

By: Wilt and Nance of the House
and
Coffee of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 648 and 649, as last amended by Section 126, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Section 649), which relate to assault and battery of police officers; adding reserve officers to definition of police officer; stating duly appointed persons shall be subject to statute; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 648, is amended to read as follows:

A. "Police officer", "police" or "peace officer" means any duly appointed person who is charged with the responsibility of maintaining public order, safety, and health by the enforcement of all laws, ordinances or orders of this state or any of its political subdivisions and who is authorized to bear arms in execution of his responsibilities, including reserve force deputies and reserve municipal police officers.

B. "Police dog" means any dog used by a law enforcement agency of this state or political subdivision of this state which is especially trained for law enforcement work and is subject to the control of a dog handler.

C. "Police horse" means any horse which is used by a law enforcement agency of this state or political subdivision of this state for law enforcement work.

D. "Dog handler" means any police officer or peace officer who has successfully completed training in the handling of a police dog

as established by the policy or standard of the law enforcement agency employing said officer.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 649, as last amended by Section 126, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Section 649), is amended to read as follows:

Section 649. A. Every person who, without justifiable or excusable cause, knowingly commits any assault upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or state peace officer employed or duly appointed by any state governmental agency to enforce state laws while said officer is in the performance of his duties is punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

B. Every person who, without justifiable or excusable cause knowingly commits battery or assault and battery upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or other state peace officer employed or duly appointed by any state governmental agency to enforce state laws while said officer is in the performance of his duties, upon conviction, shall be guilty of a felony punishable by imprisonment of not more than five (5) years in a state correctional institution or county jail for a period not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

C. As used in this section and in Section 650 of this title, "corrections personnel" means any person, employed or duly appointed by the state or by a political subdivision, who has direct contact with inmates of a jail or state correctional facility, and includes but is not limited to, Department of Corrections personnel in job classifications requiring direct contact with inmates, persons

providing vocational-technical training to inmates, education personnel who have direct contact with inmates because of education programs for inmates, and persons employed or duly appointed by county or municipal jails to supervise inmates or to provide medical treatment or meals to inmates of jails.

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

Passed the House of Representatives the 5th day of March, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2001.

Presiding Officer of the Senate