

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1

By: Branen and Bass of the
Senate

and

Jackson of the House

10 COMMITTEE SUBSTITUTE

11 An Act relating to alcoholic beverages; amending 37
12 O.S. 2011, Section 8, which relates to consuming or
13 inhaling certain intoxicants; providing certain
14 exception; prohibiting a peace officer from taking a
15 person into custody under certain circumstances;
16 providing immunity from criminal prosecution for
certain offenses; prohibiting certain action against
a peace officer under certain circumstances; defining
term; providing for codification; and providing an
effective date.

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

20 SECTION 1. AMENDATORY 37 O.S. 2011, Section 8, is
21 amended to read as follows:

22 Section 8. ~~Any~~ Except as provided in Section 2 of this act, any
23 person who shall, in any public place, or in or upon any passenger
24 coach, streetcar, or in or upon any other vehicle commonly used for

1 the transportation of passengers, or in or about any depot,
2 platform, waiting station or room, drink or otherwise consume any
3 intoxicating liquor unless authorized by the Oklahoma Alcoholic
4 Beverage Control Act, intoxicating substance, or intoxicating
5 compound of any kind, or inhale glue, paint or other intoxicating
6 substance, or if any person shall be drunk or intoxicated in any
7 public or private road, or in any passenger coach, streetcar, or any
8 public place or building, or at any public gathering, from drinking
9 or consuming such intoxicating liquor, intoxicating substance or
10 intoxicating compound or from inhalation of glue, paint or other
11 intoxicating substance, or if any person shall be drunk or
12 intoxicated from any cause and shall disturb the peace of any
13 person, he shall be guilty of a misdemeanor, and upon conviction
14 thereof shall be punished by a fine of not less than Ten Dollars
15 (\$10.00), nor more than One Hundred Dollars (\$100.00), or by
16 imprisonment for not less than five (5) days nor more than thirty
17 (30) days, or by both such fine and imprisonment.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 8a of Title 37, unless there is
20 created a duplication in numbering, reads as follows:

21 A. A peace officer may not take a person into custody based
22 solely on the commission of an offense involving alcohol described
23 in subsection B of this section if the law enforcement officer,
24 after making a reasonable determination and considering the facts

1 and surrounding circumstances, reasonably believes that all of the
2 following apply:

3 1. The law enforcement officer has contact with the person
4 because the person requested emergency medical assistance for an
5 individual who reasonably appeared to be in need of medical
6 assistance due to alcohol consumption; and

7 2. The person:

- 8 a. provided the person's full name and any other relevant
9 information requested by the law enforcement officer,
10 b. remained at the scene with the individual who
11 reasonably appeared to be in need of medical
12 assistance due to alcohol consumption until emergency
13 medical assistance arrived, and
14 c. cooperated with emergency medical assistance personnel
15 and law enforcement officers at the scene.

16 B. A person who meets the criteria of subsection A of this
17 section is immune from criminal prosecution for an offense under
18 Section 8 of Title 37 of the Oklahoma Statutes if the offense
19 involved a state of intoxication caused by the person's use of
20 alcohol or if the offense involved the person being, or becoming,
21 intoxicated as a result of the person's use of alcohol.

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

1 D. For the purposes of this section, "peace officer" shall have
2 the same meaning as defined in Section 99 of Title 21 of the
3 Oklahoma Statutes.

4 SECTION 3. This act shall become effective November 1, 2013.
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6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/10/2013 - DO
7 PASS, As Amended and Coauthored.
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