An Act

ENROLLED SENATE
BILL NO. 72

By: Allen of the Senate

and

Hardin and Biggs of the House

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 649.1 and 649.2, which relate to crimes against police dog and horse; modifying prohibition of mistreatment of police dog and horse; providing for additional prohibited acts against police dog and horse; increasing limit for imprisonment; requiring restitution; directing payment of restitution to certain entities; providing for exceptions to prohibited acts; and providing effective date.

SUBJECT: Law enforcement animals

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 649.1, is amended to read as follows:

Section 649.1 A. No person shall willfully ~~torture~~ strike, torment~~, beat, mutilate, injure, disable~~, administer a nonpoisonous desensitizing substance to, or otherwise mistreat a police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.

B. No person shall willfully interfere with the lawful performance of any police dog or police horse.

C. Except as provided in subsection D of this section, any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by the imposition of a fine not exceeding Five Hundred Dollars ($500.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

D. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections not exceeding two (2) years, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 649.2, is amended to read as follows:

Section 649.2 A. No person shall willfully kill; beat; torture; injure so as to disfigure or disable; administer poison to; set a booby trap device for the purpose of injury so as to disfigure, disable or kill; or pay or agree to pay bounty for purposes of injury so as to disfigure, disable or kill any police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.

B. Except as provided in subsection C of this section, any person convicted of violating the provisions of this section is guilty of a misdemeanor punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or

political subdivision of the state which employed the service of the police dog or horse.

C. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections not exceeding ~~two (2)~~ five (5) years, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

D. The provisions of this section shall not apply:

1. To a peace officer or veterinarian who terminates the life of a police dog or a police horse for the purpose of relieving the dog or horse of undue pain or suffering; or

2. If a police dog is off duty and is running loose without supervision of a police officer and gets run over by a motor vehicle or is perceived to be a threat to the public.

SECTION 3. This act shall become effective November 1, 2014.

Passed the Senate the 29th day of April, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of March, 2014.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 30th

day of April, 20 14, at 4:42 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th

day of May, 20 14, at 2:09 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 6th

day of May, 20 14, at 2:46 o'clock P. M.

By: Chris Benge