

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. Thanks to Chief Kevin McIntire for his able assistance.

Title 47 – Motor Vehicles

HB 2249 (Emergency! Effective date of signing) amends Title 47 O.S. § 11-1302. This change adds the Oklahoma Turnpike Authority to the list of entities authorized to close highways when flooded or under repair.

HB 2260 (effective date not clear) amends Title 47 O.S. Section 6-101 to require that an applicant for a motorcycle endorsement, who is under age 18, must complete a 'certified' motorcycle basic rider course 'approved by' the Department of Public Safety.

HB 2298 (effective November 1, 2016) amends Title 47 O.S. Section 6-105 to require that driver education courses include 'education regarding the dangers of texting while driving' and the effects on driving of 'alcohol or other intoxicating substance'.

HB 2378 (effective November 1, 2016) amends Title 47 O.S. Section 1102, to add a definition for 'park model recreational vehicle'. This means a vehicle that is:

- designed and marketed as temporary living quarters for camping, recreational, seasonal or travel use, not exceeding 400 sq. ft.
- not permanently affixed to real property
- certified by the manufacturer as complying with standards

HB 2448 (effective November 1, 2016) amends Title 47 O.S. § 11-901d to provide that proper use of 'an ignition interlock device' is not considered texting while driving.

HB 2473 (effective November 1, 2016) amends Title 47 O.S. § 7-600.2, concerning proof of insurance. If the driver 'fails to produce the security verification form', the law enforcement officer 'shall access' information from the online verification system through the *vehicle's identification number*, or *registered owner's name* or *identifying 'characteristic or marker'* to verify

compliance, and 'shall not issue a citation' if valid and current insurance is established.

HB 2555 (Effective November 1, 2016) amends Title 47 O.S. Section 11-902 to clarify the provisions for using a misdemeanor DUI to enhance punishment for a subsequent DUI. If the subsequent DUI occurs within 10 years of the completion of a sentence on a DUI conviction or 'received deferred judgment' the subsequent DUI may be filed as a felony.

HB 2571 (effective November 1, 2016) amends Title 47 O.S. Section 11-801. With this change, the speed limit for a 'school bus' is 55 mph on 'two-lane roads' and state highways. The speed limit is 65 on interstate highways and the 'turnpike system'.

HB 3167 (effective November 1, 2016) amends Title 47 O.S. § 11-801 concerning speed limits. The Basic Speed Rule is not changed. Provisions for school buses, and other specialized vehicles, are addressed elsewhere. The apparent effect of the bill is that the speed limits on larger highways are to be determined by the Department of Transportation.

HB 3146 (effective November 1, 2016) amends several sections related to driving under the influence.

Title 11 O.S. 2011, Section 14-111 and Title 28 O.S. Section 153 are amended to increase the fee assessed as result of a conviction for DUI in municipal court by \$15.00 to fund the 'Oklahoma Impaired Driver Database'.

Enacts a new law to be codified at Title 11 Section 34-108 requiring the 'municipal law enforcement officer' who makes an arrest for 'driving under the influence of alcohol or other intoxicating substance', to complete an 'impaired driver arrest report' which 'shall be entered into the impaired driver database'.

Title 28 O.S. Section 153.1, is amended to split money received from fees on DUI cases, with 25% to the District Attorneys Council and 25% to the municipality. Also removes the requirement that the municipal fee money be 'used to defer the cost of such prosecution'.

Enacts a new law to be codified at Title 47 O.S. Section 11-902c. The State Legislature 'occupies and preempts the entire field of legislation' concerning 'relating to driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired'.

A municipality may prosecute only in 'municipal criminal courts of record' for 'driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired'.

Enacts a new law to be codified at Title 47 O.S. Section 11-902d. This creates a 'statewide impaired driver database'. This is subject to '*fiscal limitations and the availability of federal funds*'. The fee money referenced above goes to the Department of Public Safety.

SB 359 (effective date not clear) enacts a new section of law to be codified at Title 47 O.S. Section 7-606.1. The provisions of the program shall not be implemented until such time that the Department of Public Safety verifies that the following conditions have been met: 1. At least Ninety-Five Percent (95%) of the personal lines auto insurance market in the state participates in the Oklahoma Compulsory Insurance Verification System using a real-time web portal system; and 2. The Oklahoma Compulsory Insurance Verification System is updated in such a way to allow for the provisions of the program to be implemented without interrupting or impeding any other lawful uses of the system.

