An Act

ENROLLED HOUSE
BILL NO. 1871

By: Billy, Hoskin, Pittman, Henke, Scott, Kirby and McPeak of the House

and

Paddack and Shortey of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 99 and 99a, which relate to definition and powers of peace officers; modifying definition of peace officer; updating statutory 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.

SUBJECT: Peace officers

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

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

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

Every United States Marshal, Marshals Service deputy or other federal law enforcement officer who is employed full-time as a law enforcement officer by the federal government <u>or is otherwise acting under the authority of a Federal Bureau of Indian Affairs Commission and has been certified by the Council on Law Enforcement Education</u>

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

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

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

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

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

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

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

5. While the officer is transporting a prisoner.

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

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

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

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

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

Passed the House of Representatives the 6th day of May, 2013.

_____
Presiding Officer of the House
of Representatives

Passed the Senate the 15th day of April, 2013.

_____
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20 _____, at _____ o'clock _____ M.

By: _____