

Council on Law Enforcement Education & Training

2009 Legislative Update



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Legal update 2009 – please keep in mind that this is, by necessity, a summary. If we were to copy all the new laws, it would run to thousands of pages. Even a detailed summary of every provision would be several hundred pages, and that is simply not feasible. You are encouraged to read the complete laws, available at www.oscn.net. Click on 'legal research' and then 'Oklahoma statutes citationized'. You can get the complete history of each bill at the Legislature's website, webserver1.lsb.state.ok.us/WebBillStatus/main.html.

Title 21 – Crimes and Punishments

HB 1579 (effective November 1, 2009) enacts a new law codified at 21 O.S. § 540C

This new law makes it a crime to 'use, construct, position, or hold any device used to fortify any door or window of any store, shop warehouse, dwelling house or building, or any place whatever which is being used during the attempt or commission of a crime, for the purpose of preventing entry, delaying or injuring law enforcement'. If the underlying crime is a misdemeanor, the punishment is up to one year and/or a fine of \$5,000. If the underlying crime is a felony, the punishment is up to five years and/or a fine of \$10,000.

HB 1460 (effective May 19, 2009) enacts a new law codified at 21 O.S. 1024.5. This law provides that when a person is engaged in a violation of 21 O.S. § 1024.2 (purchase, procurement, or possession of obscene material) the Oklahoma Attorney General or any district attorney may conduct an investigation and subpoena witnesses or documents. The documents and transcripts are only available to law enforcement officials. Knowing removal, withholding, destruction, or falsification of documents is a misdemeanor. Any evidence gathered under this law may not be admissible in a civil proceeding.

SB 1020 (effective July 1, 2009) enacts a new law codified at 21 O.S. 1040.8A, which concerns the transmission of child pornography by use of the internet or by 'any electronic, photo-electronic or photo-optical system'. Jurisdiction will be proper in any county from which the material is sent, or where it is received. Violation is punishable by up to life in prison and/or a fine of \$10,000.

SB 730 (effective November 1, 2009) amends 21 O.S. § 1283 to clarify that a previously adjudicated delinquent or a youthful offender may be placed in the home of a CLEET certified full-time duly appointed peace officer without violating the firearms prohibition imposed on the juvenile.

HB 1865 (Effective April 20, 2009) amends 21 O.S. § 1288. This amendment changes the rules on out of state purchases of firearms, ammunition, and handloading equipment by Oklahoma residents. Under the prior statute, such purchases could be

made only from dealers from contiguous states. This amendment allows such purchases from licensed dealers in any state, so long as the purchaser complies with other statutes.

HB 1025 (effective May 22, 2009) enacts a new law codified at 21 O.S. § 1289.27 to prohibit a potential employer from asking a job applicant if the applicant owns or possesses a firearm. Violation by a private employer carries punishment of up to 90 days and/or a fine of \$1,000. If a public employer violates the law, they are deemed outside the scope of employment for purposes of the Governmental Tort Claims Act.

HB 1411 (effective November 1, 2009) amends 21 O.S. 1290.5 to make it possible to have a concealed handgun license have a term of 5 years OR 10 years. The fee for the 10 year license is twice the fee for a 5 year license.

SB 702 (effective July 1, 2009) amends 21 O.S. § 13.1 to make kidnapping an 85% crime, and amends 21 O.S. § 741 to change the punishment for kidnapping from 'not exceeding 10 years' to 'not less than 5 years', and amends 21 O.S. 1111.1 to remove 'consent' as an element of the crime of rape by instrumentation when the victim is 16 to 20 years old and is a student or in state custody, such as in a jail.

SB 1013 (effective November 1, 2009) amends 21 O.S. § 1732 to include 'customer list' and 'business record' as the subject of a trade secret, and to apply the law to 'computer related' formats and means of transmission.

HB 1419 (effective November 1, 2009) enacts a new law codified at 21 O.S. § 1740.1 which prohibits the larceny of 'dimensional stone products' defined as 'any natural rock product quarried for the purpose of obtaining blocks or slabs that meet specifications as to size and shape. Violation is punishable by up to 1 year and/or a fine of \$2,000.

