

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 2223

6 By: Burrage and Jolley of the  
7 Senate

8 and

9 Sherrer of the House

10 COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending  
12 21 O.S. 2001, Section 1533, as last amended by  
13 Section 2, Chapter 474, O.S.L. 2003 (21 O.S. Supp.  
14 2009, Section 1533), which relates to false  
15 personation; adding penalty for personation of  
16 certain law enforcement vehicles; providing an  
17 exception; and providing an effective date.

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

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

22 Section 1533. A. Except as provided in subsection B of this  
23 section, every person who falsely personates any public officer,  
24 civil or military, any firefighter, any law enforcement officer, any  
emergency medical technician or other emergency medical care  
provider, or any private individual having special authority by law

1 to perform any act affecting the rights or interests of another, or  
2 who assumes, without authority, any uniform or badge by which such  
3 officers or persons are usually distinguished, and in such assumed  
4 character does any act whereby another person is injured, defrauded,  
5 harassed, vexed or annoyed, upon conviction, is guilty of a  
6 misdemeanor punishable by imprisonment in the county jail not  
7 exceeding six (6) months, or by a fine not exceeding Two Thousand  
8 Dollars (\$2,000.00), or by both such fine and imprisonment.

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

15 C. Every person who falsely asserts authority of law not  
16 provided for by federal or state law in connection with any sham  
17 legal process shall, upon conviction, be guilty of a felony,  
18 punishable by imprisonment for not more than two (2) years, or a  
19 fine not exceeding Five Thousand Dollars (\$5,000.00), or both such  
20 fine and imprisonment.

21 D. Every person who, while acting falsely in asserting  
22 authority of law, attempts to intimidate or hinder a public official  
23 or law enforcement officer in the discharge of official duties by  
24 means of threats, harassment, physical abuse, or use of sham legal

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

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

13 F. It shall be unlawful for any person to operate a motor  
14 vehicle or motor-driven cycle usually distinguished as a law  
15 enforcement vehicle or equip any motor vehicle or motor-driven cycle  
16 with any spot lamps, audible sirens, or flashing lights, in  
17 violation of Sections 12-217, 12-218 or 12-227 of Title 47 of the  
18 Oklahoma Statutes on public roadways of this state. A person in  
19 violation of this subsection shall be guilty of a misdemeanor and  
20 shall be subject to a fine of One Hundred Dollars (\$100.00). In  
21 addition, the motor vehicle or motor-driven cycle shall be impounded  
22 and any emblems, spot lamps, audible sirens, or flashing lights  
23 shall be confiscated. Any labor costs for the removal shall be made  
24 at the owner's expense. The materials confiscated shall be deemed

1 inappropriate for sale or lease and shall be destroyed. The  
2 provisions of this subsection shall not apply to lawfully equipped  
3 vehicles used by the operator while engaged in purposes related to  
4 employment in construction safety or professional security.

5 G. Every person who uses any motor vehicle or motor-driven  
6 cycle usually distinguished as a law enforcement vehicle or equips  
7 any motor vehicle or motor-driven cycle with any spot lamps, audible  
8 sirens, or flashing lights, in violation of Sections 12-217, 12-218  
9 or 12-227 of Title 47 of the Oklahoma Statutes, or in any other  
10 manner uses any motor vehicle or motor-driven cycle for the purpose  
11 of falsely personating a law enforcement officer and who in such  
12 assumed character commits any act whereby another person is injured,  
13 defrauded, harassed, vexed or annoyed shall, upon conviction, be  
14 guilty of a felony, punishable by imprisonment in the custody of the  
15 Department of Corrections not exceeding ten (10) years, or by a fine  
16 not exceeding Ten Thousand Dollars (\$10,000.00), or by both such  
17 fine and imprisonment.

18 ~~G.~~ H. 1. Any person who displays or causes to be displayed the  
19 words "State Police" alone or in conjunction with any other word or  
20 words on any motor vehicle, badge, clothing, identification card, or  
21 any other object or document with the intent to communicate peace  
22 officer or investigating authority shall, upon conviction, be guilty  
23 of a misdemeanor, punishable by a fine not exceeding One Thousand  
24

1 Dollars (\$1,000.00). This paragraph shall not apply to any officer  
2 with statewide investigatory or law enforcement authority.

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

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

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

17 a. to be a summons, subpoena, judgment, arrest warrant,  
18 search warrant, or other order of a court recognized  
19 by the laws of this state, a law enforcement officer  
20 commissioned pursuant to state or federal law or the  
21 law of a federally recognized Indian tribe, or a  
22 legislative, executive, or administrative agency  
23 established by state or federal law or the law of a  
24 federally recognized Indian tribe,

1           b. to assert jurisdiction or authority over or determine  
2           or adjudicate the legal or equitable status, rights,  
3           duties, powers, or privileges of any person or  
4           property, or

5           c. to require or authorize the search, seizure,  
6           indictment, arrest, trial, or sentencing of any person  
7           or property; and

8           2. "Lawfully issued" means adopted, issued, or rendered in  
9           accordance with the applicable statutes, rules, regulations, and  
10          ordinances of the United States, a state, or a political subdivision  
11          of a state.

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

14           1. The recipient of the sham legal process did not accept or  
15          believe in the authority falsely asserted in the sham legal process;

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

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

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

23  
24          52-2-10503           GRS           04/01/10

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