This creates the Uninsured Vehicle Enforcement Program, to be implemented and administered by district attorneys. District attorneys and participating law enforcement agencies may enter into contractual agreements with automated license plate reader providers to provide technology, equipment, and maintenance.

Participating law enforcement agencies may use automatic license plate reader systems for investigation, detection, analysis, or enforcement. Agencies may access the online verification system to establish compliance. Data collected is considered evidence if noncompliance with the Insurance Law is confirmed. An officer's affidavit 'shall constitute probable cause for prosecution'. Data collected, when no longer needed as evidence, shall be deleted or destroyed. Data shall not be used for purposes other than Insurance enforcement and may not be sold. Data, except evidence, is exempt from the Oklahoma Open Records Act.

SB 972 (effective November 1, 2016) amends Title 47 O.S. § 1-103.2 to provide that an 'autocycle' does NOT have to have a 'fully enclosed' passenger compartment.

SB 982 (Effective November 1, 2016) amends Title 47 O.S. Section 14-101 to allow the Commissioner of Public Safety to permit movement of an 'oversize vehicle' for 'night time travel under such terms and restrictions' as the Commissioner requires.

SB 1056 (effective November 1, 2016) amends Title 47 O.S. Section 11-1401-2 to allow the use of ‘photographs, microphotographs, videotape or other recorded images’ from turnpikes for ‘an investigation or prosecution’ of a crime. Such records shall be available for law enforcement purposes pursuant to a search warrant, subpoena, or court order.

Related statutes in other Titles

HB 2042 (effective November 1, 2016) amends Title 22 O.S. Section 471.6. The judge in Drug Court already has the authority to allow a defendant to drive even though their license has been suspended, revoked, cancelled, or denied. With this change the drug court judge maintains jurisdiction over the driving privileges for 1 year after graduation from drug court.

HB 2268 (effective November 1, 2016) renames several roads and bridges

SFC Tony K. Burris

Dwight Eisenhower

Cullison memorial highway

Dr. Herbert Rowland memorial bridge

Robert E. Trigalet, USMC

Yancy B. Kite KIA WWII, memorial highway

Air Force TSgt Eugene S. Bell, MD, POW WWII

MSg Joshua Wheeler, U.S. Army Delta Force, Memorial highway

J.R. Proctor memorial highway

United States Submarine Veterans memorial highway

Army PVT Paul Gilbert KIA WWII

Cw2 Randy Lee Billings memorial highway

Lance Corporal Anthony Grundy memorial highway

Lt. Kenneth Strand memorial bridge

Jack Schmiedel memorial bridge

HB 3000 (effective November 1, 2016) creates the Trail Of Tears Historic Bike Route. This runs along U.S. Highway 62 from Tahlequah to the Arkansas border.

Title 22 – Criminal Procedure

HB 2275 (effective November 1, 2016) enacts a new law to be codified at Title 22 O.S. Section 210. This provides that any person age 18 or over who has been arrested for a felony shall, upon ‘being booked into a jail or detention facility’, submit to DNA testing for ‘law enforcement identification purposes’. Rules are promulgated by OSBI.

These samples 'shall be collected by the arresting authority'. Samples of DNA 'shall be taken by peace officers, the county sheriff or employees or contractors of the county sheriff's office' who are 'properly trained'.

Samples are to be mailed to OSBI within ten days, using 'sample kits provided by the OSBI'. Samples are not to be analyzed, and 'shall be destroyed' unless:

1. The arrest was made upon a valid felony arrest warrant; OR
2. The person has appeared before a judge who made a finding that there was probable cause for the arrest; OR
3. The person posted bond or was released prior to appearing before a judge and then failed to appear for a scheduled hearing.

All DNA samples, records and identifiable information shall be 'automatically expunged' under the following circumstances:

1. The felony offense does not result in charges AND the statute of limitations has expired; OR
2. The state voluntarily dismissed the felony charge; OR
3. The court dismissed the felony charge.

