HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

ENGROSSED SENATE
BILL NO. 1823 By: Sharp of the Senate

and

Hulbert of the House

An Act relating to assault on school employee; amending 21 O.S. 2011, Section 650.7, which relates to assault and battery upon school employee or student; modifying penalties for certain offenses; amending Section 8, Chapter 7, 1st Extraordinary Session, O.S.L. 2013 (70 O.S. Supp. 2013, Section 6-149.7), which relates to suspension of students for certain actions; establishing exemption from liability for certain actions; and providing an effective date.

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

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

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

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

B. Any person who, without justifiable or excusable cause, commits any assault, battery, or assault and battery upon the person of a school employee while such employee is in the performance of any duties as a school employee or upon any student while such student is participating in any school activity or attending classes on school property during school hours shall, upon conviction of a first offense, be guilty of a misdemeanor. The convicted person shall be punished by a term of imprisonment in the county jail for a period not exceeding ~~one (1) year~~ six (6) months, or by a fine not exceeding ~~Two Thousand Dollars ($2,000.00)~~ Five Hundred Dollars ($500.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent offense, the person shall be guilty of a misdemeanor punishable by a term of imprisonment in the county jail for a period not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

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

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

D. Every school site shall post in a prominent place a notice having the following or similar language: "FELONY CHARGES MAY BE FILED AGAINST ANY PERSON(S) COMMITTING AN AGGRAVATED ASSAULT OR BATTERY UPON ANY SCHOOL EMPLOYEE."

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

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

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

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BOLD FACE CAPITALIZED language denotes Committee Amendments.
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B. No education employee or person who is volunteering for a school shall be liable for the use of necessary and reasonable force to control and discipline a student during the time the student is in attendance or in transit to and from the school, or any other function authorized by the school district.

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

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/02/2014 - DO PASS.

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