

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1171

BY: HAMILTON (Jeff)

AS INTRODUCED

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"; MODIFYING POWERS OF SUCH OFFICERS; 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. The military department police officer shall:

1. direct his attention to the protection and guarding of the grounds, buildings and equipment owned by or under the control of the Oklahoma National Guard;

2. direct his attention to the prevention of improper conduct, interference with, or trespassing upon the property owned by or under the control of the Oklahoma National Guard; and ~~He shall,~~

3. 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.

SECTION 2. This act shall become effective July 1, 1991.

SECTION 3. 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.

