

ENGROSSED HOUSE  
BILL NO. 1171

BY: HAMILTON (Jeff) and  
CAMPBELL of the HOUSE

and

WRIGHT of the SENATE

AN ACT RELATING TO THE MILITIA; AMENDING 44 O.S.

1981, SECTION 230, WHICH RELATES TO MILITARY  
SECURITY GUARDS; CHANGING THE NAME OF SUCH GUARDS  
TO "MILITARY DEPARTMENT POLICE OFFICERS";  
CLARIFYING THAT MILITARY DEPARTMENT POLICE OFFICERS  
ARE NOT ELIGIBLE TO PARTICIPATE IN CERTAIN  
RETIREMENT SYSTEM; PLACING CERTAIN ACTS UNDER THE  
GOVERNMENTAL TORT CLAIMS ACT; PROVIDING FOR  
CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND  
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 44 O.S. 1981, Section 230, is  
amended to read as follows:

Section 230. A. The Adjutant General of the State of Oklahoma  
is hereby authorized to appoint such police officers as are  
necessary to be designated as military ~~security guards~~ department  
police officers, for the purpose of protecting all properties of,  
owned by or under the control of the Oklahoma National Guard  
wherever located in the State of Oklahoma. The Adjutant General  
shall prescribe the duties for the police officers thus appointed,

designate their uniforms and fix their compensation upon appointment. Each such military ~~security guard~~ department police officer shall be given a written commission evidencing his appointment and authority, together with a detailed description of his person in order to properly identify his official capacity; the form of such commission shall be prescribed by the Adjutant General.

B. Any military ~~security guard~~ department police officer appointed pursuant to the provisions of this act shall have, with the sole exception of the serving or execution of civil process, all the powers vested by law in peace officers in the protection and guarding of the grounds, buildings and equipment of, owned by or under the control of the Oklahoma National Guard; he shall direct his attention to the prevention of improper conduct, interference with, or trespassing upon the property of, owned by or under the control of the Oklahoma National Guard. He shall, if required, make arrests and take into custody persons guilty of improper conduct or trespassing.

C. It shall be the duty of the district attorney of the district wherein the improper conduct, interference or trespassing is alleged to have taken place to prosecute such offense upon a complaint filed by such military ~~security guard~~ department police officer.

D. For purposes of this section a military department police officer shall not be eligible to participate in the Law Enforcement Retirement Fund.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.1 of Title 44, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any provision in any Federal-State Agreement limiting the duties of a military department police officer, all official acts performed by a military department police officer pursuant to the authority granted in Section 1 of this act are

governmental acts within the purview of The Governmental Tort Claims Act.

SECTION 3. This act shall become effective July 1, 1991.

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.

Passed the House of Representatives the 13th day of March, 1991.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1991.

President of the Senate