Council on Law Enforcement Education and Training

2019 Legal Update

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Revised August 26, 2019

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 1102 (effective November 1, 2019) amends the Oklahoma Crime Victims Act by amending the definition of "crime victim" or "victim" at **21 O.S. 142A-1** to include any person against whom a delinquent act was committed (previously only against whom a crime was committed) or a person directly and proximately harmed by the commission of the crime or delinquent act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interest of a person who is deceased or incompetent, a minor or an incompetent adult.

Language in **21 O.S. 142A-2** is amended to require the District Attorney to advise a victim of their rights under the Act to include the right to be notified and be present at all criminal or delinquent proceedings, to be heard in any proceeding concerning release, plea, sentencing, disposition, parole and any proceeding implicating a right of the victim. The notification must also include the right of the victim to be treated with fairness and respect for the safety, dignity, and privacy of the victim and, upon request, the right to be notified of the any release or escape of the accused. In addition to being informed of any plea bargain negotiations, the law now provides that the victim, upon request, has the right to confer with the attorney for the state. That section is also amended to provide that **any peace officer <u>shall</u> provide, upon initial contact with the victim, a written copy of the constitutional and statutory rights of the victim** unless, in the judgment of the officer, the circumstances of the criminal or delinquent act and condition of the victim indicate the victim, the family of the victim, or the dependents of the victim will not be able to understand the significance of the rights. If a written copy is not provided at initial contact, it will be provided on the next contact with a law enforcement officer of the same agency no later than 24 hours after initial contact.

The Attorney General will prepare and place on the AG's website a sample notification. Law enforcement can use that form or prepare another as long as all rights under the Act are included.

The victim must also be advised that the victim can refuse an interview or other request made by the suspect or any person acting on his/her behalf, however they may not refuse to appear if subpoenaed.

The victim, the victim's attorney or other lawful representative, or the attorney for the state can assert the victim's rights under the Act or any other right afforded to the victim under the law. The court is required to act promptly on such request. Victims' rights are to be protected in a manner no less vigorous than the rights afforded the accused.

HB 1110 (effective November 1, 2019) amends various statutes relating to dumping garbage, waste, etc… With the change, **21 O.S. 1205** is amended to reflect that dumping within 100 yards of the occupied dwelling of another is unlawful. Previously the statute only prohibited dumping within 100 yards of state highways or county roads. The punishment for a violation of this statute is raised from not more than $100 to a fine of not less than $200 or more than $500.

In addition this bill amends **21 O.S. 1761.1**, Dumping Trash on Public or Private Property Without Consent, to read (new language underlined):

> A. Any person who deliberately places, throws, drops, dumps, deposits, or discards any garbage, trash, waste, rubbish, refuse, debris, or other deleterious substance on any public property or, on any private property of another without consent of the property owner <u>or on his or her own private property in violation of any county or state zoning or public health regulations</u> shall, <u>upon conviction</u>, be deemed guilty of a misdemeanor.

Before this bill the punishment for a violation of this section was not less than $200 or more than $5,000. With the change, it's now not less than $500 or more than $5,000. Possible imprisonment remains the same at 30 days.

Paragraph J of this section permits citations to be issued and is changed to make the minimum $500 and the maximum $5,000. By way of reminder this statute states that if the citation is issued by a county peace officer, ½ of the fine goes to the reward fund

created at **22 O.S. 1334** and ½ goes to the sheriff's service fee account to be used for enforcing provisions of this section.

HB 1161 (effective November 1, 2019) amends 21 O.S. 1290.27, Court Orders Regarding Involuntary Commitment and Mental Incompetence - Inclusion in National Instant Background Check System - Petition to Remove Disability. Under this statute a person who has been adjudicated mentally incompetent or involuntarily committed can petition the court to have the disability removed. This will then permit the person to be issued a handgun license under the Self Defense Act. With the change, if a court grants the person relief, rather than a certified order or documents, the Court Clerk can "transmit the information…..by using an electronic method or data exchange which is authorized by the Federal Bureau of Investigation, the Department of Mental Health and Substance Abuse Services and the Oklahoma Bureau of Investigation."

HB 1214 (effective November 1, 2019) amends 21 O.S. 1290.9 to permit a noncitizen who is lawfully authorized to live permanently in the United States to obtain a handgun license under the Self Defense Act.

HB 2010 (effective November 1, 2019) amends 21 O.S. 1277 (NOTE: this statute is also amended by HB 2597 below) to permit a person to carry a **concealed** firearm in a municipal zoo or park that is owned, leased, operated or managed by a public trust or a nonprofit entity. The person may not openly carry. Additional changes are identical to the changes made to this statute in **HB 2597**. It's noteworthy that both bills recognize that while it's still unlawful to carry or be in possession of "a machete, blackjack, loaded cane, hand chain, or metal knuckles" on college, university, or technology center property, that prohibition does not extend to listed places (e.g., property set aside for parking, property authorized for possession or use of those items, property authorized by the written consent of college or university president or technology center school administrator—although it stretches credibility to think that the school would authorize a place on campus for possession or use of machetes or metal knuckles….or even blackjacks).

HB 2178 (effective November 1, 2019) amends 21 O.S. 1223 and repeals various statutes relating to the disposal of domestic animal carcasses. With the changes, **21 O.S. 1233** makes it unlawful to dispose of an animal, chicken, or other fowl in any well, spring, pond or stream of water or deposit or leave the carcass within ¼ mile of an occupied dwelling or of a public highway, without burying it or disposing it in

compliance with Department of Agriculture, Food, and Forestry recommendations. In addition, language is added to place a duty on the owner of any domestic animal to dispose of the carcass within 24 hours and making it unlawful to bury the carcass along a stream or ravine where it may become exposed through erosion or where the land is subject to overflow.

The language in the repealed sections have, for the most part, been incorporated in the change in § 1233. The repealed sections include:

21 O.S. 1221- Infected or Diseased Domestic Animals
21 O.S. 1222 - Duty to Dispose of Domestic Animals Dying of a Contagious or Infectious Disease
21 O.S. 1225 - Unclean Slaughterhouses – Nuisance
21 O.S. 1226 - Penalty for Selling or Buying Infected Carcasses
21 O.S. 1227 - Unlawful Disposition, Sale or Transportation of Infected Swine

HB 2286 (effective November 1, 2019) amends various statutes in Title 21 regarding firearms.

- **21 O.S. 1289.23** relating to off-duty carry for full-time and reserve officers. The language "concealed or unconcealed" is replaced so the relevant sections now read (deleted language with strike through, added language underlined) "To keep the approved weapon ~~concealed or unconcealed~~ <u>on his or her person</u> at all times, except when the weapon is used within the guidelines established by the employing agency." It appears the legislature intends that the off-duty peace officer who is not in uniform must have the firearm on his or her person rather than simply in his or her possession, e.g., in the officer's vehicle but not on the person. In addition, when a peace officer applies for a license under the Self Defense Act (SDA), language is added in ¶ I, §2 to require OSBI to conduct a check of the National Instant Criminal Background Check System (NICS) prior to issuing the license.
- **21 O.S. 1290.1** is amended to permit OSBI to send SDA notices of upcoming renewals by email. The notice must be sent at least 90 days prior to expiration.
- **21 O.S. 1290.8** is amended to require that an SDA license holder carry the valid license or military identification and a valid driver license or state photo identification. Previously the DL or photo ID had to be from Oklahoma. It appears now it could be from another state.

- **21 O.S. 1290.10** relating to preclusions is amended. One of the preclusions is "(s)ignificant character defects of the applicant as evidenced by a criminal record indicating habitual criminal activity." Before the change, the preclusion was for "misdemeanor criminal activity."
- **21 O.S. 1290.11**, Other Preclusions, is amended to reflect the correct citation to public intoxication (now 37A §6-101) and to change the preclusion period for a final Victim Protective Order. Previously it was 3 years from the date of the entry of the Final Order. Now, the period is 60 days from the date an order was vacated, cancelled, withdrawn, or otherwise no longer in effect.
- **21 O.S. 1290.12**, Procedure for Application, is amended to require that OSBI check the National Instant Criminal Background Check System (NICS) before issuing a license.

HB 2364 (effective November 1, 2019) amends 21 O.S. 723 to add First Degree Murder, Second Degree Murder, First Degree Manslaughter, and Second Degree Manslaughter to the list of offenses that do not require proof that the defendant had knowledge that the victim was pregnant.

HB 2380 (effective November 1, 2019) amends 21 O.S. 1550.21 to define "Reencoder," "Scanning Device," and "Skimming Device." **New law is created at 21 O.S. 1550.39** making it a felony to possess or use a scanning or skimming device to access, read, obtain, memorize, or store information on a credit or debit card without the permission of the owner and with intent to defraud.

HB 2597 (effective November 1, 2019) amends various statutes in Title 21 regarding the carrying of firearms – what has been called "constitutional carry."

- **21 O.S. 1272** is amended to provide in paragraph 6 that a person **is permitted to carry a firearm**, whether **concealed or unconcealed**, loaded or unloaded if :
    - The person is 21 years of age or older **or** is 18 but not yet 21 years of age and the person is a member or veteran of the military including Reserves or National Guard and was discharged under honorable conditions **and;**
    - the person is not otherwise disqualified from possessing or purchasing a firearm under state or federal law and is not carrying the firearm in furtherance of a crime **and:**

- except as provided in 21 O.S. 1283(B) (dealing with convicted felons and delinquents) the person has not been convicted of any one of the following crimes, either in Oklahoma or another state:
  - assault and battery pursuant to **21 O.S. 644** which caused serious physical injury to the victim,
  - aggravated assault and battery pursuant to **21 O.S. 646**,
  - assault and battery that qualifies as domestic abuse as defined at **21 O.S. 644**,
  - stalking pursuant to **21 O.S. 1173**,
  - a violation of a Protective Order, or
  - a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act.
- The person is prohibited from carrying the firearm into any of the places prohibited in **21 O.S. 1277** (A) (e.g., government buildings, courthouses, jails, schools, etc…) or any other place prohibited by law.

