

THE HOUSE OF REPRESENTATIVES  
Monday, April 5, 2010

Committee Substitute for  
ENGROSSED  
Senate Bill No. 2223

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2223 - By:  
BURRAGE AND JOLLEY of the Senate and SHERRER AND TIBBS of the House.

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

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

1           SECTION 1.    AMENDATORY    21 O.S. 2001, Section 1533, as last amended by  
2    Section 2, Chapter 474, O.S.L. 2003 (21 O.S. Supp. 2009, Section 1533), is amended to  
3    read as follows:  
4           Section 1533. A. Except as provided in subsection B of this section, every person  
5    who falsely personates any public officer, civil or military, any firefighter, any law  
6    enforcement officer, any emergency medical technician or other emergency medical care  
7    provider, or any private individual having special authority by law to perform any act  
8    affecting the rights or interests of another, or who assumes, without authority, any  
9    uniform or badge by which such officers or persons are usually distinguished, and in such  
10   assumed character does any act whereby another person is injured, defrauded, harassed,

1 vexed or annoyed, upon conviction, is guilty of a misdemeanor punishable by  
2 imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding  
3 Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

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

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

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

18 E. Any person who, without authority under federal or state law, acts as a supreme  
19 court justice, a district court judge, an associate district judge, a special judge, a  
20 magistrate, a clerk of the court or deputy, a notary public, a juror or other official holding  
21 authority to determine a controversy or adjudicate the rights or interests of others, or  
22 signs a document in such capacity, shall be guilty of a felony, punishable by

1 imprisonment for not more than two (2) years, or a fine not exceeding Five Thousand  
2 Dollars (\$5,000.00), or both such fine and imprisonment.

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

16 G. Every person who uses any motor vehicle or motor-driven cycle usually  
17 distinguished as a law enforcement vehicle or equips any motor vehicle or motor-driven  
18 cycle with any spot lamps, audible sirens, or flashing lights, in violation of Sections 12-  
19 217, 12-218 or 12-227 of Title 47 of the Oklahoma Statutes, or in any other manner uses  
20 any motor vehicle or motor-driven cycle for the purpose of falsely personating a law  
21 enforcement officer and who in such assumed character commits any act whereby  
22 another person is injured, defrauded, harassed, vexed or annoyed shall, upon conviction,

1 be guilty of a felony, punishable by imprisonment in the custody of the Department of  
2 Corrections not exceeding ten (10) years, or by a fine not exceeding Ten Thousand  
3 Dollars (\$10,000.00), or by both such fine and imprisonment.

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

- 1           a.     to be a summons, subpoena, judgment, arrest warrant, search warrant,  
2                     or other order of a court recognized by the laws of this state, a law  
3                     enforcement officer commissioned pursuant to state or federal law or  
4                     the law of a federally recognized Indian tribe, or a legislative,  
5                     executive, or administrative agency established by state or federal law  
6                     or the law of a federally recognized Indian tribe,  
7           b.     to assert jurisdiction or authority over or determine or adjudicate the  
8                     legal or equitable status, rights, duties, powers, or privileges of any  
9                     person or property, or  
10          c.     to require or authorize the search, seizure, indictment, arrest, trial, or  
11                     sentencing of any person or property; and

12           2. “Lawfully issued” means adopted, issued, or rendered in accordance with the  
13     applicable statutes, rules, regulations, and ordinances of the United States, a state, or a  
14     political subdivision of a state.

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

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

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

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

1 SECTION 2. This act shall become effective November 1, 2010.  
2 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04-01-10 - DO  
3 PASS, As Amended and Coauthored.