HB 1892 (effective November 1, 2009) amends 21 O.S. § 644 to include 'the closure of the nostrils or mouth as a result of external pressure on the head' in the definition of strangulation.

HB 1360 (effective May 27, 2009) amends 21 O.S. § 650.4 to increase the penalty for assault, battery, or assault and battery on an 'emergency medical care provider' from a misdemeanor to a felony with up to 2 years and/or a fine of \$1,000.

HB 1834 (effective November 1, 2009) enacts a new law codified at 21 O.S. § 761 which defines the crime of 'female genital mutilation'. A violation is punishable by 3 to 20 years and a fine of up to \$20,000. An exception is made for medically necessary surgical procedures performed by a licensed physician or a certified nurse-midwife.

SB 844 (effective July 1, 2009) amends 21 O.S. § 842.1 to prohibit ‘scleral tattooing’, which is defined as ‘producing an indelible mark or figure on the human eye by scarring or inserting a pigment’ on an ocular surface.

SB 789 (effective May 19, 2009) enacts a new law codified at 21 O.S. § 281 which creates the misdemeanor offense of knowingly making a false statement in an agency internal investigation. Violation is punishable by up to 1 year and/or a fine of \$500.

SB 1138 (effective July 1, 2009) amends sections in Title 21 and Title 47 related to child endangerment and DUI –

1. **Amends 21 O.S. § 852.1** to include knowingly permitting a child to be present in a vehicle with a reasonable belief that the operator is impaired, or being APC with a child in the vehicle. Violation is punishable by up to 4 years and/or a fine of up to \$5,000. It is an affirmative defense that the person had a ‘reasonable apprehension’ that to deny permission for the child to be in the vehicle would result in ‘substantial bodily harm to the person or the child’.
2. **Amends 47 O.S. § 11-902** to match these provisions in Title 21.

Title 47 – Motor Vehicles

HB 1368 (effective November 1, 2009) amends 47 O.S. § 11-309 to clarify the rules about when a person may drive in the right hand lane on a highway with four or more lanes. The amendment states that driving in the right hand lane is not required when ‘traffic conditions or flow, or both, or road configuration’ requires the use of other lanes to maintain safe traffic conditions.

HB 1527 (effective November 1, 2009) amends 47 O.S. §11-1401 to prohibit driving on any portion of a turnpike which has been closed to traffic by OTA and barricaded. Violation is a misdemeanor.

SHB 1599 (effective November 1, 2009) amends 47 O.S. § 6-105 in two ways -

1. Increases from 40 to 50 hours the amount of behind-the-wheel driver training a person with a learner permit must receive to be eligible for an intermediate driver license.
2. Changes from 11pm to 10pm the latest hour a person with an intermediate driver license may drive.

HB 1760 (effective November 1, 2009) amends 47 O.S. § 752 to require that a test of blood, breath, saliva, or urine specimens may determine the presence OR the concentration of an intoxicating substance. Previously, the statute required the test determine both presence AND concentration.

HB 2054 (effective November 1, 2009) enacts a new law codified at 47 O.S. § 14-103G which authorizes the issuance of an annual permit to a specific vehicle or motor carrier for oversize or overweight loads that cannot reasonably be dismantled and which meet certain specifications. Those specifications include that the load shall not exceed (1) 12 feet in width; (2) 14 feet in height; (3) 110 feet in length; or (4) 120,000 pounds gross weight.

HB 2252 (effective November 1, 2009) amends 47 O.S. § 6-110 to remove the requirement that DPS provide testing in Spanish for a Class D driver license.

HB 2263 (effective July 1, 2009) makes two changes in Title 47, related to Driving While License Suspended. These include:

1. **Amends 47 O.S. Section 6-303** to require the addition of a 12-month extension to any existing period of suspension, revocation or denial when a person is convicted of a violation of Section 11-905 (below).
2. **Enacts a new law codified at 47 O.S. Section 11-905** which concerns driving without privileges (such as no license or license suspended or revoked)
 - a. Causing an accident resulting in personal injury while driving without privileges is punishable by up to 1 year and/or \$2000.

