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February 24, 2020

By: Weaver

An Act relating to law enforcement; amending 21 O.S. 2011, Sections 99, as amended by Section 1, Chapter 249, O.S.L. 2013 and 99a, as last amended by Section 1, Chapter 347, O.S.L. 2016 (21 O.S. Supp. 2019, Sections 99 and 99a), which relate to the definition and authority of peace officers; amending definition; prohibiting agency rule from preventing peace officer enforcement of certain laws; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 99, as amended by Section 1, Chapter 249, O.S.L. 2013 (21 O.S. Supp. 2019, Section 99), is amended to read as follows:

Section 99. The term "peace officer" means any sheriff, police officer, federal law enforcement officer, tribal law enforcement officer, or any other law enforcement officer certified by the Council of Law Enforcement Education and Training whose duty it is to enforce and preserve the public peace.

Every United States Marshal, Marshals Service deputy or other federal law enforcement officer who is employed full-time as a law enforcement officer by the federal government or is otherwise acting

1 under the authority of a Federal Bureau of Indian Affairs Commission  
2 and has been certified by the Council on Law Enforcement Education  
3 and Training, who is authorized by federal law to conduct any  
4 investigation of, and make any arrest for, any offense in violation  
5 of federal law shall have the same authority, and be empowered to  
6 act, as peace officers within the State of Oklahoma in rendering  
7 assistance to any law enforcement officer in an emergency, or at the  
8 request of any officer, and to arrest any person committing any  
9 offense in violation of the laws of this state.

10 SECTION 2. AMENDATORY 21 O.S. 2011, Section 99a, as last  
11 amended by Section 1, Chapter 347, O.S.L. 2016 (21 O.S. Supp. 2019,  
12 Section 99a), is amended to read as follows:

13 Section 99a. A. Subject to subsections C and D of this section  
14 in addition to any other powers vested by law, a peace officer of  
15 the State of Oklahoma as used in this section may enforce the  
16 criminal laws of this state throughout the territorial bounds of  
17 this state, under the following circumstances:

18 1. In response to an emergency involving an immediate threat to  
19 human life or property;

20 2. Upon the prior consent of the head of a state law  
21 enforcement agency, the sheriff or the chief of police in whose  
22 investigatory or territorial jurisdiction the exercise of the powers  
23 occurs;

1        3. In response to a request for assistance pursuant to a mutual  
2 law enforcement assistance agreement with the agency of  
3 investigatory or territorial jurisdiction;

4        4. In response to the request for assistance by a peace officer  
5 with investigatory or territorial jurisdiction; or

6        5. While the peace officer is transporting a prisoner.

7        B. While serving as peace officers of the State of Oklahoma and  
8 rendering assistance under the circumstances enumerated above, peace  
9 officers shall have the same powers, ~~and~~ duties and protections as  
10 though employed by and shall be deemed to be acting within the scope  
11 of authority of the law enforcement agency in whose or under whose  
12 investigatory or territorial jurisdiction they are serving.

13 Salaries, insurance and other benefits shall not be the  
14 responsibility of a law enforcement agency that is not the employing  
15 agency for the peace officer.

16        C. A municipal peace officer may exercise authority provided by  
17 this section only if the peace officer acts pursuant to policies and  
18 procedures adopted by the municipal governing body.

19        D. A Bureau of Indian Affairs law enforcement officer or a  
20 tribal law enforcement officer of a federally recognized Indian  
21 tribe who has been commissioned by the Federal Bureau of Indian  
22 Affairs and has been certified by the Council on Law Enforcement  
23 Education and Training shall have state police powers to enforce  
24 state laws on fee land purchased by a federally recognized American

1 Indian tribe or in Indian country, as defined in Section 1151 of  
2 Title 18 of the United States Code.

3 E. Nothing in this ~~act~~ section shall limit or prohibit  
4 jurisdiction given to tribal officers pursuant to a cross-  
5 deputization agreement between a state or local governmental agency  
6 or another state or federal law.

7 F. No agency rule shall prevent a peace officer, as defined in  
8 Section 99 of this title, from rendering assistance under the  
9 circumstances enumerated in paragraphs 1 through 5 of subsection A  
10 of this section.

11 SECTION 3. This act shall become effective November 1, 2020.

12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
13 February 24, 2020 - DO PASS  
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