

EHB 2612

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

THE STATE SENATE
Monday, April 10, 2006

ENGROSSED

House Bill No. 2612

ENGROSSED HOUSE BILL NO. 2612 - By: CASE of the House and BRANAN of the Senate.

An Act relating to municipal government; amending 11 O.S. 2001, Section 34-103, which relates to police departments; authorizing municipalities to permit members of regular police departments to exercise certain authority; amending 21 O.S. 2001, Section 99a, which relates to authority of peace officers; modifying certain circumstances for a peace officer to enforce criminal laws; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 34-103, is amended to read as follows:

Section 34-103. A. Members of the regular police department of any municipality, upon request of the mayor or a designee, or chief of police or a designee, of any other municipality, may serve as police officers in the municipality requesting their assistance upon approval of the governing body of the municipality where such officers are regularly employed. While so serving in another municipality, such police officers shall have the same powers and duties as though employed by the municipality where such duties are performed; except that salaries, insurance and other benefits shall

1 be provided in their regular manner by the municipality in which the
2 police officers are regularly employed.

3 B. Members of the regular police department of any
4 municipality, upon request of a county sheriff or a designee, or
5 upon request by a member of the Oklahoma Highway Patrol, may serve
6 as law enforcement officers for the sheriff's office or the Oklahoma
7 Highway Patrol, respectively, if such service has been authorized by
8 prior resolution by the governing body of the municipality where
9 such officers are regularly employed. While so serving, such police
10 officers shall have the same powers and duties as though employed by
11 the requesting law enforcement agency and when so acting they shall
12 be deemed to be acting within the scope of employment of the
13 requesting law enforcement agency; except that salaries, insurance
14 and other benefits shall be provided in their regular manner by the
15 municipality in which the police officers are regularly employed.

16 C. Members of the regular police department of any municipality
17 may be deputized by the county sheriff or a designee subject to an
18 interlocal governmental agreement to combine city and county law
19 enforcement efforts and to encourage cooperation between city and
20 county law enforcement officials. Liability for the conduct of any
21 municipal police officers deputized under the terms and conditions
22 of an interlocal governmental agreement shall remain the
23 responsibility of their municipal employer.

1 D. The governing body of a municipality may, by resolution,
2 authorize the chief executive officer of the municipality to respond
3 to any request from any other jurisdiction within the state for law
4 enforcement assistance in cases of emergency. The police officers
5 of the municipality serving in response to the emergency request
6 shall have the same powers and duties as though employed by the
7 requesting law enforcement agency and when so acting they shall be
8 deemed to be acting within the scope of employment of the requesting
9 law enforcement agency; provided, however, that salaries, insurance
10 and other benefits shall be provided in the regular manner by the
11 municipality in which the police officers are regularly employed.

12 As used in this section, "emergency" means a sudden and
13 unforeseeable occurrence or condition either as to its onset or its
14 extent of such severity or magnitude that immediate response or
15 action is necessary to assist law enforcement agencies having
16 jurisdiction at the scene of the emergency to carry out their
17 functions.

18 E. The governing body of a municipality may, by resolution,
19 authorize members of its regular police department to exercise the
20 authority provided by Section 99a of Title 21 of the Oklahoma
21 Statutes and may adopt policies and procedures for such exercise.

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

1 Section 99a. A. Subject to subparagraph C of this section in
2 addition to any other powers vested by law, a peace officer of the
3 State of Oklahoma as used in this section may enforce the criminal
4 laws of this state throughout the territorial bounds of this state,
5 under the following circumstances:

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

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

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

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

17 5. While the officer is transporting a prisoner; or

18 6. When participating in an investigation of criminal activity
19 which originated within the peace officer's employing agency's
20 jurisdiction. Prior to taking action, the peace officer shall
21 notify and receive approval from the local law enforcement
22 authority, or if prior contact is not reasonably possible,
23 notification shall be made as soon as possible.

1 B. While serving as peace officers of the State of Oklahoma and
2 rendering assistance under the circumstances enumerated above, peace
3 officers shall have the same powers and duties as though employed by
4 and shall be deemed to be acting within the scope of authority of
5 the law enforcement agency in whose or under whose investigatory or
6 territorial jurisdiction they are serving. Salaries, insurance and
7 other benefits shall not be the responsibility of a law enforcement
8 agency that is not the employing agency for the officer.

9 C. A municipal peace officer may exercise authority provided by
10 this section only if the officer acts pursuant to policies and
11 procedures adopted by the municipal governing body.

12 SECTION 3. This act shall become effective November 1, 2006.

13 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 4-3-06 -
14 DO PASS.