

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3500

By: McEntire and **West (Tammy)**

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to crimes and punishments; amending
10 21 O.S. 2021, Section 650.7, which relates to
11 penalties for assault and battery upon a school
12 employee; modifying penalties; updating language for
13 certain notice; and providing an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2021, Section 650.7, is
17 amended to read as follows:

18 Section 650.7 A. As used in this section, "school employee"
19 means a teacher, principal, or any duly appointed person employed by
20 a school system or employees of a firm contracting with a school
21 system for any purpose, including any personnel not directly related
22 to the teaching process and school board members during school board
23 meetings.

1 B. Any person who, without justifiable or excusable cause,
2 commits any assault, battery, or assault and battery upon the person
3 of a school employee while such employee is in the performance of
4 any duties as a school employee or upon any student while such
5 student is participating in any school activity or attending classes
6 on school property during school hours ~~shall~~ may, upon conviction,
7 be guilty of a ~~misdemeanor~~. ~~The convicted person shall be punished~~
8 felony punishable by a term of imprisonment in the ~~county jail~~
9 custody of the Department of Corrections for a period not exceeding
10 ~~one (1) year~~ two (2) years, or by a fine not exceeding Two Thousand
11 Dollars (\$2,000.00), or by both such fine and imprisonment.

12 C. Any person who, without justifiable or excusable cause,
13 commits any aggravated battery or aggravated assault and battery
14 upon the person of a school employee while such employee is in the
15 performance of any duties as a school employee shall, upon
16 conviction, be guilty of a felony punishable by a term of
17 imprisonment in the ~~State Penitentiary~~ custody of the Department of
18 Corrections for a period not exceeding ~~two (2)~~ five (5) years, or by
19 a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both
20 such fine and imprisonment.

21 D. Every school site shall post in a prominent place a notice
22 having the following or similar language: "FELONY CHARGES MAY BE
23 FILED AGAINST ANY PERSON(S) COMMITTING AN ASSAULT, BATTERY, ASSAULT
24

1 AND BATTERY, AGGRAVATED BATTERY, OR AGGRAVATED ASSAULT OR AND
2 BATTERY UPON ANY SCHOOL EMPLOYEE."

3 E. For purposes of this section, "assault" shall be defined by
4 Section 641 of ~~Title 21 of the Oklahoma Statutes~~ this title,
5 "battery" shall be defined by Section 642 of ~~Title 21 of the~~
6 ~~Oklahoma Statutes~~ this title, and "aggravated assault and battery"
7 shall be defined by Section 646 of ~~Title 21 of the Oklahoma Statutes~~
8 this title.

9 SECTION 2. This act shall become effective November 1, 2022.

11 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/02/2022
12 - DO PASS, As Amended and Coauthored.