STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1126 By: Crutchfield

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Section 6-302, which relates to disease eradication and control, inspecting and examining vehicles transporting livestock, and citations; setting fines for certain violations resulting in citations; stating parameters of violations; stating parameters of citations; setting fines for subsequent violations; authorizing certain persons to appoint agriculture investigators; giving agriculture inspectors the power and authority to arrest; requiring bond; authorizing enforcement of laws; limiting arrest power; authorizing stops of transportation of animals; authorizing entry of all premises to enforce laws; placing agriculture inspectors under the Director of the Legal or other Division approved by the State Board of Agriculture; authorizing agriculture inspectors the right to carry firearms; stating limitations; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 6-302, is amended to read as follows:

Section 6-302. A. To enable the State Board of Agriculture to implement its duties and responsibilities regarding disease eradication and control, authorized agents of the Board are authorized to stop a vehicle transporting any livestock as such term is defined by Section 1-3 of Title 2 of the Oklahoma Statutes, for the purposes of inspecting and examining:

1. Livestock being so transported; and

2. The documents relating to the health of the livestock.

B. Agents of the Board are also authorized to issue citations to those persons committing violations of the laws relating to the control and eradication of disease in livestock in this state. Each violation may result in a citation not to exceed Five Hundred

Dollars ($500.00). Each violation equals one authorized stop of a vehicle transporting livestock. Each citation issued must indicate the owner of the livestock being transported, as well as the driver of the vehicle. Once an owner accumulates three citations for violations of laws relating to the control and eradication of disease in livestock in this state within a consecutive three-year period, the owner may be subject to a citation not to exceed One Thousand Dollars ($1,000.00) for any subsequent animal health violations.

C. The agents designated by the Board to stop such vehicles and issue such citations shall be required to satisfactorily complete those courses offered by law enforcement agencies as are required by the Board.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-303 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Director of the Legal Division or any other division approved by the State Board of Agriculture may appoint, subject to the approval of the Board, agriculture investigators who shall have the power and authority to arrest. Agriculture investigators shall be bonded by the State of Oklahoma conditioned upon the faithful discharge of their duties. Agriculture investigators shall have the power and authority throughout the state, under the direction and control of the Legal Division or any other division approved by the Board, to enforce the civil, criminal, and administrative provisions relating to animal health and importation statutes, as well as other laws contained in the Oklahoma Agriculture Code.

B. Agriculture investigators shall have the power and authority to make arrests with or without warrants for violations of the criminal provisions of the Code and other laws relating to animal health and importation to the same extent and under the same

limitations and duties as do peace officers under the provisions of Title 22 of the Oklahoma Statutes.

C. In connection with the enforcement of the civil, criminal, and administrative provisions, the agriculture investigators shall have the express authority to stop the transportation or movement of any animal within this state and they shall have the right to enter upon all premises, posted or otherwise, when necessary for enforcement of the laws.

D. All agriculture investigators shall be under the control and direction of the Director of the Legal Division or any other Division as approved by the Board. The Director may, at any time, remove any powers or authority of arrest conferred by the Director.

E. Agriculture investigators shall have the right to carry firearms. The right to carry firearms is limited to the authorized stop of a vehicle transporting livestock and assisting other law enforcement officials. Agriculture investigators shall not bear firearms at any other time, including but not limited to, authorized visits to livestock auction markets, residences, state offices, and other places of business.

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.

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