- b. If 'great bodily injury' or death is caused the punishment is up to 5 years and/or \$5000.
- c. Punishment under this section is in addition to any other proper charges.

SB 388 (effective November 1, 2009) amends 47 O.S. § 2-123 to include 'any reserve deputy, reserve officer, or firefighter who furnishes their own vehicle for the performance of their duty' to the list of persons who may purchase used vehicles from DPS.

HB 2149 (effective November 1, 2009) amends 47 O.S. § 4-103 to make possession or concealment or selling of an 'instrument of husbandry' a felony, the same as for a 'vehicle'.

HB 1803 (effective November 1, 2009) amends 47 O.S. §12-218.1. This makes two changes in the current law concerning use of blue and red and amber lights.

1. Authorizes a wrecker, wrecker support vehicle or tow vehicle to be equipped with an amber lamp visible for at least 500 feet to the front and rear of the vehicle. This amber light is to be used only when leaving the scene of a tow service call and for the purpose of warning approaching motorists.
2. Adds a 'wrecker support vehicle' to the list of vehicles which are allowed to use flashing red and/or blue lights at the scene of an emergency.

SB 903 (effective November 1, 2009) amends 47 O.S. § 955 to provide that a 'licensed wrecker operator is not liable for damage to a vehicle, vessel, or cargo that obstructs the normal movement of traffic or creates a hazard to traffic and is removed in compliance with the request of a law enforcement officer, unless there is failure to exercise reasonable care in the performance of the act or for conduct that is willful or malicious'.

HB 2013 (effective November 1, 2009) makes some changes in Title 47 and 36 related to insurance verifications forms, procedures, and the information required on the verification form, and makes some housekeeping changes.

Also enacts a new law to be codified at 47 O.S. § 10-118 which prohibits the imposition of an accident response fee by law enforcement for the response or investigation of an accident.

Title 63 – Public Health and Safety

HB 1365 (effective November 1, 2009) amends 63 O.S. § 4214. This amendment makes two changes in the law.

1. Any vessel operator involved in a collision or incident resulting in death or great bodily injury is to submit to drug and alcohol testing, as soon as practicable after the collision or accident, and the boating violation will constitute probable cause for purposes of testing.
2. The operator of a boat involved in a collision is required to make a written report to DPS, but that report cannot be used in any criminal investigation, proceeding, or trial.

HB 1114 (effective November 1, 2009) enacts a new law codified at 63 O.S. § 1-727. This law makes performing or attempting to perform human cloning a misdemeanor. An exception is made for certain scientific experiments.

HB 2250 (effective July 1, 2009) makes numerous changes, most in Title 63. These include --

1. **Amends 63 O.S. Section 2-106** to allow OBNDD to purchase and maintain vehicles for agency use.
2. **Amends 63 O.S. Section 2-410** to preclude a deferred sentence on a charge of money laundering.
3. **Amends 63 O.S. Section 2-503.1i** to create a process for seizure of ‘funds believed to be used or intended for any violations’ of Title 63.
4. **Amends 63 O.S. Section 2-506** to tighten the forfeiture rules.
5. **Amends 63 O.S. Section 2-508** concerning handling of evidence which includes CDS. Also clarifies the rules on handling and possible sale of (non CDS) property no longer needed as evidence.
6. **Amends 20 O.S. Section 1313.2** to add possession of paraphernalia as a basis for assessment of the \$5 fee, charged for certain offenses, which goes to the ‘Bureau of Narcotics Drug Education Revolving Fund’. This fund is created by **a new law codified at 63 O.S. Section 2-107b.**
7. **Enacts a new law codified at 63 O.S. Section 2-503.1j.** This law requires that any licensee of a money transmission service will charge a fee of \$5 and up for wire transfers to foreign nations. The money goes to the Drug Money Laundering and Wire Transmitter Revolving fund. The customer is allowed a tax credit for fees paid. This bill also makes the appropriate changes in the Tax Code.
8. Makes housekeeping changes to a few statutes.

