

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 570

BY: HOOPER

AS INTRODUCED

AN ACT RELATING TO SCHOOLS AND CRIMES AND

PUNISHMENTS; AMENDING 70 O.S. 1981, SECTION 6-113,  
WHICH RELATES TO ASSAULT, BATTERY OR ASSAULT AND  
BATTERY ON SCHOOL EMPLOYEE, AND 21 O.S. 1981,  
SECTIONS 1277 AND 1280, WHICH RELATE TO CARRYING  
CERTAIN WEAPONS INTO CERTAIN PUBLIC BUILDINGS;  
MODIFYING CLASSIFICATIONS FROM MISDEMEANOR TO  
FELONY; PROVIDING PENALTIES; 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 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.~~

C. Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Five Thousand Dollars (\$5,000.00), and shall be imprisoned for not less than one (1) year nor more than five (5) years.

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 felony and be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Five

Thousand Dollars (\$5,000.00), and shall be imprisoned for not less than one (1) year nor more than five (5) years.

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 1286 and 1288 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. 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.

43-1-613

WHT