

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 1823

By: Sharp of the Senate

and

Hulbert of the House

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8  
9 COMMITTEE SUBSTITUTE

10 [ assault on school employee - modifying punishment -  
11 exemption from liability - effective date ]  
12

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 650.7, is  
15 amended to read as follows:

16 Section 650.7. A. As used in this section, "school employee"  
17 means a teacher, principal, or any duly appointed person employed by  
18 a school system or employees of a firm contracting with a school  
19 system for any purpose, including any personnel not directly related  
20 to the teaching process and school board members during school board  
21 meetings.

22 B. Any person who, without justifiable or excusable cause,  
23 commits any assault, battery, or assault and battery upon the person  
24 of a school employee while such employee is in the performance of

1 any duties as a school employee or upon any student while such  
2 student is participating in any school activity or attending classes  
3 on school property during school hours shall, upon conviction of a  
4 first offense, be guilty of a misdemeanor. The convicted person  
5 shall be punished by a term of imprisonment in the county jail for a  
6 period not exceeding one (1) year, or by a fine not exceeding ~~Two~~  
7 ~~Thousand Dollars (\$2,000.00)~~ Five Hundred Dollars (\$500.00), or by  
8 both such fine and imprisonment. Upon conviction for a second or  
9 subsequent offense, the person shall be guilty of a misdemeanor  
10 punishable by a term of imprisonment in the county jail for a period  
11 not exceeding three (3) years, or by a fine not exceeding One  
12 Thousand Five Hundred Dollars (\$1,500.00), or by both such fine and  
13 imprisonment.

14 C. Any person who, without justifiable or excusable cause,  
15 commits any aggravated battery or aggravated assault and battery  
16 upon the person of a school employee while such employee is in the  
17 performance of any duties as a school employee shall, upon  
18 conviction, be guilty of a felony punishable by a term of  
19 imprisonment in the State Penitentiary for a period not exceeding  
20 two (2) years, or by a fine not exceeding Five Thousand Dollars  
21 (\$5,000.00), or by both such fine and imprisonment.

22 D. Every school site shall post in a prominent place a notice  
23 having the following or similar language: "FELONY CHARGES MAY BE  
24

1 FILED AGAINST ANY PERSON(S) COMMITTING AN AGGRAVATED ASSAULT OR  
2 BATTERY UPON ANY SCHOOL EMPLOYEE."

3 E. For purposes of this section, "assault" shall be defined by  
4 Section 641 of Title 21 of the Oklahoma Statutes, "battery" shall be  
5 defined by Section 642 of Title 21 of the Oklahoma Statutes, and  
6 "aggravated assault and battery" shall be defined by Section 646 of  
7 Title 21 of the Oklahoma Statutes.

8 SECTION 2. AMENDATORY Section 8, Chapter 7, 1st  
9 Extraordinary Session, O.S.L. 2013 (70 O.S. Supp. 2013, Section 6-  
10 149.7), is amended to read as follows:

11 Section 6-149.7. A. No student enrolled in a school shall  
12 assault, attempt to cause physical bodily injury, or act in a manner  
13 that could reasonably cause bodily injury to an education employee  
14 or a person who is volunteering for the school. Any student in  
15 grades six through twelve who violates the provisions of this  
16 section shall be subject to out-of-school suspension as provided for  
17 in Section 24-101.3 of Title 70 of the Oklahoma Statutes. This  
18 section shall be in addition to and does not limit the criminal  
19 liability of a person who causes or commits an assault, battery, or  
20 assault and battery upon a school employee as provided for in  
21 Section 650.7 of Title 21 of the Oklahoma Statutes.

22 B. No education employee or person who is volunteering for a  
23 school shall be liable for the use of necessary and reasonable force  
24 to control and discipline a student during the time the student is

1 in attendance or in transit to and from the school, or any other  
2 function authorized by the school district.

3 SECTION 3. This act shall become effective November 1, 2014.

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