Amends Title 22 O.S. Section 1313.2 to accomplish the same purposes. Also adds a list of misdemeanors which require DNA sampling upon 'conviction'. The list now includes felonies and:

assault and battery,
domestic abuse,
stalking,
possession of a controlled substance (Schedule IV)
outraging public decency,
resisting arrest,
escaping or attempting to escape,
eluding a police officer,
Peeping Tom,
pointing a firearm,
unlawful carry of a firearm,
illegal transport of a firearm,
discharging of a firearm,
threatening an act of violence,
breaking and entering a dwelling place,
destruction of property,
negligent homicide
causing a personal injury accident while driving under the influence

HB 2397 (effective November 1, 2016) amends title 22 O.S. Sections 18 and 19, concerning expungements. This replaces 'district attorney' with 'prosecuting

agency' and adds the following to the list of reasons for expunging criminal records:

- The person was convicted of a misdemeanor offense, was sentenced to a fine only of less \$501.00, which has been paid, the person has not been convicted of a felony, and no charges are pending;
- The person was convicted of a misdemeanor, was sentenced to imprisonment, a suspended sentence, or a fine over \$500.00, has not been convicted of a felony, no charges are pending, and at least 5 years have passed since the end of the sentence;
- The person was convicted of not more than two nonviolent felonies, has received a full pardon, no charges are pending, and at least 20 years have passed since the last conviction.

Also enacts a new law to be codified at Title 22 O.S. Section 211.1.

All DNA samples, records and identifiable information that are required to be automatically expunged shall be inadmissible in any prosecution of that person for a crime committed after the date the DNA samples should have been automatically expunged.

HB 2399 (effective November 1, 2016) amends Title 22 O.S. Section 40 (definitions). "Member of the immediate family" now means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling or a stepsibling of a victim of first-degree murder

A 'member of the immediate family' may obtain a victim protection order against the following persons:

1. The person who was charged and subsequently convicted as the principal in the crime of murder in the first degree; OR
2. The person who was charged and subsequently convicted of being an accessory to the crime

Also provides that when an 'action for divorce, separate maintenance, guardianship, adoption or any other proceeding involving custody or visitation' is pending in another county, the hearing VPO 'shall be transferred' to the county in which the divorce or similar action is pending.

HB 2403 (effective November 1, 2016) amends Title 22 O.S. Sections 1105.2 and 1105.3, to extend the provisions on pretrial actions, including setting bail, to all counties, instead of just the larger counties.

HB 2443 (effective November 1, 2016) amends Title 22 O.S. § 982A to extend the time limit for filing a motion for modification of a criminal sentence from 24 months to 60 months.

HB 2472 (effective November 1, 2016) enacts a new section of law to be codified at Title 22 O.S. Section 234. When determining the appropriate charge, the district attorney shall have the discretion to file the charge as a 'misdemeanor offense rather than a felony offense'.

Factors to consider:

1. The criminal offense for which the person has been arrested is not listed as a criminal offense in Title 21 O.S. Section 13.1 ("85% crimes");
2. The nature of the offense;
3. The age, background, and criminal history of the person;
4. The character and 'rehabilitation needs' of the person; and
5. Whether it is in the best interests of justice.

HB 2595 (effective November 1, 2016) enacts a new section of law to be codified at Title 22 O.S. Section 973. When sentencing a person who is a veteran, the court may consider as a 'mitigating factor' that the person suffers from posttraumatic stress disorder resulting from military service. The defendant must provide to the court specific documentary evidence. "Posttraumatic stress disorder" is as defined in the Diagnostic and Statistical Manual of Mental Disorders.

There is no known statute or court rule preventing the judge from considering PTSD as a mitigating factor before this statute goes into effect. If fact, PTSD is commonly considered in sentencing.

HB 2599 (effective November 1, 2016) enacts a new section of law to be codified at Title 22 O.S. Section 322, regulating use of so-called drones. A person shall not intentionally or knowingly:

1. Operate an unmanned aircraft over a 'critical infrastructure facility' at less than four hundred (400) feet above ground level;
2. Allow an unmanned aircraft to make contact with a critical infrastructure facility, including any 'person or object on the premises'
3. Allow an unmanned aircraft to come within a distance close enough to 'interfere with the operations of or cause a disturbance to' the facility.