- **21 O.S. 1277** is amended to provide that the places described in ¶ A (again, government buildings, etc.…) can prohibit persons from carrying a firearm on the premises. Paragraph F is amended to specifically provide that a person is not authorized to constitutionally carry a firearm (or a machete, blackjack, loaded cane, hand chain, or metal knuckles) on the property of a college, university, or technology center except as provided in this subsection. The listed items **can** be kept in a vehicle on property set aside for "the use or parking of any vehicle" if the firearm, machete, etc... is not removed without consent of the head of the college, university, or technology center. In addition, the policy of the educational institution can authorize the possession of the weapons. Paragraph G is amended to state that the prohibitions do not apply to any "peace officer or any person authorized by law to carry a <u>firearm</u> in the course of employment (emphasis added)." Previously the term "pistol" was used.
- **21 O.S. 1283** is amended to provide that a person who's been convicted of a **non-violent** felony and has received a full pardon may carry under these provisions. A new paragraph is provided at E to state that an alien who is "illegally or unlawfully" in the United States is not permitted to have in his/her possession, in a vehicle in which the person is **operating**, or in a residence in which the person resides a "pistol, imitation or homemade pistol, altered air or toy pistol, shotgun, rifle or any other dangerous or

deadly firearm." However, a violation of that section is a misdemeanor punishable **only** by a fine of $250.

- **21 O.S. 1289.6**, Conditions Under Which Firearms May Be Carried, is amended to recognize constitutional carry. Language that currently states:

  > "For lawful self-defense and self-protection or any other legitimate purpose in or on property that is owned, leased, rented, or otherwise legally controlled by the person."
  >
  > is amended to read:
  >
  > "For lawful self-defense and self-protection or any other legitimate purpose."

  Language authorizing transporting a firearm for repair, barter, trade, hunting, etc…is eliminated as well.

- **21 O.S. 1289.7**, Firearms in Vehicles, is amended to provide that a person who is not otherwise prohibited by law from possessing a firearm may transport a pistol, or handgun, loaded or unloaded, at any time. A person who is not otherwise prohibited by law from possessing a firearm may transport a rifle or shotgun open or concealed pursuant to the requirements of **21 O.S. 1278.13** (that section is amended to permit the rifle or shotgun to be transported if it is clip or magazine loaded and it can be transported in "an exterior locked compartment of the vehicle or trunk of the vehicle or in the interior compartment of the vehicle). **Paragraph D of 1289.7** is amended to provide that it is unlawful for a person who is transporting a firearm in a vehicle to "fail or refuse to identify that the person is in actual possession of a firearm **when asked** to do so by a law enforcement officer of this state during any **arrest, detainment, or routine traffic stop** (emphasis added)." Note that the officer must ask (not as it previously was for SDA: the person was required to advise the officer). Also note that this is limited to arrest, detainment or routine traffic stop, presumably not during a consensual encounter. **Violation of this provision is punishable only by a citation not exceeding $100.** By the language of the statute, this is not an offense for which an arrest can be made.
- **21 O.S. 1289.13A**, Improper Transportation of Firearms, is amended to reflect that if a **firearm** is improperly transported, a citation not exceeding $70 **may** be issued. Previously this section only applied to handguns under the SDA and it stated the citation **shall** be issued. The amended statute further clarifies that any firearm lawfully carried or transported pursuant to state law shall not be confiscated unless the officer

has probable cause to believe the firearm is contraband or used in commission of another crime.

- **21 O.S. 1289.24**, Firearm Regulation – State Preemption, is amended to reflect that the State preempts all firearms regulation to prohibit any political subdivision from adopting laws relating to carrying or possessing firearms under **Chapter 53 of Title 21 (Manufacture, Sale, and Wearing of Weapons)**.
- **21 O.S. 1290.7**, Construing Authority of License, is amended to provide that the availability of a license under the SDA will not be construed to prohibit the lawful transportation or carrying of a handgun or pistol in a vehicle or upon the person, whether concealed or unconcealed, loaded or unloaded, and without a license.
- **21 O.S. 1290.8**, Possession of License Required Notification to Police of Gun, relates to license holders and is amended to reflect that a person in possession of a firearm (previously said handgun) must identify that he/she is in possession of the firearm **only upon demand of the officer.** Previously a license holder had to volunteer the information under certain circumstances. Relevant language states:

  > No person shall be required to identify himself or herself as a handgun licensee or as lawfully in possession of any other firearm if the law enforcement officer does not demand the information.

  Violation of this is punishable **only** by a citation not exceeding $100.
- **21 O.S. 1290.22,** Business Owner's Rights, is amended to reflect that if a person carrying a concealed or unconcealed firearm on property that has signs prohibiting possession of firearms, has been advised by the owner, business entity, or manager that he/she is in violation and refuses to leave, and the police have been summoned, is punishable as provided in **21 O.S. 1276** (misdemeanor, not more than $250 and 30 days for first offense). Previously this was not a criminal violation and was subject **only** to a citation of not more than $250.

SB 24 (effective November 1, 2019) amends various definitions relating to firearms.

- **21 O.S. 1289.3**: The bill changes the definition of "pistols" or "handguns" to apply the new definition to not just the Oklahoma Firearms Act but also to the Oklahoma Self-Defense Act (**21 O.S. 1290.2** of the SDA is changed to eliminate the language in that statute and refer back to **1289.3**). In addition, language is added to state that the **definition of a pistol or handgun does not include "….any firearm with an overall length of twenty six (26) inches or more**…"

- **21 O.S. 1289.5**: The definition of shotgun is changed to reflect that a shotgun uses "…a combustible propellant charge…" The previous language that the shotgun uses "…..either gunpowder, gas or other means of rocket propulsion…" is eliminated. In addition, language is added regarding overall length so that the definition of a shotgun, in pertinent part now reads (new language underlined, emphasis added) "….but **not** to include any weapon so designed with a barrel less than eighteen (18) inches in length unless the overall length of the firearm is twenty-six (26) inches or more."
- **21 O.S. 1289.18**: The definition of sawed off shotgun is changed by eliminating the language that it uses "either gunpowder, gas or other means of rocket propulsion" and replacing it with (emphasis added) "a combustible propellant charge, **but does not include any weapon so designed with a barrel less than eighteen (18) inches in length, provided it has an overall length of twenty (26) inches or more."**

  In addition, in paragraph C the term "knowingly" is added so that to constitute a felony, a person must **knowingly** have in his possession a sawed off shotgun or rifle.

  Paragraph D that previously provided that it was a defense to the charge if the person provided an approved application form that authorized the transfer of the firearm under the National Firearms Act is changed to reflect that this section doesn't apply "to any firearm that is lawfully possessed under federal law or that is otherwise not regulated as a "firearm" pursuant to the National Firearms Act."

  Paragraph E is added and states:

  > The term "firearm" as used in this section and the Oklahoma Firearms Act of 1971, shall not include an "antique firearm" as defined in 18 U.S.C., Section 921 (2006).

SB 711 (effective November 1, 2019) amends 21 O.S. 856 relating to the definition of a "Criminal Street Gang" to include a group of persons who solicit or induce a person to commit an act of prostitution, engage in human trafficking, or possess a firearm AFCF. In addition, **57 O.S. 582 is amended** to provide that persons convicted of child prostitution or human trafficking for commercial sex must register under the Sex Offenders Registration Act.

SB 752 (effective November 1, 2019) amends 21 O.S. 838 relating to harassing an employer in the course of an employer's business. The amendment adds disruptions and interruptions of the employer's business to the statute. **The bill also amends 21 O.S. 1172 to make it unlawful to use an electronic communication including text, sound, or images with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to any person or property of that person.** Violation of **21 O.S. 1172** is a misdemeanor for a first offense and a felony for a second offense.

TITLE 22 – CRIMINAL PROCEDURE

HB 1269 (effective November 1, 2019) amends various statutes relating to expungements and implementing criminal justice reform.

- **An amendment to 22 O.S. 18 provides a new category of eligibility for expungement.** If a person was convicted of a nonviolent felony which was subsequently reclassified as a misdemeanor (e.g., personal possession of some drugs, larceny of less than $1,000 but more than $500), the person is not currently serving a sentence for a crime, at least 30 days have passed since the completion or commutation of the sentence which was reclassified, any restitution has been paid in full, and any treatment program has been successfully completed, the person can apply for an expungement under the amended statute.
- **New law is created at 22 O.S. 18a** which provides a statutory form to be used for the expungement. **Title 22 O.S. 991b and 22 O.S. 991c are amended** to provide that a revocation of a suspended sentence or an acceleration of a deferred sentence for crimes that have been reclassified from felonies to misdemeanors, the sentence shall be modified to a term that does not exceed the maximum current sentence for a suspended sentence and for a deferred sentence to the sentence that would have been applicable had the offense been committed after July 1, 2017.
- **Title 57 O.S. 332.2 is amended** to require that the Pardon and Parole Board create an accelerated docket for applicants convicted of crimes that have been reclassified from felonies to misdemeanors. The Department of Corrections is required to certify a list of potentially eligible inmates to the Board within 30 days of the effective date of the Act.

