

Oklahoma Council on Law Enforcement Education and Training
Legal Update 2015



Prepared by J.H.B. Wilson, J.D.
July 16, 2015

Please keep in mind that this document is, by necessity, a summary. If we were to copy all the new laws, this document would run to several thousand pages. Even a detailed summary of every provision would be hundreds of pages long, 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 click on 'Oklahoma Statutes Citationized'. You can get a complete history of each bill at the Oklahoma Legislature's website: <http://webserver1.lsb.state.ok.us/WebBillStatus/main.html>. The 'enrolled' bill is the final version.

Title 21 – crimes and punishments

HB 1318 (effective November 1, 2015) amends Title 21 O.S. § 649 to define 'in the performance of his or her duties' for purposes of Assault and Battery on a Peace Officer. This now includes any situation in which the nature of the attack 'relates back to' or 'has to do with' the victim's position as a law enforcement officer.

SB 55 (Effective November 1, 2015) amends two sections in Title 21 related to assault and battery on a peace Officer.

-**Amends § 650**, the definition of 'aggravated assault and battery upon law officers', to include 'physical contact with and in attempt to gain control of the firearm' of the officer.

-**Amends § 649** to include 'any attempt to reach for or gain control of' the Officer's firearm in the definition of 'assault and battery upon law officer'

SB 219 (Effective November 1, 2015) amends Title 21 O.S. § 1289.23 to delete the requirement that a reserve Officer have written authorization to carry a weapon when off-duty.

SB 234 (Effective November 1, 2015) amends Title 21 O.S. § 1289.23 to provide that an off-duty Officer (with proper credentials) may carry a weapon 'anywhere in the State of Oklahoma', and clarifies that the weapon must be 'approved by the employing agency'. Includes 'plainclothes' in the definition of 'law enforcement uniform' if prescribed by the agency.

-Also provides that an 'off-duty, full-time' or 'reserve' peace officer is deemed to have to elected to carry handgun pursuant to the SDA when the Officer:

-has a valid handgun license and is 'carrying a handgun not authorized by the employing agency' OR

-is carrying a handgun in a 'manner or place' not specifically authorized for off-duty carry' by the agency

SB 362 (Effective November 1, 2015) amends Title 21 O.S. § 540, which is the definition of ‘obstructing an officer’. ‘(R)ecording the activity of a law enforcement officer in a public area’ is NOT obstructing, unless the recording would ‘delay or obstruct’ the Officer in the ‘performance of his or her duties’.

HB 1047 (effective November 1, 2015) amends several sections in Title 21:

- Amends § 19.1 to make ‘aggravated child pornography’ (title 21, Sections 1024.1 *et seq*) an 85% crime.
- Amends § 1024.2 to increase the punishment for ‘buying, procuring, or possessing’ child pornography from 5 years and/or \$5,000 to 20 years and/or \$25,000.

SB 637 (effective November 1, 2015) amends several sections related to rape in Title 21:

-Amends § 1111 to include, in the definition of the crime of rape, a situation in which the ‘victim is 19...or younger’ and in the legal custody of a state or federal agency or tribal court and engages in intercourse with a ‘foster parent or foster parent applicant’

-Amends § 1111.1 to apply the same rule to the crime of rape by instrumentation

-Amends § 1123 to apply the same rule to various lewd and lascivious criminal acts

SB 62 (effective November 1, 2015) amends Title 21 O.S. § 1992. Knowingly aiming the beam of a laser pointer at an ‘aircraft in flight or at the flight path of an aircraft’ is a misdemeanor. First offense is punishable by a fine of up to \$100. Second and subsequent offenses are punishable by up to 6 months and/or a fine of up to \$500.

Exceptions include

- research authorized by the FAA or Department of Defense
- an individual using a laser ‘emergency signaling device to send an emergency distress signal’

HB 1350 (effective November 1, 2015) amends Title 21 O.S. § 1173 by making several housekeeping language changes. Clarifies that people guilty of stalking are to be sentenced to DOC and increases the possible fines.

Also **amends Title 22 O.S. Sections 40 through 40.3:**

-adopts the definitions of 'Assault and Battery with a Deadly weapon' and 'kidnapping' and 'rape' and 'sex offense' from other, specific, statutes, and then adds these crimes to the list which qualifies a person for a VPO.

