

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1765

By: Easley

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 70 O.S. 1991, Section 6-113, as last amended by Section 1, Chapter 241, O.S.L. 1995, and as renumbered by Section 3, Chapter 241, O.S.L. 1995 (21 O.S. Supp. 2000, Section 650.7), which relates to assault and battery upon school employees; modifying penalty; establishing aggravated assault and battery upon certain individuals as a felony; stating penalty; requiring certain report; defining term; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 6-113, as last amended by Section 1, Chapter 241, O.S.L. 1995, and as renumbered by Section 3, Chapter 241, O.S.L. 1995 (21 O.S. Supp. 2000, Section 650.7), is amended to read as follows:

Section 650.7 A. As used in this section:

~~1. "School, "school employee" shall mean~~ means a teacher, principal, or any duly appointed person employed by a school system or employees of a firm contracting with a school system for any purpose, including any personnel not directly related to the teaching process and school board members during school board meetings.

B. Any person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery, or assault and battery upon the person of a school employee while such employee is in the performance of any duties as a school employee or upon any student while such student is participating in any school

activity or attending classes on school property during school hours shall, upon conviction, be guilty of a misdemeanor. The convicted person shall be punished by a term of imprisonment in the county jail for a period not exceeding ~~six (6) months~~ one (1) year, or by a fine not exceeding ~~One Thousand Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

C. Any person who, without justifiable or excusable cause, commits any aggravated battery or aggravated assault and battery upon the person of a school employee while such employee is in the performance of any duties as a school employee or upon any student while such student is participating in any school activity or attending classes on school property during school hours shall, upon conviction, be guilty of a ~~misdemeanor~~. ~~The convicted person shall be punished~~ felony punishable by a term of imprisonment in the ~~county jail~~ State Penitentiary for a period not exceeding ~~one (1) year~~ two (2) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-146 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Any school employee, as defined by Section 650.7 of Title 21 of the Oklahoma Statutes, upon whom an assault and battery or battery is committed while in the performance of any duties as a school employee shall notify the superintendent of the school district employing the school employee within five (5) days of the incident.

B. The superintendent shall notify the State Department of Education of all incidents described in subsection A of this section for the previous year on July 1 of each year. The report shall include a description of the assault and battery or battery, and the final disposition of each incident.

C. The State Department of Education shall submit a report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor on December 1 of each year.

D. For purposes of this section "assault and battery or battery" means any willful and unlawful use of force or violence upon the person of another.

SECTION 3. This act shall become effective July 1, 2001.

SECTION 4. 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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