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STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1165

By: Griffin

AS INTRODUCED

An Act relating to controlled substances; prohibiting arrest under certain circumstances; providing qualifying standards; providing certain immunity; prohibiting certain legal actions; directing promulgation of rules; providing for codification; and providing an effective date.

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

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

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

1. The law enforcement officer has contact with the person because the person requested emergency medical assistance for an

1 individual who reasonably appeared to be in need of medical
2 assistance due to the use of a controlled substance; and

3 2. The person:

4 a. provided his or her full name and any other relevant
5 information requested by the law enforcement officer,

6 b. remained at the scene with the individual who
7 reasonably appeared to be in need of medical
8 assistance due to the use of controlled substances
9 until emergency medical assistance arrived, and

10 c. cooperated with emergency medical assistance personnel
11 and law enforcement officers at the scene.

12 B. A person who meets the criteria of subsection A of this
13 section is immune from criminal prosecution for possession of a
14 controlled substance, including those listed in Sections 2-204, 2-
15 206, 2-208, 2-210 and 2-212 of Title 63 of the Oklahoma Statutes,
16 provided the amount of such substance does not constitute
17 trafficking, as provided for in subsection C of Section 2-415 of the
18 Oklahoma Statutes, or paraphernalia associated with a controlled
19 substance, as defined in paragraph 36 of Section 2-101 of Title 63
20 of the Oklahoma Statutes. Further, a person is immune from
21 prosecution if the offense involved a state of intoxication caused
22 by the person's use of a controlled substance or if the offense
23 involved the person being, or becoming, intoxicated as a result of
24 the person's use of a controlled substance.

1 C. A person may not initiate or maintain an action against a
2 peace officer or the employing political subdivision based on the
3 officer's compliance or failure to comply with this section.

4 D. The State Board of Health and the Commissioner of Public
5 Safety shall promulgate rules to implement the provisions of this
6 act.

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

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