HB 1881 (effective November 1, 2019) creates new law at 22 O.S. 991h requiring a court to issue no contact orders to a defendant upon conviction of certain crimes. The no-

contact order extends to the victim or the family of the victim during the time of confinement, probation, or deferment. Generally the crimes for which the no-contact orders must be issued are sex crimes, child prostitution, child pornography, human trafficking for commercial sex, and lewd or indecent proposals to a child.

HB 2091 (effective November 1, 2019) amends 22 O.S. 1602 by increasing the number on the Domestic Violence Fatality Review Board to 20 from 18. At least 1 of the 2 additional members will be an American Indian survivor of domestic violence selected from a list of 3 provided by the Native Alliance Against Violence.

HB 2260 (effective November 1, 2019) amends various statutes relating to domestic violence to recognize and address emergency temporary orders (in addition to emergency ex parte and protective orders)**. Section 60.2 of Title 22** is amended to provide that a victim of rape, forcible sodomy, a sex offense, kidnapping, assault and battery with a deadly weapon, or a member of the immediate family of a 1st degree murder victim can petition for an emergency temporary order or emergency ex parte order regardless of any relationship or scenario. **Title 22 O.S. 60.3** is amended to provide that an emergency temporary ex parte order is in effect until the court date that was assigned by the court during the approval of the order (previously until the close of the next business day). Emergency temporary ex parte orders must be heard within 14 days after issuance. The court is required to provide a list of available court dates. The court clerk is permitted to receive return of service by facsimile or other electronic transmission for service when a sheriff in another county served a protective order, a notice of hearing, an emergency temporary order or emergency ex parte order. A sheriff can transmit an emergency temporary order, an emergency ex parte order, or a petition for protective order to any law enforcement jurisdiction by electronic means. The bill amends **22 O.S. 60.17** to prohibit a court from considering a "no contact order as condition of bond" as a factor when determining whether a petitioner for a protective order is entitled to relief.

HB 2630 (effective November 1, 2019) amends various statutes relating to domestic violence. Definitions are modified by defining "intimate partner" and "family or household member" in **22 O.S. 60.1** to include the various relationships that are protected under domestic violence laws.

- **Intimate partner is defined as**
  a. current or former spouses,

b. persons who are or were in a dating relationship,
c. persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time, and
d. persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner, but is never a necessary condition.

- **Family or household member means**:
  a. parents, including grandparents, stepparents, adoptive parents and foster parents,
  b. children, including grandchildren, stepchildren, adopted children, and foster children, and
  c. persons otherwise related by blood or marriage living in the same household.

By defining these categories the references in other statutes are shortened. Rather than repeat the lists, the references are now to "intimate partner or a family or household member."

In addition, the counseling and treatment for those convicted of a domestic abuse crime is clarified to require that the person complete a batterers intervention program (previously they had to "participate in counseling or undergo treatment").

SB 184 (effective November 1, 2019) amends 22 O.S. 210 relating to DNA collection to reflect that a person who is arrested for a felony will have DNA collected by trained medical personnel, law enforcement, tribal police officers, or employees or medical contractors of those agencies. Those who have DNA already on file are no longer exempt from additional testing. Those facilities that use Rapid DNA technology are permitted to use that technology for matching or identification but must discard it after the test is concluded. Testing can also occur under a plea agreement. A person charged with the custody and dissemination of DNA samples and/or profiles who improperly divulges or discloses the information is guilty of a misdemeanor.

SB 236 (effective November 1, 2019) amending 22 O.S. 751 to provide that laboratory reports from the FBI or DEA are admissible at hearings prior to trial or at forfeiture hearings.

SB 636 (effective November 1, 2019) creates new law at 22 O.S. 22 requiring that law enforcement agencies, in conjunction with "the county or district attorney," adopt written policies requiring that custodial interrogations of homicide or felony sex crimes suspects be electronically recorded. The policy must have a requirement that the entire interrogation be recorded, that the making and signing of any statement be recorded, that the policy address the retention and storage of the recordings, and that the policy address any exceptions to the requirement of recording (such as malfunction of the recording device). **The policy must be made available to all officers of the agency and be available for public inspection**.

SB 798 (effective November 1, 2019) creates new law at 22 O.S. 21 requiring that agencies that conduct eyewitness identification procedures adopt a comprehensive policy that requires

- that photo or in-person lineups be conducted by a **"blind administrator"** or a technique of blind administration,
- that the lineup be conducted with **"fillers" that match the witness's description** of the suspect,
- that the **witness be advised the subject may or may not be in the lineup**,
- that upon identifying a person the **witness state his or her degree of certainty** in the ID, and
- that a **show-up only be used when a suspect is detained within a reasonably short time after the offense**.

The new law also describes the use of the **folder shuffle method** for photo lineups.

SB 815 (effective November 1, 2019) amends 22 O.S. 18 relating to expungements. With the change, a person who has received a pardon can apply for an expungement. Before the change, the pardon had to be on the basis of actual innocence. A person with no more than 2 felony convictions neither of which is listed in **21 O.S. 13.1** (i.e., an 85% crime or which would require the person to register as a sex offender), has no pending charges, and at least 10 years have passed since the completion of the felony sentence (previously 20 years) can apply for expungement.

SB 858 (effective November 1, 2019) amends 22 O.S. 11 to eliminate the requirement that any offense, including traffic offenses, that did not otherwise have a term of

imprisonment, was punishable by 1 day in jail at the discretion of the court. In addition, this bill repeals **22 O.S. 16** relating to jury trials and exceptions.

SB 958 (effective November 1, 2019) amends 22 O.S. 40.7. Prior to the change, the statute stated that if a party offered evidence of domestic abuse, expert testimony was admissible relative to the effects of domestic abuse on the beliefs, behaviors, and perception of the person being abused. With the change, language was added "….including but not limited to…." the above. Therefore, it would appear that the expert testimony can include things other than the items listed.

TITLE 10A – CHILDREN AND JUVENILE CODE

HB 1427 (effective November 1, 2019) relating to multidisciplinary teams and release of reports and information. By way of reminder, multidisciplinary teams are created by **10A O.S. 1-9-102** to intervene when reports of child sex abuse or child physical abuse or neglect are received. These teams include police officers or other law enforcement agents who have "a role in, or experience or training in child abuse and neglect investigation." A new section is added in paragraph H of that statute that provides:

> H. Each member of the team shall be responsible for protecting the confidentiality of the child and any information made available to such person as a member of the team. The multidisciplinary team and any information received by the team shall be exempt from the requirements of Sections 301 through 314 of Title 25 of the Oklahoma Statutes and Sections 24A.1 through 24A.31 of Title 51 of the Oklahoma Statutes.

In addition, new law is created at **51 O.S. 24A.32** (the Open Records Act) that provides that reports produced or information received by a multidisciplinary team **shall be confidential and may be kept confidential by the team.**

The Open Meeting Act is amended at **25 O.S. 304** to provide that multidisciplinary teams are not public bodies and therefore not subject to the requirements of that Act.

SB 576 (emergency clause, effective July 1, 2019) amends statutes relating to the reporting of child abuse. Section 1-2-101 of Title 10A is amended to require that a school employee (previously only teachers) who has reason to believe that a student under 18 is a victim of abuse or neglect shall report the fact to the Department of Human

Services (DHS) and local law enforcement (before the change the report was made only to DHS). New language is added to require that law enforcement keep any information about the identity of the school employee confidential unless otherwise ordered by the court. **This bill also amends 70 O.S. 1210.163** to require that a school employee (again, previously only teachers) who has reason to believe a student under 18 **or** over 18 is a victim of abuse or neglect shall make a report to local law enforcement. Again, law enforcement shall keep the identity of the person confidential.

TITLE 11 – CITIES AND TOWNS

SB 589 (effective November 1, 2019) amends 11 O.S. 34-107 to provide that the Oklahoma Association of Chiefs of Police (OACP) has the responsibility, upon receiving a complaint that a municipal agency has not complied with safety and liability policy requirements, to conduct compliance reviews of the agency. If an agency does not come into compliance within 6 months, the OACP "…**shall notify in writing the chief elected official of the governing body of the law enforcement agency, the chief law enforcement of the law enforcement agency, and the liability insurance company of the law enforcement agency.**

SB 708 (effective November 1, 2019) creates new law at 11 O.S. 22-139 to permit a municipality to designate personnel who have been issued SDA licenses to attend an armed security guard training program or a reserve officer certification program. The governing body of the municipality has final authority to determine and designate personnel who will be authorized to obtain and use an armed security guard license or reserve police officer certification in conjunction with their employment as city or municipality personnel.

TITLE 19 – COUNTIES AND COUNTY OFFICERS

HB 1995 (effective November 1, 2019) amends 19 O.S. 517.1 regarding the sheriff maintaining audio and video recordings from recording equipment attached to an officer. If such recordings relate to an officer involved shooting, use of lethal force, incidents resulting in medical treatment, incidents identified in a written application for preservation of the recording, or incidents identified for preservation as requested by the district attorney the county is required to maintain the recordings for 1 year from the date of the incident. Other audio and video recordings must be maintained for 180 days. Any

written reports and records relating to the audio and video recordings must be maintained for 7 years.

