

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1340

By: Morgan

AS INTRODUCED

An Act relating to cities and towns; allowing certain municipalities with a municipal criminal court of record to privatize enforcement of certain municipal ordinances; authorizing employees of certain contractors to issue certain citations and to have limited powers of arrest; disallowing prosecutorial or judicial functions by private contractors or employees; defining terms; providing for codification; providing an effective date; and declaring an emergency.

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 28-114.2 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law, a municipality with a municipal criminal court of record and a population in excess of three hundred thousand (300,000) persons according to the latest Federal decennial census may, by professional services contract, privatize the enforcement of municipal ordinances pertaining to parking or standing traffic violations.

B. If a municipality privatizes enforcement of municipal ordinances pertaining to parking or standing traffic violations, as permitted by this section, employees of the private independent contractor may be authorized by the provisions of the privatization contract to issue citations for enforcement of such ordinances; provided, all citations issued by employees of the private independent contractor shall be in the form and shall conform to the applicable procedures set forth in this article and in other

applicable provisions of the Oklahoma Statutes. Employees of the private independent contractor shall have only those powers of arrest in regard to enforcement of municipal ordinances pertaining to parking or standing traffic violations that may be granted to private persons by Oklahoma law. Furthermore, privatization of such enforcement shall not include the performance of any prosecutorial or judicial functions or actions by the private independent contractor or its employees.

C. For purposes of the section, "privatize" or "privatization" means that the municipal governing body, pursuant to a professional services contract, employs a private independent contractor to enforce municipal ordinances pertaining to parking or standing traffic violations, with such enforcement being performed by the independent contractor's employees who are private persons supervised by the contractor and not by the municipal police chief or other municipal law enforcement officer.

SECTION 2. This act shall become effective July 1, 2002.

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.

48-2-2761

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