HB 1736 (effective November 1, 2009) amends 63 O.S. Section 1-1961 and Section 1-1962 to increase training requirements for home health care providers and workers.

This law also requires background checks and nurse aide registry checks for employment with home care agencies.

HB 1595 (effective November 1, 2009) enacts a new law codified at 63 O.S. Section 1-731.1. This law prohibits an abortion 'solely on account of the sex of the unborn child'. This law does not provide imprisonment for a violation, but carries substantial civil penalties. Also makes some changes in Abortion provisions (especially reporting) which are not of immediate concern to law enforcement officers.

HB 1707 (effective November 1, 2009) amends several sections in Title 63.

1. **Amends 63 O.S. § 2-402** to add a fine of up to \$5000 to the possible term of imprisonment for substances in Schedule I or II (except marihuana) and a fine of up to \$10,000 for a second or subsequent violation.
2. Amends the same section to add a fine of up to \$1,000 for substances in Schedule III, IV, or V or marihuana, and a fine of up to \$5,000 for a second or subsequent violation.
3. Amends the same section to add a fine of up to \$10,000 for a second or subsequent violation of possession near a school or park.
4. **Amends 63 O.S. § 2-410** to limit the use of an expunged arrest or conviction as an enhancer for 10 years following the completion of the probationary term, provided there are no other convictions.

SB 1166 (effective July 1, 2009) enacts a new law codified at 63 O.S. § 2849 to allow the creation of regional 911 systems.

SB 622 (effective November 1, 2009) enacts a new law codified at 63 O.S. § 2200.1A *et seq.* This is a comprehensive law known as the 'Oklahoma Uniform Anatomical Gift Act' which covers anatomical gifts, amendment to, revocation or, or refusal to make an anatomical gift. **Of particular interest to the law enforcement officer is section 2200.11A**, which requires a 'law enforcement officer, firefighter, paramedic, or other emergency rescuer' to make a 'reasonable search' of a person, when the officer believes the person is dead or near death, for an organ donor card or other information identifying the person as a donor or a person who made a refusal. Any documentation found is to be forwarded to the Hospital.

HB 2030 (effective November 1, 2009) enacts a new law codified at 63 O.S. §1-1990.2 *et seq* which creates a 'Silver Alert'. This is very similar to the Amber Alert but applies to a person who is 60 years or older and who is 'believed to be suffering from dementia or other cognitive impairment' and 'whose disappearance poses a credible threat to the safety and health of the person'. The Commissioner of Public Safety is the statewide coordinator of the program. A local enforcement agency is to (1) require the family of the missing person to provide documentation of the impaired mental condition; (2) determine identifying information; (3) report the missing person through the national

crime information center; and (4) terminate the alert when the person is found or the situation is otherwise resolved.

Title 57 - Prisons

HB 2245 (effective June 2, 2009) makes several changes in Title 57 and Title 74. The changes include –

1. **A new law codified at 57 O.S. Section 530.4** which allows the Director of DOC to release a prisoner to ICE if the offender is subject to an order of deportation and has served at least one-third of the original sentence. If the deported offender returns illegally and is found to be incarcerated, the release can be revoked and the prisoner required to serve the remainder of the original sentence.
2. **Amends 57 O.S. Section 563.2** to place further limitations on private prison housing certain offenders from the federal system or from other states. The changed rules include (1) no prisoners incarcerated on a death sentence; (2) no ‘enemy combatants’ or terrorists; and (3) DOC has the first option on any available housing for offenders.
3. **Amends 57 O.S. Section 563.3** to require that plans for expansions of private prisons be submitted to DOC for review.
4. **A new law codified at 74 O.S. Section 3119** which allows a statewide organization limited to state employee membership, with at least 2000 members, to send one annual statewide mailing to State employees.

