

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2292

By: Leist

AS INTRODUCED

An Act relating to crimes and punishments; amending 70 O.S. 1991, Section 6-113, as amended by Section 1, Chapter 241, O.S.L. 1995, and as renumbered by Section 3, Chapter 241, O.S.L. 1995 (21 O.S. Supp. 1997, Section 650.7), which relates to assault and battery of school personnel and students; providing for crime of aggravated assault and battery upon any person in a public school or on school campus; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 6-113, as amended by Section 1, Chapter 241, O.S.L. 1995, and as renumbered by Section 3, Chapter 241, O.S.L. 1995 (21 O.S. Supp. 1997, Section 650.7), is amended to read as follows:

Section 650.7 A. As used in this section:

1. "School employee" shall mean any duly appointed person employed by or employees of a firm contracting with a school system for any purpose, including any personnel not directly related to the teaching process and school board members during school board meetings; and

2. "School campus" means the school building or buildings where instruction takes place and properties under the control of the school that are adjacent to such building or buildings.

B. Any person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery, or assault and battery upon the person of a school employee while such employee is in the performance of any duties as a school employee or upon any student while such student is participating in any school activity or attending classes on school property during school hours shall, upon conviction, be guilty of a misdemeanor. The convicted person shall be punished by a term of imprisonment in the county jail for a period not exceeding six (6) months, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. Any person who, without justifiable or excusable cause, commits any aggravated assault and battery upon the person of a school employee while such employee is in the performance of any duties as a school employee or upon any student while such student is participating in any school activity or attending classes on school property during school hours shall, upon conviction, be guilty of a misdemeanor. The convicted person shall be punished by a term of imprisonment in the county jail for a period not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. Any person, not authorized by law or school policy to enter a public school or upon a public school campus, who enters the school or school campus and commits any aggravated assault and battery upon any person, upon conviction, shall be guilty of a Schedule D-1 felony. The fine for a violation of this subsection shall not exceed Five Thousand Dollars (\$5,000.00).

SECTION 2. This act shall become effective November 1, 1998.

46-2-8234

SD