

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2279

By: Wood

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8 COMMITTEE SUBSTITUTE

9 An Act relating to public health and safety;
10 providing immunity from prosecution for drug-related
11 offenses under certain circumstances; providing
12 exceptions; prohibiting the filing of certain actions
13 against peace officers; defining certain term;
14 providing for codification; and providing an
15 effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2-413.1 of Title 63, unless
19 there is created a duplication in numbering, reads as follows:

20 A. A peace officer shall not take a person into custody based
21 solely on the commission of an offense involving a controlled
22 dangerous substance described in subsection B of this section if the
23 peace officer, after making a reasonable determination and
24 considering the facts and surrounding circumstances, reasonably
believes that all of the following apply:

1 1. The peace officer has contact with the person because the
2 person requested emergency medical assistance for an individual who
3 reasonably appeared to be in need of medical assistance due to the
4 use of a controlled dangerous substance; and

5 2. The person:

6 a. provided his or her full name and any other relevant
7 information requested by the peace officer,

8 b. remained at the scene with the individual who
9 reasonably appeared to be in need of medical
10 assistance due to the use of a controlled dangerous
11 substance until emergency medical assistance arrived,
12 and

13 c. cooperated with emergency medical assistance personnel
14 and peace officers at the scene.

15 B. A person who meets the criteria of subsection A of this
16 section is immune from criminal prosecution for possession of a
17 controlled dangerous substance, including those offenses listed in
18 Sections 2-204, 2-206, 2-208, 2-210 and 2-212 of Title 63 of the
19 Oklahoma Statutes, provided the amount of such controlled dangerous
20 substance does not constitute trafficking, as provided in subsection
21 C of Section 2-415 of the Oklahoma Statutes, drug paraphernalia
22 associated with a controlled dangerous substance, as defined in
23 paragraph 36 of Section 2-101 of Title 63 of the Oklahoma Statutes
24 or distribution of a controlled dangerous substance, possession with

1 intent to distribute a controlled dangerous substance or
2 manufacturing or attempting to manufacture a controlled dangerous
3 substance, as provided in Section 2-401 of Title 63 of the Oklahoma
4 Statutes. Further, a person is only immune from prosecution for the
5 aforementioned offenses if the offense involved a state of
6 intoxication caused by the use of a controlled dangerous substance
7 by a person or if the offense involved the person being or becoming
8 intoxicated as a result of the use of a controlled dangerous
9 substance by a person.

10 C. A person may not initiate or maintain an action against a
11 peace officer or the employing political subdivision of the peace
12 officer based on the compliance or failure of the peace officer to
13 comply with the provisions of this section.

14 D. For the purposes of this section, "peace officer" shall have
15 the same meaning as defined in Section 99 of Title 21 of the
16 Oklahoma Statutes.

17 SECTION 2. This act shall become effective November 1, 2016.

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19 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
20 dated 02/03/2016 - DO PASS, As Amended.
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