

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2221

By: McDugle

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7 AS INTRODUCED

8 An Act relating to criminal procedure; amending 22
9 O.S. 2011, Section 34.1, which relates to excessive
10 force; modifying scope of certain definition;
11 deleting requirement that certain policies and
12 guidelines be adopted; prohibiting consideration of
13 certain violations when making excessive force
14 determinations; and providing an 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

1 excessive force shall be presumed when a peace officer continues to
2 apply physical force in excess of the force permitted by law ~~or said~~
3 ~~policies and guidelines~~ to a person who has been rendered incapable
4 of resisting arrest.

5 C. ~~Each law enforcement entity which employs any~~ A violation by
6 a peace officer shall adopt of the policies or guidelines concerning
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 that employs the
10 peace officer shall not be used or considered in determining if such
11 force is excessive under the criminal laws of this state.

12 SECTION 2. This act shall become effective November 1, 2021.

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14 58-1-5101 GRS 12/18/20
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