



State:

Oklahoma

Statute/Law:

47 Section 11-902: *Persons under the influence of alcohol or other intoxicating substance or combination thereof.*

Per Se Law?:

No

Statute/Law Language:

A. It is unlawful and punishable as provided 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. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;
2. Is under the influence of alcohol;
3. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or
4. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

Penalties Following Conviction:

For first offense: 10 days -1 year imprisonment, and at least \$1000 fine;

For second offense within 10 years (felony): 1 -5 years imprisonment, and up to \$2500 fine;

For third or subsequent offense (felony): 1-10 years, and up to \$5000 fine.

Penalties are enhanced where personal injury or great personal injury is involved.





Discretionary Court-Ordered Penalties:

The court may require defendant to perform community service in lieu of imprisonment, to complete a treatment program or substance abuse program, and order restitution to a victim. The court may also order electronic home monitoring. By statute the court will require the defendant to undergo an assessment and or evaluation prior to sentencing and any recommendations in the evaluation must be ordered as part of the sentence.

For more information:

<http://www.oklegislature.gov/osstatuestitle.html>

Current as of August 2016

