

1 ENGROSSED HOUSE
2 BILL NO. 1318

By: Sanders of the House

3 and

4 Loveless of the Senate

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7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 649, which relates to assault
9 and battery upon police officers; clarifying scope of
10 prohibited act; and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 649, is
14 amended to read as follows:

15 Section 649. A. Every person who, without justifiable or
16 excusable cause, knowingly commits any assault upon the person of a
17 police officer, sheriff, deputy sheriff, highway patrolman,
18 corrections personnel, or state peace officer employed or duly
19 appointed by any state governmental agency to enforce state laws
20 while said officer is in the performance of his or her duties is
21 punishable by imprisonment in the county jail not exceeding six (6)
22 months, or by a fine not exceeding Five Hundred Dollars (\$500.00),
23 or by both such fine and imprisonment.

1 B. Every person who, without justifiable or excusable cause
2 knowingly commits battery or assault and battery upon the person of
3 a police officer, sheriff, deputy sheriff, highway patrolman,
4 corrections personnel, or other state peace officer employed or duly
5 appointed by any state governmental agency to enforce state laws
6 while said officer is in the performance of his or her duties, upon
7 conviction, shall be guilty of a felony punishable by imprisonment
8 in the custody of the Department of Corrections of not more than
9 five (5) years ~~in a state correctional institution~~ or county jail
10 for a period not to exceed one (1) year, or by a fine not exceeding
11 Five Hundred Dollars (\$500.00), or by both such fine and
12 imprisonment.

13 C. As used in this section and in Section 650 of this title,
14 "corrections personnel" means any person, employed or duly appointed
15 by the state or by a political subdivision, who has direct contact
16 with inmates of a jail or state correctional facility, and includes
17 but is not limited to, Department of Corrections personnel in job
18 classifications requiring direct contact with inmates, persons
19 providing vocational-technical training to inmates, education
20 personnel who have direct contact with inmates because of education
21 programs for inmates, and persons employed or duly appointed by
22 county or municipal jails to supervise inmates or to provide medical
23 treatment or meals to inmates of jails.

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1 D. For purposes of this section, if an officer is off duty and
2 the nature of the assault or assault and battery relates back to, or
3 in any manner or circumstances has to do with, his or her official
4 position as a law enforcement officer then it shall fall within the
5 meaning of "in the performance of his or her duties" as an officer.

6 SECTION 2. This act shall become effective November 1, 2015.

7 Passed the House of Representatives the 5th day of March, 2015.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2015.

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Presiding Officer of the Senate

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