

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 540A, as last amended by Section 210, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 540A), which relates to eluding a police officer; modifying circumstances constituting a felony; amending 21 O.S. 1991, Section 1533, as last amended by Section 8, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (21 O.S. Supp. 1998, Section 1533), which relates to false personation; modifying circumstances constituting false personation; modifying penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 540A, as last amended by Section 210, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 540A), is amended to read as follows:

Section 540A. A. Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a peace officer driving a motor vehicle showing the same to be an official police, sheriff, highway patrol or state game ranger vehicle directing the said operator to bring ~~his~~ the vehicle of that operator to a stop and who willfully increases ~~his~~ the speed or extinguishes ~~his~~ the lights of the vehicle in an attempt to elude such peace officer, or willfully attempts in any other manner to elude the peace officer, or who does elude such peace officer, is guilty of a misdemeanor. The peace officer, while attempting to stop a violator of this section, may communicate a request for the assistance of other peace officers from any office, department or agency. Any peace officer within this state having knowledge of such request is authorized to render such assistance in stopping the violator and may effect an arrest under this section upon probable

cause. Violation of this subsection shall constitute a misdemeanor and shall be punishable by not more than one (1) year imprisonment in the county jail or by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) or by both such fine and imprisonment. A second or subsequent violation of this subsection shall be punishable by not more than one (1) year in the county jail or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or both such fine and imprisonment.

B. ~~1.~~ Any person who ~~causes an accident,~~ while eluding or attempting to elude an officer, ~~resulting in great bodily injury to any person other than himself while driving~~ drives or ~~operating~~ operates a motor vehicle within this state ~~and who is~~ in violation of the provisions of subsection A of this section in a manner endangering human life or property may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony. The fine for a violation of this subsection shall not be more than Five Thousand Dollars (\$5,000.00). Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment.

~~2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.~~

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1533, as last amended by Section 8, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (21 O.S. Supp. 1998, Section 1533), is amended to read as follows:

Section 1533. A. Except as provided in subsection B of this section, every person who falsely personates any public officer, civil or military, any fireman, any law enforcement officer, any

emergency medical technician or other emergency medical care provider, or any private individual having special authority by law to perform any act affecting the rights or interests of another, or who assumes, without authority, any uniform or badge by which such officers or persons are usually distinguished, and in such assumed character does any act whereby another person is injured, defrauded, harassed, vexed or annoyed, upon conviction, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. Every person who falsely personates any public officer or any law enforcement officer in connection with or relating to any sham legal process shall, upon conviction, be guilty of a felony. Beginning July 1, 1999, a violation of this subsection shall be a schedule F felony. The fine for a violation of this subsection shall not exceed Five Thousand Dollars (\$5,000.00).

C. Every person who falsely asserts authority of law not provided for by federal or state law in connection with any sham legal process shall, upon conviction, be guilty of a felony. Beginning July 1, 1999, a violation of this subsection shall be a schedule F felony. The fine for a violation of this subsection shall not exceed Five Thousand Dollars (\$5,000.00).

D. Every person who, while acting falsely in asserting authority of law, attempts to intimidate or hinder a public official or law enforcement officer in the discharge of official duties by means of threats, harassment, physical abuse, or use of sham legal process, shall be guilty of a felony. Beginning July 1, 1999, a violation of this subsection shall be a schedule F felony. The fine for a violation of this subsection shall not exceed Five Thousand Dollars (\$5,000.00).

E. Any person who, without authority under federal or state law, acts as a supreme court justice, a district court judge, an

associate district judge, a special judge, a magistrate, a clerk of the court or deputy, a notary public, a juror or other official holding authority to determine a controversy or adjudicate the rights or interests of others, or signs a document in such capacity, shall be guilty of a felony. Beginning July 1, 1999, a violation of this subsection shall be a schedule F felony. The fine for a violation of this subsection shall not exceed Five Thousand Dollars (\$5,000.00).

F. Every person who uses any motor vehicle or motor-driven cycle usually distinguished as a law enforcement vehicle ~~or~~, equips any motor vehicle or motor-driven cycle with any spot lamps, audible sirens, or flashing lights, in violation of Sections 12-217, 12-218 or 12-227 of Title 47 of the Oklahoma Statutes, or in any other manner uses any motor vehicle or motor-driven cycle for the purpose of falsely personating a law enforcement officer and who in such assumed character commits any act whereby another person is injured, defrauded, harassed, vexed or annoyed shall, upon conviction, be guilty of a ~~misdemeanor~~ felony punishable by imprisonment in the ~~county jail~~ custody of the Department of Corrections not exceeding ~~one (1) year~~ five (5) years, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

G. As used in this section:

1. "Sham legal process" means the issuance, display, delivery, distribution, reliance on as lawful authority, or other use of an instrument that is not lawfully issued, whether or not the instrument is produced for inspection or actually exists, and purports to do any of the following:

- a. to be a summons, subpoena, judgment, arrest warrant, search warrant, or other order of a court recognized by the laws of this state, a law enforcement officer commissioned pursuant to state or federal law or the law of a federally recognized Indian tribe, or a

legislative, executive, or administrative agency established by state or federal law or the law of a federally recognized Indian tribe,

- b. to assert jurisdiction or authority over or determine or adjudicate the legal or equitable status, rights, duties, powers, or privileges of any person or property, or
- c. to require or authorize the search, seizure, indictment, arrest, trial, or sentencing of any person or property; and

2. "Lawfully issued" means adopted, issued, or rendered in accordance with the applicable statutes, rules, regulations, and ordinances of the United States, a state, or a political subdivision of a state.

H. It shall not be a defense to a prosecution under subsection B, C, D or E of this section that:

- 1. The recipient of the sham legal process did not accept or believe in the authority falsely asserted in the sham legal process;
- 2. The person violating subsection B, C, D or E of this section does not believe in the jurisdiction or authority of this state or of the United States government; or
- 3. The office the person violating subsection B, C, D or E of this section purports to hold does not exist or is not an official office recognized by state or federal law.

SECTION 3. This act shall become effective November 1, 1999.

Passed the House of Representatives the 1st day of March, 1999.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1999.

President of the Senate