-'sex offense' includes:

-sexual assault (681)

-human trafficking (748)

-sexual abuse by caretaker (849.1)

-child sexual abuse (849.5)

-permitting child sexual abuse ((842.1)

-incest (885)

-forcible sodomy (888)

-child stealing sexual exploitation (891)

-indecent exposure or solicitation of minors (1021)

-child pornography (1021.2 and 1024.2)

-parental consent to child pornography (1021.3)

-aggravated possession of child pornography (1040.12)

-distributing child pornography (1040.19)

-soliciting sexual contact with a child (1040.13)

-procuring a child for lewd acts (1087)

-inducing a child to prostitution (1088)

-lewd or indecent proposals to a child (1123)

SB 164 (Effective November 1, 2015) amends Title 21 O.S. § 1290.10 to provide that the 'preclusive period' (when a person may not get a handgun license) for a 'misdemeanor conviction related to illegal drug use or possession' will be 10 years from completion of the sentence.

HB 2014 (Effective November 1, 2015) amends Title 21 O.S. § 1277 to allow a board of education of a 'school district' to adopt a policy to 'authorize the carrying of a handgun onto school property' by designated personnel. The authorized person must have a valid armed security guard license or be a certified reserve officer.

-Also **amends Title 21 O.S. § 1280.1** for the same purpose.

-**Enacts a new law to be codified at Title 70 O.S. § 5-149.2** which provides that the board may pay the cost of training, and assures that no school personnel may be required to participate. Firearms are to be carried on the person or 'stored in a locked and secure location'.

HB 1391 (Emergency! Effective July 1, 2015) amends Title 21 O.S. § 1290.12. This change allows an SDA handgun license training to be presented in an 'interactive online firearms safety and training course 'over the internet'. The course is to be 'approved and certified' by CLEET. Handgun license applicants must still present a certificate for the 'successful demonstration of competency and qualification'.

SB 56 (Effective November 1, 2015) amends Title 21 O.S. § 1290.18. An applicant for a handgun license is no longer required to supply a social security number.

HB 1460 (effective November 1, 2015) amends Title 21 O.S. § 1289.24 to provide that the entire field of legislation related to knives is pre-empted by state law. This puts 'knives' in the same category as firearms for purposes of limitations on municipal ordinances. A public or private school may have a policy regulating the possession of knives on school property on in school transportation.

HB 1911 (effective November 1, 2015) amends Title 21 O.S. § 1272 (unlawful carry). The phrase 'switchblade knife' and the phrase 'knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife' are removed from the statute. The practical effect is that, as of the effective date, it is not generally a crime to carry a switchblade knife.

Title 47 – Motor vehicles

HB 1965 (Effective November 1, 2015 – known as the 'Trooper Nicholas Dees and Trooper Keith Burch Act') enacts a new law to be codified at Title 47 O.S. § 11-901d.

-it is unlawful for any person to drive while using a 'hand-held electronic' device to 'manually compose, send or read an electronic text message' while the vehicle 'is in motion'. Violation is punishable by a fine of up to \$100. No points are assessed to the driving record for this violation. An exception is made for emergency situations.

-municipalities may enact and enforce ordinances penalizing 'conduct under the provisions of this section.

-definitions are provided.

SB 183 (Effective November 1, 2015) amends Title 47 O.S. § 6-205.2, concerning use of a hand held cell phone in a commercial motor vehicle. This change makes an exception in emergency situations. If the CMV is moved to the side of the road and in a place where it can safely 'remain stationary' use of the cell phone is allowed.

HB 1902 (Emergency! Effective on signing date) enacts a new law to be codified at Title 47 O.S. § 11-1120. This provides immunity from civil liability for a person who removes a child from a motor vehicle under these circumstances:

- the vehicle is locked or 'there is otherwise no reasonable method for the child to exit'
- the person has a 'good faith belief' that the child is in danger
- the person has contacted emergency services prior to forcing entry
- leaves contact information on the car
- remains with the child in a safe location 'reasonably close to the vehicle' until emergency personnel arrive
- uses no more force than 'necessary under the circumstances'

HB 1847 (effective November 1, 2015) amends Title 47 O.S. § 11-1112, which concerns child passenger restraints. The upper age limit is changed from 6 to 8.

