

1 STATE OF OKLAHOMA

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

3 SENATE BILL 579

By: Shaw

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5
6 AS INTRODUCED

7 An Act relating to crime and punishment; amending 22
8 O.S. 2011, Section 196, as amended by Section 1,
9 Chapter 200, O.S.L. 2014 (22 O.S. Supp. 2014, Section
10 196), which relates to arrest without a warrant by
11 officer; modifying permissible arrests; and providing
12 an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2011, Section 196, as
15 amended by Section 1, Chapter 200, O.S.L. 2014 (22 O.S. Supp. 2014,
16 Section 196), is amended to read as follows:

17 Section 196. A peace officer may, without a warrant, arrest a
18 person:

19 1. For a public offense, committed or attempted in the
20 officer's presence;

21 2. When the person arrested has committed a felony, although
22 not in the officer's presence;

23 3. When a felony has in fact been committed, and the officer
24 has reasonable cause to believe the person arrested to have
committed it;

1 4. On a charge, made upon reasonable cause, of the commission
2 of a felony by the party arrested;

3 5. When the officer has probable cause to believe that the
4 party was driving or in actual physical control of a motor vehicle
5 involved in an accident within this state, whether upon public
6 roads, highways, streets, turnpikes, other public places, or upon
7 any private road, street, alley or lane which provides access to one
8 or more single- or multi-family dwellings and was under the
9 influence of alcohol or intoxicating liquor or who was under the
10 influence of any substance included in the Uniform Controlled
11 Dangerous Substances Act;

12 6. Anywhere, including a place of residence of the person, if
13 the peace officer has probable cause to believe the person within
14 the preceding seventy-two (72) hours has committed an act of
15 domestic abuse as defined by Section 60.1 of this title, although
16 the assault did not take place in the presence of the peace officer.
17 A peace officer may not arrest a person pursuant to this section
18 without first observing a recent physical injury to, or an
19 impairment of the physical condition of, the alleged victim;

20 7. When a peace officer, in accordance with the provisions of
21 Section 60.9 of this title, is acting on a violation of a protective
22 order offense; ~~or~~

1 8. When the officer has probable cause to believe that the
2 person has threatened another person as defined in subsection B of
3 Section 1378 of Title 21 of the Oklahoma Statutes, or

4 9. When the officer has probable cause to believe that the
5 person has committed assault or battery, although the offense did
6 not take place in the presence of the officer. A peace officer may
7 not arrest a person pursuant to this section without first observing
8 a recent physical injury to, or an impairment of the physical
9 condition of, the alleged victim.

10 SECTION 2. This act shall become effective November 1, 2015.

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