SB 484 (effective November 1, 2019) amends 19 O.S. 4 to provide that lawsuits may be brought against a county by naming an individual county officer identified in **19 O.S. 161** (county clerk, county commissioner, county assessor, district court clerk, county treasurer or county sheriff) if there is an allegation that the county officer, in his/her official capacity, is directly or vicariously liable in an action not arising out of contract.

TITLE 37A – INTOXICATING LIQUORS, ALCOHOLIC BEVERAGES

HB 1024 (emergency clause, effective April 16, 2019) amends 37A O.S. 1-111 relating to the prohibition on certain employees of the State or political subdivisions working in alcoholic beverage businesses. While the prohibition on certified peace officers remains in place, an exception is created for "peace officers who are working as off-duty security" in an alcoholic beverage business. Despite this exception, peace officers need to be aware of their agency policies (which may address this) and **21 O.S. 1272.1**, Carrying Firearms Where Liquor is Consumed.

HB 1343 (effective November 1, 2019) amends various statutes in Title 37A to permit "Commercial Passenger Vessels" to obtain licenses to sell alcoholic beverages and to provide that the ABLE Commission "may" revoke when a licensee knowingly sold alcoholic beverages to a person under 21. Before this change, 37A **O.S. 2-148** stated that ABLE "shall" revoke.

HB 1640 (emergency clause, effective May 23, 2019) amends 37A O.S. 2-139 to permit a church to waive the 300 foot restriction for an ABLE licensed establishment by providing written notice to the establishment and ABLE.

HB 2325 (effective November 1, 2019) amends 37A O.S. 6-103 to permit a person under 21 to enter a retail spirits location if accompanied by the person's parent or legal guardian.

SB 804 (emergency clause, effective July 1, 2019) amends 37A O.S. 6-102 to permit a patron to leave licensed premises with an open container of beer or wine during the hours of 8:00 a.m. to midnight on the day of a scheduled home football game of institutions within the State System of Higher Education and the establishment is within 2000 feet of

the institution (i.e., college or university) or the licensee is participating in a municipally sanctioned art, music, or sporting event and notice has been provided to ABLE. The person must remain on the licensee's property or in a public area adjacent to the property of the licensee with prior municipal approval.

SB 819 (effective November 1, 2019) amends 37A O.S. 2-102 to allow for consumption of beer or cider at a brewery outside of the serving area (defined as the area where drinks are sold, prepared, and served to paying customers). A brewery license allows the holder to manufacture and sell cider and permits accompanied visitors under 21 to be on the licensed premises except the serving area.

TITLE 47 – MOTOR VEHICLES

SB 1339 (NOTE: THIS IS FROM THE 2018 SESSION OF THE LEGISLATURE BUT BECAME EFFECTIVE JULY 1. 2019) amends and creates new law relating to vehicle registration and license tags. This legislation amends a variety of statutes relating to license tags. Among other changes, a license tag now will go with the owner, rather than the vehicle, and owners must carry registration for the vehicle being operated.

- **47 O.S. 1112** is amended to require that when a vehicle is registered the owner must provide a full description of the vehicle to include, per the added language, the make, model, and color.
- **47 O.S. 1112.2** is created to provide that license plates are to remain with and in the name of the owner of the vehicle upon transfer, i.e., when a vehicle is transferred the seller keeps the plate to be used on a replacement vehicle of the same registration class. License plates cannot be transferred between owners. Provisions are made for the person to pay the difference in registration costs between the sold and replacement vehicles but if the vehicle is not replaced or the replacement vehicle has a lower registration cost no refund is to be given!

  The person who buys the car is permitted to operate the vehicle for up to five days without a license plate if a dated notarized bill of sale is carried in the vehicle.

- **47 O.S. 1112.3** is created and provides that 30 days after purchase of a vehicle the driver/operator shall have in his/her possession or in the vehicle and display upon demand of a peace officer or employee of DPS the following:
  - Registration certificate or official copy thereof;

- True copy of rental or lease documentation;
- Registration certificate or official copy thereof issued for a replacement vehicle in the same registration period;
- Temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet; or
- Cab card issued for a vehicle registered under the International Registration Plan (The International Registration Plan is a registration reciprocity agreement among states of the United States, the District of Columbia and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions).

- **47 O.S. 1113** is amended to provide that, after the effective date of July 1, 2019, certificates of registration will be carried in or on **all** vehicles (not just commercial vehicles as in previous law) in such manner as to permit a ready examination upon demand of a peace officer or duly authorized employee of DPS.

HB 1014 (effective November 1, 2019) amends 47 O.S. 6-110.2 to permit OSBI to access computerized fingerprint images collected by DPS for driver licenses to use to identify deceased, missing, or endangered persons.

HB 1044 (effective November 1, 2019) amends 47 O.S. 11-901c to permit the driver of a public school bus to use a hand-held mobile phone when driving to and from a central dispatch school transportation department or its equivalent.

HB 1071 (effective November 1, 2019) amends 47 O.S. 11-801 to raise speed limits on some roadways. On rural segments of the interstate highway system a limit of 75 mph may be set after a traffic or engineering study is completed. If approved by the Turnpike Authority, a speed limit of 80 mph may be set on the turnpike system.

HB 1217 (effective November 1, 2019) amends 47 O.S. 14-103A to increase the allowable width for transport of a mobile home from 16 to 18 feet and to also require that a front and rear escort be used when transporting on an interstate highway.

HB 1265 (effective November 1, 2019) amends various statutes in Title 47 (47 O.S. 1-104, 47 O.S. 1-134, 47 O.S. 11-1103, and 47 O.S. 12-701), creates new law at 47 O.S. 11-1209, and repeals 47 O.S. 11-805.2 to create definitions for Class 1, Class 2, and Class 3 electric-assisted bicycles and exempts these from requirements for driver licenses, insurance, vehicle registrations, and certificates of title.

HB 1332 (effective November 1, 2019) amends 47 O.S. 11-1116 to permit the operation of golf carts and utility vehicles on roadways in the unincorporated areas of a county if the roadway is not part of the interstate highway system. Before the change the county commissioners had to approve the operation and the all-terrain vehicle had to be used as an implement of husbandry. That language has been eliminated.

HB 1926 (effective November 1, 2019) amends 47 O.S. 11-705 to permit school districts to install video-monitoring systems on school buses to record violators who pass school buses when the red lights are flashing. The video-monitoring system will record, at a minimum, a recorded image of the license plate, an identifiable picture of the driver's face, the activation status of at least one warning device, and the time, date, and location of the vehicle when the image was recorded. The video will be sent to the law enforcement agency with jurisdiction for review and if the agency determines there is sufficient evidence to identify the vehicle and driver, the evidence will be provided to the District Attorney's Office for prosecution. The bill creates a special assessment of $100 to be added to the fine for passing a school bus. Of the assessment, 75% will go to the Cameras for School Bus Stops Revolving Fund. The remaining 25% will go to the reviewing law enforcement agency.

HB 2037 (effective November 1, 2019) amends 47 O.S. 2-125 to permit county sheriffs to assess a fee to those for whom the sheriff provides hosting services for the Oklahoma Law Enforcement Telecommunication System (OLETS). Such fees are permitted for the actual itemized costs of personnel, user fees, necessary hardware and accessories, installation of equipment, maintenance, training and operational expenses. The inter-local agreement must be filed with the county clerk and in the offices of each governmental entity involved. The fees are to be deposited in the Sheriff's Service Fee Account and must be used only for the purposes in the statute.

SB 2453 (effective November 1, 2019) amends 47 O.S. 11-1208 relating to overtaking and passing bicycles. With the change, if there is more than 1 lane in the same direction the motorist shall move to the left lane if possible and not move back until safely clear of the bicyclist. If there's only 1 lane in the same direction, the motorist shall not overtake or pass at a distance of less than 3 feet between any part of the motor vehicle and the bicycle. The motorist may drive to the left of center, including in a no-passing zone, only if the roadway is unobstructed. This section does **not** permit driving left of center if doing so would violate **§§ 11-303** (Overtaking a Vehicle on the Left – Signal), **11-305**

(Limitations on Overtaking on the Left), or **11-306** (Further Limitations on Driving to Left of Center of Roadway). Violations are misdemeanors with enhanced punishments if an accident results or if an accident results in great bodily injury or death.

HB 2454 (effective November 1, 2019) amends 47 O.S. 11-202 to permit a bicyclist to proceed through a red light if the bicycle has been brought to a complete stop, the traffic signal is engineered to change to a green light only after detecting the approach of a motor vehicle and has failed to detect the bicycle because of size or weight, and no motor vehicle or person is approaching or the vehicle or person is not close enough to constitute an immediate hazard.

HB 2516 (effective November 1, 2019) amends 47 O.S. 1112 to permit an owner or lessee of a noncommercial vehicle to inform the Oklahoma Tax Commission (OTC) that the owner, lessee, or someone who may be operating the vehicle is deaf, hard-of-hearing, autistic, or suffers from Apraxia or a communication disorder. The information will be available to law enforcement through OTC's registration system.

HB 2629 (effective November 1, 2019) amends 47 O.S. 11-314 to require that a motorist proceed with due caution when approaching a wrecker displaying an amber light. If possible, the motorist is to change lanes (as they are required to do for emergency vehicles). **The bill also amends 47 O.S. 954** to permit officers to detain and arrest persons offering towing services to the public for a charge without a valid license.

SB 89 (effective November 1, 2019) <u>also</u> amends 47 O.S. 11-314 (see HB 2629 above) to require that a motorist change lanes if possible, proceed with due caution, and reduce speed when encountering **<u>any</u>** stationary vehicle that is displaying flashing lights.

