

SB 234

Senate Bill No. 234
As Amended

SENATE BILL NO. 234 - By: ROZELL of the Senate and OSTRANDER of the House.

[motor vehicles - creating Oklahoma Speed Trap Law - codification - effective date]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-811 of Title 47, unless there is created a duplication in numbering, reads as follows:

This provisions of this act shall be known and may be cited as the "Oklahoma Speed Trap Law".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-812 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Abusing police power" means the exercise of police power by a law enforcement officer to enforce criminal and traffic laws for the principal purpose of raising revenue for the municipality and not for the purpose of public safety and welfare;

2. "Affected highway" means any highway which is part of the state highway system; and

1 3. "Affected municipality" means any municipality through which
2 passes an affected highway.

3 B. Upon the request of the district attorney of any district
4 attorney district in which an affected municipality is located, the
5 Commissioner of the Department of Public Safety is authorized to
6 investigate and determine whether any law enforcement officer of a
7 municipality is abusing police power.

8 Such investigation shall require the affected municipality to
9 submit a certified record of all fines, costs, citations, municipal
10 expenditures and percentage of citations that are written for ten
11 (10) miles per hour or less than the posted speed.

12 1. Such records may be over a reasonable period of time as
13 requested by the Department of Public Safety, but in no event shall
14 be less than ninety (90) days' worth of documentation.

15 2. The affected municipality shall submit requested records
16 within thirty (30) days, unless an extension for submission is
17 approved; and shall cooperate with all other aspects of the
18 investigation. Failure to comply with any requirement of this
19 section shall result in automatic sanctions.

20 C. It shall be presumed that the affected municipality is
21 allowing a law enforcement officer to abuse police power upon a
22 finding that:

1 1. The amount of revenue produced by fines and costs from
2 traffic law violations for which citations were written by the
3 police department of the affected municipality occurring on the
4 affected highways exceeds thirty percent (30%) of the affected
5 municipality's total expenditures, less capital expenditures and
6 debt service, in the preceding year; or

7 2. More than fifty percent (50%) of the summons written for
8 speeding in the affected municipality are written for speed limit
9 violations which were ten (10) miles per hour or less than the
10 posted limit.

11 D. Upon the completion of an inquiry, the Commissioner shall
12 forward all information to the district attorney requesting the
13 investigation. The district court for the judicial district in
14 which the municipality is located, upon application by the district
15 attorney and after notice and a hearing, may impose any of the
16 following sanctions on a municipality which is found by clear and
17 convincing evidence to have allowed abuse of its police power:

18 1. Order that a municipality abusing police power shall cease
19 patrolling any or all affected highways;

20 2. Order that all or any part of future fines and court costs
21 received from traffic law violations or misdemeanor cases where the
22 location of the offense is an affected highway shall be paid over to

1 the county general fund of the county in which the municipality is
2 located; or

3 3. Such other sanction as is appropriate under the
4 circumstances.

5 E. Every law enforcement officer shall be prohibited from
6 abusing police power pursuant to this act. Any law enforcement
7 officer convicted of abusing police power shall, upon conviction, be
8 guilty of a misdemeanor. It shall be a separate violation for each
9 citation, summons, or misdemeanor arrest made in violation of the
10 court's order.

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

12 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
13 PUBLIC SAFETY, dated 2-15-99 - DO PASS, As Amended and Coauthored.