An Act

ENROLLED SENATE
BILL NO. 1

By: Branan and Bass of the Senate

and

Jackson, Pittman, Turner, Nelson and Fisher of the House

An Act relating to alcoholic beverages; amending 37 O.S. 2011, Section 8, which relates to consuming or inhaling certain intoxicants; providing certain exception; prohibiting a peace officer from taking a person into custody under certain circumstances; providing immunity from criminal prosecution for certain offenses; prohibiting certain action against a peace officer under certain circumstances; defining term; providing for codification; and providing an effective date.

SUBJECT: Intoxication offenses

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

SECTION 1. AMENDATORY 37 O.S. 2011, Section 8, is amended to read as follows:

Section 8. ~~Any~~ Except as provided in Section 2 of this act, any person who shall, in any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink or otherwise consume any intoxicating liquor unless authorized by the Oklahoma Alcoholic

Beverage Control Act, intoxicating substance, or intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated in any public or private road, or in any passenger coach, streetcar, or any public place or building, or at any public gathering, from drinking or consuming such intoxicating liquor, intoxicating substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated from any cause and shall disturb the peace of any person, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars ($10.00), nor more than One Hundred Dollars ($100.00), or by imprisonment for not less than five (5) days nor more than thirty (30) days, or by both such fine and imprisonment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8a of Title 37, unless there is created a duplication in numbering, reads as follows:

A. A peace officer may not take a person into custody based solely on the commission of an offense involving alcohol described in subsection B of this section if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

1. The law enforcement officer has contact with the person because the person requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption; and

2. The person:

a. provided the person's full name and any other relevant information requested by the law enforcement officer,

b. remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived, and

c. cooperated with emergency medical assistance personnel and law enforcement officers at the scene.

B. A person who meets the criteria of subsection A of this section is immune from criminal prosecution for an offense under Section 8 of Title 37 of the Oklahoma Statutes if the offense involved a state of intoxication caused by the person's use of alcohol or if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol.

C. A person may not initiate or maintain an action against a peace officer or the employing political subdivision based on the officer's compliance or failure to comply with this section.

D. For the purposes of this section, "peace officer" shall have the same meaning as defined in Section 99 of Title 21 of the Oklahoma Statutes.

SECTION 3. This act shall become effective November 1, 2013.

Passed the Senate the 30th day of April, 2013.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2013.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 1st

day of May, 20 13, at 3:30 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 7th

day of May, 20 13, at 2:26 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th

day of May, 20 13, at 2:58 o'clock P. M.

By: Chris Morrison