This section shall not apply to conduct of:

1. The federal government, the state or a political subdivision;
2. A person 'acting under the direction or on behalf of' the government;
3. A law enforcement agency;
4. A person acting under the direction of a law enforcement agency;
5. An 'owner or operator' of the critical infrastructure facility;
6. A person acting under the direction an owner or operator;
7. A person who has prior written consent of the owner or operator;
8. The 'owner or occupant' of the property on which the facility is located or a person with prior written consent of the owner or occupant; or

9. An operator of an unmanned aircraft that is being used for a 'commercial purpose', if authorized by the FAA.

Any person in violation of this section may be civilly liable for damages to the critical infrastructure facility to include, damage to property, the environment, or human health.

Definitions are provided

"Critical infrastructure facility" means one of the following, if 'completely enclosed' by a barrier that is 'obviously designed to exclude intruders', or if clearly marked with a sign or signs that 'indicate that entry is forbidden or flight of unmanned aircraft without site authorization is forbidden':

- (1) a refinery,
- (2) an electrical power generating facility, substation, switching station or electrical control center,
- (3) a chemical, polymer or rubber manufacturing facility,
- (4) a 'water intake structure', water treatment facility, or pump station,
- (5) a natural gas compressor station,
- (6) a liquid natural gas storage facility,
- (7) a telecommunications central switching office,
- (8) cell towers,
- (9) a port, railroad yard, or other freight transportation facility,
- (10) a gas processing plant,
- (11) a transmitter of a licensed radio or television station,
- (12) a steelmaking facility that uses an electric arc furnace,
- (13) a facility identified by the United States Department of Homeland Security,
- (14) a dam that is regulated by the government, or
- (15) a natural gas distribution utility facility,
- (16) any aboveground portion of a pipeline that is enclosed.

"Dam" means any barrier that is constructed for the 'purpose of permanently or temporarily impounding water';

"Unmanned aircraft" means an aircraft without occupants that is flown by a pilot 'via a ground control system or autonomously through use of an onboard computer' and includes 'unmanned aircraft commonly called drones'.

HB 2934 (effective November 1, 2016) amends Title 22 O.S. § 815 to make it easier for the district attorney to dismiss a criminal case by filing a notice at any time prior to the preliminary hearing (felony) or trial setting (misdemeanor). A defendant must pay the costs only 'if agreed upon by the parties'.

SB 880 (effective November 1, 2016) amends Title 22 O.S. Section 1024.4, to allow a 'law enforcement agency' to destroy any 'computer, hard drive or other electronic storage media on which such obscene material or child pornography

was located. Make sure you wait until ‘final conviction’, defined as ‘the exhaustion of or failure to timely pursue post-conviction and state and federal habeas corpus review’. Also make sure you wait for a court order to destroy evidence. The pertinent statutes on evidence destruction can be found at Title 11 O.S. Section 34-104 and Title 22 O.S. § 1327.

SB 941 (effective November 1, 2016) amends Title 22 O.S. Section 991b, concerning court-ordered restitution. If the court determines that a reduction in restitution is warranted, the court shall ‘equally apply the same percentage’ reduction to ‘fines, court costs and costs of incarceration’.

Related statutes in other titles

SB 1001 (effective date not clear) amends Title 57 O.S. § 508.4 to allow DOC ‘investigations division’ to investigate the escape of any prisoner. The Department is also permitted to issue a warrant for the arrest of the escapee. This warrant is to ‘have the force and effect of any warrant of arrest issued by a district court’. This is not intended to affect the pre-existing ability of a D.A. to obtain a warrant.

HB 2281 (effective November 1, 2016) amends Title 51 O.S. Section 24A.5, which relates to the inspection and copying of public records. A ‘public body’ which makes the requested records available on the Internet shall meet the obligation of ‘providing prompt, reasonable access’ to its records.

Title 63 – Public Health

HB 2479 (effective November 1, 2016) amends Title 63 O.S. § 2-402 to change the penalty for Schedule I or II substances (except marijuana), mostly by eliminating the minimum punishment.

First offense is up to 5 years and a fine of \$5,000.00. A second violation of this section is up to 10 years and a fine of \$10,000.00. A third or subsequent offense is 4 to 15 years and a fine of \$10,000.00.

HB 2835 (effective November 1, 2016) amends Title 63 O.S. § 2-101 23 to allow the administration of ‘cannabidiol’ to any person in clinical trials and diagnosed with certain diseases. The list of diseases is expanded to include ‘spasticity due to multiple sclerosis or due to paraplegia’, intractable nausea, and ‘appetite stimulation with chronic wasting diseases’. Also amends Section 2-801 for the same purpose.

