

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1925

By: Sykes

4  
5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Sections 1209, 1210, as amended by  
9 Section 57, Chapter 329, O.S.L. 2003, 1211 and 1213,  
10 which relate to disaster areas and penalties;  
11 creating the Rescue Operations In A Disaster Area  
12 Act; providing short title; modifying purpose;  
13 authorizing certain officials to declare disaster  
14 areas in certain locations; limiting time period for  
15 declarations of disaster areas; modifying  
16 definitions; stating procedures for persons in or  
17 near disaster areas; modifying penalty; providing for  
18 recodification; and declaring an emergency.

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

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

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

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

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

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

10        Section 1210. Definitions.

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

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

18        2. ~~The term "authorized~~ Authorized person" ~~shall include~~ means  
19 all state, county and municipal police and fire personnel; hospital  
20 and ambulance crews; National Guard and Emergency Management  
21 personnel ordered into the disaster area by proper authority;  
22 federal civil and military personnel on official business; persons  
23 who enter the disaster area to maintain or restore facilities for  
24 the provision of water, electricity, communications, or

1 transportation to the public; and such other officials as have a  
2 valid reason to enter ~~said~~ the disaster area.

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

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

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

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

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

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

24

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

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

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

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