An Act

ENROLLED HOUSE
BILL NO. 1318

By: Sanders of the House

and

Loveless of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 649, as amended by Section 1 of Enrolled Senate Bill No. 55 of the 1st Session of the 55th Oklahoma Legislature, which relates to assault and battery upon police officers; clarifying scope of prohibited act; and providing an effective date.

SUBJECT: Assault and battery on peace officers

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 649, as amended by Section 1 of Enrolled Senate Bill No. 55 of the 1st Session of the 55th Oklahoma Legislature, is amended to read as follows:

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

B. Every person who, without justifiable or excusable cause knowingly commits battery or assault and battery upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or other state peace officer employed or duly

appointed by any state governmental agency to enforce state laws while the officer is in the performance of his or her duties, upon conviction, shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections of not more than five (5) years ~~in a state correctional institution~~ or county jail for a period not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

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

D. For the purposes of this section, assault and battery upon law officers includes any attempt to reach for or gain control of the firearm of any police officer, sheriff, deputy sheriff, highway patrol, corrections personnel as defined in Section 649 of this title, or any peace officer employed by any state or federal governmental agency to enforce state laws.

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

F. This section shall not supersede any other act or acts, but shall be cumulative thereto.

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

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

Presiding Officer of the House
of Representatives

Passed the Senate the 15th day of April, 2015.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16th
day of April, 20 15, at 2:55 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 15, at 1:58 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 21st
day of April, 20 15, at 3:19 o'clock P. M.
By: C. Benge