

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 3033

By: Gaddis

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 264, which relates to penalties
9 for false impersonation of a peace officer; providing
penalties for second and subsequent convictions; and
providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 264, is
14 amended to read as follows:

15 Section 264. A. Any person who shall without due authority
16 exercise or attempt to exercise the functions of or hold himself or
17 herself out to any one as a deputy sheriff, marshal, police officer,
18 constable or peace officer shall, upon conviction, be guilty of a
19 misdemeanor punishable by imprisonment in the county jail for not
20 more than one (1) year, or by a fine not exceeding One Hundred
21 Dollars (\$100.00), or by both such fine and imprisonment; provided,
22 however, this section shall not be so construed as to prevent
23 private persons from making arrests for felonies or misdemeanors
24 committed in their presence.

1 B. It shall be unlawful for any person to affix on his or her
2 motor vehicle, either temporarily or permanently, any insignia
3 typically used by a law enforcement agency for the purpose of
4 causing any other motor vehicle operator to yield the right-of-way
5 and stop, or which actually causes any other motor vehicle operator
6 to yield the right-of-way and stop, whether intended or not. Any
7 person who violates the provisions of this subsection shall, upon
8 conviction, be guilty of a misdemeanor punishable by imprisonment in
9 the county jail for not more than one (1) year, or by a fine not
10 exceeding One Thousand Dollars (\$1,000.00), or by both such fine and
11 imprisonment. The provisions of this subsection shall not apply to
12 vehicles of any fire department, fire patrol, law enforcement
13 vehicles, ambulances, or other authorized emergency vehicles.

14 C. Upon conviction for a second or subsequent offense of
15 subsection A or B of this section, the person shall be guilty of a
16 felony punishable by imprisonment in the custody of the Department
17 of Corrections for not more than five (5) years, or by a fine not
18 exceeding Five Thousand Dollars (\$5,000.00), or by both such fine
19 and imprisonment.

20 SECTION 2. This act shall become effective November 1, 2018.

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22 56-2-8221 GRS 12/04/17
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