HB 1509 (effective November 1, 2009) amends several statutes regarding registered sex offenders. These include:

1. **Amends 57 O.S. Section 582** to tighten the rules on registration of sex offenders who move to Oklahoma from another state or U.S. possession.
2. **Amends 57 O.S. Section 582.2** to change from the risk point assessment system to a ‘level assignment’ system based on federal law. Includes a provision that ‘transient’ registered sex offenders must check in with local law enforcement every 7 days.
3. **Enacts a new law codified at 57 O.S. Section 590.2** to allow the court to remove the registration requirements for certain persons for very limited and specific reasons. The district attorney must be given notice and has the opportunity to object.
4. **Amends 21 O.S. Section 440** to include harboring a sex offender to elude arrest or avoid registration requirements. Violation is punishable by up to 1 year and/or \$500.

SB 796 (effective May 22, 2009) amends 57 O.S. Section 563.4 to limit the locations of transitional living centers which house sex offenders or persons convicted of capital crimes, and to require very specific notice to governmental agencies.

Title 22 – Criminal Procedure

SB 1075 (effective November 1, 2009) amends 22 O.S. § 471.2. This law modifies the rules on eligibility to participate in drug court to include a person who has no prior felony conviction for a violent offense within the past 10 years. Previously there was no time limitation on the exclusion from participation in drug court.

SB 613 (effective November 1, 2009) amends 22 O.S. § 982a to provide that the court may not defer imposition of judgment and sentence during a judicial review of a prior sentence. This also makes technical changes in the definition of an ‘offender’ in 22 O.S. § 996.1, the delayed sentencing program for young adults.

SB 539 (effective July 1, 2009) enacts a new law codified at 22 O.S. § 984.4. This law requires an interviewing officer to inform, in writing, the victim of a violent crime, (or a responsible adult if the victim is a minor or an incompetent person), of the services available to victims of violent crimes. This is to be done by a written statement which includes (1) the right to request charges be filed; (2) the right to request protection and be provided with information on the level of protection available; (3) the right to be informed of financial assistance and social services available; (4) the right to a free forensic medical examination for sexual assault; (5) the right to prepare and present a victim impact statement; and (6) the right to be informed by the district attorney of other victim’s rights available and the telephone number of the D.A. and victim witness coordinator.

SB 612 (effective November 1, 2009) amends 22 O.S. § 1176 to require that a defendant who wants to raise the question of ‘mental illness or insanity’ must file a notice with the court within 30 days of the formal arraignment. Any request for a court appointed mental health professional must be made at the same time as the notice.

HB 1413 (effective November 1, 2009) amends 22 O.S. § 152 to include a statute of limitations for the crime of ‘false personation or identity theft’. Any prosecution is to be commenced within 5 years of the discovery of the crime. This law also amends 22 O.S. § 991f to extend the possible term for the D.A. restitution and diversion program from 2 years to 3 years, and makes some housekeeping changes.

SB 518 (effective November 1, 2009) amends 22 O.S. § 984 to add ‘grandparent’ to the list of ‘members of the immediate family’ who may make and present a victim impact statement at trial.

HB 1674 (effective November 1, 2009) makes several changes in Title 22 related to citations

