

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3058

By: McDugle

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 34.1, which relates to excessive force; modifying scope of certain definition; deleting requirement for law enforcement agencies to adopt certain policies and guidelines; prohibiting consideration of certain violations when determining if excessive force was used; and providing an effective date.

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

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

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

B. As used in this act, "excessive force" means physical force 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.

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