

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 ENGROSSED SENATE

5 BILL NO. 412

 By: Brinkley of the Senate

 and

 Biggs of the House

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9 **[violent crime - modifying inclusions as violent**
10 **crimes - effective date]**

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

14 SECTION 1. AMENDATORY 57 O.S. 2011, Section 571, is
15 amended to read as follows:

16 Section 571. As used in the Oklahoma Statutes, unless another
17 definition is specified:

18 1. "Capacity" means the actual available bedspace as certified
19 by the State Board of Corrections subject to applicable federal and
20 state laws and the rules and regulations promulgated under such
21 laws;

22 2. ~~"Nonviolent offense"~~ "Violent crime" means any of the
23 following felony ~~offense except the following, or offenses and any~~

1 attempts to commit or conspiracy or solicitation to commit the
2 following crimes:

- 3 a. assault, battery, or assault and battery with a
4 dangerous or deadly weapon;
- 5 b. shooting with intent to kill, assault, battery, or
6 assault and battery with a deadly weapon or by other
7 means likely to produce death or great bodily harm, as
8 provided for in Section 652 of the Oklahoma Statutes;
- 9 c. aggravated assault and battery on a police officer,
10 sheriff, highway patrolman, or any other officer of
11 the law;
- 12 ~~e.~~ d. poisoning with intent to kill;
- 13 ~~d.~~ e. shooting with intent to kill;
- 14 ~~e.~~ f. assault with intent to kill;
- 15 ~~f.~~ g. assault with intent to commit a felony;
- 16 ~~g.~~ h. assaults while masked or disguised;
- 17 ~~h.~~ i. murder in the first degree;
- 18 ~~i.~~ j. murder in the second degree;
- 19 ~~j.~~ k. manslaughter in the first degree;
- 20 ~~k.~~ l. manslaughter in the second degree;
- 21 ~~l.~~ m. kidnapping;
- 22 ~~m.~~ n. burglary in the first degree;
- 23 ~~n.~~ o. burglary with explosives;
- 24 ~~o.~~ p. kidnapping for extortion;

- 1 ~~p.~~ q. maiming;
- 2 ~~q.~~ r. robbery;
- 3 ~~r.~~ s. robbery in the first degree;
- 4 ~~s.~~ t. robbery in the second degree;
- 5 ~~t.~~ u. armed robbery;
- 6 ~~u.~~ v. robbery by two (2) or more persons;
- 7 ~~v.~~ w. robbery with dangerous weapon or imitation firearm;
- 8 ~~w.~~ x. child abuse;
- 9 ~~x.~~ y. wiring any equipment, vehicle or structure with
- 10 explosives;
- 11 ~~y.~~ z. forcible sodomy;
- 12 ~~z.~~
- 13 aa. rape in the first degree;
- 14 ~~aa.~~
- 15 bb. rape in the second degree;
- 16 ~~bb.~~
- 17 cc. rape by instrumentation;
- 18 ~~cc.~~
- 19 dd. lewd or indecent proposition or lewd or indecent act
- 20 with a child;
- 21 ~~dd.~~
- 22 ee. use of a firearm or offensive weapon to commit or
- 23 attempt to commit a felony;
- 24 ~~ee.~~

1 ff. pointing firearms;
2 ~~ff.~~
3 gg. rioting;
4 ~~gg.~~
5 hh. inciting to riot;
6 ~~hh.~~
7 ii. arson in the first degree;
8 ~~ii.~~
9 jj. injuring or burning public buildings;
10 ~~jj.~~
11 kk. sabotage;
12 ~~kk.~~
13 ll. criminal syndicalism;
14 ~~ll.~~
15 mm. extortion;
16 ~~mm.~~
17 nn. obtaining signature by extortion;
18 ~~nn.~~
19 oo. seizure of a bus, discharging firearm or hurling
20 missile at bus;
21 ~~oo.~~
22 pp. mistreatment of a mental patient; ~~or~~
23 ~~pp.~~
24

