 2005

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HB 1963 – LONG-TERM CARE FACILITIES

This bill makes a number of changes to the statutes relating to long-term care facilities and it creates the Long-Term Care Security Act. It requires that a notice be posted in any long-term care facility if anyone residing in the facility is a registered sex offender or is registering under the Mary Rippe Violent Crime Offenders Registration Act. It also provides a procedure by which DOC shall notify the State Department of Health when such a person is being placed in a long-term care facility and then the Department of Health shall notify the facility. Likewise, the local law enforcement agency shall notify the facility.

Effective Date: June 9, 2005

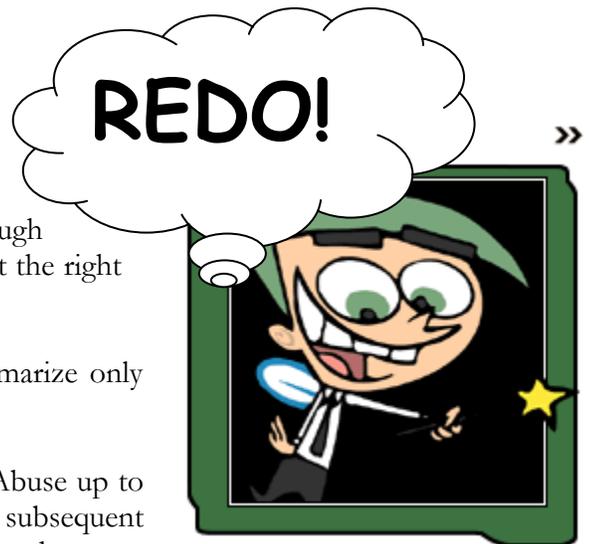
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HB 2060 – DUPLICATE SECTIONS BILL

This bill is an annual bill designed to fix conflicts that arose from the passage and enactment of two or more bills from the previous year that addressed a particular issue and had similar, although conflicting results. A classic case of the left hand not watching what the right hand is doing.

The bill is some two hundred ten (210) pages long, so I will summarize only some of its provisions:

- ✓ 21 O.S. §644 – Makes the fine for misdemeanor Domestic Abuse up to five thousand dollars (\$5,000). Makes the second or subsequent conviction a felony subject to up to four (4) years in prison, and anyone convicted of Domestic Abuse that results in Great Bodily Injury up to one (1) year in jail or up to ten (10) years in prison. It clarifies the punishment for Domestic Abuse in the Presence of a Child (six months to one year in jail).
- ✓ 22 O.S. §979a – Clarifies that the entire ten percent (10%) of jail incarceration fees goes to the local District Attorney Office rather than five percent (5%) going to the DAC.
- ✓ 22 O.S. §991c – Authorizes court clerks to provide certain information to a named defendant in cases that have been expunged.
- ✓ 28 O.S. §153 – Increases the court costs to be charged to certain misdemeanor traffic and DUI offenders. It also clarifies that the prosecution fee assessed shall be per count rather than per case number.



Effective Date: July 1, 2005

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SB 13 – OPEN RECORDS ACT

This bill amends 51 O.S. §24A.8 of the Oklahoma Open Records Act by allowing CLEET to release to any law enforcement agency any records they have relative to any peace officer who is the subject of an investigation.

Effective Date: April 12, 2005

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[SB 28 – HOMELAND SECURITY](#)

This bill amends 51 O.S. §24A.28 of the Open Records Act by excluding the vast majority of the records held by the State Office of Homeland security from the Open Records Act.

Effective Date: June 7, 2005

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[SB 187 – D.A. SUPPLEMENTAL APPROPRIATION](#)

This bill is the relatively historic bill granting a \$2¼ million supplemental appropriation to the District Attorney system. It is historic from the standpoint that, to the best of anyone's recollection, no such supplemental appropriation has ever been made to the D.A. system.

Effective Date: March 31, 2005

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[SB 236 – THE ATTORNEY GENERAL'S VICTIMS SERVICES UNIT](#)

This bill creates a new set of laws at 74 O.S. §18p-1 et seq. that creates the Victims Service Unit within the Office of the Attorney General. The crux of this change in the law is to move the Office of Domestic Violence and Sexual Assault from DMHSAS to the Attorney General. This is a plan that has been in the works for several years and it now has finally come to fruition.

