

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1765

By: Easley

AS INTRODUCED

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; establishing assault and battery upon a teacher as a felony; stating penalty; and providing an effective date.

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, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. Any person who, without justifiable or excusable cause, commits any ~~aggravated~~ 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~~ felony punishable by a term of imprisonment in the ~~county jail~~ state penitentiary for a period not exceeding ~~one (1) year~~ five (5) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 2. This act shall become effective November 1, 2001.

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