

ENGROSSED HOUSE AMENDMENT  
TO  
ENGROSSED SENATE BILL NO. 17

By: Wilkerson of the Senate  
and  
Plunk of the House

An Act relating to peace officers; amending 21 O.S.  
1991, Section 99, which relates to definition for  
peace officers; amending 22 O.S. 1991, Section 36,  
which relates to immunity for assisting a peace  
officer; \* \* \* and providing an effective date.

AUTHOR: Add the following House Coauthor: Askins

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
and insert

"An Act relating to peace officers; amending 19 O.S. 1991,  
Section 215.35A, as amended by Section 3, Chapter 295  
O.S.L. 1994 (19 O.S. Supp. 1994, Section 215.35A), which  
relates to district attorney investigators; specifying  
jurisdiction of certain district attorney investigators;  
amending 21 O.S. 1991, Section 99, which relates to  
definition for peace officers; amending 22 O.S. 1991,  
Section 36, which relates to immunity for assisting a  
peace officer; granting the United States Marshals and  
Marshals Service deputies peace officer status; providing  
certain immunity; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 215.35A, as  
amended by Section 3, Chapter 295, O.S.L. 1994 (19 O.S. Supp. 1994,  
Section 215.35A), is amended to read as follows:

Section 215.35A A. ~~Investigators for a~~ District attorney investigators serve under the direction of the district attorney, and shall perform such services as are necessary in the investigation of criminal activity or preparation of civil litigation within the district ~~at the direction of the district attorney.~~

B. If the district attorney's investigator is certified as a peace officer by the Council on Law Enforcement Education and Training the investigator shall be considered a peace officer and shall have the powers now or hereafter vested by law in peace officers.

C. While in the performance of official duties as an investigator for the district attorney, an investigator who has been certified as a peace officer by the Council on Law Enforcement Education and Training shall have jurisdiction in any portion of the state.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 99, is amended to read as follows:

Section 99. The term "peace officer" signifies any sheriff, ~~constable or policeman, and or any other officers~~ law enforcement officer whose duty it is to enforce and preserve the public peace.

Every United States Marshal and Marshals Service deputy who is employed full-time as a law enforcement officer by the Federal Government, who is authorized by federal law to conduct any investigation of, and make any arrest for, any offense in violation of federal law shall have the same authority, and be empowered to act, as peace officers within the State of Oklahoma in rendering assistance to any law enforcement officer in an emergency, or at the request of any officer, and to arrest any person committing any offense in violation of the laws of this state.

SECTION 3. AMENDATORY 22 O.S. 1991, Section 36, is amended to read as follows:

Section 36. Private citizens aiding a ~~police~~ peace officer, or other officers of the law in the performance of their duties as ~~police~~ peace officers or officers of the law, shall have the same civil and criminal immunity as ~~such~~ a peace officer, as a result of any act or commission for aiding or attempting to aid a ~~police~~ peace officer or other officer of the law, when such officer is in imminent danger of loss of life or grave bodily injury or when such officer requests such assistance and when such action was taken under emergency conditions and in good faith.

Every United States Marshal and Marshals Service deputy while engaged in the performance of official duties as a federal law enforcement officer or when acting as a peace officer for the State of Oklahoma shall have the same immunity from civil and criminal actions as any other peace officer performing official duties within this state.

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."

Passed the House of Representatives the 11th day of April, 1995.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1995.

President of the Senate