**LAW & ORDER:
A.G.V.S.U.**

Effective Date: July 1, 2005

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[SB 293 – REGISTRATION OF OUT-OF-STATE ATTORNEYS ACT](#)

This bill summarily repeals the Act of the same name that was passed by the legislature last year.

Effective Date: April 6, 2005

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[SB 296 – USE OF DEBIT CARDS TO PAY COURT FEES](#)



This bill amends 28 O.S. §§151 and 153 by authorizing the use of debit cards to pay court costs and fees. Court Clerks are authorized to charge a fee for the use of the card.

Effective Date: November 1, 2005

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[SB 314 – WRECKER ROTATION LOGS](#)

This bill amends 47 O.S. §952 by requiring police chiefs and sheriffs to keep a rotation log of all requested tows. It appears this is designed to promote the use of all wrecker services in a particular area.

Effective Date: November 1, 2005

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SB 315 – ACCRUED ANNUAL LEAVE

This bill amends 74 O.S. §840-2.20 by authorizing state employers to decide during what twelve (12) month period of time an employee who accrues amounts of annual leave in excess of the statutory limits the employee shall use the excessive amount or lose it. Currently, the statute reads that the excess amount shall be used during the same year it accrues. Now it will read that the employer shall decide whether it must be used during the same calendar year or within twelve (12) months of the date on which it accrues.

Effective Date: July 1, 2005

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SB 329 – ATTORNEY FEES IN INDIGENT DEATH PENALTY CASES

This bill creates a new law at 19 O.S. §138.7a that provides a limit on the allowable attorney fees in cases where the death penalty is sought and an attorney other than the indigent defender is appointed. An exception is provided for under certain circumstances.

Effective Date: November 1, 2005

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SB 473 – FAIR LABOR STANDARDS ACT

This bill provides that any employee receiving compensatory time shall exhaust that time prior to taking any annual leave, except where the employee will lose annual leave due to accumulation limits.

Effective Date: July 1, 2005

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SB 507 – THE EVERYONE-GETS-A-SPECIALIZED-LICENSE-PLATE ACT OF 2005

This bill makes a few amendments to the ever-growing list of license plates the Great State of Oklahoma has authorized for its registered automobiles. Now, we have the Patriot license plate, the Surviving Spouse of a Purple Heart Recipient license plate (provided they have not remarried), the Surviving Spouse of an Honorably Discharged Veteran who died due to or as a consequence of a service-connected disability (provided they have not remarried), the Central Oklahoma Habitat for Humanity license plate, the Family Career and Community Leaders of America, Inc. license plate, and the Armed Forces Veterans motorcycle license plate.



The bill also creates a new law at 47 O.S. §1135.7 establishing a procedure by which anyone (yes, anyone) may apply to the Oklahoma Tax Commission for the creation of a special license plate if they meet certain minimum standards. Those standards are that the plate shows:

1. Membership in an affiliation or organization, or demonstrates support for an organization group or cause;
2. It doesn't advertise or endorse a product, brand or service that is provided for sale;
3. It doesn't promote any philosophy based on prejudice or is contrary to state civil rights laws (I guess contrary to federal civil rights laws is alright); and
4. You have at least five hundred (500) prepaid applications for the proposed plate.

Effective Date: November 1, 2005

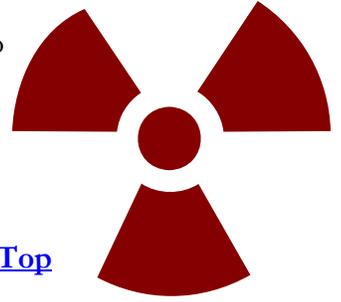
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SB 545 – HAZARDOUS MATERIAL TRANSPORTATION

This bill amends 17 O.S. §701 to authorize the Corporation Commission to promulgate rules that will require certain persons to give them fingerprints, photos and other pertinent information for the Corporation Commission to determine whether certain persons should be granted a permit to transport hazardous materials across Oklahoma.