- 1 qq. using a vehicle to facilitate the discharge of a
2 weapon pursuant to Section 652 of Title 21 of the
3 Oklahoma Statutes;
- 4 rr. bombing offenses as defined in Section 1767.1 of Title
5 21 of the Oklahoma Statutes;
- 6 ss. child pornography or aggravated child pornography as
7 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a
8 of Title 21 of the Oklahoma Statutes;
- 9 tt. child prostitution as defined in Section 1030 of Title
10 21 of the Oklahoma Statutes;
- 11 uu. abuse of a vulnerable adult as defined in Section 10-
12 103 of Title 43A of the Oklahoma Statutes who is a
13 resident of a nursing facility;
- 14 vv. aggravated trafficking as provided for in subsection C
15 of Section 2-415 of Title 63 of the Oklahoma Statutes;
- 16 ww. aggravated assault and battery upon any person
17 defending another person from assault and battery;
- 18 xx. human trafficking as provided for in Section 748 of
19 Title 21 of the Oklahoma Statutes; or
- 20 yy. terrorism crimes as provided in Sections 1268 et seq.
21 of Title 21 of the Oklahoma Statutes.

22 Such offenses shall constitute exceptions to nonviolent offenses
23 pursuant to Article VI, Section 10 of the Oklahoma Constitution.

1 SECTION 2. AMENDATORY 22 O.S. 2011, Section 18, as last
2 amended by Section 1, Chapter 374, O.S.L. 2014 (22 O.S. Supp. 2014,
3 Section 18), is amended to read as follows:

4 Section 18. A. Persons authorized to file a motion for
5 expungement, as provided herein, must be within one of the following
6 categories:

7 1. The person has been acquitted;

8 2. The conviction was reversed with instructions to dismiss by
9 an appellate court of competent jurisdiction, or an appellate court
10 of competent jurisdiction reversed the conviction and the district
11 attorney subsequently dismissed the charge;

12 3. The factual innocence of the person was established by the
13 use of deoxyribonucleic acid (DNA) evidence subsequent to
14 conviction, including a person who has been released from prison at
15 the time innocence was established;

16 4. The person has received a full pardon on the basis of a
17 written finding by the Governor of actual innocence for the crime
18 for which the claimant was sentenced;

19 5. The person was arrested and no charges of any type,
20 including charges for an offense different than that for which the
21 person was originally arrested, are filed and the statute of
22 limitations has expired or the prosecuting agency has declined to
23 file charges;

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1 6. The person was under eighteen (18) years of age at the time
2 the offense was committed and the person has received a full pardon
3 for the offense;

4 7. The person was charged with one or more misdemeanor or
5 felony crimes, all charges have been dismissed, the person has never
6 been convicted of a felony, no misdemeanor or felony charges are
7 pending against the person, and the statute of limitations for
8 refiling the charge or charges has expired or the prosecuting agency
9 confirms that the charge or charges will not be refiled; provided,
10 however, this category shall not apply to charges that have been
11 dismissed following the completion of a deferred judgment or delayed
12 sentence;

13 8. The person was charged with a misdemeanor, the charge was
14 dismissed following the successful completion of a deferred judgment
15 or delayed sentence, the person has never been convicted of a
16 misdemeanor or felony, no misdemeanor or felony charges are pending
17 against the person, and at least one (1) year has passed since the
18 charge was dismissed;

19 9. The person was charged with a nonviolent felony offense, ~~as~~
20 ~~set forth~~ not listed in Section 571 of Title 57 of the Oklahoma
21 Statutes, the charge was dismissed following the successful
22 completion of a deferred judgment or delayed sentence, the person
23 has never been convicted of a misdemeanor or felony, no misdemeanor
24

1 or felony charges are pending against the person, and at least ten
2 (10) years have passed since the charge was dismissed;

3 10. The person was convicted of a misdemeanor offense, the
4 person has not been convicted of a felony, no felony or misdemeanor
5 charges are pending against the person, and at least ten (10) years
6 have passed since the end of the last misdemeanor sentence;

