

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1639

By: Martin

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 99 and 99a, which relate to peace officer authority; clarifying language; modifying certain definition; clarifying authority of peace officer; providing for authority under interlocal law enforcement agreement; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 99, is amended to read as follows:

Section 99. The term "peace officer" means any sheriff, police officer, federal law enforcement officer, or any other law enforcement officer whose duty it is to enforce and preserve the public peace by the authority of the officer's employment by a law enforcement agency.

Every United States Marshal, Marshals Service deputy or other federal law enforcement officer who is employed full-time as a law enforcement officer by the federal government, who is authorized by federal law to conduct any investigation of, and make any arrest for, any offense in violation of federal law shall have the same authority, and be empowered to act, as peace officers within the State of Oklahoma in rendering assistance to any law enforcement officer in an emergency, or at the request of any officer, and to arrest any person committing any offense in violation of the laws of this state.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 99a, is amended to read as follows:

Section 99a. Subject to subparagraph C of this section in addition to any other powers vested by law, a peace officer ~~of~~ employed by any state or municipal law enforcement agency within the State of Oklahoma as used in this section state may enforce the criminal laws of this state throughout the territorial bounds of this state, under the following circumstances:

1. In response to an emergency involving an immediate threat to human life or property;

2. Upon the prior consent of the head of a state law enforcement agency, the sheriff or the chief of police in whose investigatory or territorial jurisdiction the exercise of the powers occurs;

3. In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of investigatory or territorial jurisdiction;

4. In response to the request for assistance by a peace officer with investigatory or territorial jurisdiction; or

5. While the officer is transporting a prisoner.

B. While serving as peace officers ~~of~~ employed by any state or municipal law enforcement agency within the State of Oklahoma and rendering assistance under the circumstances enumerated ~~above~~ in subsection A of this section, peace officers shall have the same powers and duties as though employed by and shall be deemed to be acting within the scope of authority of the law enforcement agency in whose or under whose investigatory or territorial jurisdiction ~~they are~~ the officer is serving. Salaries, insurance and other benefits shall not be the responsibility of a law enforcement agency that is not the employing agency for the officer.

C. A municipal peace officer may exercise authority provided by this section only if the officer acts pursuant to written policies and procedures adopted by the municipal governing body or within authority of a written interlocal law enforcement agreement.

SECTION 3. This act shall become effective July 1, 2002.

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.

48-2-2713

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