Effective Date: June 7, 2005

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SB 561 – RETURN OF THE MENTAL HEALTH CLEAN-UP BILL

This bill amends many statutes relative to mental health issues. Some of the amended statutes are detailed below.

1. It amends 43A O.S. §1-107 by providing that civil actions for involuntary commitment may be filed in any county where the person resides, where they were taken into protective custody or where they are being held on an EOD. Further, Courts shall not refuse a case solely because it could have been filed in another county.
2. It provides for the release of certain information relating to unethical behavior to professional licensure boards, and under certain other circumstances.
3. The bill clarifies 43A O.S. §1-110 in relation to responsibility for an individual regarding transportation issues for treatment and examination.

Effective Date: November 1, 2005

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SB 586 – EMPLOYEE BENEFIT MEETINGS

This bill amends 74 O.S. §1344 by requiring all state agencies to provide a one-day employee benefit informational meeting no less than 15 days prior to the annual deadline for making changes to state employee benefit packages. It requires that each employee shall be allowed at least 30 minutes during their workday to attend the meeting. It also indicates that the agency shall provide adequate notice of the meetings to “active and retired employees.”

Effective Date: July 1, 2005

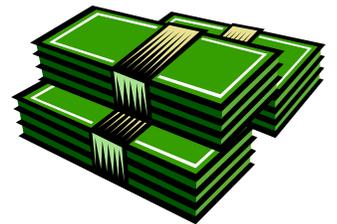
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SB 636 – ARRESTEE MEDICAL CARE COSTS

This bill amends 21 O.S. §533 by providing that any person who is arrested, detained, etc., by a peace officer who is in need of emergency medical treatment for an injury that threatens life or limb, shall be taken directly to a medical facility prior to being taken to jail. The bill further provides that the cost for such care shall be borne by the arrestee, detainee, etc., and not by the arresting or jailing agency unless the condition is a direct result of unlawful actions of the officer. Any follow-up treatment or care is the financial responsibility of the arrestee, as well.

Effective Date: June 9, 2005

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SB 646 – CODIS (COMBINED DNA INDEX SYSTEM)

This bill renames the OSBI's DNA database the Combined DNA Index System (CODIS) and provides that ALL felony offenders shall submit a DNA sample and shall be included in the DNA database. Also, it prescribes a procedure for obtaining the sample from all such persons who are on incarcerated or on probation, whether supervised or not.

Effective Date: January 1, 2006

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SB 651 – LIQUOR STORES OPEN ON VETERAN'S DAY

This bill amends 37 O.S. §537 by excluding Veteran's Day from the list of holidays on which liquor stores must close.

Effective Date: November 1, 2005

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SB 700 – DISTRICT ATTORNEY NOTIFICATION TO SCHOOLS

This bill amends 70 O.S. §5-144 by easing the requirement of District Attorneys to notify schools of their employees arrested for certain crimes. Now, the D.A. must notify the school if it is discovered in the course of the investigation that a person charged with a felony or a violent misdemeanor (whatever that is) is a student or an employee of the school district or an employee working on school property.

Effective Date: July 1, 2005

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SB 715 – CRIME VICTIM COMPENSATION ENHANCEMENT

This bill amends 21 O.S. §142.13 by increasing the amount a crime victim may be compensated for crisis counseling from five hundred dollars (\$500) to three thousand dollars (\$3,000), and by increasing the amount that may be paid for burial expenses from five thousand dollars (\$5,000) to six thousand dollars (\$6,000).

Effective Date: July 1, 2005

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SB 779 – CERTIFIED COURTROOM INTERPRETERS

This bill creates at 20 O.S. §1701 et seq., a board and a certification process for courtroom interpreters and translators. It creates criteria for qualification and disqualification, an examination process, a fee structure and a "good cause" exception to the requirement of the use of a certified courtroom interpreter or translator.

Effective Date: November 1, 2005

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SB 803 – OPEN RECORDS AT OSBI

This bill amends 74 O.S. §150.10 by clarifying that information, records and reports submitted to UCR by OSBI are open records.

