

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2121

By: Maddux, Elmer

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 540B, which relates to roadblocks; modifying the definition of roadblock; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 540B, is amended to read as follows:

Section 540B. A peace officer may set up one or more roadblocks to apprehend any person riding upon or within a motor vehicle traveling upon a highway, street, turnpike, or area accessible to motoring public, when the officer has probable cause to believe such person is committing or has committed:

1. A violation of Section 540A of this title;
2. Escape from the lawful custody of any peace officer;
3. A felony under the laws of this state or the laws of any other jurisdiction.

A roadblock is defined as a slowly driven motor vehicle known as a "rolling roadblock", a barricade, sign, standing motor vehicle, or similar obstacle temporarily placed upon or adjacent to a public street, highway, turnpike or area accessible to the motoring public,

with one or more peace officers in attendance thereof directing each operator of approaching motor vehicles to stop or proceed.

Every operator of a motor vehicle approaching such roadblock has a duty to stop at the roadblock unless directed otherwise by a peace officer in attendance thereof and the willful violation hereof shall constitute a separate offense from any other offense omitted. Any person who willfully attempts to avoid such roadblock or in any manner willfully fails to stop at such roadblock or who willfully passes by or through such roadblock without receiving permission from a peace officer in attendance thereto, is guilty of a felony and shall be punished by imprisonment in the penitentiary for not less than one (1) year, nor more than five (5) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00) or by both such fine and imprisonment.

SECTION 2. This act shall become effective September 1, 1994.

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