

1 STATE OF OKLAHOMA

2 1st Extraordinary Session of the 54th Legislature (2013)

3 HOUSE BILL 1020

By: Perryman

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7 AS INTRODUCED

8 An Act relating to schools; repealing 70 O.S. 2011,  
9 Sections 6-140, 6-141, 6-142, 6-143, 6-144, 6-145, 6-  
10 146, 6-147 and 6-148, which relate to the School  
11 Protection Act; creating the School Protection Act;  
12 stating purpose; defining terms; prohibiting certain  
13 acts and providing penalties therefor; authorizing  
14 award of costs, with exception; authorizing expert  
15 witness fees; providing that insurance policies do  
16 not constitute waiver of any defense; prohibiting  
17 certain acts and making violations subject to out-of-  
18 school suspension; providing penalty is in addition  
19 to criminal liability; providing that certain  
20 education employees shall be entitled to leave of  
21 absence without loss of benefits; providing that the  
22 School Protection Act is in addition to and does not  
23 limit or amend The Governmental Tort Claims Act;  
24 providing for codification; and declaring an  
emergency.

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

SECTION 1. REPEALER 70 O.S. 2011, Sections 6-140, 6-141,  
6-142, 6-143, 6-144, 6-145, 6-146, 6-147 and 6-148, are hereby  
repealed.

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 6-149.1 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4 Sections 2 through 10 of this act shall be known and may be  
5 cited as the "School Protection Act".

6 SECTION 3. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 6-149.2 of Title 70, unless  
8 there is created a duplication in numbering, reads as follows:

9 The purpose of the School Protection Act is to provide teachers,  
10 principals, and other school professionals the tools they need to  
11 undertake reasonable actions to maintain order, discipline, and an  
12 appropriate educational environment.

13 SECTION 4. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 6-149.3 of Title 70, unless  
15 there is created a duplication in numbering, reads as follows:

16 As used in the School Protection Act:

17 1. "Education employee" means any individual who is an employee  
18 of a school; and

19 2. "School" means a public school district, governmental entity  
20 that employs teachers as defined in Section 1-116 of Title 70 of the  
21 Oklahoma Statutes, or private kindergarten, elementary, or secondary  
22 school.

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1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 6-149.4 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. Except as otherwise provided in this section, any person  
5 eighteen (18) years of age or older who acts with specific intent in  
6 making a false accusation of criminal activity against an education  
7 employee to law enforcement authorities or school district  
8 officials, or both, shall be guilty of a misdemeanor and, upon  
9 conviction, punished by a fine of not more than Two Thousand Dollars  
10 (\$2,000.00).

11 B. Except as otherwise provided in this section, any student  
12 between seven (7) years of age and eighteen (18) years of age who  
13 acts with specific intent in making a false accusation of criminal  
14 activity against an education employee to law enforcement  
15 authorities or school district officials, or both, shall, upon  
16 conviction, at the discretion of the court, be subject to any of the  
17 following:

18 1. Community service of a type and for a period of time to be  
19 determined by the court; or

20 2. Any other sanction as the court in its discretion may deem  
21 appropriate.

22 C. The provisions of this section shall not apply to statements  
23 regarding individuals who are serving or have been elected or  
24 appointed to serve on the board of education of a school so long as

1 the statements were not made with malice aforethought by a person  
2 who knew the statements to be false.

3 D. This section is in addition to and does not limit the civil  
4 or criminal liability of a person who makes false statements  
5 alleging criminal activity by another.

6 SECTION 6. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 6-149.5 of Title 70, unless  
8 there is created a duplication in numbering, reads as follows:

9 A prevailing party in any litigation pursuant to the School  
10 Protection Act may be awarded costs, including witness fees.

11 SECTION 7. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 6-149.6 of Title 70, unless  
13 there is created a duplication in numbering, reads as follows:

14 Unless otherwise provided by law, the existence of any policy of  
15 insurance indemnifying a school or an education employee against  
16 liability for damages is not a waiver of any defense otherwise  
17 available to the educational entity or its employees in the defense  
18 of the claim.

19 SECTION 8. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 6-149.7 of Title 70, unless  
21 there is created a duplication in numbering, reads as follows:

22 No student enrolled in a school shall assault, attempt to cause  
23 physical bodily injury, or act in a manner that could reasonably  
24 cause bodily injury to an education employee, another student or a

1 person who is volunteering for the school. Any student in grades  
2 six through twelve who violates the provisions of this section shall  
3 be subject to out-of-school suspension as provided for in Section  
4 24-101.3 of Title 70 of the Oklahoma Statutes. This section shall  
5 be in addition to and does not limit the criminal liability of a  
6 person who causes or commits an assault, battery, or assault and  
7 battery upon a school employee as provided for in Section 650.7 of  
8 Title 21 of the Oklahoma Statutes.

9 SECTION 9. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 6-149.8 of Title 70, unless  
11 there is created a duplication in numbering, reads as follows:

12 An education employee who is injured as a result of an assault  
13 or battery upon the person of the employee while the employee is in  
14 the performance of any duties as an education employee shall be  
15 entitled to a leave of absence from employment with the school  
16 without a loss of leave benefits.

17 SECTION 10. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 6-149.9 of Title 70, unless  
19 there is created a duplication in numbering, reads as follows:

20 The School Protection Act shall be in addition to and shall not  
21 limit or amend The Governmental Tort Claims Act or any other  
22 applicable law.

23 SECTION 11. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 54-1EX-50036 SD 08/30/13

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