7 11. The person was convicted of a nonviolent felony offense, ~~as~~
8 ~~defined~~ not listed in Section 571 of Title 57 of the Oklahoma
9 Statutes, the person has received a full pardon for the offense, the
10 person has not been convicted of any other felony, the person has
11 not been convicted of a separate misdemeanor in the last fifteen
12 (15) years, no felony or misdemeanor charges are pending against the
13 person, and at least ten (10) years have passed since the felony
14 conviction; or

15 12. The person has been charged or arrested or is the subject
16 of an arrest warrant for a crime that was committed by another
17 person who has appropriated or used the person's name or other
18 identification without the person's consent or authorization.

19 B. For purposes of this act, "expungement" shall mean the
20 sealing of criminal records.

21 C. For purposes of seeking an expungement under the provisions
22 of paragraph 10 or 11 of subsection A of this section, offenses
23 arising out of the same transaction or occurrence shall be treated
24 as one conviction and offense.

1 D. Records expunged pursuant to paragraphs 8, 9, 10, 11 and 12
2 of subsection A of this section shall be sealed to the public but
3 not to law enforcement agencies for law enforcement purposes.
4 Records expunged pursuant to paragraphs 8, 9, 10 and 11 of
5 subsection A of this section shall be admissible in any subsequent
6 criminal prosecution to prove the existence of a prior conviction or
7 prior deferred judgment without the necessity of a court order
8 requesting the unsealing of the records. Records expunged pursuant
9 to paragraph 4, 6 or 11 of subsection A of this section may also
10 include the sealing of Pardon and Parole Board records related to an
11 application for a pardon. Such records shall be sealed to the
12 public but not to the Pardon and Parole Board.

13 SECTION 3. AMENDATORY 22 O.S. 2011, Section 988.2, is
14 amended to read as follows:

15 Section 988.2. A. For purposes of the Oklahoma Community
16 Sentencing Act:

17 1. "Local community sentencing system" means a partnership
18 between the state and one or more county governments which uses
19 public and private entities to deliver services to the sentencing
20 court for punishment of eligible felony offenders under the
21 authority of a community sentence;

22 2. "Community sentence" or "community punishment" means a
23 punishment imposed by the court as a condition of a deferred or
24 suspended sentence for an eligible offender;

1 3. "Continuum of sanctions" means a variety of coercive
2 measures and treatment options ranked by degrees of public safety,
3 punitive effect, and cost benefit which are available to the
4 sentencing judge as punishment for criminal conduct;

5 4. "Community sentencing system planning council" or "planning
6 council" means a group of citizens and elected officials specified
7 by law or appointed by the Chief Judge of the Judicial District
8 which plans the local community sentencing system and with the
9 assistance of the Community Sentencing Division of the Department of
10 Corrections locates treatment providers and resources to support the
11 local community sentencing system;

12 5. "Incentive" means a court-ordered reduction in the terms or
13 conditions of a community sentence which is given for exceptional
14 performance or progress by the offender;

15 6. "Disciplinary sanction" means a court-ordered punishment in
16 response to a technical or noncompliance violation of a community
17 sentence which increases in intensity or duration with each
18 successive violation;

19 7. "Division" means the Community Sentencing Division within
20 the Department of Corrections which is the state administration
21 agency for the Oklahoma Community Sentencing Act, the statewide
22 community sentencing system, and all local community sentencing
23 systems;

24

1 8. "Eligible offender" means a felony offender who has been
2 convicted of or who has entered a plea other than not guilty to a
3 felony offense and who upon completion of a Level of Services
4 Inventory or another assessment instrument has been found to be in a
5 range other than the low range, who has been convicted of at least
6 one prior felony, and who is not otherwise prohibited by law;
7 provided, however, that no person who has been convicted of or who
8 has entered a plea other than not guilty to an offense enumerated in
9 subsection 5 of Section 571 of Title 57 of the Oklahoma Statutes, ~~as~~
10 ~~an exception to the definition of "nonviolent offense"~~ shall be
11 eligible for a community sentence or community punishment unless the
12 district attorney or an assistant district attorney for the district
13 in which the offender's conviction was obtained consents thereto.
14 The district attorney may consent to eligibility for an offender who
15 has a mental illness or a developmental disability or a co-occurring
16 mental illness and substance abuse disorder and who scores in the
17 low range on the LSI or another assessment instrument if the
18 offender is not otherwise prohibited by law. Any consent by a
19 district attorney shall be made a part of the record of the case;
20 and