- child under 2 must be in a 'rear facing' seat
- child age 2 to 4 must be in child passenger restraint system as provided by manufacturer for height and weight
- child age 4 to 8, if 'not taller than 4 feet 9 inches' must be in child passenger restraint system or child booster seat.
- child age 8 and taller than 4 feet 9 inches, in a seat belt properly secured to the vehicle

HB 1113 (effective November 1, 2015) amends Title 47 O.S. § 11-914. This statute concerns the duty to pull over, or slow down, when approaching a 'stationary authorized emergency vehicle'. The definition now includes a Department of Transportation or Turnpike Authority 'maintenance vehicle' that is displaying flashing red / blue lights.

HB 1806 (effective November 1, 2015) amends Title 47 O.S. § 752 to specifically authorize the use of search warrants to obtain blood samples for DUI arrests.

This change also requires DPS to re-instate driving privileges if:

1. The arrested person was required to submit to testing pursuant to a search warrant 'despite his or her refusal' AND
2. DPS receives a 'written blood or breath test report' that shows no 'measurable quantity' of alcohol or other intoxicating substance.

HB 1568 (effective November 1, 2015) amends Title 47 O.S. § 11-1401.2, the electronic toll system on turnpikes.

- video recording is allowed of all vehicles on the turnpike system. (Before the change recording was limited to violators.)

- defines 'video toll collection system' to include the ability to 'charge and collect tolls from owners of vehicles, even if the owner does not participate in Pikepass, and defines other terms.

SB 322 (effective November 1, 2015) amends Title 47 O.S. § 11-801 to allow ODOT and OTA to use changeable message signs for temporary reduced speed limits

SB 134 (Effective November 1, 2015) amends Title 47 O.S. § 2-150 and Title 74 O.S. § 150.23. These changes allow a retired Trooper or a retired Officer of various state law enforcement agencies to purchase the 'rifle or shotgun' used by that Trooper or Officer. The purchase price is that paid by the employing agency at the time of purchase.

SB 34 (Effective November 1, 2015) amends Title 47 O.S. § 6-105.3 to allow a person to renew a drivers license or identification card online.

SB 246 (Effective November 1, 2015) amends title 47 O.S. § 7-602 to clarify that information necessary to prove insurance may be made in any manner that allows 'verification of coverage through the online verification system'.

SB 372 (Effective January 1, 2016) amends Title 47 O.S. § 6-303 to address people who drive motorcycles without the proper license endorsement. This is a misdemeanor but a 'six-month deferral' may be obtained to:

- prove successful completion of a 'Motorcycle Safety Foundation rider course' approved by DPS, AND
- obtain the proper endorsement.

SB 390 (Effective November 1, 2015) amends title 47 O.S. § 6-105 to allow the holder of a 'restricted Class D license with a motorcycle-only restriction' to ride a motorcycle with a displacement of up to 300 cubic centimeters

SB 255 (Effective November 1, 2015) enacts a new law to be codified at title 47 O.S. § 1-103.2, defining 'Autocycle' as 'any motor vehicle having':

- a seat or saddle for each rider
- 3 wheels (but not including tractors)
- a 'combustion engine' with displacement of 150 cubic centimeters or greater
- a 'fully enclosed compartment' for driver and any passenger
- 'safety belts or shoulder harnesses'
- compliance with the general requirements for 'equipment on vehicles'
- the operator is not required to have an 'M' endorsement

SB 831 (Emergency! Effective date of signing) amends Title 47 O.S. § 7-606 to clarify that a person has 10 calendar days to provide proof of insurance and reclaim possession of a seized license plate.

- Also allows new special license plates:
 - Oklahoma Nurses
 - Frederick Bombers
 - U.S. Navy Seabees and Civil Engineer Corps

HB 1269 (effective November 1, 2015) amends Title 47 O.S. § 1195.2 *et al* to adopt some new license plates:

- 911 Dispatcher License Plate – must show proof of employment or retirement
- Oklahoma Sports Hall of Fame
- Childhood Cancer Awareness

SB 144 (effective November 1, 2015) provides some more new license plates, by amending Title 47 O.S. § 1135.3

- Oklahoma Educational Television Authority
- Remembering Fallen Heroes
- Concerns of Police Survivors

SB 147 (effective November 1, 2015) amends Title 47 O.S. § 1135.5 to provide that funds from the 'Patriot Plate' may be used to fund educational programs of the National Guard.

Title 51 – officers

HB 1037 (effective November 1, 2015) amends title 51 O.S. § 24A.8 of the *Open Records Act*.

-includes in the list of materials which shall be ‘kept confidential’ all ‘test forms, question banks, and answer keys’ developed for state licensure examinations’ but specifically excludes ‘test preparation materials’ and ‘study guides’.

