

1 ENGROSSED HOUSE
2 BILL NO. 3058

By: McDugle and Lawson of the
House

3 and

4 Weaver of the Senate
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7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 34.1, which relates to excessive
9 force; modifying scope of certain definition;
10 deleting requirement for law enforcement agencies to
11 adopt certain policies and guidelines; prohibiting
12 consideration of certain violations when determining
13 if excessive force was used; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 22 O.S. 2011, Section 34.1, is
17 amended to read as follows:

18 Section 34.1 A. Any peace officer, as defined in Section 648
19 of Title 21 of the Oklahoma Statutes, who uses excessive force in
20 pursuance of such officer's law enforcement duties shall be subject
21 to the criminal laws of this state to the same degree as any other
22 citizen.

23 B. As used in this act, "excessive force" means physical force
24 which exceeds the degree of physical force permitted by law ~~or the~~
~~policies and guidelines of the law enforcement entity.~~ The use of
excessive force shall be presumed when a peace officer continues to

1 apply physical force in excess of the force permitted by law ~~or said~~
2 ~~policies and guidelines~~ to a person who has been rendered incapable
3 of resisting arrest.

4 C. ~~Each law enforcement entity which employs any~~ A violation by
5 a peace officer shall adopt of the policies or guidelines ~~concerning~~
6 ~~the~~ of the law enforcement entity that employs the peace officer on
7 the use of force ~~by peace officers which shall be complied with by~~
8 ~~peace officers in carrying out the duties of such officers within~~
9 ~~the jurisdiction of the law enforcement entity~~ shall not be used or
10 considered in determining if such force is excessive under the
11 criminal laws of this state.

12 SECTION 2. This act shall become effective November 1, 2020.

13 Passed the House of Representatives the 10th day of March, 2020.

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16 Presiding Officer of the House
of Representatives

17 Passed the Senate the ___ day of _____, 2020.

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20 Presiding Officer of the Senate
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