

EHB 1735

1 THE STATE SENATE  
2 Monday, March 29, 1999

3 ENGROSSED

4 House Bill No. 1735

5 ENGROSSED HOUSE BILL NO. 1735 - By: KIRBY, SMITH (Dale), CASE and  
6 WEAVER of the House and HELTON and MARTIN of the Senate.

7 An Act relating to crimes and punishments; amending 21 O.S.  
8 1991, Sections 650.2, as last amended by Section 4, Chapter  
9 333, O.S.L. 1997, and 650.8, as last amended by Section 38,  
10 Chapter 293, O.S.L. 1997 (21 O.S. Supp. 1998, Sections 650.2  
11 and 650.8), which relate to assault and battery; modifying  
12 criteria for felony assault or battery of certain state  
13 employees; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 1991, Section 650.2, as  
16 last amended by Section 4, Chapter 333, O.S.L. 1997 (21 O.S. Supp.  
17 1998, Section 650.2), is amended to read as follows:

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

24 B. Every person incarcerated in an institution operated by a  
25 private prison contractor, either pursuant to Section 561 or 563.1  
26 of Title 57 of the Oklahoma Statutes, who, without justifiable or  
27 excusable cause, knowingly commits any ~~aggravated~~ assault, battery

1 or assault and battery upon the person of an employee of the  
2 contractor while said employee is in the performance of duties  
3 shall, upon conviction thereof, be guilty of a felony.

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

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

16 E. Every person in the custody of the Office of Juvenile  
17 Affairs who, without justifiable or excusable cause, knowingly  
18 commits any battery or assault and battery resulting in ~~serious~~  
19 bodily injury to any employee of the Office of Juvenile Affairs or  
20 employee of any residential facility while said employee is in the  
21 performance of duties of employment shall, upon conviction thereof,  
22 be guilty of a felony. The fine for a violation of this subsection  
23 shall not be less than Five Hundred Dollars (\$500.00) nor more than

1 Five Thousand Dollars (\$5,000.00), which may be imposed whether or  
2 not a period of incarceration is imposed.

3 SECTION 2. AMENDATORY 21 O.S. 1991, Section 650.8, as  
4 last amended by Section 38, Chapter 293, O.S.L. 1997 (21 O.S. Supp.  
5 1998, Section 650.8), is amended to read as follows:

6 Section 650.8 A. Every person who, without justifiable or  
7 excusable cause, knowingly commits any ~~aggravated~~ assault, battery  
8 or assault and battery upon the person of an employee of a facility  
9 maintained by the Office of Juvenile Affairs, a facility maintained  
10 by a private contractor pursuant to a contract with the Office of  
11 Juvenile Affairs primarily for delinquent children, a juvenile  
12 detention center, or a juvenile bureau, while the employee is in the  
13 performance of his duties, shall upon conviction thereof be guilty  
14 of a felony.

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &  
19 PUBLIC SAFETY, dated 3-23-99 - DO PASS, As Coauthored.