-includes in the list of materials which shall be made ‘available for public inspection’ any ‘audio recordings’ associated with ‘equipment attached to law enforcement vehicles’

The list of items which are to be redacted from recordings is amended (changes in *italics*)

-death of a person *‘unless the death was effected by a law enforcement officer’*

-would identify minors *or would ‘undermine any requirement to keep certain juvenile records confidential’ found in statute*

-depict acts of severe violence resulting in ‘great bodily injury’, against persons that are ‘clearly visible’ unless the act was effected by’ a LEO.

-depict ‘great bodily injury’ as defined by statute, unless effected by a LEO

-include medical information ‘not already public’

-would undermine the assertion of a privilege under the Mental Health Statutes

-include personal information (other than ‘name or license plate number’) of a person not ‘arrested, cited, charged or issued a written warning. ‘personal information’ includes any ‘government-issued identification number, date of birth, address or financial information’.

-would reveal the identity of LEO’s who are subject to internal investigation resulting from ‘an event depicted in the recording’. This option to protect the identity of the officer is no longer available after the investigation is ‘concluded’ and a decision has been rendered about a ‘final disciplinary action’. At this time, any recordings previously protected are to be released

Makes subject to release ‘audio and video recordings’ from recording equipment ‘attached to the person’ of a LEO that depict any of the following

-use of physical force by a LEO

-pursuits ‘of any kind’

-traffic stops

-any person being ‘arrested, cited, charged or issued a written warning’

-events that ‘lead directly’ to arrest

-investigative detentions ‘of any length’

-any exercise of authority that deprives a ‘citizen’ of his or her ‘liberty’

- actions by a LEO that have become the 'cause of an investigation or charges being filed'
- recordings 'in the public interest' that may 'materially aid' in determining whether LEO's are 'appropriately performing their duties as public servants'
- any 'contextual events' occurring before or after the events described above.

The following may be redacted or obscured from any recording that is released:

- death of a person or a dead body, unless 'effected by a LEO'
- nudity
- materials that identify minors or violate confidentiality provisions for juvenile records
- depict acts of severe violence resulting in 'great bodily injury', against persons that are 'clearly visible' unless the act was effected by' a LEO.
- depict 'great bodily injury' as defined by statute, unless effected by a LEO
- include medical information 'not already public'
- would undermine the assertion of a privilege under the Mental Health Statutes
- identify victims of sex crimes of domestic violence
- include personal information (other than 'name or license plate number') of a person not 'arrested, cited, charged or issued a written warning. 'personal information' includes any 'government-issued identification number, date of birth, address or financial information'.
- information which would 'materially compromise an ongoing' criminal investigation or prosecution.

Generally this information must be released once the defendant is arraigned, but there are several limitations and restrictions too lengthy to include in this summary.

-Materials that would reveal the identity of LEO's who are subject to internal investigation *resulting from 'an event depicted in the recording'*. *This option to protect the identity of the officer is no longer available after the investigation is 'concluded' and a decision has been rendered about a 'final disciplinary action'. At this time, any recordings previously protected are to be released.*

SB 155 (effective November 1, 2015) amends title 51 O.S. § 6 (dual offices) to include Rangers of the Oklahoma Scenic Rivers Commission and members of the State Board of Osteopathic Examiners in the list of exceptions.

HB 1681 (Emergency! Effective immediately) amends the Governmental Tort Claims Act at Title 51 O.S. § 153 to limit liability. If a tort action is brought under the Oklahoma Constitution (or state law other than the GTCA) the political subdivision must be sued instead of the individual employee. The employee may be named as a defendant under an allegation that the employee acted outside the scope of employment.

Title 43A – mental health

HB 1562 (effective November 1, 2015) amends title 43A O.S. § 4-106, which concerns the use of mechanical restraints in certain emergency situations. The list of people who can order such restraints now includes:

- allopathic physicians
- advanced practice registered nurse
- osteopathic physician
- physician assistant
- other person who is authorized by the hospital or crisis center

The person who ordered the restraint must perform a ‘face-to-face’ examination within one hour after the restraint is applied.

SB 751 (Effective November 1, 2015) amends Title 43A O.S. § 1-110 to allow a law enforcement agency to contract with a ‘third party’ to provide transportation for mental patients, so long as the third party meets ‘minimum standards’ as developed by the Department of Mental Health.

