

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 2223

By: Burrage and Jolley of the  
Senate

3  
4 and

5 Sherrer of the House  
6  
7

8 An Act relating to crimes and punishments; amending  
21 O.S. 2001, Section 1533, as last amended by  
9 Section 2, Chapter 474, O.S.L. 2003 (21 O.S. Supp.  
2009, Section 1533), which relates to false  
10 personation; adding penalty for personation of  
certain law enforcement vehicles; providing an  
11 effective date.  
12  
13

14 AUTHOR: Add the following House Coauthor: Tibbs

15 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
and insert  
16

17 "An Act relating to crimes and punishments; amending  
21 O.S. 2001, Section 1533, as last amended by  
18 Section 2, Chapter 474, O.S.L. 2003 (21 O.S. Supp.  
2009, Section 1533), which relates to false  
19 personation; adding penalty for personation of  
certain law enforcement vehicles; providing an  
20 exception; and providing an effective date.  
21  
22

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:  
24

1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1533, as  
2 last amended by Section 2, Chapter 474, O.S.L. 2003 (21 O.S. Supp.  
3 2009, Section 1533), is amended to read as follows:

4 Section 1533. A. Except as provided in subsection B of this  
5 section, every person who falsely personates any public officer,  
6 civil or military, any firefighter, any law enforcement officer, any  
7 emergency medical technician or other emergency medical care  
8 provider, or any private individual having special authority by law  
9 to perform any act affecting the rights or interests of another, or  
10 who assumes, without authority, any uniform or badge by which such  
11 officers or persons are usually distinguished, and in such assumed  
12 character does any act whereby another person is injured, defrauded,  
13 harassed, vexed or annoyed, upon conviction, is guilty of a  
14 misdemeanor punishable by imprisonment in the county jail not  
15 exceeding six (6) months, or by a fine not exceeding Two Thousand  
16 Dollars (\$2,000.00), or by both such fine and imprisonment.

17 B. Every person who falsely personates any public officer or  
18 any law enforcement officer in connection with or relating to any  
19 sham legal process shall, upon conviction, be guilty of a felony,  
20 punishable by imprisonment for not more than two (2) years, or a  
21 fine not exceeding Five Thousand Dollars (\$5,000.00), or both such  
22 fine and imprisonment.

23 C. Every person who falsely asserts authority of law not  
24 provided for by federal or state law in connection with any sham

1 legal process shall, upon conviction, be guilty of a felony,  
2 punishable by imprisonment for not more than two (2) years, or a  
3 fine not exceeding Five Thousand Dollars (\$5,000.00), or both such  
4 fine and imprisonment.

5 D. Every person who, while acting falsely in asserting  
6 authority of law, attempts to intimidate or hinder a public official  
7 or law enforcement officer in the discharge of official duties by  
8 means of threats, harassment, physical abuse, or use of sham legal  
9 process, shall be guilty of a felony, punishable by imprisonment for  
10 not more than two (2) years, or a fine not exceeding Five Thousand  
11 Dollars (\$5,000.00), or both such fine and imprisonment.

12 E. Any person who, without authority under federal or state  
13 law, acts as a supreme court justice, a district court judge, an  
14 associate district judge, a special judge, a magistrate, a clerk of  
15 the court or deputy, a notary public, a juror or other official  
16 holding authority to determine a controversy or adjudicate the  
17 rights or interests of others, or signs a document in such capacity,  
18 shall be guilty of a felony, punishable by imprisonment for not more  
19 than two (2) years, or a fine not exceeding Five Thousand Dollars  
20 (\$5,000.00), or both such fine and imprisonment.

21 F. It shall be unlawful for any person to operate a motor  
22 vehicle or motor-driven cycle usually distinguished as a law  
23 enforcement vehicle or equip any motor vehicle or motor-driven cycle  
24 with any spot lamps, audible sirens, or flashing lights, in

1 violation of Sections 12-217, 12-218 or 12-227 of Title 47 of the  
2 Oklahoma Statutes on public roadways of this state. A person in  
3 violation of this subsection shall be guilty of a misdemeanor and  
4 shall be subject to a fine of One Hundred Dollars (\$100.00). In  
5 addition, the motor vehicle or motor-driven cycle shall be impounded  
6 and any emblems, spot lamps, audible sirens, or flashing lights  
7 shall be confiscated. Any labor costs for the removal shall be made  
8 at the owner's expense. The materials confiscated shall be deemed  
9 inappropriate for sale or lease and shall be destroyed. The  
10 provisions of this subsection shall not apply to lawfully equipped  
11 vehicles used by the operator while engaged in purposes related to  
12 employment in construction safety or professional security.

