

1 **SENATE FLOOR VERSION**

2 February 6, 2014

3 SENATE BILL NO. 1600

By: Barrington of the Senate

4 and

5 Billy of the House

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8 An Act relating to arrest without warrant; amending
9 22 O.S. 2011, Section 196, which relates to arrest
10 without a warrant by a peace officer; modifying where
an officer may make certain arrests; and declaring an
emergency.

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

14 SECTION 1. AMENDATORY 22 O.S. 2011, Section 196, is
15 amended to read as follows:

16 Section 196. A peace officer may, without a warrant, arrest a
17 person:

18 1. For a public offense, committed or attempted in the
19 officer's presence;

20 2. When the person arrested has committed a felony, although
21 not in the officer's presence;

22 3. When a felony has in fact been committed, and the officer
23 has reasonable cause to believe the person arrested to have
24 committed it;

1 4. On a charge, made upon reasonable cause, of the commission
2 of a felony by the party arrested;

3 5. When the officer has probable cause to believe that the
4 party was driving or in actual physical control of a motor vehicle
5 involved in an accident within this state, whether upon the public
6 roads, highways, streets, or turnpikes, other public places, or upon
7 any private road, street, alley or lane which provides access to one
8 or more single- or multi-family dwellings and was under the
9 influence of alcohol or intoxicating liquor or who was under the
10 influence of any substance included in the Uniform Controlled
11 Dangerous Substances Act, ~~Sections 2-101 et seq. of Title 63 of the~~
12 ~~Oklahoma Statutes;~~

13 6. Anywhere, including a place of residence of the person, if
14 the peace officer has probable cause to believe the person within
15 the preceding seventy-two (72) hours has committed an act of
16 domestic abuse as defined by Section 60.1 of this title, although
17 the assault did not take place in the presence of the peace officer.
18 A peace officer may not arrest a person pursuant to this section
19 without first observing a recent physical injury to, or an
20 impairment of the physical condition of, the alleged victim;

21 7. When a peace officer, in accordance with the provisions of
22 Section 60.9 of this title, is acting on a violation of a protective
23 order offense; or

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1 8. When the officer has probable cause to believe that the
2 person has threatened another person as defined in subsection B of
3 Section ~~14~~ 1378 of ~~this act~~ Title 21 of the Oklahoma Statutes.

4 SECTION 2. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
9 February 6, 2014 - DO PASS

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