1	HOUSE OF REPRESENTATIVES - FLOOR VERSION
2	STATE OF OKLAHOMA
3	2nd Session of the 57th Legislature (2020)
4	HOUSE BILL 3058 By: McDugle of the House
5	and
6	Weaver of the Senate
7	
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9	<u>AS INTRODUCED</u>
10	An Act relating to criminal procedure; amending 22 O.S. 2011, Section 34.1, which relates to excessive
11	force; modifying scope of certain definition;
12	deleting requirement for law enforcement agencies to adopt certain policies and guidelines; prohibiting consideration of certain violations when determining
13	if excessive force was used; and providing an effective date.
14	effective date.
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16	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
17	SECTION 1. AMENDATORY 22 O.S. 2011, Section 34.1, is
18	amended to read as follows:
19	Section 34.1 A. Any peace officer, as defined in Section 648
20	of Title 21 of the Oklahoma Statutes, who uses excessive force in
21	pursuance of such officer's law enforcement duties shall be subject
22	to the criminal laws of this state to the same degree as any other
23	citizen.
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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
apply physical force in excess of the force permitted by law or said
policies and guidelines to a person who has been rendered incapable
of resisting arrest.
C. Each law enforcement entity which employs any A violation by

- a peace officer shall adopt of the policies or guidelines concerning the of the law enforcement entity that employs the peace officer on the use of force by peace officers which shall be complied with by peace officers in carrying out the duties of such officers within the jurisdiction of the law enforcement entity shall not be used or considered in determining if such force is excessive under the criminal laws of this state.
  - SECTION 2. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/27/2020 - DO PASS, As Coauthored.