

1 **SENATE FLOOR VERSION**

2 February 26, 2014

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1823

By: Sharp of the Senate

and

Hulbert of the House

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7
8 [assault on school employee - assault, battery, or
9 assault and battery upon school employee or student -
10 student assault - effective date]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

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

20 D. Every school site shall post in a prominent place a notice
21 having the following or similar language: "FELONY CHARGES MAY BE
22 FILED AGAINST ANY PERSON(S) COMMITTING AN AGGRAVATED ASSAULT OR
23 BATTERY UPON ANY SCHOOL EMPLOYEE."
24

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

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

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

20 B. No education employee or person who is volunteering for a
21 school shall be liable for the use of necessary and reasonable force
22 to control and discipline a student during the time the student is
23 in attendance or in transit to and from the school, or any other
24 function authorized by the school district.

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

2 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
3 February 26, 2014 - DO PASS AS AMENDED
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