21 9. "Statewide community sentencing system" means a network of
22 all counties through their respective local community sentencing
23 systems serving the state judicial system and offering support
24

1 services to each other through reciprocal and interlocal agreements
2 and interagency cooperation.

3 B. For the purposes of the Oklahoma Community Sentencing Act,
4 if a judicial district does not have a Chief Judge or if a judicial
5 district has more than one Chief Judge, the duties of the Chief
6 Judge provided for in the Oklahoma Community Sentencing Act shall be
7 performed by the Presiding Judge of the Judicial Administrative
8 District.

9 SECTION 4. AMENDATORY 47 O.S. 2011, Section 11-1402, is
10 amended to read as follows:

11 Section 11-1402. A. Except as otherwise provided in this
12 section, enforcement of both traffic laws and the general laws of
13 the State of Oklahoma on the turnpikes shall be the exclusive
14 authority of the Department of Public Safety, and the cost thereof
15 shall be borne by the Oklahoma Turnpike Authority. Provided that
16 the Authority shall be liable only for such costs as may be agreed
17 to by it under contract or agreement with the Commissioner of Public
18 Safety.

19 B. Upon a written request by the Department of Wildlife
20 Conservation to the Commissioner of Public Safety, the Department of
21 Public Safety, upon the approval of the Commissioner of Public
22 Safety, may enter into a written agreement with the Department of
23 Wildlife Conservation permitting the Department of Wildlife
24 Conservation to perform on the turnpikes of this state those law

1 enforcement duties specified in the agreement. The request by the
2 Department of Wildlife Conservation must be acted upon by the
3 Commissioner within sixty (60) days of receiving such request. The
4 costs of performing those law enforcement duties shall be the
5 responsibility of the Department of Wildlife Conservation and no
6 costs shall be the responsibility of the Oklahoma Turnpike Authority
7 or the Department of Public Safety.

8 C. On the turnpikes, the Oklahoma State Bureau of Investigation
9 shall have the authority to investigate and enforce all laws
10 relating to any crime listed ~~as an exception to the definition of~~
11 ~~"nonviolent offense" as set forth~~ in Section 571 of Title 57 of the
12 Oklahoma Statutes.

13 SECTION 5. AMENDATORY 57 O.S. 2011, Section 510.9, as
14 amended by Section 1, Chapter 146, O.S.L. 2013 (57 O.S. Supp. 2014,
15 Section 510.9), is amended to read as follows:

16 Section 510.9. A. There is hereby created the Electronic
17 Monitoring Program for inmates in the custody of the Department of
18 Corrections who are sentenced for a nonviolent offense ~~as~~ not
19 included as a violent offense defined ~~by~~ in Section 571 of this
20 title. The Department is authorized to use an electronic monitoring
21 global positioning device to satisfy its custody duties and
22 responsibilities.

23 B. After an inmate has been processed and received through a
24 Department Assessment and Reception Center, has been incarcerated

1 for a minimum of ninety (90) days, and has met the criteria
2 established in subsection C of Section 521 of this title, the
3 Director of the Department of Corrections may assign the inmate, if
4 eligible, to the Electronic Monitoring Program. Nothing shall
5 prohibit the Director from assigning an inmate to the Electronic
6 Monitoring Program while assigned to the accredited halfway house or
7 transitional living facility. The following inmates, youthful
8 offenders, and juveniles shall not be eligible for assignment to the
9 program:

