

3 Senate Bill No. 2223

4 SENATE BILL NO. 2223 - By: Burrage of the Senate and Sherrer of the
5 House.

6 An Act relating to crimes and punishments; amending 21 O.S.
7 2001, Section 1533, as last amended by Section 2, Chapter
8 474, O.S.L. 2003 (21 O.S. Supp. 2009, Section 1533), which
9 relates to false personation; adding penalty for personation
10 of certain law enforcement vehicles; providing an effective
11 date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1533, as
14 last amended by Section 2, Chapter 474, O.S.L. 2003 (21 O.S. Supp.
15 2009, Section 1533), is amended to read as follows:

16 Section 1533. A. Except as provided in subsection B of this
17 section, every person who falsely personates any public officer,
18 civil or military, any firefighter, any law enforcement officer, any
19 emergency medical technician or other emergency medical care
20 provider, or any private individual having special authority by law
21 to perform any act affecting the rights or interests of another, or
22 who assumes, without authority, any uniform or badge by which such
23 officers or persons are usually distinguished, and in such assumed
24 character does any act whereby another person is injured, defrauded,
25 harassed, vexed or annoyed, upon conviction, is guilty of a
26 misdemeanor punishable by imprisonment in the county jail not

1 exceeding six (6) months, or by a fine not exceeding Two Thousand
2 Dollars (\$2,000.00), or by both such fine and imprisonment.

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

9 C. Every person who falsely asserts authority of law not
10 provided for by federal or state law in connection with any sham
11 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 D. Every person who, while acting falsely in asserting
16 authority of law, attempts to intimidate or hinder a public official
17 or law enforcement officer in the discharge of official duties by
18 means of threats, harassment, physical abuse, or use of sham legal
19 process, shall be guilty of a felony, punishable by imprisonment for
20 not more than two (2) years, or a fine not exceeding Five Thousand
21 Dollars (\$5,000.00), or both such fine and imprisonment.

22 E. Any person who, without authority under federal or state
23 law, acts as a supreme court justice, a district court judge, an

1 associate district judge, a special judge, a magistrate, a clerk of
2 the court or deputy, a notary public, a juror or other official
3 holding authority to determine a controversy or adjudicate the
4 rights or interests of others, or signs a document in such capacity,
5 shall be guilty of a felony, punishable by imprisonment for not more
6 than two (2) years, or a fine not exceeding Five Thousand Dollars
7 (\$5,000.00), or both such fine and imprisonment.

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

21 G. Every person who uses any motor vehicle or motor-driven
22 cycle usually distinguished as a law enforcement vehicle or equips
23 any motor vehicle or motor-driven cycle with any spot lamps, audible

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

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

19 2. Any person who displays or causes to display such words as
20 provided in this subsection for the purpose of falsely personating a
21 law enforcement officer and as such commits any act whereby another
22 person is injured, defrauded, harassed, vexed or annoyed shall, upon
23 conviction, be guilty of a felony punishable by imprisonment in the

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

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

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

10 a. to be a summons, subpoena, judgment, arrest warrant,
11 search warrant, or other order of a court recognized
12 by the laws of this state, a law enforcement officer
13 commissioned pursuant to state or federal law or the
14 law of a federally recognized Indian tribe, or a
15 legislative, executive, or administrative agency
16 established by state or federal law or the law of a
17 federally recognized Indian tribe,

18 b. to assert jurisdiction or authority over or determine
19 or adjudicate the legal or equitable status, rights,
20 duties, powers, or privileges of any person or
21 property, or

1 c. to require or authorize the search, seizure,
2 indictment, arrest, trial, or sentencing of any person
3 or property; and

4 2. "Lawfully issued" means adopted, issued, or rendered in
5 accordance with the applicable statutes, rules, regulations, and
6 ordinances of the United States, a state, or a political subdivision
7 of a state.

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

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

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
20 dated 2-9-10 - DO PASS, As Coauthored.