

ENGROSSED SENATE
BILL NO. 570

BY: HOOPER, LEFTWICH and CAPPS
of the SENATE

and

HUDSON of the HOUSE

AN ACT RELATING TO SCHOOLS, CRIMES AND PUNISHMENTS
AND CRIMINAL PROCEDURE; AMENDING 70 O.S. 1981,
SECTION 6-113, WHICH RELATES TO ASSAULT, BATTERY OR
ASSAULT AND BATTERY ON SCHOOL EMPLOYEE, 21 O.S.
1981, SECTIONS 1277 AND 1280, WHICH RELATE TO
CARRYING CERTAIN WEAPONS INTO CERTAIN PUBLIC
BUILDINGS, AND 22 O.S. 1981, SECTION 196, AS LAST
AMENDED BY SECTION 2, CHAPTER 174, O.S.L. 1987 (22
O.S. SUPP. 1990, SECTION 196), WHICH RELATES TO
ARREST WITHOUT WARRANT BY OFFICER; AUTHORIZING
ARREST FOR CERTAIN VIOLATION WITHOUT WARRANT;
PROVIDING PENALTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1981, Section 6-113, is
amended to read as follows:

Section 6-113. A. As used herein, school employee shall mean
any duly appointed person employed by, or ~~employees~~ employee of a
firm contracting with, a school system for any purpose, including
such personnel not directly related to the teaching process and
school board members during school board meetings.

B. Every person who, without justifiable or excusable cause, knowingly commits any assault, battery, or assault and battery upon the person of a school employee of a school district or threatens and places such employee in immediate fear of bodily harm while such employee is in the performance of his duties as a school employee, is shall upon conviction be guilty of a misdemeanor, punishable by imprisonment in the county jail for a period not exceeding six (6) months, 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 a school employee while such person is in the performance of his duties, shall upon conviction be guilty of a felony.

SECTION 2. AMENDATORY 21 O.S. 1981, Section 1277, is amended to read as follows:

Section 1277. A. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ballroom, or to any social party or social gathering, or to any election, or to any political convention, or to any other public assembly, any of the weapons designated in ~~the first and second sections~~ Section 1272 of this ~~article~~ title.

B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), and imprisonment for a term not more than one (1) year.

SECTION 3. AMENDATORY 21 O.S. 1981, Section 1280, is amended to read as follows:

Section 1280. Any person violating the provisions of ~~the three preceding sections,~~ Sections 1278 and 1279 of this title shall, ~~on~~

upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00) and shall be imprisoned in the county jail for not less than three (3) nor more than twelve (12) months.

SECTION 4. AMENDATORY 22 O.S. 1981, Section 196, as last amended by Section 2, Chapter 174, O.S.L. 1987 (22 O.S. Supp. 1990, Section 196), is amended to read as follows:

Section 196. A peace officer may, without a warrant, arrest a person:

1. For a public offense, committed or attempted in his presence;
2. When the person arrested has committed a felony, although not in his presence;
3. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it;
4. On a charge, made upon reasonable cause, of the commission of a felony by the party arrested;
5. When he has probable cause to believe that the party was driving or in actual physical control of a motor vehicle involved in an accident upon the public highways, streets or turnpikes and was under the influence of alcohol or intoxicating liquor or who was under the influence of any substance included in the Uniform Controlled Dangerous Substances Act, Sections 2-101 et seq. of Title 63 of the Oklahoma Statutes; ~~or~~
6. Anywhere, including his place of residence, if the peace officer has probable cause to believe the person within the preceding four (4) hours has committed an act of domestic abuse as defined by Section 60.1 of this title, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this section without first

observing a recent physical injury to, or an impairment of the physical condition of, the alleged victim; or

7. When he has probable cause to believe that the person within the preceding four (4) hours has committed an act in violation of subsection B of Section 1 of this act.

SECTION 5. 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 Senate the 11th day of March, 1991.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1991.

Speaker of the House of Representatives