STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1735 By: Kirby and Smith (Dale)

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 650.2, as last amended by Section 4, Chapter 333, O.S.L. 1997, and 650.8, as last amended by Section 38, Chapter 293, O.S.L. 1997 (21 O.S. Supp. 1998, Sections 650.2 and 650.8), which relate to assault and battery; modifying criteria for felony assault or battery of certain state employees; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 650.2, as last amended by Section 4, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1998, Section 650.2), is amended to read as follows:

Section 650.2 A. Every person in the custody of the Oklahoma Department of Corrections who, without justifiable or excusable cause, knowingly commits any ~~aggravated~~ assault, battery or assault and battery upon the person of a Department of Corrections employee which results in bodily injury while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

B. Every person incarcerated in an institution operated by a private prison contractor, either pursuant to Section 561 or 563.1 of Title 57 of the Oklahoma Statutes, who, without justifiable or excusable cause, knowingly commits any ~~aggravated~~ assault, battery or assault and battery upon the person of an employee of the contractor which results in bodily injury while said employee is in the performance of duties shall, upon conviction thereof, be guilty of a felony.

C. Every person in the custody of the Department of Human Services who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a Department of Human Services employee while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

D. Every person in the custody of the Office of Juvenile Affairs who, without justifiable or excusable cause, knowingly commits any ~~aggravated~~ assault, battery or assault and battery upon the person of an Office of Juvenile Affairs employee which results in bodily injury while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

E. Every person in the custody of the Office of Juvenile Affairs who, without justifiable or excusable cause, knowingly commits any battery or assault and battery resulting in ~~serious~~ bodily injury to any employee of the Office of Juvenile Affairs or employee of any residential facility while said employee is in the performance of duties of employment shall, upon conviction thereof, be guilty of a felony. The fine for a violation of this subsection shall not be less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), which may be imposed whether or not a period of incarceration is imposed.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 650.8, as last amended by Section 38, Chapter 293, O.S.L. 1997 (21 O.S. Supp. 1998, Section 650.8), is amended to read as follows:

Section 650.8 A. Every person who, without justifiable or excusable cause, knowingly commits any ~~aggravated~~ assault, battery or assault and battery upon the person of an employee of a facility maintained by the Office of Juvenile Affairs, a facility maintained by a private contractor pursuant to a contract with the Office of Juvenile Affairs primarily for delinquent children, a juvenile detention center, or a juvenile bureau, which results in bodily

injury while the employee is in the performance of his duties, shall upon conviction thereof be guilty of a felony.

B. This section shall not supersede any other act or acts, but shall be cumulative thereto.

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

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