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February 14, 2013

SENATE BILL NO. 1

By: Branan of the Senate

and

Jackson of the House

An Act relating to alcoholic beverages; amending 37 O.S. 2011, Section 8, which relates to consuming or inhaling certain intoxicants; providing certain exception; prohibiting a peace officer from taking a person into custody under certain circumstances; 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.

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

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

Section 8. ~~Any~~ Except as provided in Section 2 of this act, any
person who shall, in any public place, or in or upon any passenger
coach, streetcar, or in or upon any other vehicle commonly used for
the transportation of passengers, or in or about any depot,
platform, waiting station or room, drink or otherwise consume any
intoxicating liquor unless authorized by the Oklahoma Alcoholic
Beverage Control Act, intoxicating substance, or intoxicating

1 compound of any kind, or inhale glue, paint or other intoxicating
2 substance, or if any person shall be drunk or intoxicated in any
3 public or private road, or in any passenger coach, streetcar, or any
4 public place or building, or at any public gathering, from drinking
5 or consuming such intoxicating liquor, intoxicating substance or
6 intoxicating compound or from inhalation of glue, paint or other
7 intoxicating substance, or if any person shall be drunk or
8 intoxicated from any cause and shall disturb the peace of any
9 person, he shall be guilty of a misdemeanor, and upon conviction
10 thereof shall be punished by a fine of not less than Ten Dollars
11 (\$10.00), nor more than One Hundred Dollars (\$100.00), or by
12 imprisonment for not less than five (5) days nor more than thirty
13 (30) days, or by both such fine and imprisonment.

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

17 A. A peace officer may not take a person into custody based
18 solely on the commission of an offense involving alcohol described
19 in subsection B of this section if the law enforcement officer,
20 after making a reasonable determination and considering the facts
21 and surrounding circumstances, reasonably believes that all of the
22 following apply:

23 1. The law enforcement officer has contact with the person
24 because the person either:

- a. requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption, or
- b. acted in concert with another person who requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption, and

2. The person provided:

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

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

C. A person may not initiate or maintain an action against a peace officer based on the officer's compliance or failure to

1 comply with this section.

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

5 SECTION 3. This act shall become effective November 1, 2013.

6 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
7 February 14, 2013 - DO PASS
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