

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 55

By: David

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5
6 AS INTRODUCED

7 An Act relating to crime and punishment; amending 21
8 O.S. 2011, Section 649, which relates to assault and
9 battery upon a law enforcement officer; broadening
10 certain inclusions; amending 21 O.S. 2011, Section
11 650, which relates to aggravated assault and battery
12 upon a law enforcement officer; broadening certain
13 inclusions; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 649, is
16 amended to read as follows:

17 Section 649. A. Every person who, without justifiable or
18 excusable cause, knowingly commits any assault upon the person of a
19 police officer, sheriff, deputy sheriff, highway patrolman,
20 corrections personnel, or state peace officer employed or duly
21 appointed by any state governmental agency to enforce state laws
22 while ~~said~~ the officer is in the performance of his or her duties is
23 punishable by imprisonment in the county jail not exceeding six (6)
24 months, or by a fine not exceeding Five Hundred Dollars (\$500.00),
or by both such fine and imprisonment.

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

12 C. As used in this section and in Section 650 of this title,
13 "corrections personnel" means any person, employed or duly appointed
14 by the state or by a political subdivision, who has direct contact
15 with inmates of a jail or state correctional facility, and includes
16 but is not limited to, Department of Corrections personnel in job
17 classifications requiring direct contact with inmates, persons
18 providing vocational-technical training to inmates, education
19 personnel who have direct contact with inmates because of education
20 programs for inmates, and persons employed or duly appointed by
21 county or municipal jails to supervise inmates or to provide medical
22 treatment or meals to inmates of jails.

23 D. For the purposes of this section, assault and battery upon
24 law officers includes any attempt to reach for or gain control of

1 the firearm of any police officer, sheriff, deputy sheriff, highway
2 patrol, corrections personnel as defined in Section 649 of this
3 title, or any peace officer employed by any state or federal
4 governmental agency to enforce state laws.

5 E. This section shall not supersede any other act or acts, but
6 shall be cumulative thereto.

7 SECTION 2. AMENDATORY 21 O.S. 2011, Section 650, is
8 amended to read as follows:

9 Section 650. A. Every person who, without justifiable or
10 excusable cause, knowingly commits any aggravated assault and
11 battery upon the person of a police officer, sheriff, deputy sheriff
12 or highway patrolman, corrections personnel as defined in Section
13 649 of this title, or any state peace officer employed by any state
14 or federal governmental agency to enforce state laws, while ~~said~~ the
15 officer is in the performance of his or her duties shall upon
16 conviction thereof be guilty of a felony, which shall be punishable
17 by imprisonment in the custody of the Department of Corrections for
18 not more than life or by a fine not exceeding One Thousand Dollars
19 (\$1,000.00), or by both such fine and imprisonment.

20 B. Every person who, without justifiable or excusable cause,
21 commits any aggravated assault and battery upon a person that the
22 violator knows or should reasonably know is a police officer,
23 sheriff, deputy sheriff or highway patrolman, corrections personnel
24 as defined in Section 649 of this title, or any state peace officer

1 employed by any state or federal governmental agency to enforce
2 state laws, that results in maiming as defined in Section 751 of
3 this title, while ~~said~~ the officer is in the performance of his or
4 her duties shall upon conviction be guilty of a felony punishable by
5 imprisonment in the custody of the Department of Corrections of not
6 less than five (5) years nor more than life or by a fine not
7 exceeding Five Thousand Dollars (\$5,000.00), or by both such fine
8 and imprisonment.

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

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

17 SECTION 3. This act shall become effective November 1, 2015.

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19 55-1-482

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