

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 779

By: Dunlap of the Senate

and

Wilt of the House

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1362, which relates to disturbing the peace; prohibiting certain conduct in certain places; setting penalty; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1362, is amended to read as follows:

Section 1362. A. If any person shall willfully or maliciously disturb, either by day or night, the peace and quiet of any city of the first class, town, village, neighborhood, family or person by loud or unusual noise, or by abusive, violent, obscene or profane language, whether addressed to the party so disturbed or some other person, or by threatening to kill, do bodily harm or injury, destroy property, fight, or by quarreling or challenging to fight, or fighting, or shooting off any firearms, or brandishing the same, or by running any horse at unusual speed along any street, alley, highway or public road, he shall be deemed guilty of a misdemeanor, and, ~~on~~ upon conviction thereof, shall be fined in any sum not to exceed ~~\$100.00~~ One Hundred Dollars (\$100.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment, at the discretion of the court or jury trying the same.

B. Any disturbance of the peace as described in subsection A of this section, which shall occur within or upon the property of an assisted care community, assisted care center, residential facility, or other location where the principal function is the housing or care of elderly or incapacitated persons or vulnerable adults, shall be punishable by incarceration in the county jail for a term not to exceed one (1) year and by a fine of not more than One Thousand Dollars (\$1,000.00).

C. As used in this section:

1. "Elderly person" means any person sixty-two (62) years of age or older;

2. "Incapacitated person" means any person who is disabled by reason of mental or physical illness or disability to such extent the person lacks the ability to effectively protect self or property; and

3. "Vulnerable adult" means an individual who is an incapacitated person or who, because of physical or mental disability, incapacity, or other disability, is substantially impaired in the ability to provide adequately for the care or custody of self, or is unable to manage effectively the property or financial affairs of the person, or to meet essential requirements for mental or physical health or safety, or to protect self from abuse, neglect, or exploitation without assistance from others.

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

48-1-316

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