

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 278

BY: DICKERSON of the SENATE
and
BENSON of the HOUSE

(CRIMES AND PUNISHMENTS - AMENDING 21 O.S.,
SECTION 1483 - EXTORTION -
EMERGENCY)

AUTHORS: Add the following House Coauthors: APPLE, WEAVER, DUNLAP,
SULLIVAN, COZORT and HENSHAW

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

AN ACT RELATING TO CRIMES AND PUNISHMENTS AND COURT
PROCEEDINGS; AMENDING 10 O.S. 1981, SECTION 1102,
AS LAST AMENDED BY SECTION 1 OF ENROLLED HOUSE BILL
NO. 1309 OF THE 1ST SESSION OF THE 43RD OKLAHOMA
LEGISLATURE, WHICH RELATES TO COURT JURISDICTION
OVER CERTAIN CHILDREN; PROVIDING FOR RETENTION OF
JURISDICTION OVER CHILDREN ALLEGED TO BE
DELINQUENT, IN NEED OF SUPERVISION, IN NEED OF
TREATMENT, OR DEPRIVED; AMENDING 21 O.S. 1981,
SECTION 648, AS LAST AMENDED BY SECTION 1, CHAPTER
75, O.S.L. 1990 (21 O.S. SUPP. 1990, SECTION 648),
WHICH RELATES TO ASSAULT, BATTERY AND ASSAULT AND
BATTERY; PROHIBITING CERTAIN ACTS AGAINST COURT
PERSONNEL; DEFINING TERM; AMENDING 21 O.S. 1981,
SECTION 1483, WHICH RELATES TO EXTORTION; MODIFYING
LANGUAGE; INCLUDING ATTEMPTED EXTORTION AS A CRIME

AND PROVIDING PENALTY THEREFOR; AMENDING 74 O.S.
1981, SECTION 150.2, AS LAST AMENDED BY SECTION 3,
CHAPTER 282, O.S.L. 1990 (74 O.S. SUPP. 1990,
SECTION 150.2), WHICH RELATES TO THE DUTIES AND
POWERS OF THE OKLAHOMA STATE BUREAU OF
INVESTIGATION; PROVIDING FOR THE INVESTIGATION OF
THREATS TO CERTAIN OFFICIALS; PROVIDING FOR
SECURITY FOR CERTAIN OFFICIALS; REPEALING 21 O.S.
1981, SECTION 1487, WHICH RELATES TO ATTEMPTED
EXTORTION; PROVIDING FOR CODIFICATION; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 10 O.S. 1981, Section 1102, as
last amended by Section 1 of Enrolled House Bill No. 1309 of the 1st
Session of the 43rd Oklahoma Legislature, is amended to read as
follows:

Section 1102. A. Upon the filing of a petition, or upon the
assumption of custody pursuant to the provisions of Section 1107 of
this title, the district court shall have jurisdiction of any child
who is or is alleged to be delinquent, in need of supervision, in
need of treatment, or deprived, who is found within the county; and
of the parent, guardian or legal custodian of said child, regardless
of where the parent, guardian or legal custodian is found. When
jurisdiction shall have been obtained over a child who is or is
alleged to be in need of supervision, a child in need of treatment,
or a deprived child, such may be retained until the child becomes
eighteen (18) years of age and when jurisdiction shall have been
obtained over a child who is or is alleged to be a delinquent child,
jurisdiction may be retained until the child becomes nineteen (19)

years of age. For the convenience of the parties and in the interest of justice, a proceeding under this chapter may be transferred to the district court in any other county.

B. The district court in which a petition is filed or the district court in which custody has been assumed pursuant to the provisions of Section 1107 of this title may retain jurisdiction of a delinquent child in such proceeding notwithstanding the fact that the child is subject to the jurisdiction of another district court within the state. Any adjudication and disposition made by the court in which said petition is filed shall control over prior orders in regard to the child.

C. The district court in which a petition is filed which alleges that a child is in need of supervision, in need of treatment, or is deprived can issue any temporary order or grant any interlocutory relief authorized by this chapter notwithstanding the fact that another district court within the state has jurisdiction of the child or has jurisdiction to determine the custody or support of the child.

D. If the district court in which a petition is filed pursuant to either subsection B or subsection C of this section sustains the petition, the district court shall have the jurisdiction to make a final determination on the juvenile petition or to transfer the proceedings to a court having prior jurisdiction over the child. Where the other proceeding is pending in the same judicial district in which the juvenile petition is filed, the chief judge of the judicial district shall determine if the proceedings shall be consolidated and, if consolidated, which judge shall try the issues when the judges to whom the cases have been assigned are unable to agree on the procedure that should be followed.