Effective Date: April 26, 2005

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SB 830 – VICTIMS IMPACT PANEL FEE INCREASE

This bill increases the fee range the VIP program may charge from five dollars to twenty five dollars (\$5 - \$25) to fifteen dollars to fifty dollars (\$15 - \$50).

Effective Date: May 16, 2005

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SB 967 – CONFIDENTIALITY OF PLEADINGS IN A PUBLIC RECORD

This bill creates a new law at 51 O.S. §24A.29 that provides specific requirements regarding the handling of documents that are determined to be confidential in certain public records.

Effective Date: November 1, 2005

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SB 987 – CHILD ABUSE EXAMINERS

This bill amends the provisions of Title 10 regarding the Oklahoma Commission on Children and Youth by removing the certification language regarding Child Abuse Examiners and replaces the requirement that the Child Abuse Examination Board certify certain persons as Child Abuse Examiners with a provision that the Child Abuse Examiners Board will develop a training program for physicians, physician's assistants and registered nurses, in a manner consistent with their existing scopes of practice, as Child Abuse Examiners. This is designed to address the conflict many districts have encountered within the recent past regarding who is qualified to testify regarding certain findings of child abuse.

Effective Date: July 1, 2005

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CHILD SUPPORT

HB 1241 – PATERNITY OF DEPRIVED CHILDREN

This bill amends 10 O.S. §7003-8.8 by providing that when paternity of an alleged or adjudicated deprived child is at issue, the matter shall be determined within six (6) months after the filing of the petition. Once established, a procedure is provided for enforcement of any outstanding child support obligation.

Effective Date: November 1, 2005

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COUNTY GOVERNMENT

[HB 1226 – SHERIFF’S WARRANT SERVICE FEE](#)

This bill amends 28 O.S. §153 by making the sheriff’s fee for serving or trying to serve writs, warrants and orders fifty dollars (\$50.00) for in and out of county service.

Effective Date: November 1, 2005

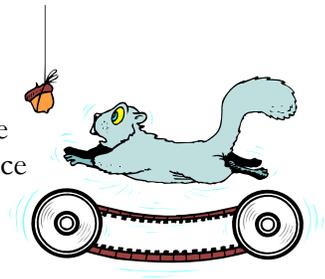
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[HB 1298 – COUNTY EMPLOYEE INCENTIVE AWARDS](#)

This bill amends 19 O.S. §339 relating to the powers of county commissioners by increasing from one hundred dollars (\$100) to two hundred fifty dollars (\$250) the amount they may expend within one calendar year for safety-related job performance employee incentive awards.

Effective Date: November 1, 2005

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[SB 29 – INVENTORY OF COUNTY EQUIPMENT](#)

This bill amends 19 O.S. §178.1 by increasing the dollar limit on the value of county equipment that must be inventoried from two hundred fifty dollars (\$250) to five hundred dollars (\$500).

Effective Date: July 1, 2005

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[SB 36 – COUNTY PERSONNEL SALARY RESTRICTIONS](#)

This bill amends 19 O.S. §§180.65 and 180.81 by removing the salary restrictions on certain county personnel and simply provides that they shall not be paid more than the principal officer.

Effective Date: July 1, 2005

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[SB 478 – COUNTY OFFICER REPRESENTATION](#)

This bill amends 19 O.S. §527 by authorizing county sheriffs, treasurers and assessors to hire either an in-house or an “out-house” attorney to represent them in the performance of their official duties. The County Commissioners shall approve contracts for any outside counsel retained.

Effective Date: November 1, 2005

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[SB 725 – JAIL STANDARDS](#)

This bill amends 74 O.S. §192 by altering the requirements relating to jails of a certain size. Now, the requirement that either more than one jailer or a jailer and at least one CLEET-certified person be on premises for jails that provide twenty-four (24) hour security, custody and supervision of prisoners, shall apply to counties or municipalities that operate a jail facility housing more than twenty (20) but less than seventy-five (75) prisoners. It also requires sheriffs to require appropriate training for deputies and jailers relating to jail standards of the State Department of Health prior to any supervision of prisoners.



