

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2959

By: Billy and Christian of the
House

and

Paddack of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2011, Sections 99 and 99a, which relate to
13 definition and powers of peace officers; modifying
14 definition of peace officer; providing scope of
15 powers for tribal law enforcement officers; and
16 providing an effective date.

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

18 1. In response to an emergency involving an immediate threat to
19 human life or property;

20 2. Upon the prior consent of the head of a state law
21 enforcement agency, the sheriff or the chief of police in whose
22 investigatory or territorial jurisdiction the exercise of the powers
23 occurs;

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

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

6 5. While the officer is transporting a prisoner.

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

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

18 D. A tribal law enforcement officer of a federally recognized
19 Indian tribe who has been commissioned pursuant to a cross-
20 deputization agreement authorized by Section 1221 of Title 74 of the
21 Oklahoma Statutes and who has been certified by the Council on Law
22 Enforcement Education and Training shall have state police powers

1 limited to tribal Indian land to enforce state laws or municipal
2 ordinances for non-Indian citizens on tribal Indian land.

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

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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/28/2012 - DO
6 PASS, As Amended and Coauthored.

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