

05/14/2013 10:49:40 AM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1558

By: Wesselhoft of the House and Loveless of the Senate

Title: Crimes and punishments; modifying exception to certain prohibited act; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House concurs in the Senate Amendment; and
2. By adopting the following conference committee amendment to restore the title to read as follows:

“An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1902, 1903 and 1904, which relate to the Bus Passenger Safety Act; modifying certain definitions; updating language; modifying exception to certain prohibited act; making certain acts unlawful; providing an exception to certain prohibited act; providing penalties; and providing an effective date.”

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB1558 CCR (A)
HOUSE CONFEREES

Biggs, Scott R.

Echols, Jon



Inman, Scott



Johnson, Dennis



Jordan, Fred



Martin, Steve



McBride, Mark



McCall, Charles A.



McCullough, Mark



Morrisette, Richard

Newell, Tom



Osborn, Leslie



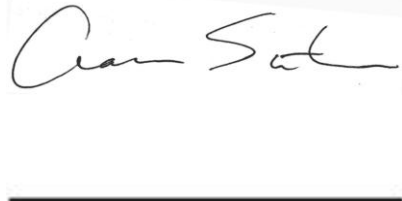
Sherrer, Ben

Stiles, Aaron



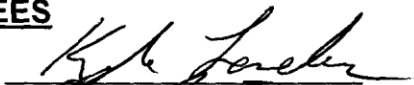
Virgin, Emily

Williams, Cory T.



SENATE CONFEREES

Loveless



Barrington



Schulz



David



Burrage

Sparks

AUTHOR(s)/COAUTHOR(s)CURRENTLY IN THE QUEUE for HB1558

As of 5/14/2013 11:07:00 AM

Add as coauthor Senator Sharp

Add as coauthor Representative Johnson

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1558

By: Wesselhoft, Bennett, Kern
and Ritze of the House

and

Loveless of the Senate

8 An Act relating to crimes and punishments; amending
21 O.S. 2011, Section 1903, which relates to the Bus
9 Passenger Safety Act; updating language; modifying
exception to certain prohibited act; and providing an
10 effective date.

12 AUTHORS: Add the following Senate Coauthors: Dahm and Shortey

13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

15 "[Bus Passenger Safety Act - modifying exception -
effective date]

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1902, is
19 amended to read as follows:

20 Section 1902. As used in this act:

21 1. "Bus" ~~shall be defined as provided in Section 1-105 of Title~~
22 47 means a network of passenger vehicles for use by the public
23 running on set routes, usually at set times and charging set fares;
24

1 2. "Bus transportation company" or "company" means any person
2 or governmental entity providing for-hire transport to passengers ~~or~~
3 ~~carriage~~ by bus upon the roads, streets, highways and turnpikes of this
4 state, ~~whether in interstate or intrastate travel;~~

5 3. "Deadly or dangerous weapon" ~~includes~~ means all weapons
6 listed in Sections 1287, ~~and 1289.3 through~~ 1289.4 and 1289.5 of
7 this title, and any other weapon capable of inflicting serious
8 bodily injury, but shall not include a handgun;

9 4. "Passenger" means any person served by the bus
10 transportation company ~~and in addition to the ordinary meaning of~~
11 ~~passenger, the term shall include persons accompanying or meeting~~
12 ~~another who is transported by this company, any person shipping or~~
13 ~~receiving cargo and any person purchasing a ticket or receiving a~~
14 ~~pass; and~~

15 5. "Terminal" means a bus station or depot or any facility
16 operated or leased by or operated on behalf of a bus transportation
17 company. This term shall include a reasonable area immediately
18 adjacent to any designated stop along the route traveled by any
19 ~~each~~ bus operated by a bus transportation company and parking lots
20 or parking areas adjacent to a terminal.

21 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1903, is
22 amended to read as follows:

23 Section 1903. A. No person shall by force or violence, or
24 threat of force or violence, seize or exercise control of any bus.

1 Any person violating this subsection shall be guilty of a felony⁷
2 and shall, upon conviction, be ~~imprisoned~~ punished by imprisonment
3 in the custody of the Department of Corrections for not more than
4 twenty (20) years, or ~~fined~~ by a fine of not more than Twenty
5 Thousand Dollars (\$20,000.00), or by both such fine and
6 imprisonment.

7 B. In addition, no person shall intimidate, threaten, assault
8 or batter any driver, attendant, guard or passenger of any bus with
9 intent to violate subsection A of this section. Any person
10 violating this subsection shall be guilty of a felony⁷ and shall,
11 upon conviction, be ~~imprisoned~~ punished by imprisonment in the
12 custody of the Department of Corrections for not more than ten (10)
13 years, or ~~fined~~ by a fine of not more than Five Thousand Dollars
14 (\$5,000.00), or by both such fine and imprisonment.

15 C. In addition, any person violating subsection A or B of this
16 section using a dangerous or deadly weapon shall be guilty of a
17 felony⁷ and shall, upon conviction, be ~~imprisoned~~ punished by
18 imprisonment in the custody of the Department of Corrections for not
19 more than twenty (20) years, or ~~fined~~ by a fine of not more than
20 Twenty Thousand Dollars (\$20,000.00), or by both such fine and
21 imprisonment.

22 D. No person, other than an authorized law enforcement officer
23 or person in possession of a valid handgun license issued pursuant
24 to or recognized by the provisions of the Oklahoma Self-Defense Act,

1 shall board a bus with a ~~dangerous or deadly weapon~~ concealed or
2 unconcealed handgun upon or about his or her person.

