

An Act

ENROLLED SENATE
BILL NO. 55

By: David of the Senate

and

Billy of the House

An Act relating to crime and punishment; amending 21 O.S. 2011, Section 649, which relates to assault and battery upon a law enforcement officer; broadening certain inclusions; amending 21 O.S. 2011, Section 650, which relates to aggravated assault and battery upon a law enforcement officer; broadening certain inclusions; and providing an effective date.

SUBJECT: Assault and battery on a law enforcement officer

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 649, 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 ~~said~~ 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 ~~said~~ the officer is in the performance of his or her duties, upon conviction, shall be guilty of a felony punishable by imprisonment 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. This section shall not supersede any other act or acts, but shall be cumulative thereto.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 650, is amended to read as follows:

Section 650. A. Every person who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a police officer, sheriff, deputy sheriff or highway patrolman, corrections personnel as defined in Section 649 of this title, or any state peace officer employed by any state or federal governmental agency to enforce state laws, while ~~said~~ the officer is in the performance of his or her duties shall upon conviction thereof be guilty of a felony, which shall be punishable by imprisonment in the custody of the Department of Corrections for

not more than life or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. Every person who, without justifiable or excusable cause, commits any aggravated assault and battery upon a person that the violator knows or should reasonably know is a police officer, sheriff, deputy sheriff or highway patrolman, corrections personnel as defined in Section 649 of this title, or any state peace officer employed by any state or federal governmental agency to enforce state laws, that results in maiming as defined in Section 751 of this title, while ~~said~~ the officer is in the performance of his or her duties shall upon conviction be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections of not less than five (5) years nor more than life or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. For purposes of this section, aggravated assault and battery upon law officers, includes the physical contact with and in attempt to gain control of the firearm of any police officer, sheriff, deputy sheriff, highway patrolman, 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.

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

SECTION 3. This act shall become effective November 1, 2015.

Passed the Senate the 25th day of February, 2015.

Nathan Dahm

Presiding Officer of the Senate

Passed the House of Representatives the 31st day of March, 2015.

Lee B. Doney

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th

day of April, 20 15, at 2:58 o'clock P M.

By: Audrey Rockwell

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

day of April, 20 15, at 2:30 o'clock P M.

Mary Fallin

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 April, 20 15, at 3 o'clock P M.

By: Chris Benz