SB 866 (emergency! Effective date of signing) amends Title 63 O.S. Section 935.1 to allow the medical examiner to determine the location of a new office and lab. (This formerly required that it be located near the UCO Forensic Science Institute.)

SB 1113 (effective November 1, 2016) amends Title 63 O.S. Section 2-506, to provide that in a forfeiture action ‘in which the defendant or claimant prevails’, the court may order the law enforcement agency processing the seizure to pay:

1. Reasonable attorney fees and other litigation costs.
2. Postjudgment interest;
3. Interest actually paid to the state from the date of seizure

Title 59 – Professions and Occupations

SB 952 (effective November 1, 2016) amends several sections in Title 59 to make a few changes to the Bail Enforcer Act.

Section 1350.12 - Any person duly licensed, or authorized to engage in a recovery and surrender pursuant to the Bail Enforcement and Licensing Act, shall wear apparel bearing the words "bail enforcer" or "bail enforcement" during the recovery and surrender. (But, as to a peace officer ‘assisting’ a bail enforcer, see below). Also, any person not duly licensed or not authorized to engage in a recovery and surrender may not mark any vehicle, wear any apparel, or display any badge or identification card bearing the words "bail enforcer", "bail enforcement" or "bail enforcement agency”.

Section 1350.4 - A ‘commissioned Oklahoma’ peace officer or reserve officer who is off-duty may assist a bail enforcer with permission of the commissioning agency. Any peace officer engaged to assist in a ‘recovery and surrender’ (as defined in the Act) shall wear clothing clearly marked "bail enforcer" or "bail enforcement" and shall not wear any clothing or use any vehicle marked "police"; or display an official peace officer badge, except when the ‘policies of the officer's employing law enforcement agency’, and the agency with jurisdiction where the officer is ‘engaged in a recovery and surrender’, allows the officer to do so.

Section 1350.11 - reasons for denial, suspension, or revocation of licenses. Adds ‘falsification or a willful misrepresentation of information’ in an employment application, application to the CLEET, records of evidence or in testimony under oath;

Adds entry of a plea of guilty or nolo contendere or an "Alford" plea or any ‘plea other than a not guilty plea’.

Adds ‘revocation or voluntary surrender’ of police or peace officer certification, private security guard license, private investigator license, or bail

enforcer license in another state for a violation of any law or rule or in settlement of any disciplinary action in such state

Adds a provision that a Bail Enforcer license will not be issued while an applicant is the defendant in a criminal prosecution that is pending, no license will be issued 'until final resolution' of the prosecution. If an applicant is the subject of an order deferring imposition of judgment and sentence, no license will be issued until completion of the deferred sentence and 'dismissal of the criminal prosecution without a finding of guilt'.

SB 1017 (effective November 1, 2016) amends Title 59 O.S. Section 1515, to make some changes in pawn broker reporting. The reporting requirement now includes 'pawn transaction' in addition to 'buys' and is to be done within 2 days instead of 3. This 'transaction report' may now be done by 'either electronically reporting the information in the transaction report to an electronic database accessible only by law enforcement agencies or by reporting a physical copy of the transaction report directly'.

Title 21 – Crimes and Punishments

HB 2319 (effective November 1, 2016) amends Title 21 O.S. § 99a, which concerns jurisdiction of peace officers. A Bureau of Indian Affairs law enforcement officer or a tribal law enforcement officer who has been commissioned by the BIA and has been certified by CLEET has state police powers to enforce state laws on fee land purchased by a federally recognized American Indian tribe in Indian country, as defined in the United States Code. Before this change, the jurisdiction was limited to Trust Land. 'Fee land' *generally* means land owned by a Tribe.

HB 2320 (effective November 1, 2016) amends Title 21 O.S. Section 1268.1 (definition of 'terrorism'). This adds 'kidnapping' as a crime which may be 'terrorism', dependent on motivation. Also adds attempts to 'influence the policy' of the government through 'intimidation or coercion' as impermissible motivation.

HB 2348 (effective November 1, 2016) amends two sections related to the Oklahoma Military Department.