Effective Date: July 1, 2005

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JUVENILE

[HB 1250 – JUVENILE PERMANENCY HEARINGS](#)

This bill amends 10 O.S. §7003-5.6h by providing that foster parents shall, rather than may, be considered as eligible to adopt children who have been in their care.

Effective Date: November 1, 2005

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[HB 1405 – JUVENILE DRUG COURT](#)

This bill amends Title 10 by formally providing for the juvenile drug court program. It is designed after the adult drug court program. Anyone prosecuting juvenile cases should review this legislation.

Effective Date: November 1, 2005

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[HB 1416 – RELINQUISHMENT OF PARENTAL RIGHTS](#)

This bill amends 10 O.S. §7503-2.6 by allowing a putative father who is at least sixteen (16) years of age to execute an extrajudicial relinquishment of their parental rights to a child before a notary public after the child is born.

Effective Date: November 1, 2005

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HB 1425 – INPATIENT MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT OF MINORS ACT

This bill makes a number of changes to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, codified at 43A O.S. §5-501 et seq., including the following:

1. Consent shall mean the voluntary, express and informed agreement to treatment by a minor sixteen (16) years of age or older or a parent. Previously, the minor and the parent had to agree to treatment; and
2. It provides a specific procedure to be used for officers taking a child into protective custody as a child believed to be INT.

Effective Date: November 1, 2005

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SB 328 – CHILD GUARDIANSHIP JURISDICTION

This bill makes changes to Title 10 designed to clarify what court has superior jurisdiction in deprived and domestic court proceedings when determining guardianship of children.

Effective Date: November 1, 2005

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SB 458 – YOUTHFUL OFFENDER TASK FORCE OF 2005

This bill creates the thirteen (13) member youthful Offender Task Force of 2005, of which one member is a District Attorney appointed by the Governor. The task force will be in operation until January 31, 2006, and will make recommendations for changes, modifications and revisions to the YO Act. Lynne McGuire, Chief of the Criminal Division in the Oklahoma County D.A.'s Office, has been appointed to serve.

Effective Date: July 1, 2005

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SB 564 – COURT APPOINTED SPECIAL ADVOCATES (CASA)

This bill amends 10 O.S. §7005-1.3 by including employees of CASA programs in the group of persons who may have access to confidential court records regarding juvenile cases.

Effective Date: November 1, 2005



SB 733 – GRANDPARENTAL RIGHTS

This bill amends 10 O.S. §7003-2.4 by requiring the court, at emergency custody hearings in deprived cases, to provide due process rights to grandparents if they were the primary caregiver and provided primary financial support for the child for at least six (6) months within the twelve (12) months previous to the hearing.

Effective Date: July 1, 2005

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TRAFFIC

[HB 1304 – IGNITION INTERLOCK DEVICES](#)

This bill creates a new law codified at 47 O.S. §6-212.3 that allows DPS to require certain drivers who have had alcohol related convictions to have an ignition interlock device installed on any vehicle they operate. It also amends 47 O.S. §11-902 by removing the authority of the court to order an offender convicted of DUI to have the ignition interlock device installed. Lastly, the bill amends 47 O.S. §11-902a by making it a misdemeanor to make a conscious attempt to disable, disconnect or wire around an ignition interlock device, or to intentionally fail to return the device when it is no longer required.

Effective Date: November 1, 2005

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[HB 1395 – DUI PUNISHMENT](#)

This bill amends 47 O.S. §11-902 by removing the requirement that courts sentence offenders to a minimum number of days for treatment and simply allows the court to follow the recommendations made in the assessment and evaluation. The bill also amends the Implied Consent law (47 O.S. §751) by requiring officers to advise the alleged offender to be tested that the withdrawal of blood shall only be performed by certain medical personnel.



Effective Date: November 1, 2005

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[HB 1461 – TOC PASSENGER](#)

This bill amends 21 O.S. §1220 by specifically prohibiting passengers from having an open container in an automobile, unless it is a bus or a limo. The punishment is up to a fifty dollar (\$50) fine.

