

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 61

By: Allen

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6 AS INTRODUCED

7 An Act relating to peace officers; amending 21 O.S.
8 2011, Section 99, as amended by Section 1, Chapter
9 249 and Section 99a, as amended by Section 2, Chapter
10 249, O.S.L. 2013 (21 O.S. Supp. 2014, Sections 99 and
11 99a), which relate to authority of peace officers;
12 modifying certain definition; modifying reference;
13 deleting authority of certain officers; and declaring
14 an emergency.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 99, as
17 amended by Section 1, Chapter 249, O.S.L. 2013 (21 O.S. Supp. 2014,
18 Section 99), is amended to read as follows:

19 Section 99. The term "peace officer" means any sheriff, police
20 officer, federal law enforcement officer, ~~tribal law enforcement~~
21 ~~officer~~, or any other law enforcement officer whose duty it is to
22 enforce and preserve the public peace.

23 Every United States Marshal, Marshals Service deputy or other
24 federal law enforcement officer who is employed full-time as a law
enforcement officer by the federal government ~~or is otherwise acting~~
~~under the authority of a Federal Bureau of Indian Affairs Commission~~

1 ~~and has been certified by the Council on Law Enforcement Education~~
2 ~~and Training,~~ who is authorized by federal law to conduct any
3 investigation of, and make any arrest for, any offense in violation
4 of federal law shall have the same authority, and be empowered to
5 act, as peace officers within the State of Oklahoma in rendering
6 assistance to any law enforcement officer in an emergency, or at the
7 request of any officer, and to arrest any person committing any
8 offense in violation of the laws of this state.

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 99a, as
10 amended by Section 2, Chapter 249, O.S.L. 2013 (21 O.S. Supp. 2014,
11 Section 99a), is amended to read as follows:

12 Section 99a. A. Subject to ~~subsections~~ subsection C ~~and D~~ of
13 this section in addition to any other powers vested by law, a peace
14 officer of the State of Oklahoma as used in this section may enforce
15 the criminal laws of this state throughout the territorial bounds of
16 this state, under the following circumstances:

17 1. In response to an emergency involving an immediate threat to
18 human life or property;

19 2. Upon the prior consent of the head of a state law
20 enforcement agency, the sheriff or the chief of police in whose
21 investigatory or territorial jurisdiction the exercise of the powers
22 occurs;

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1 3. In response to a request for assistance pursuant to a mutual
2 law enforcement assistance agreement with the agency of
3 investigatory or territorial jurisdiction;

4 4. In response to the request for assistance by a peace officer
5 with investigatory or territorial jurisdiction; or

6 5. While the officer is transporting a prisoner.

7 B. While serving as peace officers of the State of Oklahoma and
8 rendering assistance under the circumstances enumerated above, peace
9 officers shall have the same powers and duties as though employed by
10 and shall be deemed to be acting within the scope of authority of
11 the law enforcement agency in whose or under whose investigatory or
12 territorial jurisdiction they are serving. Salaries, insurance and
13 other benefits shall not be the responsibility of a law enforcement
14 agency that is not the employing agency for the officer.

15 C. A municipal peace officer may exercise authority provided by
16 this section only if the officer acts pursuant to policies and
17 procedures adopted by the municipal governing body.

18 ~~D. A Bureau of Indian Affairs law enforcement officer or a~~
19 ~~tribal law enforcement officer of a federally recognized Indian~~
20 ~~tribe who has been commissioned by the Federal Bureau of Indian~~
21 ~~Affairs and has been certified by the Council on Law Enforcement~~
22 ~~Education and Training shall have state police powers to enforce~~
23 ~~state laws on lands the title to which is held by the United States~~

1 ~~in trust for the benefit of either a federally recognized American~~
2 ~~Indian tribe or an enrolled citizen thereof.~~

3 ~~E.~~ Nothing in this act shall limit or prohibit jurisdiction
4 given to tribal officers pursuant to a cross-deputization agreement
5 between a state or local governmental agency or another state or
6 federal law.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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