1. **Enacts a new law codified at 22 O.S. § 1115.1A** concerning a person who is arrested solely for a 'misdemeanor violation of a state traffic law or municipal traffic ordinance. The person is to be released on personal recognizance IF -
 - a. the arrestee has a valid license issued by Oklahoma or another state which participates in the Nonresident Violator Compact
 - b. the officer is satisfied as to the identity of the arrestee and certifies the date and time and location of the violation.
 - c. The arrestee makes a written promise to appear as provided on the citation
 - d. The violation is NOT -
 - i. A felony
 - ii. A negligent homicide
 - iii. DUI or APC
 - iv. Eluding or attempting to elude
 - v. DUS or never had a license issued
 - vi. An arrest based on a warrant
 - vii. A traffic violation coupled with any of the above
 - e. The officer is to include on the citation
 - i. The traffic charge
 - ii. Record information from the drivers license
 - iii. Motor vehicle make, model, and tag
 - iv. Date and time to appear in court or pay the citation
 - v. Signature of the arrestee
 - f. If the arrestee does not appear or pay, the court may issue a warrant, and notify DPS and request a suspension of the license.
2. **Enacts a new law codified at 22 O.S. Section 1115S.2B** which provides more details on the 'release on personal recognizance' law above. If the arrestee refuses to sign the citation, the officer 'shall deliver the person to the appropriate magistrate for arraignment'. The person may be jailed if the magistrate is not available or may post bond if appropriate under other statutes.
 - a. If the arrestee is a juvenile, they must be held separately from any adult offender.
 - b. The officer is not required to arrest IF -
 - i. The offender is a juvenile
 - ii. The offender is injured, disabled, or incapacitated
 - iii. Arrest will require impoundment of a vehicle containing livestock or perishable cargo
 - iv. Extraordinary circumstances exist
 - c. The law is not meant to -
 - i. Create a duty for an officer to release a person from custody
 - ii. Create a duty for an officer to make inquiry or investigation of any condition which may justify release

- iii. Create any liability for the officer or department for a decision to release or not release.
3. **Makes some housekeeping changes to 22 O.S. Section 1115.5** which concerns suspension of a drivers license.

SB 1103 (effective November 1, 2009) enacts a new law codified at 22 O.S. § 73 which provides an affirmative defense justifying the use of deadly force by a pregnant woman to protect the unborn child if reasonably necessary under the circumstances. This affirmative defense does not apply to (1) acts committed by someone other than the pregnant woman; (2) acts where retreat is possible and safe; or (3) defense of embryos existing outside of the womb.

SB 653 (effective May 21, 2009) amends 22 O.S. § 982 which concerns judicial review of sentences of imprisonment. This amendment changes the information to be included in the DOC report made to the reviewing judge, and requires that the report be made available to the inmate, the inmate's lawyer, and the district attorney.

HB 1008 (effective November 1, 2009) amends 22 O.S. Section 152 to enact a statute of limitations of 7 years for the crime of arson.

Title 10 - Children

As a result of a multi-disciplinary task force study, **massive changes were made to the Oklahoma Juvenile Code** in the last legislative session. The changes are so numerous that the document outlining the changes (not the actual changes, the *list* of changes) contains 43 pages. *This summary is not intended to be, and cannot be, a comprehensive examination of this massive bill.*

The main focus of the changes is on the “deprived” section of the code, with most changes affecting the Department of Human Services. Almost all statutes dealing with Deprived Children, Delinquents, and Youthful Offenders have been moved from Title 10 to Title 10A.

Custodial Interrogation of youthful offenders has changed. For statements to be admissible, any custodial interrogation of a person under 16 years old must have parent/adult caregiver present and both must be informed of the accused child’s rights. If an attorney is requested, the court shall appoint an attorney regardless of an attempted waiver by the parents.

The child abuse statute formerly found at 10 O.S. Section 7115 has been moved to Title 21. No substantive changes were made in the Statute.

All reports of suspected abuse will be processed through a Hotline.

Several changes have been made in protective custody procedures. A Peace Officer must determine that an ‘imminent safety threat’ exists prior to putting an alleged deprived child into protective custody. Police protective custody is no longer defined by whether the child’s surroundings endanger the health, safety or welfare of the child. An ‘imminent safety threat’ is a threat of serious harm due to child abuse or neglect occurring in the present or in the very near future and, without intervention, the child would likely sustain severe or permanent injury or death.

DHS is to develop a joint response system for times when an officer places a child in protective custody, including a point of contact and a protocol for conducting safety evaluation at the scene to determine if a safety threat exists and if placement can be with a relative without DHS emergency custody. The child is not considered in DHS custody until DHS has completed a safety evaluation and concluded there is an imminent safety threat and the court has issued an order of emergency custody.