Title 22 – Criminal Procedure

HB 1548 (Effective November 1, 2015) amends title 22 O.S. § 982a which concerns sentencing in criminal cases. This change allows the court to modify the sentence of persons sentenced ‘for a drug charge’ and ordered to complete the ‘drug offender work camp’ if the ‘best interests of the public’ are not harmed. The person is not to be granted a ‘deferred sentence’.

HB 1518 (Effective November 1, 2015) enacts a new law to be codified at Title 22 O.S. § 985 et seq known as the ‘Justice Safety Valve Act’. A court may depart from a ‘mandatory minimum sentence’ if the court finds ‘substantial and compelling reasons’. These include:

- there is no threat to the public and defendant is otherwise eligible for alternative sentencing
- the mandatory minimum sentence would result in ‘substantial injustice’

SB 726 (effective November 1, 2015) enacts a new law to be codified at title 22 O.S. § 60.30. This provides for a pilot program in counties with a population of more than 500,000. The ‘Integrated Domestic Violence Docket’ is to combine proceedings related to divorce, child custody, domestic violence, protective orders, and criminal and juvenile court cases.

HB 1879 (effective November 1, 2015) amends Title 22 O.S. § 1014, which concerns the method to carry out the death penalty. Here is the list, in order of preference in case any is held to be unconstitutional or is ‘otherwise unavailable’:

1. lethal quantity of a ‘drug or drugs’
2. nitrogen hyponia
3. electrocution
4. firing squad

Related statutory changes in other Titles:

SB 456 (Effective November 1, 2015) amends Title 28 O.S. § 152 to allow a County Government to assess a fee of \$10.00 per filed case to enhance existing security, or provide additional security, at the courthouse.

HB 1322 (effective November 1, 2015) enacts a new law to be codified at Title 11 O.S. § 19-116. This prohibits a municipality from adopting an ordinance ‘restricting or expanding the powers and duties, supervisory and management authority, or the regulation of day-to-day activities’ of a ‘duly elected’ LEO unless the city has a specific Charter provision.

HB 1006 (effective November 1, 2015) amends Title 13 O.S. § 176.7 to add Human Trafficking to the list of crimes for which the Attorney General may request a wiretap.

Title 57 – Prisons

SB 525 (Effective November 1, 2015) amends title 57 O.S. § 21 to allow an employee of DOC who has a valid SDA handgun license to keep a firearm in a vehicle ‘on any property set aside for the parking’ of vehicles at a ‘state-owned prison facility’. The employee must notify DOC of the details of the firearm, which must be ‘secured and stored in a locked metal storage container’ in a locked vehicle. This container must be secured by a ‘lockable chain or cable’.

SB 38 (Effective November 1, 2015) amends Title 57 O.S. § 332.18, which allows a parole for medical reasons. If it is determined that the medical parole ‘presents an increased risk to the public’ the parole is subject to revocation.

SB 412 (Effective November 1, 2015) amends several sections in Title 57, mainly § 571 to Include in the definition of ‘violent crime’ for purposes of various statutes:

- shooting with intent to kill, assault, battery, or assault and battery with a deadly weapon,
- bombing offenses
- child pornography or aggravated child pornography
- child prostitution
- abuse of a vulnerable adult
- aggravated trafficking
- terrorism

Related statutory changes in other Titles

SB 327 (Effective November 1, 2015) amends Title 8 O.S. § 2011 to clarify the rules for burying of unclaimed corpses of deceased inmates. Requires attempts to notify possible relatives by certified mail or similar methods.

Title 63 – Public Health and Safety

HB 1074 (effective November 1, 2015) enacts a new law to be codified at Title 63 O.S. § 2091.1, known as the ‘right to try’ Act. This allows a person with a ‘terminal illness’ to use unproven and investigational drugs and treatments if certain conditions are met.

HB 1574 (Effective November 1, 2015) amends Title 63 O.S. § 2-415 to change the possible penalty for trafficking after two or more felony convictions to ‘twenty (20) years to life imprisonment or life without parole’. If the two previous convictions are both for trafficking, the penalty is life without parole.

HB 1616 (effective November 1, 2015) amends Title 63 O.S. § 2-105 to require the medical Examiner to report deaths resulting from CDS abuse to OBN, the Board of Medical Licensure, and the Board of Osteopathic Examiners. Also makes technical changes in the lists of chemicals which are beyond the scope of this update.

