

SB 1925

THE STATE SENATE
Tuesday, February 16, 2010

Senate Bill No. 1925
As Amended

SENATE BILL NO. 1925 - By: Sykes of the Senate and Christian of the House.

[crimes and punishments - disaster areas and penalties -
creating Rescue Operations In A Disaster Area Act -
recodification -

emergency]

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1209, is amended to read as follows:

Section 1209. A. Sections 1209, 1210, 1211, 1212 and 1213 of this title shall be known and may be cited as the "Rescue Operations In A Disaster Area Act".

B. The purpose of this act is to prevent looters, sightseers, thrill-seekers, souvenir hunters and other unauthorized persons from hampering the work of rescue operations in a disaster area.

C. In the absence of any other emergency declaration as authorized by law, a disaster area within an incorporated municipality may be declared by the local chief of police and within an unincorporated area such disaster area may be declared by the county sheriff. Any declaration made pursuant to the provisions of this act shall not exceed a period of forty-eight (48) hours.

1 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1210, as
2 amended by Section 57, Chapter 329, O.S.L. 2003 (21 O.S. Supp. 2009,
3 Section 1210), is amended to read as follows:

4 Section 1210. Definitions.

5 ~~For the purpose of, and when~~ As used in ~~this~~ the Rescue
6 Operations In A Disaster Area act:

7 1. ~~The term "disaster~~ Disaster area" means the scene or location
8 of a natural or military disaster, an explosion, an aircraft
9 accident, a fire, a railroad accident ~~and~~ or a major traffic
10 accident, as declared by the chief of police or county sheriff
11 pursuant to the provisions of Section 1 of this act.

12 2. ~~The term "authorized~~ Authorized person" ~~shall include~~ means
13 all state, county and municipal police and fire personnel; hospital
14 and ambulance crews; National Guard and Emergency Management
15 personnel ordered into the disaster area by proper authority;
16 federal civil and military personnel on official business; persons
17 who enter the disaster area to maintain or restore facilities for
18 the provision of water, electricity, communications, or
19 transportation to the public; and such other officials as have a
20 valid reason to enter ~~said~~ the disaster area.

21 SECTION 3. AMENDATORY 21 O.S. 2001, Section 1211, is
22 amended to read as follows:

1 Section 1211. A. It shall be unlawful for the driver of any
2 vehicle other than one on official business to follow any emergency
3 vehicle or to purposely drive to any location on or near a highway
4 where a disaster area exists.

5 B. Authorized persons in or near a disaster area may detain any
6 person in a vehicle or otherwise and such person shall be required
7 to stop, provide proof of identification and obey the authorized
8 person's directions or obtain permission before proceeding into the
9 disaster area.

10 SECTION 4. AMENDATORY 21 O.S. 2001, Section 1213, is
11 amended to read as follows:

12 Section 1213. ~~(a)~~ A. It is a misdemeanor for any person to
13 violate any of the provisions of ~~this act~~ the Rescue Operations In A
14 Disaster Area Act, Section 1209 et seq. of this title.

15 ~~(b)~~ B. Every person convicted of a misdemeanor for violating
16 any provision of ~~this act~~ Section 1209 et seq. of this title shall
17 be punished by a fine of not less than Twenty Dollars (\$20.00) nor
18 more than One Hundred Dollars (\$100.00) or by imprisonment for not
19 more than ten (10) days.

20 C. Any person convicted of a violation of this act and whose
21 actions result in the injury of any authorized person as defined by
22 Section 1210 of this title may be punished pursuant to the
23 provisions of Section 647 or 649 of this title.

1 SECTION 5. RECODIFICATION Section 6 Chapter 275, O.S.L.
2 2004 (21 O.S. Supp. 2009, Sections 1211.1, shall be recodified as
3 Section 1214.1 of Title 21 of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 6. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-10-10 - DO
10 PASS, As Amended and Coauthored.