10 1. Any inmate serving a sentence of more than five (5) years
11 who has eleven (11) months or more left on the sentence or any
12 inmate serving a sentence of five (5) years or less whose initial
13 custody assessment requires placement above the minimum security
14 level;

15 2. Inmates convicted of a violent offense within the previous
16 ten (10) years;

17 3. Inmates convicted of any violation of the provisions of the
18 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63
19 of the Oklahoma Statutes;

20 4. Inmates denied parole within the previous twelve (12) months
21 pursuant to Section 332.7 of this title;

22 5. Inmates convicted pursuant to Section 11-902 of Title 47 of
23 the Oklahoma Statutes who are not receptive to substance abuse
24 treatment and follow-up treatment;

1 6. Inmates removed from the Electronic Monitoring Program or
2 any other alternative to incarceration authorized by law for
3 violation of any rule or condition of the program and reassigned to
4 imprisonment in a correctional facility;

5 7. Inmates deemed by the Department to be a security risk or
6 threat to the public;

7 8. Inmates requiring educational, medical or other services or
8 programs not available in a community setting as determined by the
9 Department;

10 9. Inmates convicted of any violation of subsection C of
11 Section 644 of Title 21 of the Oklahoma Statutes or who have an
12 active protection order that was issued under the Protection from
13 Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the
14 Oklahoma Statutes;

15 10. Inmates who have outstanding felony warrants or detainers
16 from another jurisdiction;

17 11. Inmates convicted of a sex offense who, upon release from
18 incarceration, would be required by law to register pursuant to the
19 Sex Offender Registration Act;

20 12. Inmates convicted of racketeering activity as defined in
21 Section 1402 of Title 22 of the Oklahoma Statutes;

22 13. Inmates convicted pursuant to subsection F of Section 2-401
23 of Title 63 of the Oklahoma Statutes;

24

1 14. Inmates convicted pursuant to Section 650 of Title 21 of
2 the Oklahoma Statutes;

3 15. Inmates who have escaped from a penal or correctional
4 institution within the previous ten (10) years; or

5 16. Inmates who currently have active misconduct actions on
6 file with the Department of Corrections.

7 C. Every eligible inmate assigned to the Electronic Monitoring
8 Program shall remain in such program until one of the following
9 conditions has been met:

10 1. The inmate discharges the term of the sentence;

11 2. The inmate is removed from the Electronic Monitoring Program
12 for violation of any rule or condition of the program and reassigned
13 to imprisonment in a correctional facility; or

14 3. The inmate is paroled by the Governor pursuant to Section
15 332.7 of this title.

16 D. After an inmate has been assigned to the Electronic
17 Monitoring Program, denial of parole pursuant to Section 332.7 of
18 this title, shall not be cause for removal from the program,
19 provided the inmate has not violated the rules or conditions of the
20 program. The inmate may remain assigned to the program, if
21 otherwise eligible, until the completion of the sentence.

22 E. The Electronic Monitoring Program shall require active
23 supervision of the inmate in a community setting by a correctional
24 officer or other employee of the Department of Corrections with

1 monitoring by a global positioning device approved by the Department
2 under such rules and conditions as may be established by the
3 Department. If an inmate violates any rule or condition of the
4 program, the Department may take necessary disciplinary action
5 consistent with the rules established pursuant to this section,
6 including reassignment to a higher level of security or removing the
7 inmate from the program with reassignment to imprisonment in a
8 correctional facility. Any inmate who escapes from the Electronic
9 Monitoring Program shall be subject to the provisions of Section 443
10 of Title 21 of the Oklahoma Statutes.

11 F. Upon an inmate assigned to the Electronic Monitoring Program
12 becoming eligible for parole consideration, pursuant to Section
13 332.7 of this title, the Department of Corrections shall deliver the
14 inmate, in person, to a correctional facility for interview,
15 together with any Department records necessary for the Pardon and
16 Parole Board's investigation. Inmates assigned to the Electronic
17 Monitoring Program shall not be allowed to waive consideration or
18 recommendation for parole.