HB 1408 (effective November 1, 2015) amends Title 63 O.S. § 1-1118. A ‘food establishment license’ is no longer required for

- a produce stand that offers ‘only whole, uncut, and unprocessed fresh fruits, melons, vegetables, and legumes and/or whole uncracked and unprocessed nuts’.
- a ‘kitchen in a private home’ if only food that does not need ‘time and temperature control for safety’ is made for sale for charitable reasons.

- a 'private home' that receives catered food
- a kitchen in certain bed and breakfasts
- 'bake sales' by nonprofit civic, charitable, or religious organizations for 'occasional fund raising'.
- day care centers and similar businesses licensed as Child Care Facilities

Related statutory changes in other Titles:

SB 420 (Effective November 1, 2015) amends Sections in Title 37:

- defines 'small farm wine' as wine produced by a 'small farm winery'.
- sales cannot exceed 10,000 gallons per year.
- a 'small farm winery' license costs \$1
- the license allows the holder to manufacture and bottle wines produced at the small farm winery. They are also authorized to attach an 'Oklahoma Grown' sticker

Title 29 – Game and Fish

HB 1651 (Effective November 1, 2015) amends Title 29 O.S. § 5-201 to include 'exotic wildlife' in the list of animals which cannot be killed or captured using certain methods. These include:

- traps, nets, snares, cages, pitfalls, baited hooks
- drugs, poisons, narcotics, explosives
- electrical devices
- computer-assisted remote control hunting

Related statutory changes in other Titles:

HB 1403 (Emergency! Effective date of signing) enacts a new law to be codified at Title 4 O.S. § 701 et seq, known as the 'Care and Disposition of Disaster Animals Act'. These rules apply when the owners of 'companion animals' are required to leave their residence for more than 24 hours because of an 'emergency' declared by state or federal government.

-A 'disaster animal' is a domesticated animal that has been separated from the owner because of the emergency.

-anyone who finds a disaster animal is to take it to an animal shelter as soon as reasonably possible.

-disaster animals are to be held in the animal shelter for a designated time, offering a chance for the owner to reclaim the animal. The holding period varies based on the circumstances, but is at least 30 days.

Title 69 – Roads, bridges, and ferries

SB 42 (Emergency! effective July 1, 2015) amends sections in Title 69 to clarify that roads named for medal of honor recipients may not be re-named and to provide some new road and bridge names:

- W.D. 'Bill' Bradley – intersection of 81 and 70 in Jefferson County
- Sgt. Daniel M. Eshbaugh – part of Highway 9 within Norman city limits
- Captain George Green – part of Highway 97 within Sapulpa city limits
- Command Sergeant Major Benny G. Adkins – Highway 81 from 70 North to Addington

HB 1354 (effective November 1, 2015) enacts a new law to be codified at Title 69 O.S. § 1698.213:

- Weatherford veterans Memorial Drive – part of Highway 54 in Weatherford city limits
- President George H.W. Bush highway – Highway 81
- President George W. Bush highway – highway 81
- 49 Waiters Club memorial bridge – highway 62 crossing of North Canadian River
- SSG Travis Tompkins memorial highway – highway 65 in Comanche County
- SPC Charles Jirtle memorial highway – highway 65 in Comanche county
- 1st Lt. Brandon Landrum memorial highway – highway 65 in Comanche County
- PFC Ernest Ray Taylor memorial bridge – highway 55 near Sentinel
- PFC Jon Ross Townsend memorial highway – highway 88 in Rogers County
- SSG James 'Bevo' Olivo memorial bridge – Highway 270 in Hughes County
- Bill Milroy memorial bridge – highway 56 in Okmulgee County

Title 10 (10A) – Children

HB 1079 (effective November 1, 2015) amends title 10A O.S. § 1-4-808 to modify the reports submitted at court review hearings on foster children. The foster parent may submit a report for consideration at this hearing.

HB 1078 (Effective November 1, 2015) amends several sections in title 10:

-**Amends § 1-1-105** to prevent an 'officer of employee of the federal government' from acting to 'mandate, direct, or control a state or local educational agency' or curriculum based on 'age-related activities' as defined.

-changes 'independent living' programs for juveniles to 'successful adulthood' programs.

