

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL 2959

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

6 and

7 Paddack of the Senate

8  
9 COMMITTEE SUBSTITUTE

10 [ crimes and punishments - scope of powers for tribal  
11 law enforcement officers - effective date ]

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

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

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

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

1 any arrest for, any offense in violation of federal law shall have  
2 the same authority, and be empowered to act, as peace officers  
3 within the State of Oklahoma in rendering assistance to any law  
4 enforcement officer in an emergency, or at the request of any  
5 officer, and to arrest any person committing any offense in  
6 violation of the laws of 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 Bureau of Indian Affairs law enforcement officer or a  
14 tribal law enforcement officer of a federally recognized Indian  
15 tribe who has been commissioned by the tribe, has a law enforcement  
16 contract or compact with the Bureau of Indian Affairs and who has  
17 been certified by the Council on Law Enforcement Education and  
18 Training shall have state police powers limited to tribally owned  
19 land or land defined as Indian country pursuant to 18 U.S.C. 1151 to  
20 enforce state laws or municipal ordinances on tribal land.

21       E. Nothing in this act shall limit or prohibit jurisdiction  
22 given to tribal officers pursuant to a cross-deputization agreement  
23 between a state or local governmental agency or another state or  
24 federal law.

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

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