SB 83 (effective November 1, 2019) amends 47 O.S. 802 to eliminate the requirement that the Department of Public Safety Commissioner collaborate with OBNDD when creating a curriculum on human trafficking for those being trained in Class A, B, or C commercial licenses. After the change the Commissioner shall collaborate only with organizations that specialize in the recognizing and preventing human trafficking.

SB 189 (emergency clause, effective July 1, 2019) amends 47 O.S. 11-310 to provide that the statute relating to following too closely does not apply to the lead vehicle in a "platoon." A platoon is defined as "a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination." Research reveals that

truck platooning is the use of vehicle-to-vehicle communication by radar and cameras which allows 2 or more trucks to virtually connect in a convoy. This permits the vehicles to automatically accelerate together, brake together, and follow closer than would otherwise be permitted.

SB 259 (Section 1: no effective date provided so 90 days after adjournment – August 30, 2019. Section 2: November 1, 2019) amends statutes in Title 47 relating to use by law enforcement of photographs or computerized images (including images of fingerprints) in criminal or missing person investigations or other law enforcement purposes. Both sections, for whatever reason, amend **47 O.S. 6-101** to provide that agencies approved by the Oklahoma Law Enforcement Telecommunications System (OLETS) or the National Law Enforcement Telecommunications System (NLETS) are permitted to receive photographs or computerized images through OLETS or through NLETS. The photographs or computerized images are to be obtained by law enforcement one inquiry at a time.

SB 289 (effective November 1, 2019) amends 47 O.S. 40-102 relating to commercial solicitation of personal information from collision reports. Current law provides that the report will be kept confidential (with certain exceptions) for 60 days after the collision and prohibits a public employee or officer from releasing collision reports or related investigations if sought for a "commercial purpose." The amendment provides that a commercial purpose includes an attempt to use or use "personal information," which includes name, social security number, driver license number, financial account number, or access code or password. Personal information does not include information otherwise lawfully obtained.

SB 337 (effective November 1, 2019) amends Title 47 statutes to address mopeds on streets and highways. Title 47, Section 1-133.2 defines a moped as a vehicle that can go up to 35 mph (previously 30 mph) and amends **47 O.S. 11-1116** to allow mopeds to be used on streets and highways if the municipal governing body has adopted an ordinance permitting it and the ordinance addresses necessary lighting and safety requirements. A moped can be used on county roads or highways (outside municipalities) if the board of county commissioners has approved the operation of mopeds.

SB 347 (emergency clause, effective July 1, 2019) creates new law at 47 O.S. 230.17 providing an exemption for a person holding a commercial Class A driver license to obtain a hazmat endorsement if the person is employed by a custom harvester operation,

agrichemical business, farm retail outlet and supplier, or livestock feeder or is operating as a service vehicle transporting 1000 gallons of diesel or less and marked with the appropriate "flammable" or "combustible" placard.

SB 365 (no date specified so 90 days after Legislature adjourns – August 30, 2019) creates new law at 47 O.S. 1700 creating the Oklahoma Driving Automation System Uniformity Act. The new law provides, at **47 O.S. 1701**, definitions for driving automation system and dynamic driving task. At **47 O.S. 1702**, the State preempts political subdivisions from regulating the operation of motor vehicles equipped with driving automation systems.

SB 374 (no date specified so 90 days after Legislature adjourns – August 30, 2019) amends 47 O.S. 14-107 (defining dual lane axles and dual lane axle groups/trunnion axle group) and **47 O.S. 14-109** (applying weight limits which formerly applied only to interstate highways to all roads and highways. The legislation also provides exemptions for heavy duty tow and recovery vehicles and emergency vehicles.

TITLE 63 – PUBLIC HEALTH AND SAFETY

HB 2931-NOTE: THIS BILL IS FROM 2018 SESSION OF THE LEGISLATURE (effective January 1, 2020) amends 63 O.S. 2-309 to require the use of electronic prescriptions for all Schedule II, III, and IV drugs after the effective date above. There are exceptions such as licensed veterinarians, where electronic/technology failures prevent the prescription from being transmitted electronically, practitioners other than pharmacists who dispense directly to the user, hospitals, nursing homes, hospice and dialysis facilities, etc.… Circumstances under which electronic prescriptions may not be used include various compound prescriptions and prescriptions issued under approved research protocols. After the effective date, a Schedule III, IV, of V drug cannot be filled or refilled more than six months after the date of the prescription or be refilled more than five times after the date of the prescription, unless renewed by the practitioner.

HB 2053 (effective November 1, 2019) amends 63 O.S. 1-323 to modify who can receive a copy of a "vital statistic." Vital statistics are records of birth, death, fetal death and data related thereto. Before the change, a parent named on the record or a person acting with the parent's permission could receive the record. With the change, a parent who is incarcerated is not entitled to receive the record.

HB 2519 (effective November 1, 2019) amends 63 O.S. 1-2506.1 by adding the following language:

> B. First responders may provide, without prescription, opiate antagonists to individuals who experienced or witnessed an opiate overdose for use by those individuals at a later date.
>
> …
>
> C.
>
> > 6. Personnel of the Department of Corrections or of any entity that contracts with the Department of Corrections to provide housing or services for inmates of the Department of Corrections.

SB 31 (effective November 1, 2019) amends 63 O.S. 420 relating to the amount of marijuana a license holder can possess by stating the amount in grams in addition to avoirdupois weights (pounds and ounces).

SB 85 (emergency clause, effective July 1, 2019) amends 63 O.S. 1-2506.1 to define "certified alcohol and drug counselor," "licensed alcohol and drug counselor," and "medical personnel at schools." **New law is created at 70 O.S. 1210.242** to permit schools to designate personnel to administer opiate antagonists in the event of suspected overdose and provides immunity from liability for the administration of the opiate antagonist.

SB 162 (emergency clause, signed and effective May 7, 2019) amends various statutes relating to medical marijuana to provide in 63 O.S. 420 that physicians required to sign applications for medical marijuana licenses must be members in good standing of the State Board of Medical Licensure and Supervision (MDs) or the State Board of Osteopathic Examiners (DOs). In addition, 63 O.S. 427.2 is amended to limit the weight of a test batch of marijuana to 10 pounds.

HB 2612 (no effective date specified so effective 90 days after recess of the Legislature – August 30, 2019) creates what's been called by the media as the marijuana "Unity Bill." The Act is officially designated in 63 O.S. 427.1 as the "Oklahoma Medical Marijuana and Patient Protection Act." ~~Caveat: a civil action has been filed seeking to enjoin implementation of this legislation. See Oklahoma~~

~~County case, Collum v. Bates, CV-2019-648.~~ **This case was dismissed with prejudice on August 20, 2019.**

Officers are encouraged to carefully read the statutes and seek appropriate legal advice before taking enforcement action since at least some of these statutes set forth license violations rather than crimes. License violations must be addressed by the Oklahoma Medical Marijuana Authority under the Administrative Procedures Act rather than by criminal charges.

Definitions are set forth at **63 O.S. 427.2**. Of note, "immature plant" is defined as a nonflowering plant that has not demonstrated signs of flowering while "mature plant" is defined as a harvestable female marijuana plant that is not flowering. "Authority" is the Oklahoma Medical Marijuana Authority (OMMA).

At **63 O.S. 427.3** the OMMA is created. The language provides that OMMA duties and functions include, but are not limited to, research on marijuana products, investigation of violations, levying fines and suspending or revoking licenses for violations of the act, and inspecting premises of medical marijuana businesses.

The criteria for employment with the Authority are set forth in **63 O.S. 427.4**. This section sets forth the authority of OMMA investigators. The Senior Director, the Director, and the Department Investigators "shall have all the powers of any peace officer" to, among other things, investigate violations, serve warrants, summons, subpoenas, and administrative citations, and aid/assist any law enforcement officer in the performance of his/her duties upon request. They can also require a **business** licensee to permit an inspection of licensed premises but unless there is a showing of necessity, they must give 24 hours' notice. This inspection can include not only the books and records but can also include the testing and examination of medical marijuana, concentrate, or product. Inspections are further addressed in **63 O.S. 427.6** wherein inspections are limited to 2 times a year unless the State Department of Health can show that an additional inspection is necessary because of a violation of the act. If the Department believes that notice would result in destruction of evidence, the inspection can be without prior notice.

Section 427.6 of Title 63 also notes that the Department can review records of a licensee and interview persons affiliated with the business **but** before conducting interviews with

the "medical marijuana business, research facility or education facility," the licensee will be given time to obtain legal representation if requested.

This section also provides that the Health Department will refer any complaints alleging criminal violations to appropriate state or local law enforcement and sets forth the reasons for disciplinary actions against a licensee (which includes (a)ny other basis as identified by the Department."

At **63 O.S. 427.6(G)**, the penalty for sales by a medical marijuana business to persons other than those allowed by law is $1000 for a first violation and $5000 for a second violation within 2 years of the first. Presumably if the second violation if more than 2 years after the first, the fine is again dropped to $1000.

At **paragraph H**, the penalty for first offense intentional and impermissible diversion of medical marijuana, concentrate, or products by either a patient or a caregiver is not prosecuted under a criminal statute but **only by a fine of $200**. If the person commits a second offense, the fine is $500 and, if it can be shown the violation was "willful or grossly negligent," the patient/caregiver license can be revoked.