Title 21 O.S. Section 1289.6 to allow Oklahoma Army or Air National Guard personnel with 'proper authorization' to carry loaded or unloaded and concealed weapons on Oklahoma Military Department facilities;

Title 44 O.S. Section 26. The Adjutant General, when 'absent from the state', may delegate authority to an Assistant Adjutant General, 'other state officer' or 'employee' within the Oklahoma Military Department.

HB 2401 (effective November 1, 2016) amends Title 21 O.S. Section 142.10, which relates to the Oklahoma Crime Victims Compensation Act. This bill extends the time limitations for filing claims, especially claims by victims who are children or mentally challenged.

HB 2425 (effective November 1, 2016) amends Title 21 O.S. Section 1029, to change the age limits for victims of several sex crimes from sixteen years to eighteen years old. If the victim is under 18 years old, these crimes are deemed to be 'child prostitution' for purposes of sentencing. **Matching changes are made to Title 21 O.S. Section 1030.**

HB 2504 (effective November 1, 2016) amends Title 21 O.S. § 1716 to increase the punishment for larceny of a domestic animal. Any person who steals any 'horse, jackass, jennet, mule, cow, hog, or implement of husbandry' shall, upon conviction, be subject to imprisonment for 3 to 10 years, and a fine equal to three times the value of animals and machinery that were stolen but not more than \$500,000.00. Each head of cattle stolen may be punished as a separate violation.

HB 2624 (effective November 1, 2016) amends Title 21 Section 1423K to require that a person selling a vehicle to a scrap metal dealer shall be 'required to present to the dealer' the title or a 'certificate of ownership form, as approved by the Oklahoma Tax Commission and available at the Oklahoma Tax Commission or through a motor license agent'.

SB 959 (effective November 1, 2016) amends several sections related to carrying of firearms.

Title 21 O.S. § 1289.8. All references to 'concealed' are removed. The practical effect is that a retired officer may carry concealed or unconcealed with proper credentials.

CLEET is to issue an identification card to eligible retired federal, state, county, and municipal peace officers. The card shall expire every ten (10) years. In order to renew the permit, the retired peace officer shall submit to CLEET a nonrefundable fee for a national criminal history record with fingerprint analysis.

At a minimum, CLEET is to be provided the following information:

1. A statement from the appropriate law enforcement agency verifying the status of the person as a retired peace officer; and
2. A notarized statement, signed by the retired officer, stating that the officer:

- a. has not been convicted of and is not subject to any pending criminal prosecution for any statutory preclusion,
- b. has not been 'forced into retirement' due to 'mental disorder', and

c. has not suffered any injury or impairment which would render the person 'unsafe to carry' a firearm.

Title 21 O.S. § 1290.12 to correct a couple of problems with internet handgun license classes

1. drops the words 'and certified' from the phrase 'approved and certified'.
Finally. and
2. Clarifies that CLEET's approval is limited to the 'curriculum'.

SB 1057 effective (November 1, 2016) amends some sections in Title 21 concerning carrying of handguns.

Section 1277 - modifies the list of places where a handgun license holder may NOT take a handgun.

Adds 'courthouse', and 'courtroom'

Adds any publicly owned or operated sports arena or venue during a professional sporting event, 'unless allowed by the event holder';

Adds any place where gambling is authorized by law, 'unless allowed by the property owner'

Adds a penalty for any violations. Any person violating any other provision of subsection A (other than subsections 2 and 3) may be denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars (\$250.00).

Section 1290.22, (Business Owner's Rights) is modified. The list of entities subject to these provisions now include any 'person, property owner, tenant, employer', or the 'holder of an event permit'.

The entity (especially an 'event holder') may not 'prohibit any person from carrying a concealed or unconcealed firearm' onto any property designated by a 'governmental authority' as a 'park, recreational area, or fairgrounds'.

However, a *'firearm may be prohibited'* in the following places:

1. The portion of a public structure used by the 'governmental authority';
2. Any public property sports field, including areas for seating or viewing, where an elementary or secondary school, collegiate, or professional sporting event or an International Olympic Committee event is being held;
3. The fairgrounds during the Oklahoma State Fair or the Tulsa State Fair; and
4. The portion of a public structure leased to a business.

