

1 ENGROSSED SENATE
2 BILL NO. 1367

By: Yen of the Senate

3 and

4 Derby of the House

5
6 [prescription drug offenses - custody - prosecutions
7 - civil actions - codification - effective date]
8

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

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 2-309.1 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 A. A peace officer may not take a person into custody based
14 solely on the commission of an offense involving prescription drugs
15 if the law enforcement officer, after making a reasonable
16 determination and considering the facts and surrounding
17 circumstances, reasonably believes that the following apply:

18 1. The law enforcement officer has contact with the person
19 because they were requesting emergency medical assistance for self
20 or another individual who reasonably appeared to be in need of
21 medical assistance due to a drug overdose; and

22 2. The person:

23 a. provided the person's full name and other relevant
24 information requested by the law enforcement officer,

1 b. was incapacitated and in need of medical assistance
2 due to a drug overdose or remained at the scene with
3 the individual who reasonably appeared to be in need
4 of medical assistance due to a drug overdose until
5 emergency medical assistance arrived, and

6 c. cooperated with emergency medical assistance personnel
7 and law enforcement officers at the scene.

8 B. A person who meets the criteria of subsection A of this
9 section shall not be subject to prosecution or receive a mitigated
10 sentence for a drug offense or shall not have property seized or
11 forfeited on the basis of a drug violation if evidence is obtained
12 that they were seeking emergency medical assistance or intervening
13 to prevent a drug overdose.

14 C. A person may not initiate or maintain an action against a
15 peace officer or the employing political subdivision based on the
16 officer's compliance or failure to comply with this section.

17 D. For the purposes of this section, "peace officer" shall have
18 the same meaning as defined in Section 99 of Title 21 of the
19 Oklahoma Statutes.

20 SECTION 2. This act shall become effective November 1, 2018.
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