Protection and directives for those who have a patient or caregiver license are set forth in **63 O.S. 427.8** and include:

- The rights to possess marijuana and marijuana products are cumulative and a licensed individual can possess, at any one time, all the products listed (e.g., have the listed number of plants and 3 ounces on their person). It would also appear from this language that a caregiver who also has a patient license could have his/her 3 ounces on his/her person and if he/she is picking up for the person for whom he/she is the caregiver, another 3 ounces. ALSO, if persons who live together BOTH have patient licenses, could they not each have 8 ounces in the shared residence….and 12 mature and 12 seedling plants? AND 144 ounces total of edible marijuana?
- Municipalities and counties are prohibited from enacting guidelines that restrict or interfere with the rights of licensees to "possess, purchase, cultivate or transport medical marijuana" or require patients or caregivers to obtain permits or licenses other than those set forth in the state statutes.
- A residential, commercial property owner or business owner can prohibit the consumption of marijuana (or marijuana product) by smoke or vaporization on the

premises, in the structure, or within 10 feet of the entryway of the premises. They cannot, however, prohibit other consumption of medical marijuana products by those with a license (e.g., edibles).

- Licensed patients or caregivers cannot be denied eligibility for public assistance programs (e.g., Medicaid, SNAP, WIC, TANF) because of their status as a license holder.
- **Licensed patients or caregivers cannot be denied rights to own, possess or purchase a firearm based solely on their license status**. **State and municipal agencies are not allowed to restrict, revoke, suspend, or otherwise infringe upon a person's right to own, purchase, or possess a firearm, ammunition, or firearm accessories OR firearms license or certification based on their status as a medical marijuana license holder.**
- Licensed patients or caregivers cannot be denied any right, privilege, or public assistance by a business, occupational or professional licensing board or bureau based on their status as a license holder.
- Unless required by federal law or required to obtain federal funding, an employer cannot "refuse to hire, discipline, discharge or otherwise penalize an applicant or employee" solely because of the person's status as a medical marijuana licensee.
- Unless required by federal law or required to obtain federal funding, an employer cannot "refuse to hire, discipline, discharge or otherwise penalize an applicant or employee" solely because of a positive drug test for marijuana or marijuana metabolites unless the person is not in possession of a valid patient license, the person possesses, consumes, or is under the influence of medical marijuana or medical marijuana product **OR** the position is a "safety-sensitive position." **A safety-sensitive position is defined at 63 O.S. 427.8 (K). These are jobs "that the employer reasonably believes could affect the safety and health of the employee performing the task or others" including but not limited to the following:**
    - **jobs that deal with hazardous materials**
    - **the operation of motor vehicles, other vehicle equipment, machinery or power tools**
    - **maintaining, operating, or monitoring equipment, machinery, or manufacturing process the malfunction of which could result in injury or property damage**
    - **firefighting duties**

- **operating, maintaining, oversight of critical infrastructure facilities**
- **extraction, compression, processing, etc…of potentially volatile, flammable, or combustible materials**
- **dispensing pharmaceuticals**
- **carrying a firearm**
- **direct patient care or direct child care**

An employer can prohibit the use of medical marijuana on the work premises or during work hours.

An employer, medical assistance program, insurer, workers comp carrier, or self-insured employer is not required to reimburse a person for the cost of medical marijuana.

An employer is permitted to have drug testing and impairment policies in accordance with the Standards for Workplace Drug and Testing Act in Title 40.

The same restrictions that apply to tobacco in the Smoking in Public Places and Indoor Workplaces Act (**63 O.S. 1-1521**) apply to smokable, vaporized, vapable, and e-cigarette medical marijuana consumption.

Among the restrictions on physicians at **63 O.S. 427.10**:

- The physician must be licensed as an allopathic or osteopathic physician and must have completed his/her first residency
- Licensing boards cannot discipline a physician for providing a medical marijuana recommendation however the board may discipline for failure to properly evaluate a patient or for otherwise violating physician-patient standard of care.
- A physician who recommends use of medical marijuana cannot be located at the same physical address as a dispensary.
- If the physician determines the patient no longer meets the requirements, the physician is to notify the Department and the Authority will immediately revoke the license.

63 O.S. 427.11 deals with caregiver licenses and permits the caregiver to possess marijuana, marijuana products and plants pursuant to the act BUT the caregiver cannot use marijuana unless he/she possesses a patient license. Caregivers are authorized to deliver to their authorized patients and to possess up to the sum of the possession limits for the patients under his/her care. The caregiver is limited to 5 patients so he/she can

possess up to the limits of **all** those patients. Finally, the caregiver license does not extend beyond the expiration date of the underlying patient no matter the expiration date of the caregiver license.

Growing marijuana by patients and caregivers is addressed at **63 O.S. 427.12**. A patient or caregiver may only grow on property owned by the patient or on real property for which the **patient license holder** has the property owner's written permission to grow marijuana.

Also at **§427.12**, patient or caregiver licensees may only grow where the marijuana plants are not "accessible to a member of the general public." The plants may not be visible from any adjacent street. Interestingly, "visible" in this content relates to a person with 20/20 eyesight without the use of any device to improve viewing distant **or vantage point**.

Section C of §427.12 prohibits the use of extraction equipment or extraction processes utilizing butane, propane, carbon dioxide, or other hazardous materials in a residential property.

Specific requirements regarding inventory systems which allow for seed-to-sale tracking are set forth in **§427.13**.

"A sheriff, deputy sheriff, police officer or prosecuting officer, or an officer or employee of the Authority or municipality" are prohibited from having a medical marijuana <u>business</u> license according to 63 O.S. 427.14 (J) (6).

In **§§K of §427.14**, the Department, the Authority, and municipalities may have access to criminal history record information furnished by a criminal justice agency when investigating the qualifications of an applicant or licensee, subject to any restrictions imposed by the agency.

Pursuant to **63 O.S. 427.16 (J)**, medical marijuana, concentrate, and product must be transported in vehicles equipped with GPS trackers, in a locked container labeled "Medical Marijuana or Derivative," and in a secured area of the vehicle that cannot be accessed by the driver while in transit.

Medical marijuana testing labs are described and regulated in **63 O.S. 427.17**. Medical marijuana research licenses are created and regulated in **63 O.S. 427.19**. The requirements for a medical marijuana education facility license are in **63 O.S. 427.20**.

HB 2601 (no date specified so 90 days after adjournment – August 30, 2019) amends 21 O.S. 1247, Smoking in Certain Places Prohibited, to include a prohibition on smoking or vaping marijuana in certain places (e.g., airports, restaurants).

In addition, **63 O.S. 1-1523** is amended to reflect that except as provided in the Smoking in Public Places and Indoor Workplaces Act, smoking or vaping marijuana is prohibited in a public place, in any part of a zoo to which the public is admitted, in an indoor workplace, in any vehicle providing public transportation, at a meeting of a public body, in a nursing facility, or in a child-care facility. Smoking tobacco or marijuana or vaping marijuana is prohibited in a State of Oklahoma vehicle. Smoking tobacco in an outdoor seating area of a restaurant is not prohibited however smoking tobacco or marijuana or vaping marijuana within 15 feet of any exterior public doorway or any air intake of the restaurant is prohibited.

Title 63 O.S. 1-1525 is amended to provide that a state or local government agency or the person who owns or operates a public place is required to post signs that smoking marijuana or tobacco or vaping marijuana is prohibited and if violations are observed they are required to ask the person to refrain.

The amended **63 O.S. 420 provides for a "short term medical marijuana license"** if the applicant qualifies for a 2 year license but the physician's recommendation is only for 60 days.

HB 2613 (emergency clause, effective May 15, 2019) amends Section 2 of HB 2612 (above – 63 O.S. 427.2) to permit podiatrists to recommend medical marijuana to patients. **HOWEVER, it appears that HB 2612, which according to oscn.net goes into effect November 1, 2019 supersedes this and reverts back to old language.**

SB 532 (effective November 1, 2019) creates new law at 12 O.S. 1560 to address situations where a licensed marijuana dispensary, grower, or processor is foreclosed, is the subject of an order appointing a receiver, becomes insolvent, bankrupt, or otherwise ceases operations (including death of the licensee). A secured party or receiver is permitted to continue operations upon submitting proof to the OMMA that they meet the relevant requirements and restrictions of the law.

SB 811 (emergency clause, effective May 14, 2019) amends 63 O.S. 425 to exempt biomedical and clinical research which is subject to federal regulations and institutional oversight from State Department of Health.

SB 882 (emergency clause, various effective dates) creates new law at 63 O.S 427-430 and amends sections of the marijuana laws to provide for waste disposal licenses and the process for disposal of medical marijuana waste.

SB 1030 (no date specified so 90 days after the Legislature adjourns – August 30, 2019) amends 63 O.S. 420 to provide that a person who possesses 1.5 ounces of marijuana without a license but can "state a medical condition" is punishable by a fine only of $400 (current law) and **shall not be subject to imprisonment for the offense (new law).** The change further states that an officer who comes into contact with such person and "is satisfied as to the identity of the person, as well as any other pertinent information the law enforcement officer deems necessary, shall issue to the person a written citation containing a notice to answer the charge against the person in the appropriate court." The officer is required to release the person upon personal recognizance unless there has been a violation of another law.

The bill also amends **63 O.S. 425** to state that although a city may not unduly change zoning laws to prevent marijuana establishments from operating in the city, they are permitted to follow standard planning and zoning procedures.

