

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2959

By: Billy, Christian, Kirby,  
Denney and Roan of the  
House

and

Paddack of the Senate

8 An Act relating to crimes and punishments; amending  
9 21 O.S. 2011, Sections 99 and 99a, which relate to  
10 definition and powers of peace officers; modifying  
11 definition of peace officer; providing scope of  
powers for tribal law enforcement officers; and  
providing an effective date.

14 AUTHORS: Add the following Senate Coauthors: Childers, Shortey and  
Wyrick

15 AUTHORS: Add the following House Coauthors: Wesselhoft and Glenn

16 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
17 entire bill and insert

18 "[ crimes and punishments - scope of powers for  
19 tribal law enforcement officers - effective date ]

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

22 SECTION 1. AMENDATORY 21 O.S. 2011, Section 99, is  
23 amended to read as follows:

1 Section 99. The term "peace officer" means any sheriff, police  
2 officer, federal law enforcement officer, tribal law enforcement  
3 officer, or any other law enforcement officer whose duty it is to  
4 enforce and preserve the public peace.

5 Every United States Marshal, Marshals Service deputy or other  
6 federal law enforcement officer who is employed full-time as a law  
7 enforcement officer by the federal government, or acting under the  
8 authority of a federal Bureau of Indian Affairs Commission, who is  
9 authorized by federal law to conduct any investigation of, and make  
10 any arrest for, any offense in violation of federal law shall have  
11 the same authority, and be empowered to act, as peace officers  
12 within the State of Oklahoma in rendering assistance to any law  
13 enforcement officer in an emergency, or at the request of any  
14 officer, and to arrest any person committing any offense in  
15 violation of the laws of this state.

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 99a, is  
17 amended to read as follows:

18 Section 99a. A. Subject to ~~subparagraph~~ subsection C of this  
19 section in addition to any other powers vested by law, a peace  
20 officer of the State of Oklahoma as used in this section may enforce  
21 the criminal laws of this state throughout the territorial bounds of  
22 this state, under the following circumstances:

23 1. In response to an emergency involving an immediate threat to  
24 human life or property;

1           2. Upon the prior consent of the head of a state law  
2 enforcement agency, the sheriff or the chief of police in whose  
3 investigatory or territorial jurisdiction the exercise of the powers  
4 occurs;

5           3. In response to a request for assistance pursuant to a mutual  
6 law enforcement assistance agreement with the agency of  
7 investigatory or territorial jurisdiction;

8           4. In response to the request for assistance by a peace officer  
9 with investigatory or territorial jurisdiction; or

10          5. While the officer is transporting a prisoner.

11          B. While serving as peace officers of the State of Oklahoma and  
12 rendering assistance under the circumstances enumerated above, peace  
13 officers shall have the same powers and duties as though employed by  
14 and shall be deemed to be acting within the scope of authority of  
15 the law enforcement agency in whose or under whose investigatory or  
16 territorial jurisdiction they are serving. Salaries, insurance and  
17 other benefits shall not be the responsibility of a law enforcement  
18 agency that is not the employing agency for the officer.

19          C. A municipal peace officer may exercise authority provided by  
20 this section only if the officer acts pursuant to policies and  
21 procedures adopted by the municipal governing body.

22          D. A Bureau of Indian Affairs law enforcement officer or a  
23 tribal law enforcement officer of a federally recognized Indian  
24 tribe who has been commissioned by the tribe, has a law enforcement

1 contract or compact with the Bureau of Indian Affairs and who has  
2 been certified by the Council on Law Enforcement Education and  
3 Training shall have state police powers limited to tribally owned  
4 land or land defined as Indian country pursuant to 18 U.S.C. 1151 to  
5 enforce state laws or municipal ordinances on tribal land.

6 E. Nothing in this act shall limit or prohibit jurisdiction  
7 given to tribal officers pursuant to a cross-deputization agreement  
8 between a state or local governmental agency or another state or  
9 federal law.

10 SECTION 3. This act shall become effective November 1, 2012."

11 and when the title is restored, amend the title to  
12 conform

13 Passed the Senate the 25th day of April, 2012.

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15 \_\_\_\_\_  
Presiding Officer of the Senate

16 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
17 2012.

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Presiding Officer of the House  
21 of Representatives

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