Effective Date: November 1, 2005

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[HB 1485 – TOWING AUTOS OF DRIVERS WHO ARE DUS](#)

This bill amends 47 O.S. §955 by specifically providing that officers may impound and tow any vehicle driven by a driver who is driving when their privilege is currently suspended, revoked, cancelled, denied or disqualified.

Effective Date: November 1, 2005

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[HB 1502 – DPS CLEANUP BILL](#)

This bill does so many things I felt it was best to simply address it section by section.

§1. 21 O.S. §1220 – This changes the punishment for TOC Beer to the same as in 37 O.S. §566 (A).

§2. 21 O.S. §1283 – Removes the requirement that dangerous or deadly firearms be of a size that are easily concealable on the person, in personal effects or in an automobile in the statute that makes it illegal for felons to carry firearms.

§3. 22 O.S. §1111 – Cleanup language relating to cash bail bond schedule.

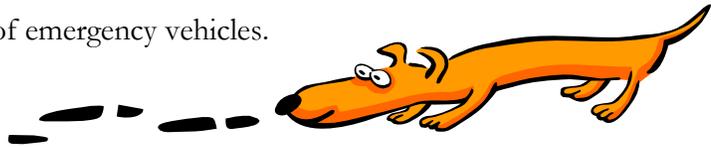


§4. 22 O.S. §1115 – Makes the State and Municipal Traffic Bail Bond procedure Act apply to Water Safety and Wildlife, as well.

§5. 40 O.S. §552 – Cleanup.

§6. 47 O.S. §1-103 – Deals with the requirements of emergency vehicles.

§7. 47 O.S. §2-102 – Cleanup.



§8. 47 O.S. §2-117 – Relates to the powers and duties of the officers of DPS by specifically delineating that they are authorized to initiate and assist in manhunts and fugitive apprehensions.

§9. 47 O.S. §11-810 – This takes away the provision we all know as SP-9s. It requires DPS to include on a person's driving record their convictions for driving not more than 10 miles over the speed limit. This is to qualify for millions of federal dollars. While this deletes SP-9s, look in HB 1993 on the next page and it seems to be reinstated, at least partially.

§10. 47 O.S. §12-417 – Relates to exemptions from the requirement to wear seat belts.

§11. 47 O.S. §12-422 – Prohibits mirrored or mirror-like finishes for window tinting.

§12. 47 O.S. §18-101 – Same practical effect as §9 above.

§13. 47 O.S. §230.23 – Cleanup.

§14. 47 O.S. §1113 – Exempts state owned vehicles from the requirement to pay registration fees, although they shall be registered.

§15. 47 O.S. §1137.1 – Relates to wrecker/towing service license plates.

§16. 63 O.S. §4005 – Exempts vessels and motors registered to DPS from registration fees.

§17. 63 O.S. §4009 – Requires the items in §16 above to be decaled yearly.

§18. 63 O.S. §4021 – Same result as §16 and §17 above.

§19. 74 O.S. §840-5.5 – Makes the persons in the Oklahoma Highway Safety Office unclassified.

Effective Date: September 1, 2005

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[HB 1598 – SPEEDING](#)

This bill creates a new law at 47 O.S. §11-806.2 that provides for the doubling of the appropriate fine when violating the speed limit in the reduced speed zone near turnpike toll booths.

Effective Date: November 1, 2005

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[HB 1993 – DPS CLEAN-UP BILL \(THE SEQUEL\)](#)

This bill makes a number of changes to title 47 that were not changed or were changed incorrectly in HB 1502. Some of those are found below:

1. Every applicant for a CDL shall submit to a “security threat assessment” by the Transportation Security Administration.
2. Every applicant for a hazardous materials endorsement shall submit to a “security threat assessment” by the Transportation Security Administration.
3. Increases the minimum amount of insurance a driver must carry from 10-20-10 to 25-50-25.
4. 47 O.S. §10-104: Requires any driver of any vehicle who could be cited for any traffic offense where the accident involved immediate death or great bodily injury” as defined in 21 O.S. §646, shall submit to drug and alcohol testing. It also amends the Implied Consent Statute (47 O.S. §752) to reflect the same wording.
5. 47 O.S. §11-810: This provides that DPS will not report or assess points to the driving record of anyone for driving ten (10) miles per hour or less over the posted speed limit, except for persons driving a commercial motor vehicle or persons holding a CDL. This essentially reinstates the “SP9” provision that was removed in HB 1502. **The effective date of this particular provision is September 1, 2005.**
6. Amends 47 O.S. §754 by removing the requirement that an offender be notified that a separate testing of the sample taken by the intoxilyzer can be analyzed. This amendment is similar to one we requested a year or two ago that recognizes that a separate sample is not taken.

