

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1871

By: Billy and Hoskin of the
House

6 and

7 Paddack of the Senate
8
9

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; updating statutory
15 language; providing scope of powers for Bureau of
16 Indian Affairs law enforcement officers and tribal
17 law enforcement officers; proscribing limit on
18 jurisdiction of tribal officers pursuant to certain
19 agreements; and providing an effective date.

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

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

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

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 or is otherwise acting
4 under the authority of a Federal Bureau of Indian Affairs Commission
5 and has been certified by the Council on Law Enforcement Education
6 and Training, who is authorized by federal law to conduct any
7 investigation of, and make any arrest for, any offense in violation
8 of federal law shall have the same authority, and be empowered to
9 act, as peace officers within the State of Oklahoma in rendering
10 assistance to any law enforcement officer in an emergency, or at the
11 request of any officer, and to arrest any person committing any
12 offense in violation of the laws of this state.

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

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

20 1. In response to an emergency involving an immediate threat to
21 human life or property;

22 2. Upon the prior consent of the head of a state law
23 enforcement agency, the sheriff or the chief of police in whose
24

1 | investigatory or territorial jurisdiction the exercise of the powers
2 | occurs;

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

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

8 | 5. While the officer is transporting a prisoner.

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

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

20 | D. A Bureau of Indian Affairs law enforcement officer or a
21 | tribal law enforcement officer of a federally recognized Indian
22 | tribe who has been commissioned by the Federal Bureau of Indian
23 | Affairs and has been certified by the Council on Law Enforcement
24 | Education and Training shall have state police powers to enforce

1 state laws on lands the title to which is held by the United States
2 in trust for the benefit of either a federally recognized American
3 Indian tribe or an enrolled citizen thereof.

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

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

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