

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 1

By: Branan

6 AS INTRODUCED

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

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

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

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

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

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

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

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

- 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.

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