When a child is in police protective custody or DHS emergency custody, an FBI name-based search shall be done on all person over 18 residing in an emergency placement. On DHS request in these situations, law enforcement shall conduct a records search

including protective orders and outstanding warrants for all adults residing in the emergency placement and provide DHS with a verbal response.

SB 894 (effective November 1, 2009) amends 10 O.S. § 7104 to include persons who are, or are reported to be, victims of rape, rape by instrumentation, or forcible sodomy, or any form of sexual assault in the mandatory reporting requirements for medical providers.

Title 70 - Schools

SB 335 (effective November 1, 2009) amends 70 O.S. Section 3311 in several ways.

1. CLEET is deemed a 'law enforcement agency' with powers to act as 'necessary to ensure the professional training and continuing education of law enforcement officers'
2. Allows CLEET to receive investigative reports and other documents from local, county, and state agencies for use in disciplinary actions
3. Allows CLEET to summarily suspend certification of a peace officer if the officer's actions 'present a danger to the peace officer, the public, a family or household member, or involve a crime against a minor.
4. Adds 'abuse of office' to the list of actions for which a peace officer's certification may be subject to revocation

SB 1084 (effective November 1, 2009) enacts a new law codified at 70 O.S. Section 3311.11. This law requires that any person who desires to attend a CLEET academy must –

1. Pass a reading and writing comprehension examination administered and approved by CLEET 'to assure the applicant can read and write on a level necessary to perform the requirements of the CLEET academy'.
2. Pass a physical agility test approved by CLEET 'to assure the applicant is in sufficient physical condition to avoid unnecessary injury' during academy training.
3. Execute a promissory note designed to cover the cost of training. If a new peace officer leaves the law enforcement profession within 4 year of certification, the officer must repay the costs of training on a *pro rata* basis. An officer who leaves employment has 90 days to find employment with another law enforcement agency before payment is due. Payment may be waived if the officer enters active military service, or for other exceptional circumstances as determined by the Director.

HB 1095 (effective November 1, 2009) amends 70 O.S. Section 821.82 to prohibit any contact between an agent and an ineligible athlete. Violation is punishable by up to 1 year and/or a fine of \$10,000.

HB 1598 (effective November 1, 2009) enacts several new laws in Title 70 and amends the Governmental Tort Claims Act in title 51. Changes of especial interest to law enforcement officers include –

1. **A new law codified at 70 O.S. Section 6-140 *et seq.*** known as the 'School Protection Act'
2. **A new law codified at 70 O.S. section 6-143** which makes it a crime for any person age 18 or over to, with 'specific intent' make a false accusation of criminal activity against an education employee. A violation is punishable by a fine of up

to \$2,000. If the offender is age 7 to 17, they may be sentenced to community service. The law does not cover persons elected to administrative positions in educational entities.

3. **A new law codified at 70 O.S. Section 6-146** which provides for the suspension of a student who has acted in a manner likely to 'reasonable cause bodily injury to an educational employee or school volunteer. **Also amends 70 O.S. Section 24-101.3** to accomplish the same purpose.
4. **Amends 51 O.S. Section 155 (G.T.C.A.)** to prohibit suits against School Districts for the use of 'necessary and reasonable force' to 'control and discipline' a student

Miscellaneous Titles

Title 5 - Attorneys

SB 401 (effective November 1, 2009) amends 5 O.S. Section 1 to allow licensed attorneys to serve as deputy sheriffs.

Title 11 - Cities and towns

HB 1007 (effective November 1, 2009) amends 11 O.S. Section 36-101a to require that new handicapped parking signs be of a specific design. Current signs remain in effect until replaced by the new signs.

SB 348 (effective April 14, 2009) enacts a new law codified at 11 O.S. Section 14-114 and amends 19 O.S. Section 455 to allow municipalities and counties to offer rewards of up to \$1,000 for prosecution of persons stealing city or county property, including road signs.