19 G. Prior to placement of any eligible inmate assigned to the
20 Electronic Monitoring Program being placed in a community setting,
21 the Department of Corrections shall deliver a written notification
22 to the sheriff and district attorney of the county, and the chief
23 law enforcement officer of any incorporated city or town in which
24 the inmate is to be monitored and supervised under the program. The

1 district attorney shall disseminate such information to victims of
2 the crime for which the inmate is serving sentence, if any, when the
3 victims are known to live in the same city, town or county.

4 H. An inmate assigned to the Electronic Monitoring Program may
5 be required to pay the Department of Corrections for all or part of
6 any monitoring equipment or fee, substance abuse treatment program
7 or follow-up treatment expense, supervision cost, or other costs
8 while assigned to the program. The Department shall determine
9 whether the inmate has the ability to pay all or part of such fee or
10 costs.

11 I. The Department of Corrections shall promulgate and adopt
12 rules and procedures necessary to implement the Electronic
13 Monitoring Program, including but not limited to methods of
14 monitoring and supervision, disciplinary action, reassignment to
15 higher and lower security levels, removal from the program, and
16 costs of monitoring and supervision to be paid by the inmate, if
17 any.

18 J. An inmate assigned to the Electronic Monitoring Program
19 shall, within thirty (30) days of being placed in a community
20 setting, report to the court clerk and the district attorney of the
21 county from which the judgment and sentence resulting in
22 incarceration arose to address payment of any fines, costs,
23 restitution and assessments owed by the inmate, if any.

24

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 SECTION 6. AMENDATORY 70 O.S. 2011, Section 24-101.3, as
2 amended by Section 26, Chapter 404, O.S.L. 2013 (70 O.S. Supp. 2014,
3 Section 24-101.3) is amended to read as follows:

4 Section 24-101.3. A. Any student who is guilty of an act
5 described in paragraph 1 of subsection C of this section may be
6 suspended out-of-school in accordance with the provisions of this
7 section. Each school district board of education shall adopt a
8 policy with procedures which provides for out-of-school suspension
9 of students. The policy shall address the term of the out-of-school
10 suspension, provide an appeals process as described in subsection B
11 of this section, and provide that before a student is suspended out-
12 of-school, the school or district administration shall consider and
13 apply, if appropriate, alternative in-school placement options that
14 are not to be considered suspension, such as placement in an
15 alternative school setting, reassignment to another classroom, or
16 in-school detention. The policy shall address education for
17 students subject to the provisions of subsection D of this section
18 and whether participation in extracurricular activities shall be
19 permitted.

20 B. 1. Students suspended out-of-school for ten (10) or fewer
21 days shall have the right to appeal the decision of the
22 administration as provided in the policy required in subsection A of
23 this section. The policy shall specify whether appeals for short-
24 term suspensions as provided in this subsection shall be to a local

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1 committee composed of district administrators or teachers or both,
2 or to the district board of education. Upon full investigation of
3 the matter, the committee or board shall determine the guilt or
4 innocence of the student and the reasonableness of the term of the
5 out-of-school suspension. If the policy requires appeals for short-
6 term suspensions to a committee, the policy adopted by the board
7 may, but is not required to, provide for appeal of the committee's
8 decision to the board.

9 2. Students suspended out-of-school for more than ten (10) days
10 and students suspended pursuant to the provisions of paragraph 2 of
11 subsection C of this section may request a review of the suspension
12 with the administration of the district. If the administration does
13 not withdraw the suspension, the student shall have the right to
14 appeal the decision of the administration to the district board of
15 education. Except as otherwise provided for in paragraph 2 of
16 subsection C of this section, no out-of-school suspension shall
17 extend beyond the current semester and the succeeding semester.
18 Upon full investigation of the matter, the board shall determine the
19 guilt or innocence of the student and the reasonableness of the term
20 of the out-of-school suspension. A board of education may conduct
21 the hearing and render the final decision or may appoint a hearing
22 officer to conduct the hearing and render the final decision. The
23 decision of the district board of education or the hearing officer,
24 if applicable, shall be final.

