

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1871

By: Billy and Hoskin of the
House

4 and

5 Paddack of the Senate

6
7
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; updating statutory
12 language; providing scope of powers for Bureau of
Indian Affairs law enforcement officers and tribal
law enforcement officers; proscribing limit on
jurisdiction of tribal officers pursuant to certain
agreements; and providing an effective date.

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14 AUTHOR: Add the following Senate Coauthor: Shortey

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

17 "An Act relating to crimes and punishments; amending
18 21 O.S. 2011, Sections 99 and 99a, which relate to
19 definition and powers of peace officers; modifying
20 definition of peace officer; updating statutory
21 language; providing scope of powers for Bureau of
Indian Affairs law enforcement officers and tribal
law enforcement officers; proscribing limit on
jurisdiction of tribal officers pursuant to certain
agreements; and providing an effective date.

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

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

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

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

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

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

3 1. In response to an emergency involving an immediate threat to
4 human life or property;

5 2. Upon the prior consent of the head of a state law
6 enforcement agency, the sheriff or the chief of police in whose
7 investigatory or territorial jurisdiction the exercise of the powers
8 occurs;

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

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

14 5. While the officer is transporting a prisoner.

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

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

4 D. A Bureau of Indian Affairs law enforcement officer or a
5 tribal law enforcement officer of a federally recognized Indian
6 tribe who has been commissioned by the Federal Bureau of Indian
7 Affairs and has been certified by the Council on Law Enforcement
8 Education and Training shall have state police powers to enforce
9 state laws on lands the title to which is held by the United States
10 in trust for the benefit of either a federally recognized American
11 Indian tribe or an enrolled citizen thereof.

12 E. Nothing in this act shall limit or prohibit jurisdiction
13 given to tribal officers pursuant to a cross-deputization agreement
14 between a state or local governmental agency or another state or
15 federal law.

16 SECTION 3. This act shall become effective November 1, 2013."
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11 language; providing scope of powers for Bureau of
Indian Affairs law enforcement officers and tribal
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jurisdiction of tribal officers pursuant to certain
agreements; and providing an effective date.

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

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SECTION 4. AMENDATORY 21 O.S. 2011, Section 99, is

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amended to read as follows:

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Section 99. The term "peace officer" means any sheriff, police

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officer, federal law enforcement officer, tribal law enforcement

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officer, or any other law enforcement officer whose duty it is to

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enforce and preserve the public peace.

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Every United States Marshal, Marshals Service deputy or other

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federal law enforcement officer who is employed full-time as a law

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enforcement officer by the federal government, or acting under the

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authority of a federal Bureau of Indian Affairs commission, who is

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

8 SECTION 5. AMENDATORY 21 O.S. 2011, Section 99a, is
9 amended to read as follows:

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

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

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

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

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

3 5. While the officer is transporting a prisoner.

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

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

15 D. A Bureau of Indian Affairs law enforcement officer or a
16 tribal law enforcement officer of a federally recognized Indian
17 tribe who has been commissioned by the tribe, has a law enforcement
18 contract or compact with the Bureau of Indian Affairs and who has
19 been certified by the Council on Law Enforcement Education and
20 Training shall have state police powers limited to tribally owned
21 land or land defined as Indian country pursuant to 18 U.S.C. 1151 to
22 enforce state laws or municipal ordinances on tribal land.

23 E. Nothing in this act shall limit or prohibit jurisdiction
24 given to tribal officers pursuant to a cross-deputization agreement

1 between a state or local governmental agency or another state or
2 federal law.

3 SECTION 6. This act shall become effective November 1, 2013.

4 Passed the House of Representatives the 4th day of March, 2013.

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6 Presiding Officer of the House
7 of Representatives

8 Passed the Senate the ___ day of _____, 2013.

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10 Presiding Officer of the Senate

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