

1 ENGROSSED HOUSE AMENDMENTS
TO
2 ENGROSSED SENATE BILL NO. 86

By: Jech of the Senate

3 and

4 McEntire and Sanders of the
5 House

6
7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 650.4, which relates to assault
9 and battery upon medical care providers; clarifying
10 language; amending 21 O.S. 2011, Section 650.5, which
11 relates to aggravated assault and battery with a
12 firearm upon medical providers; clarifying language;
13 providing definition; and providing an effective
14 date.

15 AMENDMENT NO. 1. Page 2, Section 1, line 4 and Page 2, Section 2,
16 line 22, insert after the word and comma
17 "technologists," the following language:
18 "pharmacists, hospital chaplains,"

19 Page 2, Section 1, line 5 and page 2, Section 2,
20 line 23, insert after the word and comma
21 "students," the following language:
22 "nursing students,"

23 Page 2, Section 1, line 5 and Page 2, Section 2,
24 line 23, delete the word "chaplains" and insert
the following language:
"hospital employees"

AMENDMENT NO. 2. Page 1, Section 1, line 20, strike the phrase:
"punishable by imprisonment in the"

Page 1, Section 1, line 21, delete the inserted
language "county jail"

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Page 1, Section 1, line 21, strike the words "for a term not exceeding"

Page 1, Section 1, lines 21-22, delete the inserted words "one (1) year"

Page 1, Section 1, lines 22-23, strike all language beginning with the comma "," on line 22 through the word "imprisonment" on line 23 and insert the following language:
"and shall be subject to the penalties provided for in Section 644 of this title"

Page 2, Section 2, lines 15-16, strike all language beginning with the word "punishable" on line 15 through the word "than" on line 16

Page 2, Section 2, line 16, delete the inserted language "two (2) years"

Page 2, Section 2, lines 16-18, strike all language beginning with the comma "," on line 16 through the word "imprisonment" on line 18 and insert the following language:
". A person convicted of aggravated assault and battery upon a medical care provider shall be subject to the penalties provided for in Section 646 of this title. A person convicted of assault with a firearm or other deadly weapon upon a medical care provider shall be subject to the penalties provided for in Section 645 of this title"

and amend title to conform

1 Passed the House of Representatives the 25th day of April, 2019.

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4 Presiding Officer of the House of
5 Representatives

6 Passed the Senate the ____ day of _____, 2019.

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9 Presiding Officer of the Senate

1 ENGROSSED SENATE
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6 An Act relating to crimes and punishments; amending
7 21 O.S. 2011, Section 650.4, which relates to assault
8 and battery upon medical care providers; clarifying
9 language; amending 21 O.S. 2011, Section 650.5, which
10 relates to aggravated assault and battery with a
11 firearm upon medical providers; clarifying language;
12 providing definition; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 650.4, is
16 amended to read as follows:

17 Section 650.4. A. Every person who, without justifiable or
18 excusable cause and with intent to do bodily harm, commits any
19 assault, battery or assault and battery upon the person of ~~an~~
20 ~~emergency~~ a medical care provider who is performing medical care
21 duties, upon conviction, is guilty of a ~~felony~~ misdemeanor
22 punishable by imprisonment in the ~~custody of the Department of~~
23 ~~Corrections~~ county jail for a term not exceeding ~~two (2) years~~ one
24 (1) year, or by a fine not exceeding One Thousand Dollars
(\$1,000.00), or by both such fine and imprisonment.

1 B. As used in this section, "~~emergency~~ medical care provider"
2 means doctors, residents, interns, nurses, nurses' aides, ambulance
3 attendants and operators, paramedics, emergency medical technicians,
4 laboratory technicians, radiological technologists, medical
5 students, physical therapists, physician assistants, chaplains and
6 members of a hospital security force.

7 SECTION 2. AMENDATORY 21 O.S. 2011, Section 650.5, is
8 amended to read as follows:

9 Section 650.5. A. Every person who, without justifiable or
10 excusable cause and with intent to do bodily harm, commits any
11 aggravated assault and battery or any assault with a firearm or
12 other deadly weapon upon the person of ~~an emergency medical~~
13 ~~technician or other emergency~~ a medical care provider who is
14 performing medical care duties, upon conviction, is guilty of a
15 felony punishable by imprisonment in a state correctional
16 institution for not more than ~~one (1) year~~ two (2) years, or by a
17 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
18 fine and imprisonment.

19 B. As used in this section, "medical care provider" means
20 doctors, residents, interns, nurses, nurses' aides, ambulance
21 attendants and operators, paramedics, emergency medical technicians,
22 laboratory technicians, radiological technologists, medical
23 students, physical therapists, physician assistants, chaplains and
24 members of a hospital security force.