-defines 'reasonable and prudent parent standard' – when applied to foster homes and similar facilities - to mean 'careful and sensible parental decisions' that maintain the best interests of the child and encourage 'emotional and developmental growth'

-adopts several definitions related to human trafficking

-'sex trafficking' means the 'recruitment, harboring, transportation, provision, or obtaining' of a person for a 'commercial sex act'.

-'severe forms' of trafficking means sex trafficking 'induced by force, fraud, or coercion, or involves a person under 18 OR

-obtaining people through force for 'involuntary servitude, peonage, debt bondage, or slavery'.

SB 831 (Emergency! Effective date of signing) is a very long bill with many amendments and many repealers.

-Amends Title 10A O.S. § 1-6-105, the definition of 'neglect' is the 'failure or omission to provide any of the following:

-'nurturance and affection' and 'appropriate caretakers'

-food, clothing, shelter, sanitation, hygiene, or 'appropriate education'

-medical, dental, or 'behavioral' health care

-'neglect' also includes the failure to protect a child from 'illegal drugs' and 'illegal activities' and sexual acts or materials that 'are not age-appropriate, or abandonment.

-protection is made for those who rely on prayer for treatment. This protection does not stop the State from ordering 'medical treatment, to protect the child's health or welfare'.

-Repeals Title 10A O.S. § 2-3-101, which concerns the place of detention of a child taken into custody under the Code.

-Amends Title 10A O.S. § 2-6-106 to allow employees of DMH to have access to juvenile records which are otherwise sealed.

HB 1834 (Effective November 1, 2015) amends Title 10A O.S. § 2-2-101, which concerns protective custody. When a child is taken into custody pursuant to this section, O.J.A. is to inquire about 'American Indian lineage or ancestry'. If any is found the tribe is to be notified within 3 judicial days. This information is to be kept confidential, other than those entities who must know.

HB 1274 (effective November 1, 2015) amends Title 10 O.S. § 404.1 to allow child care facilities to share information regarding employees and potential employees with other child care facilities. This information is still subject to some strict limitations on release in other circumstances.

HB 1273 (Effective November 1, 2015) amends Title 10A O.S. § 1-1-105 (definitions). ‘(S)exual exploitation’ now includes ‘forcing’ a child to engage in prostitution ‘by any person’ 18 or over, whether that person is ‘responsible for’ the child or not.

SB 292 (Effective November 1, 2015, amends title 10A O.S. § 1-1-105. ‘(F)ailure to protect from harm or threatened harm’ is removed from the definition of ‘abuse’. Instead, ‘failure to protect’ means failure to ‘take reasonable action’ to prevent or remedy child abuse or neglect, and includes a ‘non-abusing parent’ who knows the identity of the abuser, but ‘lies, conceals, or fails to report’ the child abuse or neglect, or ‘otherwise take reasonable action to end the abuse’.

Title 74 – State government

Veto Override

SB 549 (Effective November 1, 2015) amends Title 74 O.S. § 250.4. This concerns salaries of several state officials. These salaries are set at specific amounts, instead of being linked to the salary of a District Judge.

SB 90 (Effective November 1, 2015) amends title 74 O.S. § 150.9 to allow agencies authorized to conduct ‘national criminal history backgrounds’ to participate in the ‘Federal Rap Back Program’ administered by OSBI.

SB 54 (effective November 1, 2015) amends Title 74 O.S. § 150.23 to include ‘a probation and parole officer or internal Affairs agent’ of DOC and LEO’s employed by the Grand River Dam Authority to keep their badge and gun upon honorable retirement.

HB 1406 (Effective November 1, 2015) repeals Title 74 O.S. § 324.18. This section required the State Fire Marshal Commission to adopt rules related to the ‘fire-resistant qualities of thermal insulating materials’. Approval of the State Fire Marshal was required for sale or distribution of ‘thermal insulating material’.

HB 1044 (effective November 1, 2015) enacts a new law to be codified at Title 74 O.S. § 1604. A state agency with ten or more full-time employees may implement a ‘State Employee Suggestion Program’ to ‘promote efficiency and effectiveness’ of State government by giving ‘economic incentives’ to employees when ‘direct cost savings’ are made.

If the savings is more than \$5,000, the employee may be rewarded by up to 20% of the savings. Each employee is limited to one award per year.

The following suggestions are not eligible for awards:

- grievances
- classification and pay
- matters already recommended for 'studies, surveys, reviews or research'
- budget and fiscal preparations studies
- matters requiring legislation
- an employee who applies for a patent for the idea

Related Statutory changes in other Titles:

HB 1734 (Effective November 1, 2015) enacts a new law to be codified at Title 62 O.S. § 9001. Any payment made to a 'state governmental entity' or 'local governmental entity' shall be made payable to the governmental entity and not to the 'individual who holds the public office'.