3 E. No person other than an authorized law enforcement officer
4 shall board a bus with a dangerous or deadly weapon as defined
5 pursuant to paragraph 3 of Section 1902 of this title. Upon the
6 discovery of any such item or material, the company may obtain
7 possession and retain custody of such item or material until it is
8 transferred to the custody of law enforcement officers. Any person
9 convicted of violating this subsection shall be guilty of a felony,
10 and shall, upon conviction, be ~~imprisoned~~ punished by imprisonment
11 in the custody of the Department of Corrections for not more than
12 ten (10) years, or ~~fined~~ by a fine of not more than Ten Thousand
13 Dollars (\$10,000.00), or by both such fine and imprisonment.

14 ~~E.~~ F. It shall be unlawful for any person to discharge any
15 firearm ~~or hurl or place in the path any missile at, into or within~~
16 any bus, terminal or other transportation facility unless the person
17 has a valid handgun license and is acting in lawful self-defense or
18 in defense of others or the person is an authorized law enforcement
19 officer. Such person shall, upon conviction, be guilty of a felony
20 punishable by a fine of not more than Five Thousand Dollars
21 (\$5,000.00), or by imprisonment in the custody of the Department of
22 Corrections for not more than five (5) years, or by both such fine
23 and imprisonment.

1 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1904, is
2 amended to read as follows:

3 Section 1904. ~~It~~ Except as provided in subsection E of Section
4 1903 of this title, it shall be unlawful to remove any baggage,
5 ~~car~~ or other item transported upon a bus or stored in a terminal
6 without consent of the owner of such property or the company, or its
7 duly authorized representative. Any person violating this section
8 shall be guilty of a felony and, upon conviction, shall be punished
9 by a fine of not more than Ten Thousand Dollars (\$10,000.00) or
10 imprisoned not more than five (5) years, or both.

11 The actual value of an item removed in violation of this section
12 shall not be material to the crime herein defined.

13 SECTION 4. This act shall become effective November 1, 2013."

14 and when the title is restored, amend the title to
15 conform

16 Passed the Senate the 18th day of April, 2013.

17
18 _____
19 Presiding Officer of the Senate

20 Passed the House of Representatives the ____ day of _____,
21 2013.

22
23 _____
24 Presiding Officer of the House
 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 1558

By: Wesselhoft, Bennett, Kern
and Ritze of the House

3 and

4 Loveless of the Senate
5
6

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 1903, which relates to the Bus
9 Passenger Safety Act; updating language; modifying
exception to certain prohibited act; and providing an
effective date.
10
11

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

13 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1903, is
14 amended to read as follows:

15 Section 1903. A. No person shall by force or violence, or
16 threat of force or violence, seize or exercise control of any ~~bus~~
17 public transportation. Any person violating this subsection shall
18 be guilty of a felony, and shall, upon conviction, be ~~imprisoned~~
19 punished by imprisonment in the custody of the Department of
20 Corrections for not more than twenty (20) years, or ~~fined~~ by a fine
21 of not more than Twenty Thousand Dollars (\$20,000.00), or by both
22 such fine and imprisonment.

23 B. In addition, no person shall intimidate, threaten, assault
24 or batter any driver, attendant, guard or passenger of any ~~bus~~

1 public transportation with intent to violate subsection A of this
2 section. Any person violating this subsection shall be guilty of a
3 felony, and shall, upon conviction, be ~~imprisoned~~ punished by
4 imprisonment in the custody of the Department of Corrections for not
5 more than ten (10) years, or ~~fined~~ by a fine of not more than Five
6 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

7 C. In addition, any person violating subsection A or B of this
8 section using a dangerous or deadly weapon shall be guilty of a
9 felony, and shall, upon conviction, be ~~imprisoned~~ punished by
10 imprisonment in the custody of the Department of Corrections for not
11 more than twenty (20) years, or ~~fined~~ by a fine of not more than
12 Twenty Thousand Dollars (\$20,000.00), or by both such fine and
13 imprisonment.

14 D. No person, other than an authorized law enforcement officer
15 or person in possession of a valid handgun license issued pursuant
16 to the provisions of the Oklahoma Self-Defense Act, shall board a
17 ~~bus~~ public transportation with a dangerous or deadly weapon
18 concealed upon or about his or her person. Upon the discovery of
19 any such item or material, ~~the company~~ a public transportation
20 official may obtain possession and retain custody of such item or
21 material until it is transferred to the custody of law enforcement
22 officers. Any person convicted of violating this subsection shall
23 be guilty of a felony, and shall, upon conviction, be ~~imprisoned~~
24 punished by imprisonment in the custody of the Department of

1 Corrections for not more than ten (10) years, or ~~fined~~ by a fine of
2 not more than Ten Thousand Dollars (\$10,000.00), or by both such
3 fine and imprisonment.

4 E. It shall be unlawful for any person to discharge any firearm
5 ~~or hurl or place in the path any missile at, into or within any bus,~~
6 in a public transportation terminal or other transportation
7 facility. Such person shall, upon conviction, be guilty of a felony
8 punishable by a fine of not more than Five Thousand Dollars
9 (\$5,000.00), or by imprisonment in the custody of the Department of
10 Corrections for not more than five (5) years, or by both such fine
11 and imprisonment.

12 SECTION 6. This act shall become effective November 1, 2013.

13 Passed the House of Representatives the 12th day of March, 2013.

14

15 _____
16 Presiding Officer of the House
of Representatives

17 Passed the Senate the ____ day of _____, 2013.

18

19 _____
Presiding Officer of the Senate

20

21

22

23

24