

ENROLLED HOUSE
BILL NO. 1701

By: Culver of the House

and

Helton and Henry of the
Senate

An Act relating to peace officers; amending 21 O.S. 1991, Section 91, which relates to definitions; modifying term; amending 21 O.S. 1991, Section 99, as amended by Section 3, Chapter 240, O.S.L. 1995 (21 O.S. Supp. 1996, Section 99), which relates to the definition of peace officer; modifying terms; providing that federal law enforcement officer shall be included in definition of peace officer; establishing authority of peace officers; providing that authority extends to officer assisting an agency; providing that agency is not responsible for salary and other benefits for officers assisting; amending 22 O.S. 1991, Section 36, as amended by Section 4, Chapter 240, O.S.L. 1995 (21 O.S. Supp. 1996, Section 36), which relates to immunity if assisting peace officers; providing immunity for federal law enforcement officers; providing that state is not liable for legal representation for federal officers; providing codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 91, is amended to read as follows:

Section 91. Wherever the terms mentioned in the following sections are employed in this ~~chapter~~ title, they are deemed to be employed in the senses hereafter affixed to them, except where a different sense plainly appears.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 99, as amended by Section 3, Chapter 240, O.S.L. 1995 (21 O.S. Supp. 1996, Section 99), is amended to read as follows:

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

Every United States Marshal ~~and~~, Marshals Service deputy or other federal law enforcement officer 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 99a of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Subject to subparagraph C of this section in addition to any other powers vested by law, a peace officer of the State of Oklahoma as used in this section may enforce the criminal laws of this state throughout the territorial bounds of this state, under the following circumstances:

1. In response to an emergency involving an immediate threat to human life or property;

2. Upon the prior consent of the head of a state law enforcement agency, the sheriff or the chief of police in whose investigatory or territorial jurisdiction the exercise of the powers occurs;

3. In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of investigatory or territorial jurisdiction;

4. In response to the request for assistance by a peace officer with investigatory or territorial jurisdiction; or

5. While the officer is transporting a prisoner.

B. While serving as peace officers of the State of Oklahoma and rendering assistance under the circumstances enumerated above, peace officers shall have the same powers and duties as though employed by and shall be deemed to be acting within the scope of authority of the law enforcement agency in whose or under whose investigatory or territorial jurisdiction they are serving. Salaries, insurance and other benefits shall not be the responsibility of a law enforcement agency that is not the employing agency for the officer.

C. A municipal peace officer may exercise authority provided by this section only if the officer acts pursuant to policies and procedures adopted by the municipal governing body.

SECTION 4. AMENDATORY 22 O.S. 1991, Section 36, as amended by Section 4, Chapter 240, O.S.L. 1995 (22 O.S. Supp. 1996, Section 36), is amended to read as follows:

Section 36. Private citizens aiding a peace officer, or other officers of the law in the performance of their duties as peace officers or officers of the law, shall have the same civil and criminal immunity as a peace officer, as a result of any act or commission for aiding or attempting to aid a 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~~ federal law enforcement officer, as defined in Section 99 of Title 21 of the Oklahoma Statutes, while engaged in the performance of official duties as a federal law enforcement officer or when ~~acting~~ serving 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. The State of Oklahoma or any of its political subdivisions shall not assume the liability for or provide the legal representation for any federal law enforcement officer serving as peace officers of the State of Oklahoma.

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.

Passed the House of Representatives the 5th day of March, 1997.

Speaker

of the House of
Representatives

Passed the Senate the 31st day of March, 1997.

President

of the Senate