New law is created at 63 O.S. 427 requiring the Department of Health to assist law enforcement upon request. **Except for license information regarding licensed patients**, the Department is required to share information with law enforcement agencies upon request and without a subpoena or search warrant. The Department is required to "make available all information displayed on medical marijuana licenses, as well as whether or not the license is valid, to law enforcement electronically through the Oklahoma Law Enforcement Telecommunications System." The Department is further required to "make available to political subdivisions a list of marijuana-licensed premises, medical marijuana businesses or any other premises where marijuana or its by-products are licensed to be cultivated, grown, processed, stored or manufactured…" This is to aid the city or county in ensuring compliance with local regulations.

The bill amends **Section 7 of Enrolled House Bill 2612 (which created new law at 63 O.S. 427.7)** by adding that the medical marijuana use registry shall be accessible to any court in the state and by eliminating the phrase "(n)o personally identifiable information, as defined under HIPAA, shall be stored at the Department." Note, however, that the Department of Health is still required to handle record in compliance with, among other laws, Health Insurance Portability and Accountability Act of 1996 (HIPAA).

SB 166 (effective November 1, 2019) amends 63 O.S. 2-204 and 63 O.S. 2-206 to add specific compounds of fentanyl, PCP, Isopropyl, Phenibut, and N-ethyl hexadrone to the list of Schedule I drugs and tianeptine to Schedule II.

TITLE 2 - AGRICULTURE

SB 868 (emergency clause, signed and effective April 22, 2019) amends various statutes in Title 2, Agriculture, and Title 63, Public Health and Safety to modify the Oklahoma Industrial Hemp Program. With this bill, the Program is no longer a pilot program and the Department of Agriculture is to submit necessary paperwork to the United States Department of Agriculture (USDA) so that the State will be compliant with federal law. The bill provides certain definitions and provides for licenses and annual inspections for those involved in the growth, cultivation, handling, and processing of industrial hemp. **Section 2-101 of Title 63** continues to exclude industrial hemp from the definition of marijuana and defines it as having not more than .3% delta-9 tetrahydrocannabinol. New law is created at **2 O.S. 3-411** prohibiting the processing of cannabidiol from any source which would be in violation of the United States Code or the Code of Federal Regulations.

TITLE 70 - SCHOOLS

HB 1207 (effective November 1, 2019) amends 70 O.S. 3311 regarding an officer's obligation to an agency that sends the officer to CLEET training. Previously if an officer who was sent to CLEET training by an agency resigned within 1 year of certification and went to another Oklahoma law enforcement agency, either the officer or the second agency was required to reimburse the initial agency for the officer's salary that was paid during CLEET training. With the amendment, if the officer leaves <u>within 1 year of initial employment</u> with the original agency, the second agency or the officer is required to reimburse the initial agency for the "<u>cost of CLEET training</u>" **<u>and</u>** <u>the salary paid while the officer was in CLEET training.</u>" Also if the officer leaves after 1 year but less than 2 years after initial employment, the second agency or the officer is required to reimburse the initial agency 50% of "the cost of CLEET training and salary paid to the person while completing the basic police course by the original employing agency."

SB 224 (effective November 1, 2019) <u>also</u> amends 70 O.S. 3311 (see HB 1207 above). Language is added to permit CLEET to require employees and employees of

subcontractors who have access to peace officer, private security, or bail enforcer records to submit to criminal history checks including fingerprinting.

Also, the language is clarified regarding mandatory revocation of peace officer certification by requiring revocation if a peace officer is the defendant/respondent in a final Victims Protective Order.

In addition, language is added in **70 O.S. 3311.4 to state that if a peace officer with full-time certification worked only as a reserve officer during a calendar year, the officer is only required to complete the training requirements for a reserve officer. However, if the full-time officer worked both as a full-time and reserve officer, the officer must complete the full-time continuing education requirements.**

SB 656 (effective November 1, 2019) amends 70 O.S. 3311.5 to remove the requirement that there be a minimum of 4 hours of oil field theft training in basic cadet training. The training is still required but the number of hours is no longer mandated.

SB 658 (effective November 1, 2019) amends 70 O.S. 3311.5 to permit municipalities of less than 65,000 population and counties of less than 500,000 population to operate basic law enforcement academies if approved by CLEET. The Council may approve no more than 2 applications per year.

SB 971 (effective November 1, 2019) amends 70 O.S. 3311.4 to require that CLEET establish training resources to include policies and protocols for responding to sexual assault calls, guidelines for collection and maintenance of sexual assault kits, and continuing education on trauma-informed sexual assault response and intervention. All certified officers are required to complete the training on a regular basis to be determined by CLEET. The bill also **amends 70 O.S. 3311.5** to require that the training include, but not be limited to:

- How to handle the sexual assault call upon first contact;
- Determining when the assault occurred;
- Where to take the victim;
- Questioning witnesses and collecting evidence; and
- Informing and assisting the victim in accessing resources, help and information.

SB 361 (no effective date provided so 90 days after adjournment – August 30, 2019) creates new law at 70 O.S. 2120 making outdoor areas of colleges and universities "public forums" and prohibits universities and colleges from creating "free speech" or other areas of campus outside of which expressive activities are prohibited.

SB 382 (emergency clause, effective July 1, 2019) amends 70 O.S. 24-100.5 to mandate that Safe School Committees (which are composed of at least 7 persons including teachers, parents, students, and a school official and may include administrators, school staff, volunteers, community representatives, and local law enforcement) study and provide recommendations to principals regarding professional development needs of school personnel to recognize and report suspected human trafficking.

TITLE 57 – PRISONS AND REFORMATORIES

HB 1374 (emergency clause, effective May 7, 2019) amends 57 O.S. 95 to make the Department of Corrections responsible for transporting offenders from counties to the Lexington Assessment and Treatment Center (or other location designated by DOC). DOC is to reimburse the transporting agency by paying mileage to the designated facility and back to the county sheriff's office and hourly wage reimbursement for the transporting officer for the hours of transport and time spent at the reception center (not to exceed $30 an hour per officer).

HB 1393 (effective November 1, 2019) amends 57 O.S. 508.4 to provide that all "officers, investigators, agents, and immediate supervisory staff of listed employees assigned to the Investigations Division" of the Department of Corrections are deemed to be peace officers, will possess the powers granted to peace officers, and shall meet all the training and qualifications of peace officers set forth in 70 O.S. 3311.

HB 2281 (effective November 1, 2019) amends 57 O.S. 571 to add eluding a peace officer to the definition of a violent crime. The offenses in this section are exceptions to nonviolent offenses pursuant to Article 6, Section 10 of the Oklahoma Constitution which means that the Pardon and Parole Board can only recommend but not grant parole (i.e., any parole recommendation would have to go to the Governor for approval). Interestingly, the fiscal analysis of this bill notes that it costs DOC $58.70 per day to incarcerate an inmate.

HB 2282 (emergency clause, effective April 17, 2019) amends 57 O.S. 54 to permit jailers in counties less than 400,000 population to use nonlethal weaponry upon completion of training. Previously only jailers in counties over 400,000 were permitted to use such weapons.

HB 2480 (emergency clause, effective March 13, 2019) amends 57 O.S. 503 and 506 relating to the State Board of Corrections. With the change, the Governor appoints 5 members of the Board, the Speaker of the House appoints 2, and the President Pro Tem of the Senate appoints 2. Each member serves at the pleasure of the appointing authority. The Department of Corrections Director is now appointed by the Governor with the advice and consent of the Senate and serves at the pleasure of the Governor who can remove the Director without cause. The Director can also be removed by a 2/3rd vote of both chambers of the Legislature. Previously the Director was appointed by the Board.

SB 163 (effective November 1, 2019) amends 59 O.S. 584 to require that **any person subject to the Sex Offenders Registration Act** who resides with a minor child report to the statewide centralized hotline of DHS. Previous law only required the report if the person were the parent, stepparent, or grandparent of the minor.

SB 244 (no effective date provided so 90 days after adjournment – August 30, 2019) amends 57 O.S. 37 to require the DOC to create a dedicated electronic address to receive electronically submitted judgment and sentences documents. A written receipt verification shall be sent. The amendment also provides that if the judgment and sentence is received after 5 days, DOC will nevertheless be responsible for compensating the county jail that housed the inmate.

TITLE 74 – STATE GOVERNMENT

HB 1212 (effective November 1, 2019) amends 74 O.S. 150.23 to permit DOC peace officers to keep possession of their firearm and badge upon retirement. In addition upon retirement, the officer is authorized to purchase the issued rifle, shotgun, or both at the price paid by DOC. Before this change, only correctional officers were allowed to do this.

HB 2126 (effective November 1, 2019) amends 74 O.S. 150.2 to permit OSBI to contract with political subdivisions to conduct administrative reviews of law enforcement use-of-force investigations to determine compliance with current investigative procedures

and law. Funds received pursuant to such contract will be deposited into the OSBI Revolving Fund. The reviews must be conducted by certified peace officers.

HB2640 (effective November 1, 2019) creates Francine's Law at 74 O.S. 151.3. The Oklahoma Chief Medical Examiner (OCME) and OSBI are required to enter certain data for unidentified persons (living or deceased) in the National Missing and Unidentified Persons System (NamUs). The data includes fingerprints, dental/radiology imaging records, personal descriptions, DNA information, radiology imaging and medical information, and all other identifying data including date and place of death.

The new law also requires law enforcement agencies to follow certain procedures within 30 days of receiving a missing person report. These include:

- Submit the case to NamUs and to any other database of missing persons used by the agency;
- Locate medical and dental records, X-rays or other imaging, and enter them into NamUs (these maintain their confidential character and are not to be released to the public);
- Using the family reference sample (FRS) submission kit, obtain voluntary DNA samples from appropriate family members to submit to an institution of higher education that specializes in DNA Identification to be submitted to the FBI National DNA Index System (NDIS) using the Combined DNA Index System (CODIS).
- Attempt to locate fingerprints to be submitted to NamUs.