E. A municipal court, if authorized by the governing body of the municipality, may enter into an agreement with the district court, pursuant to rules promulgated and adopted by the Oklahoma

Supreme Court, to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, and public intoxication. A child under eighteen (18) years of age may be charged and prosecuted for violating such a municipal ordinance provided that the maximum fine which may be imposed shall not exceed the maximum fine authorized by law. When assessing punishment, the court also may require appropriate community service work, not to exceed twenty hours, in lieu of a fine if the product of multiplying the number of hours of community service work by the prevailing minimum wage does not result in a number which exceeds the maximum fine authorized by law, or restitution, or both community service work and restitution. In addition, the court may require the child to receive counseling or other community-based services, as necessary. If a child is prosecuted for an offense in a municipal court, the child shall not be prosecuted for the offense in the district court. All municipal arrest and prosecution records for cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, or public intoxication shall be kept confidential and shall not be open to public inspection except by order of the court.

F. Funds generated from fines paid pursuant to an agreement between a municipal court and the district court shall be earmarked and used by the municipality to fund local programs which address problems of juvenile crime.

SECTION 2. AMENDATORY 21 O.S. 1981, Section 648, as last amended by Section 1, Chapter 75, O.S.L. 1990 (21 O.S. Supp. 1990, Section 648), is amended to read as follows:

Section 648. A. "Police officer", "police" or "peace officer" means any duly appointed person who is charged with the

responsibility of maintaining public order, safety, and health by the enforcement of all laws, ordinances or orders of this state or any of its political subdivisions and who is authorized to bear arms in execution of his responsibilities.

B. "Police dog" means any dog used by a law enforcement agency of this state or political subdivision of this state which is especially trained for law enforcement work and is subject to the control of a dog handler.

C. "Police horse" means any horse which is used by a law enforcement agency of this state or political subdivision of this state for law enforcement work.

D. "Dog handler" means any police officer or peace officer who has successfully completed training in the handling of a police dog as established by the policy or standard of the law enforcement agency employing said officer.

E. "Court personnel" means any person serving in an official capacity in any court of this state or a court in any political subdivision of this state including any Justice, Judge, bailiff, clerk or court reporter.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 650.6 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Every person who, without justifiable or excusable cause, knowingly commits any assault upon the person of any court personnel as defined in Section 648 of this title, upon conviction, is guilty of a misdemeanor 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 any battery or assault and battery upon the person of any court personnel as defined in Section 648 of this title, upon conviction, is punishable by imprisonment for not more than five (5)

years in a state correctional institution or in a county jail 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. Every person who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of any court personnel as defined in Section 648 of this title, upon conviction, is guilty of a felony, which shall be punishable by imprisonment in a state correctional institution for not more than five (5) years, or in a county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 4. AMENDATORY 21 O.S. 1981, Section 1483, is amended to read as follows:

Section 1483. Every person who extorts or attempts to extort any money or other property from another, under circumstances not amounting to robbery, by means of force or any threat such as is mentioned in ~~the last section~~ Section 1482 of this title, upon conviction, shall be guilty of a felony. A conviction for extortion is punishable by imprisonment in the ~~penitentiary~~ State Penitentiary for not exceeding five (5) years. A conviction for attempted extortion is punishable by imprisonment in the State Penitentiary for not exceeding two (2) years.

SECTION 5. AMENDATORY 74 O.S. 1981, Section 150.2, as last amended by Section 3, Chapter 282, O.S.L. 1990 (74 O.S. Supp. 1990, Section 150.2), is amended to read as follows:

Section 150.2 The Oklahoma State Bureau of Investigation shall have the power and duty to:

1. maintain scientific laboratories to assist all law enforcement agencies in the discovery and detection of criminal activity; and
2. maintain fingerprint and other identification files; and

3. establish, coordinate and maintain the automated fingerprinting identification system; and

4. operate teletype, mobile and fixed radio or other communications systems; and

5. conduct schools and training programs for the agents, peace officers, and technicians of this state charged with the enforcement of law and order and the investigation and detection of crime; and

6. assist the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Chief Medical Examiner, and all law enforcement officers and district attorneys when such assistance is requested, in accordance with the policy determined by the Commission; and

7. investigate and detect criminal activity when directed to do so by the Governor; and

8. investigate, detect, institute and maintain actions involving vehicle theft pursuant to Section 150.7 of this title or oil, gas or oil field equipment theft pursuant to Sections 152.2 through 152.9 of this title; and

9. investigate any criminal threat made to the physical safety of elected or appointed officials of this state or any political subdivision of the state, and provide security to foreign elected or appointed officials while they are in this state on official business.

SECTION 6. REPEALER 21 O.S. 1981, Section 1487, is hereby repealed.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 15th day of April, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate