STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1951

By: Corn of the Senate

and

Brannon of the House

COMMITTEE SUBSTITUTE

[corrections - private prison contractors -

reversionary interest -

emergency]

SECTION 1. AMENDATORY 21 O.S. 2001, Section 650.7, is amended to read as follows:

Section 650.7 A. As used in this section, "school employee" 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, 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~~ of not ~~exceeding~~ less than ten (10) days nor more than one (1) year, or by

a fine of not ~~exceeding Two Thousand Dollars ($2,000.00)~~ less than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. In addition, the court shall require the person to perform not less than twenty (20) hours of community service. The court shall not suspend any portion of the community service requirement as set forth in this subsection.

C. Any person who, without justifiable or excusable cause, commits any aggravated 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 shall, upon conviction, be guilty of a felony punishable by a term of imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a period not exceeding two (2) years, or by a fine of not ~~exceeding~~ less than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

D. Every school site shall post in a prominent place a notice having the following or similar language: "FELONY CHARGES MAY BE FILED AGAINST ANY PERSON(S) COMMITTING AN AGGRAVATED ASSAULT OR BATTERY UPON ANY SCHOOL EMPLOYEE."

E. For purposes of this section, "assault" shall be defined by Section 641 of ~~Title 21 of the Oklahoma Statutes~~ this title, "battery" shall be defined by Section 642 of ~~Title 21 of the Oklahoma Statutes~~ this title, and "aggravated assault and battery" shall be defined by Section 646 of ~~Title 21 of the Oklahoma Statutes~~ this title.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 24-131, is amended to read as follows:

Section 24-131. The superintendent or principal of any secondary, middle or elementary school shall have the authority to order any person out of the school buildings and off the school property when it appears that the presence of such person is a threat to the peaceful conduct of school business and school

classes. Any person who refuses to leave the school buildings or grounds after being ordered to do so by the superintendent or principal~~,~~ shall, upon conviction, be guilty of a misdemeanor ~~and upon conviction thereof shall be punished~~ punishable by a fine of not ~~more~~ less than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than ~~ninety (90) days~~ one (1) year, or by both such fine and imprisonment. In addition, the court shall require the person to perform not less than twenty (20) hours of community service. The court shall not suspend any portion of the community service requirement as set forth in this section.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 24-131.2, is amended to read as follows:

Section 24-131.2 A. The chief administrative officer or the chief administrative officer's designee to maintain order at a secondary school shall have the authority and power to direct any person to leave the premises of that secondary school, who, during the period of a sanctioned athletic event, after having been personally and specifically warned by the officer or the designee to refrain from such conduct, commits an act which materially and substantially interferes with the peaceful conduct of a sanctioned athletic event, including:

1. Projecting in any manner an object which could cause bodily harm to another person;

2. Entering the physical boundaries designated for the conduct of a sanctioned athletic event for the purpose of materially and substantially disrupting or interfering with the event;

3. Threatening to kill or do bodily harm to any person with apparent ability to carry out that threat during the period of a sanctioned athletic event; or

4. Using violent, obscene, indecent, or profane language in a manner which materially and substantially interferes with the peaceful conduct of a sanctioned athletic event.

B. Any person who fails to leave the premises of the secondary school as directed, may, upon application by the secondary school, be enjoined from entering upon or remaining upon the premises during the period of a sanctioned athletic event for the remainder of the school year or for so long as the court may provide. The procedure governing the application for injunction shall be the procedure for civil injunctions set forth in Title 12 of the Oklahoma Statutes.

C. Any person who knowingly and willfully fails to obey a direction to leave the premises of the secondary school shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. In addition, the court shall require the person to perform not less than twenty (20) hours of community service. The court shall not suspend any portion of the community service requirement as set forth in this subsection.

D. This section shall not apply to competitors in a sanctioned athletic event, their coaches, or officials, accredited by the Oklahoma Secondary School Activities Association, who are participating in the event.

SECTION 4. REPEALER 22 O.S. 2001, Section 1005, is hereby repealed.

SECTION 5. 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.

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