Title 29 - Game and Fish

HB 1464 (effective November 1, 2009) enacts a new law codified at 29 O.S. Section 4-144 which prohibits hunting of black bears without a license. Violation is punishable by up to 6 months and/or a fine of \$500.

Title 36 - Insurance

SB 533 (effective November 1, 2009) amends 36 O.S. § 3636 to provide that a rejection of uninsured motorist coverage (or an election for lower limits) remains effective when a policy is renewed, reinstated, replaced, or amended. 'Any changes to an existing policy, regardless of whether these changes create new coverage, do not create a new policy and do not require the completion of a new (uninsured motorist coverage) form'.

Title 37 - Intoxicating Liquors

SB 1146 (effective May 8, 2009) amends 37 O.S. Section 8.2 to increase the penalties for allowing a person under 21 who is at the person's residence or building or land to consume alcohol, low-point beer, or CDS. First violation is punishable by up to one year and/or \$500. A second violation is punishable by up to one year and/or \$2,500. A third or subsequent violation is punishable by up to 5 years and/or \$5,000. Also provides that any violation may be prosecuted in both municipal and district court.

Title 40 – Labor

HB 1934 (effective August 20, 2009) enacts a new law codified at 40 O.S. Section 472. This law sets out training and certification requirements for amusement ride operators.

Title 43 – Marriage

HB 1739 (effective November 1, 2009) amends several statutes in Title 43. The effect of this law is to establish a rebuttable presumption that a parent who has been involved in ‘domestic violence, stalking, or harassment’ should not get custody of a child in a custody dispute. Also places very restrictive rules on visitation in these circumstances.

Title 43A – Mental Health

HB 1616 (effective November 1, 2009) amends 43A O.S. § 5-207 This section concerns persons who appear to be, or state that they are, ‘mentally ill, alcohol-dependent, or drug dependent to a degree that immediate emergency action is necessary’. The amendment authorizes a law enforcement officer to transport a medically unstable person to a medical facility for medical treatment. When the person becomes medically stable, and still requires treatment, the officer is to immediately transport the person to ‘the nearest facility designated by the Commissioner’ of DMH&SAS for an initial assessment. If it is determined at the initial assessment that emergency detention is warranted, the officer is to transport the person to the nearest designated facility that has bed space available.

SB 597 (effective November 1, 2009) amends 43A § 5-207. This law authorizes a law enforcement officer to transport certain persons in need of treatment to a facility in another state, under certain conditions which include (1) the facility designated by the Commissioner of Public Safety is more than 50 miles from the County Seat; (2) the other state has entered into the Interstate Compact on Mental Health; (3) the facility in the other state is properly accredited; (3) the facility in the other state is the nearest to the County Seat; and (4) the facility in the other state has agreed to receive the person.

Title 51 - Officers

HB 1049 (effective November 1, 2009) amends 51 O.S. § 24A.8 to modify the Open Records Act relating to law enforcement records. This changes the language from "a chronological list of incidents relating to the arrest" to "a chronological list of all incidents".

SB 899 (effective July 1, 2009) amends 51 O.S. § 24.1 to clarify that any “elected State or County Officer or Employee who, during the term for which he or she is elected or

appointed" is convicted of (or enters a plea of guilty or no contest to) a felony of 'bribery, corruption, forgery or perjury or any other crime related to the duties of his or her office or employment, or related to campaign contributions or campaign financing' forfeits the office or employment. Retirement benefits are also forfeited, with certain limitations. This applies even if the officer or employee is convicted or pleads after leaving office or employment.

Title 61 – Public buildings and public works

HB 1608 (effective July 1, 2009) amends **61 O.S. Section 3** to provide that 'public employees' or 'public safety professionals' who are not otherwise ineligible must be paid pursuant to the Federal Fair Labor Standards Act.

Title 74 – State Government

HB 1330 (effective November 1, 2009) enacts a new law codified at **74 O.S. Section 4110** which allows a privately-paid-for monument to the 10 Commandments to be built at the Capitol. The law includes several provisions to try to make it consistent with the Constitution.