

SHORT TITLE: Police functions; modifying hours in which certain police officers shall perform certain duties; granting authority for certain part-time employment; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 631

By: Shurden

AS INTRODUCED

An Act relating to police functions; amending 11 O.S. 1991, Sections 34-101 and 34-103, as last amended by Section 1, Chapter 174, O.S.L. 1996 (11 O.S. Supp. 1996, Section 34-103), which relate to police departments; modifying number of hours in which certain police officers shall perform certain duties; modifying language; granting authority for certain part-time employment by certain cities or towns; specifying authority for powers and duties; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 34-101, is amended to read as follows:

Section 34-101. A. A municipal police officer shall at all times have the power to make or order an arrest for any offense against the laws of ~~the State of Oklahoma~~ this state or ~~of~~ the ordinances of the municipality. ~~He~~ The officer shall have such other powers, duties and functions as may be prescribed by law or ordinance.

B. In addition to regular full-time municipal police officers, reserve municipal police officers may also be appointed by the chief of police. Reserve municipal police officers shall have the powers, duties and functions as set forth in law or ordinance for regular

full-time municipal police officers. A reserve municipal police officer shall serve on a part-time basis and shall perform ~~his~~ duties only while on authorized duty and for not more than ~~twenty-five (25)~~ thirty-nine (39) hours per calendar week. Such reserve municipal police officers must meet the minimum requirements of Section 3311 of Title 70 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 34-103, as last amended by Section 1, Chapter 174, O.S.L. 1996 (11 O.S. Supp. 1996, Section 34-103), is amended to read as follows:

Section 34-103. A. Members of the regular police department of any municipality, upon request of the mayor or a designee, or chief of police or a designee, of any other municipality, may serve as police officers in the municipality requesting their assistance upon approval of the governing body of the municipality where ~~such~~ the officers are regularly employed. While so serving in another municipality, ~~such~~ the police officers shall have the same powers and duties as though employed by the municipality where such duties are performed; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

B. Members of the regular police department of any municipality, upon request of a county sheriff or a designee, or upon request by a member of the Oklahoma Highway Patrol, may serve as law enforcement officers for the sheriff's office or the Oklahoma Highway Patrol, respectively, if ~~such~~ the service has been authorized by prior resolution by the governing body of the municipality where such officers are regularly employed. While so serving, ~~such~~ the police officers shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting ~~they~~ the officers shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; except that salaries, insurance and other benefits shall be

provided in their regular manner by the municipality in which the police officers are regularly employed.

C. Members of the regular police department of any municipality may be deputized by the county sheriff or a designee subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

D. The governing body of a municipality may, by resolution, authorize the chief executive officer of the municipality to respond to any request from any other jurisdiction within the state for law enforcement assistance in cases of emergency. The police officers of the municipality serving in response to the emergency request shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; provided, however, that salaries, insurance and other benefits shall be provided in the regular manner by the municipality in which the police officers are regularly employed.

As used in this section, "emergency" means a sudden and unforeseeable occurrence or condition either as to its onset or its extent of such severity or magnitude that immediate response or action is necessary to assist law enforcement agencies having jurisdiction at the scene of the emergency to carry out their functions.

E. Members of the regular police department of any municipality may accept employment during off-duty hours by a city or town outside the jurisdiction of the regular employing police department for purposes of enforcement of the rules and ordinances of such city or town; provided, the requesting city or town does not operate a

regular full-time police department and the regular employing police department through its chief of police gives consent for the employment of the officer. The powers and duties of the part-time police officer shall be those given by the governing body of the requesting city or town and the officer's salary and liability coverage shall be the responsibility of the requesting city or town.

SECTION 3. 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.

46-1-0832

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