1 C. 1. Students who are guilty of any of the following acts may
2 be suspended out-of-school by the administration of the school or
3 district:

- 4 a. violation of a school regulation,
- 5 b. possession of an intoxicating beverage, low-point
6 beer, as defined by Section 163.2 of Title 37 of the
7 Oklahoma Statutes, or missing or stolen property if
8 the property is reasonably suspected to have been
9 taken from a student, a school employee, or the school
10 during school activities, and
- 11 c. possession of a dangerous weapon or a controlled
12 dangerous substance while on or within two thousand
13 (2,000) feet of public school property, or at a school
14 event, as defined in the Uniform Controlled Dangerous
15 Substances Act. Possession of a firearm shall result
16 in out-of-school suspension as provided in paragraph 2
17 of this subsection.

18 2. Any student found in possession of a firearm while on any
19 public school property or while in any school bus or other vehicle
20 used by a public school for transportation of students or teachers
21 shall be suspended out-of-school for a period of not less than one
22 (1) year, to be determined by the district board of education
23 pursuant to the provisions of this section. The term of the
24 suspension may be modified by the district superintendent on a case-

1 by-case basis. For purposes of this paragraph the term "firearm"
2 shall mean and include all weapons as defined by 18 U.S.C., Section
3 921.

4 3. Any student in grades six through twelve found to have
5 assaulted, attempted to cause physical bodily injury, or acted in a
6 manner that could reasonably cause bodily injury to a school
7 employee or a person volunteering for a school as prohibited
8 pursuant to Section 6-146 of this title shall be suspended for the
9 remainder of the current semester and the next consecutive semester,
10 to be determined by the board of education pursuant to the
11 provisions of this section. The term of the suspension may be
12 modified by the district superintendent on a case-by-case basis.

13 D. At its discretion a school district may provide an education
14 plan for students suspended out-of-school for five (5) or fewer days
15 pursuant to the provisions of this subsection. The following
16 provisions shall apply to students who are suspended out-of-school
17 for more than five (5) days and who are guilty of acts listed in
18 subparagraphs a and b of paragraph 1 of subsection C of this
19 section. Upon the out-of-school suspension, the parent or guardian
20 of a student suspended out-of-school pursuant to the provisions of
21 this subsection shall be responsible for the provision of a
22 supervised, structured environment in which the parent or guardian
23 shall place the student and bear responsibility for monitoring the
24 student's educational progress until the student is readmitted into

1 school. The school administration shall provide the student with an
2 education plan designed for the eventual reintegration of the
3 student into school which provides only for the core units in which
4 the student is enrolled. A copy of the education plan shall also be
5 provided to the student's parent or guardian. For the purposes of
6 this section, the core units shall consist of the minimum English,
7 mathematics, science, social studies and art units required by the
8 State Board of Education for grade completion in grades kindergarten
9 through eight and for high school graduation in grades nine through
10 twelve. The plan shall set out the procedure for education and
11 shall address academic credit for work satisfactorily completed.

12 E. A student who has been suspended out-of-school from a public
13 or private school in the State of Oklahoma or another state for a
14 violent act or an act showing deliberate or reckless disregard for
15 the health or safety of faculty or other students shall not be
16 entitled to enroll in a public school of this state, and no public
17 school shall be required to enroll the student, until the terms of
18 the suspension have been met or the time of suspension has expired.

19 F. No public school of this state shall be required to provide
20 education services in the regular school setting to any student who
21 has been adjudicated as a delinquent for an offense defined as a
22 violent crime in Section 571 of Title 57 of the Oklahoma Statutes ~~as~~
23 ~~an exception to a nonviolent offense~~ or convicted as an adult of an
24 offense defined as a violent crime in Section 571 of Title 57 of the