Effective Date: June 6, 2005

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[SB 703 – AGE RESTRICTION ON NEGLIGENT HOMICIDE](#)



This bill amends 47 O.S. §11-903 by removing the restriction on the crime of negligent homicide that the driver must be 16 years of age or older.

Effective Date: May 11, 2005

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[SB 799 – CHILD PASSENGER RESTRAINT SYSTEMS](#)

This bill amends 47 O.S. §11-1112 by increasing the fine for violations of the child passenger restraint laws from ten dollars (\$10) and fifteen dollars (\$15) court costs to a fine of fifty dollars (\$50) and all court costs (which at present are just under \$10,000).



Effective Date: November 1, 2005

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[SB 901 – HANDICAPPED PARKING](#)

This bill amends 47 O.S. §11-1007 by restricting how persons shall park in a disabled parking space.

Effective Date: May 11, 2005

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DRUGS

[HB 1288 – GHB](#)

This bill amends the Controlled Dangerous Substances Act by amending the designation of GHB as a Schedule I drug. It makes GHB Acid a Schedule I and provides an exception for its use as a “legitimate food additive.” There apparently is a specific use for a form of GHB as a treatment for a severe form of narcolepsy. The bill also deletes Tetrahydrocannabinol as a Schedule II and places it and any drug product containing GHB Acid in Schedule III. Manufacturing, Possessing with Intent to Distribute or Distributing GHB will still be punished by five (5) to Life and a fine of up to one hundred thousand dollars (\$100,000).

Effective Date: November 1, 2005

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[HB 1507 – BURDEN OF PROOF](#)

This bill makes a few changes to the “Trooper Nik Green, Rocky Eales and Matthew Evans Act” that was HB 2176 from 2004. The first change requires a showing of clear and convincing evidence rather than a preponderance of the evidence that a person accused of Manufacturing is drug dependent and that the crime was committed to facilitate the addiction. If that burden is met, the court may order the offender held without bond. The next amendment prescribes certain information that a consumer must provide to a pharmacy when purchasing tablets containing pseudoephedrine. The bill also authorizes OBN to implement a “real-time electronic logbook” to monitor the sale of pseudoephedrine products.

Effective Date: November 1, 2005

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[SB 432 – “NIGHTTIME” SEARCH WARRANTS](#)

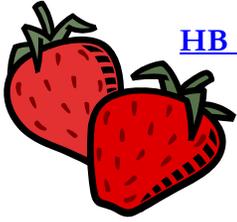
This bill amends 22 O.S. §1230 by adding search warrants relating to the illegal manufacture of CDS to the list of criteria for which a search warrant may be issued for service during the “nighttime.”

Effective Date: November 1, 2005

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WEIGHTY MATTERS OF STATE



HB 1762 – OFFICIAL FRUIT OF OKLAHOMA

This bill designates the strawberry as the official fruit of the Great State of Oklahoma.

Effective Date: November 1, 2005

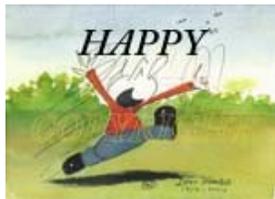
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SB 4 – OFFICIAL CRYSTAL OF OKLAHOMA

This bill designates the Hourglass Selenite Crystal as the official crystal of the Great State of Oklahoma.

Effective Date: April 1, 2005

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SB 464 – STATE CARTOON CHARACTER FOR OKLAHOMA

This bill finally designates and adopts “Gusty” as the state cartoon character for the Great State of Oklahoma. Now, doesn’t that make you feel better?

Effective Date: April 6, 2005

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