

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 458

By: Riley

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 650.2 and 650.8, which relate to battery, assault and assault and battery upon an employee of the Office of Juvenile Affairs; directing certain sentencing and transfer of custody of certain juveniles committing certain crime to the Department of Corrections; 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 650.2, is amended to read as follows:

Section 650.2 A. Every person in the custody of the Oklahoma Department of Corrections who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon ~~the person of~~ a Department of Corrections employee while said employee is in the performance of ~~his or her~~ duties of employment shall, upon conviction thereof, be guilty of a felony.

B. Every person incarcerated in an institution operated by a private prison contractor, pursuant to Section 561, 563.1 or 563.2 of Title 57 of the Oklahoma Statutes, who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon ~~the person of~~ an employee of the contractor while said employee is in the performance of duties of employment shall, upon conviction thereof, be guilty of a felony.

C. Every person in the custody of the Department of Human Services who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon ~~the person of~~ a Department of Human Services employee while said employee is in the

performance of ~~his or her~~ duties of employment shall, upon conviction thereof, be guilty of a felony.

D. Every person in the custody of the Office of Juvenile Affairs who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon ~~the person~~ of an Office of Juvenile Affairs employee while said employee is in the performance of ~~his or her~~ duties of employment shall, upon conviction thereof, be guilty of a felony. Upon adjudication or conviction of any juvenile for the offense provided in this subsection while such juvenile was a ward of the state and was in custody at any institution within the authority of the Office of Juvenile Affairs, the juvenile shall be sentenced as an adult and transferred to the custody of the Department of Corrections for incarceration.

E. Every person in the custody of the Office of Juvenile Affairs who, without justifiable or excusable cause, knowingly commits any battery or assault and battery resulting in bodily injury to any employee of the Office of Juvenile Affairs or employee of any residential facility while said employee is in the performance of duties of employment shall, upon conviction thereof, be guilty of a felony. The fine for a violation of this subsection shall not be less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), which may be imposed whether or not a period of incarceration is imposed. Upon adjudication or conviction of any juvenile for the offense provided in this subsection while such juvenile was a ward of the state and was in custody at any institution within the authority of the Office of Juvenile Affairs, the juvenile shall be sentenced as an adult and transferred to the custody of the Department of Corrections for incarceration.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 650.8, is amended to read as follows:

Section 650.8 A. Every person who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon ~~the person of~~ an employee of a facility maintained by the Office of Juvenile Affairs, a facility maintained by a private contractor pursuant to a contract with the Office of Juvenile Affairs primarily for delinquent children, a juvenile detention center, or a juvenile bureau, while the employee is in the performance of ~~his~~ duties of employment, shall upon conviction thereof be guilty of a felony. Upon adjudication or conviction of any juvenile for the offense provided in this subsection while such juvenile was a ward of the state and was in custody at any institution within the authority of the Office of Juvenile Affairs, a juvenile bureau or a private contractor, the juvenile shall be sentenced as an adult and transferred to the custody of the Department of Corrections for incarceration.

B. This section shall not supersede any other act or acts, but shall be cumulative thereto.

SECTION 3. This act shall become effective July 1, 2005.

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.

50-1-449

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