1 Oklahoma Statutes ~~as an exception to a nonviolent offense~~, who has
2 been removed from a public or private school in the State of
3 Oklahoma or another state by administrative or judicial process for
4 a violent act or an act showing deliberate or reckless disregard for
5 the health or safety of faculty or other students, or who has been
6 suspended as provided for in paragraph 3 of subsection C of this
7 section until the school in which the student is subsequently
8 enrolled determines that the student no longer poses a threat to
9 self, other students or school district faculty or employees. Until
10 the school in which such student subsequently enrolls or re-enrolls
11 determines that the student no longer poses a threat to self, other
12 students or school district faculty or employees, the school may
13 provide education services through an alternative school setting,
14 home-based instruction, or other appropriate setting. If the school
15 provides education services to such student at a district school
16 facility, the school shall notify any student or school district
17 faculty or employee victims of such student, when known, and shall
18 ensure that the student will not be allowed in the general vicinity
19 of or contact with a victim of the student, provided such victim
20 notifies the school of the victim's desire to refrain from contact
21 with the offending student.

22 G. Students suspended out-of-school who are on an
23 individualized education plan pursuant to the Individuals with
24 Disabilities Education Act, P.L. No. 101-476, or who are subject to

1 the provisions of subsection F of this section and who are on an
2 individualized education plan shall be provided the education and
3 related services in accordance with the student's individualized
4 education plan.

5 H. A student who has been suspended for a violent offense which
6 is directed towards a classroom teacher shall not be allowed to
7 return to that teacher's classroom without the approval of that
8 teacher.

9 I. At its discretion, a school district may require a student
10 guilty of acts listed in subparagraph a or b of paragraph 1 of
11 subsection C of this section to complete intervention and prevention
12 programs as provided by designated Youth Service Agencies, if
13 available.

14 J. No school board, administrator or teacher may be held
15 civilly liable for any action taken in good faith which is
16 authorized by this section.

17 SECTION 7. AMENDATORY 74 O.S. 2011, Section 150.2, is
18 amended to read as follows:

19 Section 150.2. The Oklahoma State Bureau of Investigation shall
20 have the power and duty to:

21 1. Maintain a nationally accredited scientific laboratory to
22 assist all law enforcement agencies in the discovery and detection
23 of criminal activity;

24

1 2. Maintain fingerprint and other identification files
2 including criminal history records, juvenile identification files,
3 and DNA profiles;

4 3. Establish, coordinate and maintain the automated
5 fingerprinting identification system (AFIS) and the deoxyribonucleic
6 acid (DNA) laboratory;

7 4. Operate teletype, mobile and fixed radio or other
8 communications systems;

9 5. Conduct schools and training programs for the agents, peace
10 officers, and technicians of this state charged with the enforcement
11 of law and order and the investigation and detection of crime;

12 6. Assist the Director of the Oklahoma State Bureau of
13 Narcotics and Dangerous Drugs Control, the Chief Medical Examiner,
14 and all law enforcement officers and district attorneys when such
15 assistance is requested, in accordance with the policy determined by
16 the Oklahoma State Bureau of Investigation Commission established in
17 Section 150.3 of this title;

18 7. Investigate and detect criminal activity when directed to do
19 so by the Governor;

20 8. Investigate, detect, institute and maintain actions
21 involving vehicle theft pursuant to Section 150.7a of this title or
22 oil, gas or oil field equipment theft pursuant to Sections 152.2
23 through 152.9 of this title;

24

1 9. Investigate any criminal threat made to the physical safety
2 of elected or appointed officials of this state or any political
3 subdivision of the state and forward the results of that
4 investigation to the Department of Public Safety, and provide
5 security to foreign elected or appointed officials while they are in
6 this state on official business;

7 10. Investigate and detect violations of the Oklahoma Computer
8 Crimes Act; and

9 11. Investigate and enforce all laws relating to any crime
10 listed as ~~an exception to the definition of "nonviolent offense"~~ as
11 ~~set forth~~ in section 571 of Title 57 of the Oklahoma Statutes that
12 occur on the turnpikes.

13 SECTION 8. This act shall become effective November 1, 2015.

14
15 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
16 dated 04/08/2015 - DO PASS, As Amended.

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