OSBI will assist local law enforcement in locating fingerprints and photos upon request.

A law enforcement agency is prohibited from requiring a delay in taking a report of a missing person when reliable information is received that the person is missing. The agency may not require the appearance of the next of kin before initiating an investigation.

Information maintained by the OSBI will be available to the OCME and local law enforcement in attempting to identify missing persons.

No law enforcement agency can have a policy that requires a waiting period before taking a report of a missing child. When a report of a missing child is received, the agency **shall** enter the child into the National Crime Information Center (NCIC). **NOTE: the FBI requires that the name of the child be entered into NCIC within 2 hours from the time the child is reported missing.**

CLEET is required to establish appropriate training on the investigation of unidentified and missing persons and to require certified officers "to complete such training on a regular basis to be determined by CLEET."

SB 30 (effective November 1, 2019) amends 74 O.S. 150.2 to permit OSBI to investigate criminal activity involving "files, records, assets, properties, buildings or employees" of the OSBI. The change further states that the sheriff of the county or any law enforcement agency can also investigate the matter.

SB 198 (effective November 1, 2019) creates new law at 74 O.S. 840-8.1 requiring all state agencies and political subdivisions to adopt a social networking and social media policy that applies to employees of the agency or political subdivision. The policy is required to discourage comments by the public employee containing the following when it is directed to an Oklahoma citizen:

- Obscene sexual content or links to obscene sexual content;
- Abusive behavior and bullying language or tone;
- Conduct or encouragement of illegal activity; and
- Disclosure of information which an agency and its employees are required to keep confidential by law, regulation, or internal policy.

The policy is to be distributed to employees by email

The State or political subdivisions are not liable if a loss or claim results from any action undertaken in their discretion.

SB 615 (effective November 1, 2019) creates new law at 74 O.S. 846 to permit OHP, OSBI, and DOC to require a 1 year service commitment from individuals being trained for positions critical to public safety. The above agencies are permitted to require promissory notes from the individuals mandating that the individual remain with the employing agency for 1 year. The amount due will be reduced by $13 per day. The agencies are to formulate rules to implement the program.

SB 967 (emergency clause, effective July 1, 2019) creates a process to develop and implement a state-wide system of tracking sexual assault evidence collection kits. New law is created at **74 O.S. 150.28a** requiring OSBI to create an electronic system to track these kits. All kits purchased on or after October 1, 2019 must be trackable The Director of the Criminalistics Services Division is to develop rules and guidelines to ensure that previously untested kits are trackable and entered into the new tracking system. **Any agency that has untested sexual assault evidence collection kits shall comply with the protocols, rules, and guidelines relating to untested kits.** The

tracking system must be able to track the kit throughout the criminal justice system and allow a survivor to anonymously track or receive updates regarding the location of the survivor's evidence collection kit. **No later than January 1, 2020 OSBI must require all entities to participate in the state-wide tracking system.**

SB 975 (emergency clause, effective May 14, 2019) creates new law at 74 O.S. 150.28b to require that all accredited labs in the State supply to all law enforcement agencies standardized sexual assault evidence kits to collect DNA and other evidence. The kit (or other DNA evidence if a kit is not used) must be submitted for forensic testing within 20 days of receipt of evidence by the law enforcement agency or a request by the victim, victim's parent, or victim's personal representative. Whether tested or not, a kit must be kept in an environmentally safe manner for not less than 50 years or for the statute of limitations period, whichever is longer. No later than January 1, 2020, OSBI and each accredited lab must establish and disseminate guidelines and procedures for the collection, submission, and testing of DNA evidence. **New law is created at 74 O.S. 150.28c** stating that OSBI and each accredited lab shall implement a priority protocol for the testing of untested kits. The criteria for the protocol are set forth in the statute.

SOME OTHER CHANGES OF INTEREST – or not

HB 1292 (effective November 1, 2019) creates new law at 25 O.S. 98.18 to designate the Rosetta Nebula, NGC 2237, as the official astronomical object of the State.

HB 2151(emergency clause, effective July 1, 2019) amends 17 O.S. 341.3 of the Oklahoma Petroleum Storage Tank Consolidation Act to reflect that a person who owns or has custody of any measuring device who refuses to admit employees of the Corporation Commission upon his or her premises is guilty of a misdemeanor punishable only by a fine of $100.

HB 2362 (effective <u>October 1, 2019)</u> amending, creating, and revoking various statutes relating to the military justice code. The Oklahoma Uniform Code of Military Justice is recreated at 44 O.S. 800 et seq. This bill is 180 pages. The reader is encouraged to read the bill if this impacts the reader's operations, duties, or responsibilities. Several statutes may have a more widespread impact and are set forth below.

- A new statute is created at **44 O.S. 808** describing the issuance of a warrant to secure the presence of an accused person at court-martial proceedings or to execute a sentence of confinement. This warrant can "be issued by a general or special court-martial convening authority." The warrant shall command that the person "be arrested, conducted to a designated civil or military facility under the control of the state or

federal government, placed in custody as directed, and booked." The warrant is to be "signed by an authorized officer of the armed forces of this state" and "directed to all peace officers in the state or federal government and the provost marshal of the Oklahoma National Guard." The statute further states that the above officers "shall have the power and authority to conduct the arrested person to the designated facility without regard to territorial jurisdiction."

- A new statute is also created at **44 O.S. 811** to state that persons "confined before or during trial by court-martial shall be confined in any place of confinement under the control of any of the armed forces, in any county jail or in any penal or correctional facility under the control of the Oklahoma Department of Corrections." In addition, among others, no "warden, keeper, or officer of a place of confinement" named above shall refuse to keep or receive "any prisoner committed to his or her charge, when the committing person furnishes a statement, signed by him or her, of the offense charged against the prisoner." The person in charge of the place of confinement is required, within 24 hours, to report to the commanding officer of the accused person the offense charged and the person who ordered/authorized the commitment.
- New law is created at **44 O.S. 812** prohibiting the confinement of members of the state military in immediate association with:
    - Enemy prisoners; or
    - Other individuals:
        - Who are detained under the law of war and are foreign nationals, and
        - Who are not members of the armed forces.
- New law is created at **44 O.S. 814** relating to delivery of offenders to civil authorities. A person who is subject to the Oklahoma Uniform Code of Military Justice who is in a duty status and is accused of an offense can be delivered to the civil authority for trial, upon request. Once any civil law sentence is served, the person is to be transferred back to the military authorities, upon request, to serve the completion of any military sentence.

HB 2472 (emergency clause, effective July 1, 2019) creates new law at 66 O.S. 190 prohibiting a railroad car from being "brought to rest in a position which blocks vehicular traffic at a railroad intersection with a public highway or street for longer than ten (10) minutes." The new law prohibits railroads or other persons, firms, or corporations from blocking vehicle traffic at a railroad grade crossing in excess of 10 minutes unless the train is moving in a continuous forward or backward direction, or if the train is stopped for an emergency condition. The law also provides for a "one-time exception of up to, but not exceeding, ten (10) additional minutes" if the crew, operating under Federal Railroad Administration (FRA) rules can't complete a switching maneuver within 10 minutes, when a train is stopped to allow a second train to pass and separation and coupling would result in further unnecessary blocking of vehicle or pedestrian traffic, when a train is

stopped for a red train signal, and when a train is cut or separated to prevent blocking vehicles and "a working charging station exists, the time required for recoupling a train and performing air tests as required by the FRA shall not be considered a violation of this section."

Cities, county sheriffs, and OHP are given the authority to issue a citation of up to $1,000 for violations. **Note, however, the citation must be sent to the Corporation Commission for enforcement before an administrative law judge.** Of the fine, 75% of the collected fine goes to the credit of the general fund of the agency that issued the citation and 25 % to the Corporation Commission Revolving Fund.

SB 21 (effective November 1, 2019) creates new law at 25 O.S. 98.18 to designate and adopt the rib eye as the state steak of Oklahoma. Until November 1, 2019 we are/were, unfortunately and apparently, without an official state steak.

SB 201 (effective November 1, 2019) amends 43A O.S. 10-103 relating to the Protective Services for Vulnerable Adults Act by defining "personal degradation to mean a willful act by a caretaker to degrade, humiliate, or harm the personal dignity of a vulnerable adult.

SB 679 (emergency clause, effective April 29, 2019) creates new law at 68 O.S. 2899.1 permitting the head of a law enforcement agency to seek a court order requiring that a county assessor keep confidential the personal information of undercover and covert law enforcement officers. Personal information is defined as home address of the person, the spouse, domestic partner, or minor child of a person and any telephone number or email address of the person.

SB 715 (effective November 1, 2019) creates the Protective from Workplace Harassment and Violence Act. A new statute is created at 12 O.S. 1398 which allows an employer (defined to include the State and any political subdivision) to file a petition in district court for injunctive relief against an individual who has committed workplace harassment against the employer, an employee or any person who enters the property of the employer or who is performing work on behalf of or for the benefit of the employer. Workplace harassment is defined as a pattern or course of conduct that is directed toward a person in a workplace that would cause a reasonable person to suffer distress and that actually causes distress. It includes but is not limited to credible threats of violence. A court is not permitted to issue a temporary restraining order or injunction that prohibits constitutionally protected speech or conduct or is otherwise protected by law.