

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3151

By: Derby

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5  
6 AS INTRODUCED

7 An Act relating to municipal government; amending 11  
8 O.S. 2001, Section 34-103, as amended by Section 1,  
9 Chapter 62, O.S.L. 2007 (11 O.S. Supp. 2007, Section  
10 34-103), which relates to police departments;  
11 authorizing municipalities to permit members of  
12 regular police departments to exercise certain  
13 authority; amending 21 O.S. 2001, Section 99a, which  
14 relates to authority of peace officers; modifying  
15 certain circumstances for a peace officer to enforce  
16 criminal laws; and providing an effective date.

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

18 SECTION 1. AMENDATORY 11 O.S. 2001, Section 34-103, as  
19 amended by Section 1, Chapter 62, O.S.L. 2007 (11 O.S. Supp. 2007,  
20 Section 34-103), is amended to read as follows:

21 Section 34-103. A. Commissioned police officers of the regular  
22 police department of any municipality, upon request of the mayor or  
23 a designee, or chief of police or a designee, of any other  
24 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

1 so serving in another municipality, such police officers shall have  
2 the same powers and duties as though employed by the municipality  
3 where such duties are performed; except that salaries, insurance and  
4 other benefits shall be provided in their regular manner by the  
5 municipality in which the police officers are regularly employed.

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

20 C. Commissioned police officers of the regular police  
21 department of any municipality may be deputized by the county  
22 sheriff or a designee subject to an interlocal governmental  
23 agreement to combine city and county law enforcement efforts and to  
24 encourage cooperation between city and county law enforcement

1 officials. Liability for the conduct of any municipal police  
2 officers deputized under the terms and conditions of an interlocal  
3 governmental agreement shall remain the responsibility of their  
4 municipal employer.

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

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

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

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

5 Section 99a. Subject to ~~subparagraph~~ subsection C of this  
6 section in addition to any other powers vested by law, a peace  
7 officer of the State of Oklahoma as used in this section may enforce  
8 the criminal laws of this state throughout the territorial bounds of  
9 this state, under the following circumstances:

10 1. In response to an emergency involving an immediate threat to  
11 human life or property;

12 2. Upon the prior consent of the head of a state law  
13 enforcement agency or the district attorney, the sheriff or the  
14 chief of police in whose investigatory or territorial jurisdiction  
15 the exercise of the powers occurs;

16 3. In response to a request for assistance pursuant to a mutual  
17 law enforcement assistance agreement with the agency of  
18 investigatory or territorial jurisdiction;

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

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

22 6. When participating in an investigation of criminal activity  
23 which originated within the jurisdiction of the peace officer's  
24 employing agency. Prior to taking action in a jurisdiction outside

1 of the jurisdiction of the peace officer's employing agency, the  
2 peace officer shall notify and receive approval from the local law  
3 enforcement authority for the other jurisdiction, or if prior  
4 contact is not reasonably possible, notification shall be made as  
5 soon as possible.

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

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

17 SECTION 3. This act shall become effective November 1, 2008.

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19 51-2-8278 BW 01/15/08

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