

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3052

By: Kern

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Sections 649, as last amended by  
9 Section 1, Chapter 117, O.S.L. 2015 and 650, as  
10 amended by Section 2, Chapter 17, O.S.L. 2015 (21  
11 O.S. Supp. 2015, Sections 649 and 650), which relate  
12 to assault and battery upon peace officers; expanding  
13 scope of certain prohibited acts; defining terms; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 649, as last  
17 amended by Section 1, Chapter 117, O.S.L. 2015 (21 O.S. Supp. 2015,  
18 Section 649), is amended to read as follows:

19 Section 649. A. Every person who, without justifiable or  
20 excusable cause, knowingly commits any assault upon the person of a  
21 police officer, sheriff, deputy sheriff, highway patrolman,  
22 corrections personnel, security guard who is performing security  
23 services, private investigator while in the performance of his or  
24 her duties, or state peace officer employed or duly appointed by any  
state governmental agency to enforce state laws while the officer is  
in the performance of his or her duties is punishable by

1 imprisonment in the county jail not exceeding six (6) months, or by  
2 a fine not exceeding Five Hundred Dollars (\$500.00), or by both such  
3 fine and imprisonment.

4 B. Every person who, without justifiable or excusable cause  
5 knowingly commits battery or assault and battery upon the person of  
6 a police officer, sheriff, deputy sheriff, highway patrolman,  
7 corrections personnel, security guard who is performing security  
8 services, private investigator while in the performance of his or  
9 her duties, or other state peace officer employed or duly appointed  
10 by any state governmental agency to enforce state laws while the  
11 officer is in the performance of his or her duties shall, upon  
12 conviction, ~~shall~~ be guilty of a felony punishable by imprisonment  
13 in the custody of the Department of Corrections of not more than  
14 five (5) years or county jail for a period not to exceed one (1)  
15 year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or  
16 by both such fine and imprisonment.

17 C. As used in this section and in Section 650 of this title,  
18 "corrections personnel" means any person, employed or duly appointed  
19 by the state or by a political subdivision, who has direct contact  
20 with inmates of a jail or state correctional facility, and includes  
21 but is not limited to, Department of Corrections personnel in job  
22 classifications requiring direct contact with inmates, persons  
23 providing vocational-technical training to inmates, education  
24 personnel who have direct contact with inmates because of education

1 programs for inmates, and persons employed or duly appointed by  
2 county or municipal jails to supervise inmates or to provide medical  
3 treatment or meals to inmates of jails.

4 D. For the purposes of this section, assault and battery upon  
5 law officers includes any attempt to reach for or gain control of  
6 the firearm of any police officer, sheriff, deputy sheriff, highway  
7 patrol, corrections personnel as defined in Section 649 of this  
8 title, or any peace officer employed by any state or federal  
9 governmental agency to enforce state laws.

10 E. For purposes of this section, if an officer is off duty and  
11 the nature of the assault or assault and battery relates back to, or  
12 in any manner or circumstances has to do with, his or her official  
13 position as a law enforcement officer then it shall fall within the  
14 meaning of "in the performance of his or her duties" as an officer.

15 F. This section shall not supersede any other act or acts, but  
16 shall be cumulative thereto.

17 G. As used in this section, "security guard" and "private  
18 investigator" shall mean any person who is licensed pursuant to the  
19 provisions of the Oklahoma Security Guard and Private Investigator  
20 Act.

21 SECTION 2. AMENDATORY 21 O.S. 2011, Section 650, as  
22 amended by Section 2, Chapter 17, O.S.L. 2015 (21 O.S. Supp. 2015,  
23 Section 650), is amended to read as follows:  
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1           Section 650. A. Every person who, without justifiable or  
2 excusable cause, knowingly commits any aggravated assault and  
3 battery upon the person of a police officer, sheriff, deputy sheriff  
4 or highway patrolman, corrections personnel as defined in Section  
5 649 of this title, security guard who is performing security  
6 services, private investigator while in the performance of his or  
7 her duties, or any state peace officer employed by any state or  
8 federal governmental agency to enforce state laws, while the officer  
9 is in the performance of his or her duties shall upon conviction  
10 thereof be guilty of a felony, which shall be punishable by  
11 imprisonment in the custody of the Department of Corrections for not  
12 more than life or by a fine not exceeding One Thousand Dollars  
13 (\$1,000.00), or by both such fine and imprisonment.

14           B. Every person who, without justifiable or excusable cause,  
15 commits any aggravated assault and battery upon a person that the  
16 violator knows or should reasonably know is a police officer,  
17 sheriff, deputy sheriff or highway patrolman, corrections personnel  
18 as defined in Section 649 of this title, security guard who is  
19 performing security services, private investigator while in the  
20 performance of his or her duties, or any state peace officer  
21 employed by any state or federal governmental agency to enforce  
22 state laws, that results in maiming as defined in Section 751 of  
23 this title, while the officer is in the performance of his or her  
24 duties shall upon conviction be guilty of a felony punishable by

1 imprisonment in the custody of the Department of Corrections of not  
2 less than five (5) years nor more than life or by a fine not  
3 exceeding Five Thousand Dollars (\$5,000.00), or by both such fine  
4 and imprisonment.

5 C. For purposes of this section, aggravated assault and battery  
6 upon law officers, includes the physical contact with and in attempt  
7 to gain control of the firearm of any police officer, sheriff,  
8 deputy sheriff, highway patrolman, corrections personnel as defined  
9 in Section 649 of this title, or any peace officer employed by any  
10 state or federal governmental agency to enforce state laws.

11 D. This section shall not supersede any other act or acts, but  
12 shall be cumulative thereto.

13 E. As used in this section, "security guard" and "private  
14 investigator" shall mean any person who is licensed pursuant to the  
15 provisions of the Oklahoma Security Guard and Private Investigator  
16 Act.

17 SECTION 3. This act shall become effective November 1, 2016.

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19 55-2-7676 GRS 12/16/15  
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