13 G. Every person who uses any motor vehicle or motor-driven  
14 cycle usually distinguished as a law enforcement vehicle or equips  
15 any motor vehicle or motor-driven cycle with any spot lamps, audible  
16 sirens, or flashing lights, in violation of Sections 12-217, 12-218  
17 or 12-227 of Title 47 of the Oklahoma Statutes, or in any other  
18 manner uses any motor vehicle or motor-driven cycle for the purpose  
19 of falsely personating a law enforcement officer and who in such  
20 assumed character commits any act whereby another person is injured,  
21 defrauded, harassed, vexed or annoyed shall, upon conviction, be  
22 guilty of a felony, punishable by imprisonment in the custody of the  
23 Department of Corrections not exceeding ten (10) years, or by a fine

24

1 not exceeding Ten Thousand Dollars (\$10,000.00), or by both such  
2 fine and imprisonment.

3 ~~G.~~ H. 1. Any person who displays or causes to be displayed the  
4 words "State Police" alone or in conjunction with any other word or  
5 words on any motor vehicle, badge, clothing, identification card, or  
6 any other object or document with the intent to communicate peace  
7 officer or investigating authority shall, upon conviction, be guilty  
8 of a misdemeanor, punishable by a fine not exceeding One Thousand  
9 Dollars (\$1,000.00). This paragraph shall not apply to any officer  
10 with statewide investigatory or law enforcement authority.

11 2. Any person who displays or causes to display such words as  
12 provided in this subsection for the purpose of falsely personating a  
13 law enforcement officer and as such commits any act whereby another  
14 person is injured, defrauded, harassed, vexed or annoyed shall, upon  
15 conviction, be guilty of a felony punishable by imprisonment in the  
16 custody of the Department of Corrections not exceeding ten (10)  
17 years, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00),  
18 or by both such fine and imprisonment.

19 ~~H.~~ I. As used in this section:

20 1. "Sham legal process" means the issuance, display, delivery,  
21 distribution, reliance on as lawful authority, or other use of an  
22 instrument that is not lawfully issued, whether or not the  
23 instrument is produced for inspection or actually exists, and  
24 purports to do any of the following:

1 a. to be a summons, subpoena, judgment, arrest warrant,  
2 search warrant, or other order of a court recognized  
3 by the laws of this state, a law enforcement officer  
4 commissioned pursuant to state or federal law or the  
5 law of a federally recognized Indian tribe, or a  
6 legislative, executive, or administrative agency  
7 established by state or federal law or the law of a  
8 federally recognized Indian tribe,

9 b. to assert jurisdiction or authority over or determine  
10 or adjudicate the legal or equitable status, rights,  
11 duties, powers, or privileges of any person or  
12 property, or

13 c. to require or authorize the search, seizure,  
14 indictment, arrest, trial, or sentencing of any person  
15 or property; and

16 2. "Lawfully issued" means adopted, issued, or rendered in  
17 accordance with the applicable statutes, rules, regulations, and  
18 ordinances of the United States, a state, or a political subdivision  
19 of a state.

20 ~~F.~~ J. It shall not be a defense to a prosecution under  
21 subsection B, C, D or E of this section that:

22 1. The recipient of the sham legal process did not accept or  
23 believe in the authority falsely asserted in the sham legal process;  
24

1        2. The person violating subsection B, C, D or E of this section  
2 does not believe in the jurisdiction or authority of this state or  
3 of the United States government; or

4        3. The office the person violating subsection B, C, D or E of  
5 this section purports to hold does not exist or is not an official  
6 office recognized by state or federal law.

7        SECTION 2. This act shall become effective November 1, 2010."

8        Passed the House of Representatives the 13th day of April, 2010.

9

10

11

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

12

13

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

14

15

16

\_\_\_\_\_  
Presiding Officer of the Senate

17

18

19

20

21

22

23

24