HB 1420 (Effective November 1, 2015) repeals several sections in Title 82 related to weather modification. The result is that municipalities and Counties are no longer authorized to 'finance programs of weather modification'.

Title 70 – Schools

SB 64 (effective November 1, 2015) amends Title 70 O.S. § 3311 to clarify the process to be followed when a Peace Officer is involuntarily committed (to match the Mental Health Statutes). Also allows CLEET to subpoena records to assure compliance with the statutes. Use of these records is limited and there is a very specific confidentiality requirement.

SB 135 (effective November 1, 2015) amends Title 70 O.S. § 3311 for several purposes:

- Clarifies CLEET's authority under the Bail Enforcement Act
- requires and authorizes CLEET to address any requirements imposed by LEOSA
- Allows CLEET to use a certified copy of a criminal indictment or information as 'clear and convincing evidence' of the charge, for purposes of suspension pending disposition in appropriate cases.
- requires the Agency to certify that a newly hired peace officer hire does not have any criminal charges pending at the time of employment.
- Clarifies that an 'Alford' plea (in which the defendant accepts the consequences of a guilty plea without ever admitting guilt), or 'any plea other than not guilty' is a sufficient basis for disciplinary action against the officer. Requires the District Attorney to report any such plea to CLEET and extends that reporting requirement to Reserve Officers.
- Allows CLEET to deny certification to a person who has had a certification revoked in another state and was not re-instated by that state.

- prohibits CLEET employees from training or testing bomb detecting and drug detecting canine teams.
- Clarifies the provisions for release of CLEET records.
- Extends the requirement to pass the comprehensive reading and writing examination to Reserve Officers.

HB 1154 (effective November 1, 2015) amends Title 70 O.S. § 5-142, which concerns background checks for school employees. A Law Enforcement Officer certified by CLEET is not required to have a separate background check, if employed by an Agency at the time of application for employment at the school district.

SB 5 (Effective November 1, 2015) amends title 70 O.S. § 6-149-7 to provide that an 'education employee' is not liable for the use of 'reasonable and necessary force' when needed to 'control and discipline' a student while at school, in transit, or at an authorized school function.

HB 1685 (Effective November 1, 2015) enacts a new law to be codified at Title 70 O.S. § 1210.211 et seq, known as the '24/7 tobacco-free Schools Act'. The use of tobacco products is barred in any school from 'early childhood education' through grade twelve. School districts may make even more restrictive rules.

Title 59 – Professions

SB 586 (Effective November 1, 2015) amends Title 59 O.S. § 1992 to allow a bail bondsman who is appointed by an 'insurer operating in this state' to seek the assistance of another licensed bondsman 'appointed by the same insurer' for the purpose of a recovery and surrender.

Unclassifiable

HB 1007 (effective November 1, 2015) enacts a new law to be codified at Title 43 O.S. § 7.1. This provides that no 'regularly licensed, ordained or authorized official' may be required to solemnize any marriage that 'violates the official's conscience or religious beliefs'. Some definitions: to 'recognize' a marriage is to 'provide religious based services' by a religious organization, that are 'directly related to ... marriage' including 'counseling programs, courses, retreats and workshops'. A 'religious organization' is a 'church, seminary, synagogue, temple, mosque, religious order, religious corporation, association or society' which is 'distinctive' in its 'creed, beliefs, doctrines, practices or rituals'.

SB 417 (Effective November 1, 2015) enacts a new law to be codified at title 2 O.S. § 2-14.2. This allows the Department of Agriculture, Food, and Forestry, to 'take possession of, store, and dispose of' curtailed 'abandoned and stolen personal property'. Includes a procedure to notice to possible owners, and for the holding of the property for at least 6 months. The property may then be sold at auction.

HB 1040 (effective November 1, 2015) amends title 25 O.S. § 90.7 to change 'Purple Heart Week' to 'Purple Heart Day' and moves the observance from the last week of May to the 7th day of August. You are 'encouraged' to devote part of the day to 'recognizing and commemorating the recipients of the Purple Heart'.

SB 423 (Effective November 1, 2015) repeals several sections in Title 15 related to record keeping requirements for the sale of 'secondhand' watches.