

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 46

By: Crutchfield of the Senate

and

McCarter of the House

AS INTRODUCED

An Act relating to crimes and punishments; amending 70 O.S. 1991, Section 6-113, as 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, battery and assault and battery on a school employee; modifying penalty; making certain battery, assault and battery or aggravated assault and battery on a school employee or student a felony; providing penalty; requiring certain posting of notice; 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 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.~~

~~1.~~ "~~School~~ school employee" shall mean any duly appointed person employed by 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, and with intent to do bodily harm, commits any battery, assault and 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~~ felony. The convicted person shall be punished by a term of imprisonment in the ~~county jail~~ State Penitentiary for a period not exceeding ~~one (1) year~~ two (2) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. Every school shall post in a prominent place a notice having the following or similar language: "FIGHTING, HITTING OR BEATING A TEACHER OR STUDENT IS A FELONY".

SECTION 2. 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.