

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 737

BY: WRIGHT of the SENATE

and

JOHNSON (Rob) of the HOUSE

COMMITTEE SUBSTITUTE AN ACT RELATING TO MUNICIPALITIES AND COUNTIES;
AMENDING 11 O.S. 1991, SECTION 28-106, WHICH RELATES TO DUTIES OF
MUNICIPAL CRIMINAL COURT CLERK; AUTHORIZING APPROPRIATE OFFICIAL TO
COLLECT CERTAIN MONIES; AMENDING 11 O.S. 1991, SECTION 34-103, WHICH
RELATES TO POLICE FUNCTIONS OUTSIDE EMPLOYING MUNICIPALITY;
PERMITTING CERTAIN POLICE DEPARTMENT MEMBERS TO BE DEPUTIZED BY
COUNTY SHERIFF; AMENDING 19 O.S. 1991, SECTION 547, WHICH RELATES TO
COUNTY SHERIFFS; AUTHORIZING COUNTY SHERIFF TO DEPUTIZE MUNICIPAL
POLICE OFFICERS SUBJECT TO CERTAIN AGREEMENTS TO COMBINE CITY AND
COUNTY LAW ENFORCEMENT EFFORTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 28-106, is
amended to read as follows:

Section 28-106. The clerk of the municipal criminal court of
record shall keep and preserve the records of all proceedings had in

the court, shall keep a docket, and shall collect and receive all fines, costs, bond forfeitures and other monies properly receivable by him and shall account for the same to the city governing body.

~~He~~ The governing body may authorize the appropriate finance official of the city by ordinance to collect and receive all fines, costs, bond forfeitures and other monies properly received by the clerk.

When the clerk collects and receives such monies, the clerk shall pay all such sums of money to the ~~city treasurer or commissioner of~~ appropriate finance official of the city as the ~~city~~ governing body may prescribe. It shall be the duty of the clerk to certify and authenticate all transcripts, cases and other records of the court and the certificate of the clerk shall be prima facie proof of the correctness of the copy of the document or record authenticated.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 34-103, is amended to read as follows:

Section 34-103. A. Members of the regular police department of any municipality, upon request of the mayor or his designee, or chief of police or his designee, of any other municipality, may serve as police officers in the municipality requesting their assistance upon approval of the governing body of the municipality where such officers are regularly employed. While so serving in another municipality, such police officers shall have the same powers and duties as though employed by the municipality where such duties are performed; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

B. Members of the regular police department of any municipality, upon request of a county sheriff or his designee, or upon request by a member of the Oklahoma Highway Patrol, may serve as law enforcement officers for the sheriff's office or the Oklahoma Highway Patrol, respectively, if such service has been authorized by prior resolution by the governing body of the municipality where

such officers are regularly employed. While so serving, such police officers shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

C. Members of the regular police department of any municipality may be deputized by the county sheriff or his designee subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

SECTION 3. AMENDATORY 19 O.S. 1991, Section 547, is amended to read as follows:

Section 547. A. The sheriff shall be responsible for the official acts of his undersheriff and deputy sheriffs, and may revoke such appointments at his pleasure. The sheriff or the undersheriff may in writing depute certain persons to do particular acts.

B. Each sheriff may appoint as many reserve force deputy sheriffs as are necessary to preserve the peace and dignity of the county. A current list of each person holding such appointment shall be maintained by the county sheriff and shall be available to the public. Reserve force deputy sheriffs may perform duties which encompass a particular act or a series of acts. A sheriff or salaried deputy sheriff shall accompany a reserve force deputy sheriff in the performance of all duties assigned to such reserve force deputy sheriff unless such reserve deputy has completed the required one-hundred-twenty-hour basic police course. Reserve force

deputies may receive compensation for their services. Such reserve deputy sheriffs shall complete a one-hundred-twenty-hour basic police course within twelve (12) months after they have been commissioned to be paid by the county ~~or~~ as an individual reserve deputy.

C. The sheriff or his designee may deputize municipal police officers subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

SECTION 4. 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.

43-2-8690

JAF