

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 703

By: Sweeden

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Section 649, which relates to assault  
9 on peace officer; adding assault or battery upon off-  
duty officer in performance of certain duty; and  
declaring an emergency.

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

13 SECTION 1. AMENDATORY 21 O.S. 2001, Section 649, is  
14 amended to read as follows:

15 Section 649. A. Every person who, without justifiable or  
16 excusable cause, knowingly commits any assault upon the person of a  
17 police officer, sheriff, deputy sheriff, highway patrolman,  
18 corrections personnel, or state peace officer employed or duly  
19 appointed by any state governmental agency to enforce state laws  
20 while ~~said~~ the officer is in the performance of his or her official  
21 duties or while the officer is off-duty from the employing agency  
22 and performing duties as a private security guard, is punishable by  
23 imprisonment in the county jail not exceeding six (6) months, or by  
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1 a fine not exceeding Five Hundred Dollars (\$500.00), or by both such  
2 fine and imprisonment.

3 B. Every person who, without justifiable or excusable cause  
4 knowingly commits battery or assault and battery upon the person of  
5 a police officer, sheriff, deputy sheriff, highway patrolman,  
6 corrections personnel, or other state peace officer employed or duly  
7 appointed by any state governmental agency to enforce state laws  
8 while ~~said~~ the officer is in the performance of his or her official  
9 duties or while the officer is off-duty from the employing agency  
10 and performing duties as a private security guard, upon conviction,  
11 shall be guilty of a felony punishable by imprisonment of not more  
12 than five (5) years in a state correctional institution or county  
13 jail for a period not to exceed one (1) year, or by a fine not  
14 exceeding Five Hundred Dollars (\$500.00), or by both such fine and  
15 imprisonment.

16 C. As used in this section and in Section 650 of this title,  
17 "corrections personnel" means any person, employed or duly appointed  
18 by the state or by a political subdivision, who has direct contact  
19 with inmates of a jail or state correctional facility, and includes  
20 but is not limited to, Department of Corrections personnel in job  
21 classifications requiring direct contact with inmates, persons  
22 providing vocational-technical training to inmates, education  
23 personnel who have direct contact with inmates because of education  
24 programs for inmates, and persons employed or duly appointed by

1 county or municipal jails to supervise inmates or to provide medical  
2 treatment or meals to inmates of jails.

3 SECTION 2. It being immediately necessary for the preservation  
4 of the public peace, health and safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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