

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2959

By: Christian

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7 COMMITTEE SUBSTITUTE

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
12 powers for tribal law enforcement officers; and
13 providing an effective date.

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

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

17 Section 99. The term "peace officer" means any sheriff, police
18 officer, federal law enforcement officer, tribal law enforcement
19 officer, or any other law enforcement officer whose duty it is to
20 enforce and preserve the public peace.

21 Every United States Marshal, Marshals Service deputy or other
22 federal law enforcement officer who is employed full-time as a law
23 enforcement officer by the federal government, who is authorized by
24 federal law to conduct any investigation of, and make any arrest

1 for, any offense in violation of federal law shall have the same
2 authority, and be empowered to act, as peace officers within the
3 State of Oklahoma in rendering assistance to any law enforcement
4 officer in an emergency, or at the request of any officer, and to
5 arrest any person committing any offense in violation of the laws of
6 this state.

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

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

14 1. In response to an emergency involving an immediate threat to
15 human life or property;

16 2. Upon the prior consent of the head of a state law
17 enforcement agency, the sheriff or the chief of police in whose
18 investigatory or territorial jurisdiction the exercise of the powers
19 occurs;

20 3. In response to a request for assistance pursuant to a mutual
21 law enforcement assistance agreement with the agency of
22 investigatory or territorial jurisdiction;

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

1 5. While the officer is transporting a prisoner.

2 B. While serving as peace officers of the State of Oklahoma and
3 rendering assistance under the circumstances enumerated above, peace
4 officers shall have the same powers and duties as though employed by
5 and shall be deemed to be acting within the scope of authority of
6 the law enforcement agency in whose or under whose investigatory or
7 territorial jurisdiction they are serving. Salaries, insurance and
8 other benefits shall not be the responsibility of a law enforcement
9 agency that is not the employing agency for the officer.

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

13 D. A tribal law enforcement officer of a federally recognized
14 Indian tribe who has been commissioned pursuant to a cross-
15 deputization agreement authorized by Section 1221 of Title 74 of the
16 Oklahoma Statutes and who has been certified by the Council on Law
17 Enforcement Education and Training shall have state police powers
18 limited to tribal Indian land to enforce state laws or municipal
19 ordinances for non-Indian citizens on tribal Indian land.

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

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