An entity that 'does not prohibit persons from carrying a concealed or unconcealed weapon' shall have 'immunity' from suit except workers compensation actions. This is not intended to 'prevent an employer, employee or person who has suffered loss resulting from the discharge of a weapon to seek damages from the person who 'discharged the weapon or used the weapon outside the provisions of the Oklahoma Self-Defense Act'.

SB 1159 (effective November 1, 2016) amends Title 21 O.S. Section 1272 to remove 'dagger', 'bowie knife', 'dirk knife', and 'sword cane' from the list of prohibited weapons.

SB 1491 (effective November 1, 2016) amends Title 21 O.S. Section 644.1. The definition of "prior pattern of physical abuse" now means two (instead of three) or more separate incidents, including the current incident, on different days, 'within the previous twelve-months'

Related Statutes in other Titles

HB 2637 (effective November 1, 2016) amends Title 29 O.S. § 5-201, concerning use of 'silencers' while hunting. Any 'device which noticeably suppresses noise from a firearm, commonly known as a suppressor or silencer' must be 'registered in compliance with the requirements of federal law'.

SB 1012 (effective November 1, 2016) amends Title 36 O.S. Section 361, which concerns the "Anti-Fraud Unit" within the Insurance Department. Any 'suspected' fraud by a 'licensee under the regulation or authority of the Commissioner' may be investigated by the Anti-Fraud Unit.

Title 10 and 10A – Children

HB 2965 (effective November 1, 2016) amends Title 10A O.S. Section 1-2-101, concerning employers who try to interfere with employees who report child abuse. A 'governing body or entity' is added to the list. The penalty for such interference is strengthened: 'If a child who is the subject of the report or other child is harmed by the discharge, discrimination or retaliation described in this paragraph, the party harmed may file an action to recover damages, costs and attorney fees.'

Title 43A – Mental Health

SB 1070 (effective November 1, 2016) amends Title 43A section 11-101 to provide that a law enforcement agency, when transporting mental health

patients, shall not be liable for the actions of a peace officer commissioned by the agency when such officer is providing services as a third party transporter “outside his or her primary employment”.

SB 1127 (effective November 1, 2016) amends Title 43A O.S. Section 10-103 to include ‘persons with Alzheimer’s disease or other dementias’ to the definition of ‘vulnerable adult’.

SB 1287 (effective November 1, 2016) amends Title 43A O.S. § 10-104 concerning reporting requirements for ‘suspected abuse, neglect, or exploitation’ of adults. ‘Unsubstantiated findings’ shall be labeled as such before being sent to the district attorney. Findings of self-neglect shall not be forwarded to the district attorney unless ‘similar findings were reported’ within the last six months.

Title 37 – Intoxicating liquors

SB 383 (effective date not clear) is a re-write of the intoxicating liquor laws. This act ‘shall only become effective upon certification of election returns favoring passage of the Constitutional Amendment proposed in Senate Joint Resolution No. 68 of the 2nd Session of the 55th Oklahoma Legislature’.

This comprehensive scheme covers everything from licensing fees to on-premises consumption to sacramental wine. At over two hundred pages it is much too long to effectively summarize here. Suffice to say that, if the Constitutional Amendment is adopted, it will take several years to sort out all the details of this new system.

SB 424 (Effective November 1, 2016) amends Title 37 O.S. Section 521 to allow a licensed brewery to sell beer to consumers twenty-one (21) years of age or older on the premises of the brewery.

Title 70 - Schools

SB 954 (Effective November 1, 2016) amends Title 70 O.S. Section 3311.11 to allow the reading and writing comprehension examination to be administered by entities other than CLEET.

SB 1202 (emergency! effective immediately) amends Title 70 O.S. § 3311 to make some changes at CLEET.

Changes the makeup of the Council. The ‘immediate past chair’ of the Council is replaced with a member appointed by OSPOA; a ‘full time law enforcement officer’ in a county with a population of under 50,000. Also allows

OSA to appoint a sheriff from a county with a population under 25,000, and a sheriff from a larger county.

Enacts a new law to be codified at Title 70 O.S. 3311.15. CLEET is authorized to assess a charge not to exceed \$20.00 per day to any Law Enforcement Agency for payment of breakfast and lunch expenses, during training of agency peace officers. Failure to timely pay will preclude future participation in the Basic Academy.

This bill also requires, beginning January 1, 2017, that 'every active reserve peace officer' to complete 8 hours of continuing education each year, including 1 hour on mental health.

