

ENROLLED SENATE
BILL NO. 737

BY: WRIGHT of the SENATE

and

JOHNSON (Rob) and CAMPBELL
of the HOUSE

AN ACT RELATING TO MUNICIPALITIES AND COUNTIES;
AMENDING 11 O.S. 1991, SECTIONS 28-106 AND 34-103,
19 O.S. 1991, SECTION 547, AND 51 O.S. 1991,
SECTION 156, WHICH RELATE TO DUTIES OF MUNICIPAL
CRIMINAL COURT CLERK, POLICE FUNCTIONS OUTSIDE
EMPLOYING MUNICIPALITY, COUNTY SHERIFFS AND
LIMITATION OF TORT CLAIM ACTIONS; AUTHORIZING
APPROPRIATE OFFICIAL TO COLLECT CERTAIN MONIES;
PERMITTING CERTAIN POLICE DEPARTMENT MEMBERS TO BE
DEPUTIZED BY COUNTY SHERIFF; AUTHORIZING COUNTY
SHERIFF TO DEPUTIZE MUNICIPAL POLICE OFFICERS
SUBJECT TO CERTAIN AGREEMENTS TO COMBINE CITY AND
COUNTY LAW ENFORCEMENT EFFORTS; EXPANDING TIME TO
FILE TORT CLAIM ACTION; DELETING PROVISION WHICH
REDUCES JUDGMENT; 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. 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 appropriate finance official of the city as the 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 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. AMENDATORY 51 O.S. 1991, Section 156, is amended to read as follows:

Section 156. A. Any person having a claim against the state or a political subdivision within the scope of Section 151 et seq. of this title shall present a claim to the state or political subdivision for any appropriate relief including the award of money damages.

B. Claims against the state or a political subdivision are to be presented within one (1) year of the date the loss occurs. A claim against the state or a political subdivision shall be forever barred unless notice thereof is presented within one (1) year after the loss occurs.

C. A claim against the state shall be in writing and filed with the Office of the Risk Management Administrator of the Purchasing Division of the Office of Public Affairs who shall immediately notify the Attorney General and the agency concerned and conduct a diligent investigation of the validity of the claim within the time specified for approval or denial of claims by Section 157 of this title. A claim may be filed by certified mail with return receipt requested. A claim which is mailed shall be considered filed upon receipt by the Office of the Risk Management Administrator.

D. A claim against a political subdivision shall be in writing and filed with the office of the clerk of the governing body.

E. The written notice of claim to the state or a political subdivision shall state the date, time, place and circumstances of the claim, the identity of the state agency or agencies involved, the amount of compensation or other relief demanded, the name, address and telephone number of the claimant, and the name, address and telephone number of any agent authorized to settle the claim. Failure to state either the date, time, place and circumstances and amount of compensation demanded shall not invalidate the notice unless the claimant declines or refuses to furnish such information after demand by the state or political subdivision. The time for giving written notice of claim pursuant to the provisions of this section does not include the time during which the person injured is unable due to incapacitation from the injury to give such notice, not exceeding ninety (90) days of incapacity.

F. When the claim is one for death by wrongful act or omission, notice may be presented by the personal representative within one (1) year after the alleged injury or loss resulting in such death. If the person for whose death the claim is made has presented notice that would have been sufficient had he lived, an action for wrongful death may be brought without any additional notice.

G. Claims and suits against resident physicians or interns shall be made in accordance with the provisions of Titles 12 and 76 of the Oklahoma Statutes.

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.