

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 226

By: Griffin

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6 AS INTRODUCED

7 An Act relating to public health and safety;
8 providing immunity from prosecution for drug-related
9 offenses under certain circumstances; providing
10 exceptions; prohibiting the filing of certain actions
11 against peace officers; defining certain term;
12 providing for codification; and providing an
13 effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2-413.1 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 A. A peace officer shall not take a person into custody based
19 solely on the commission of an offense involving a controlled
20 dangerous substance described in subsection B of this section if the
21 peace officer, after making a reasonable determination and
22 considering the facts and surrounding circumstances, reasonably
23 believes that all of the following apply:

24 1. The peace officer has contact with the person because the
person requested emergency medical assistance for an individual who

1 reasonably appeared to be in need of medical assistance due to the
2 use of a controlled dangerous substance; and

3 2. The person:

4 a. provided his or her full name and any other relevant
5 information requested by the peace officer,

6 b. remained at the scene with the individual who
7 reasonably appeared to be in need of medical
8 assistance due to the use of a controlled dangerous
9 substance until emergency medical assistance arrived,
10 and

11 c. cooperated with emergency medical assistance personnel
12 and peace officers at the scene.

13 B. A person who meets the criteria of subsection A of this
14 section is immune from criminal prosecution for possession of a
15 controlled dangerous substance, as set forth in paragraph 1 of
16 subsection A of Section 2-204 of Title 63 of the Oklahoma Statutes,
17 provided the amount of such controlled dangerous substance does not
18 constitute trafficking, as provided in subsection C of Section 2-415
19 of Title 63 of the Oklahoma Statutes, and for possession of drug
20 paraphernalia associated with a controlled dangerous substance, as
21 defined in subparagraph 1 of paragraph 36 of Section 2-101 of Title
22 63 of the Oklahoma Statutes. Further, a person is only immune from
23 prosecution for the aforementioned offenses if the offense involved
24 a state of intoxication caused by the use of a controlled dangerous

1 substance by a person or if the offense involved the person being or
2 becoming intoxicated as a result of the use of a controlled
3 dangerous substance by a person.

4 C. A person may not initiate or maintain an action against a
5 peace officer or the employing political subdivision of the peace
6 officer based on the compliance or failure of the peace officer to
7 comply with the provisions of this section.

8 D. For the purposes of this section, "peace officer" shall have
9 the same meaning as defined in Section 99 of Title 21 of the
10 Oklahoma Statutes.

11 SECTION 2. This act shall become effective November 1, 2017.

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