Clarifies that all certified, active peace officers employed, commissioned or appointed for a period of 90 days in a calendar year, who become inactive prior to the end of a calendar year, are responsible for meeting mandatory continuing education requirements as set forth in this section upon return to active peace officer status within sixty 60 days of the date of return to employment. Failure to complete within 60 days may result in disciplinary action. Fulltime certified peace officers who return to active status within the calendar year they become inactive must complete the annual mandatory continuing education requirements outlined in this section within the remaining portion of the calendar year.

Miscellaneous

HB 1717 (effective November 1, 2016) amends Title 82 O.S. § 862 to allow the Grand River Dam Authority to employ CLEET certified reserve officers.

HB 2285 (effective November 1, 2016) repeals Title 56 O.S. Section 1010.23. This change eliminates the Oklahoma Pharmacy Connection Council, which was intended to make it easier for 'citizens who have no or inadequate health insurance or other resources' to obtain prescription drugs.

HB 2446 (effective November 1, 2016) enacts a new section of law to be codified at Title 82 O.S. Section 1E. The 'protection of the waters of the state' is declared to be a 'compelling state interest' subject only to 'legislative authority'.

HB 2471 (effective November 1, 2016) amends Title 74 O.S. Section 1604 (The State Employee Suggestion Program) to make it apply to all State Agencies, regardless of size. The significant limitations on eligibility for the reward remain in place.

HB 2518 (effective November 1, 2016) amends Title 25 O.S. Section 2004, which relates to written consent required prior to medical treatment of minors. This change adds 'illness' to 'injury' and 'drug abuse', and changes 'legal guardian' to 'other adult authorized by law to consent on behalf' of the minor.

These changes are not substantive in nature, it is doubtful they will affect any civil or criminal lawsuits, and it is unclear why they were adopted.

HB 3023 (effective November 1, 2016) amends Title 7 O.S. Section 73, to change the requirement that state and local governments ‘give priority to vending facilities operated by licensed blind operators and established by the State Department of Rehabilitation Services’. This requirement no longer applies to the ‘State Capitol Building and grounds’. The requirement DOES apply to the ‘vending machines within the State Capitol Building’.

HB 3024 (effective November 1, 2016) enacts a new law to be codified at Title 12 O.S. Section 1450. This allows a cause of action in civil court for so-called Catfishing. Use of ‘another's name, voice, signature, photograph or likeness’ to create a false identity ‘through social media’ without such person's consent, (or the consent of the ‘parent or legal guardian’ of a minor) may result in liability. The use must have been for the purpose of ‘harming, intimidating, threatening or defrauding’.

In an apparent attempt to comply with the First Amendment, there ‘shall be no liability’ for ‘satire or parody’.

The plaintiff may request an automatic injunction to prevent the continued use of plaintiff's ‘name, voice, signature, photograph or likeness’ while the suit is pending.

‘Actual damages’ include costs of ‘counseling, identity theft or libel’, and any ‘profits from the unauthorized use’. Punitive damages of at least \$500.00 may be awarded, along with attorney fees and costs.

An exception is made for ‘law enforcement agencies or their employees acting within the scope of their employment investigating Internet crimes’ and for an ‘interactive computer service’ for content ‘provided by another person’.

"Social media" is defined as ‘forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content’.

SB 14 (effective date not clear) creates the Bill of Rights Monument Display Act, authorizing the State Capitol Preservation Commission to permit placement of the monument on the State Capitol grounds at private expense.

SB 1071 (effective November 1, 2016) amends Title 41 O.S. § 111 to provide that the Landlord Tenant Act shall not apply if an occupant ‘has no rental agreement with the landlord’ and the landlord has not consented to the occupancy. An occupant who ‘fails to comply’ with a ‘demand’ to ‘vacate’ shall be guilty of trespass with a fine of \$500.

The landlord does not have to ‘commence eviction proceedings’.

SB 1570 (Emergency! Effective upon signing). Transfers ownership and management of the Will Rogers Memorial to the Oklahoma Historical Society

SB 2286 (effective November 1, 2016) repeals Title 21 O.S. Sections 1844, 1845, 1846, and 1847, which made it a crime to refuse to yield a party line in an emergency, and also made it a crime to falsely claim an emergency to use the party line.