

ENGROSSED HOUSE
BILL NO. 1777

BY: COX and SULLIVAN of the
HOUSE

and

HORNER of the SENATE

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING
21 O.S. 1991, SECTION 850, WHICH RELATES TO HATE
CRIMES; PROVIDING PROTECTION FOR ADDITIONAL GROUP
OF PERSONS; SPECIFYING CONTENT OF STANDARD SYSTEM
OF REPORTING; REQUIRING THE OKLAHOMA STATE BUREAU
OF INVESTIGATION TO FILE CERTAIN ANNUAL REPORTS;
AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 850, is
amended to read as follows:

Section 850. A. No person shall maliciously and with the
specific intent to intimidate or harass another person because of
that person's race, color, religion, ancestry, national origin or
disability:

1. Assault or batter another person;
2. Damage, destroy, vandalize or deface any real or personal
property of another person; or

3. Threaten, by word or act, to do any act prohibited by paragraph 1 or 2 of this subsection if there is reasonable cause to believe that such act will occur.

B. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin or disability, make or transmit, cause or allow to be transmitted, any telephone or electronic message.

C. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin or disability, broadcast, publish, or distribute, cause or allow to be broadcast, published or distributed, any message or material.

D. Any person convicted of violating any provision of subsections A, B or C of this section shall be guilty of a misdemeanor on a first offense and a felony on a second or subsequent offense. Furthermore, said person shall be civilly liable for any damages resulting from any violation of this section.

E. Upon conviction, any person guilty of a misdemeanor in violation of this section shall be punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period of not more than one (1) year, or by both such fine and imprisonment.

F. Upon conviction, any person guilty of a felony in violation of this section shall be punishable by the imposition of a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by imprisonment in the State Penitentiary for a period of not more than ten (10) years, or by both such fine and imprisonment.

G. The Oklahoma State Bureau of Investigation shall develop a standard system for state and local law enforcement agencies to report incidents of crime which are apparently directed against members of racial, ethnic or religious groups or other groups specified by this section to the Bureau within seventy-two (72) hours of the time such incidents are reported to such agencies. The standard system shall include, but not be limited to, the following:

1. Establishment of a central repository for the collection and analysis of hate crime data and, upon the establishment of such repository, the Bureau shall be responsible for collecting, analyzing, classifying and reporting such data, and shall maintain this information in the central repository;

2. Procedures necessary to ensure effective data-gathering and preservation and protection of confidential information, and the disclosure of information to other law enforcement agencies in this state and, upon request, to law enforcement agencies of other states and the federal government;

3. Procedures for the solicitation and acceptance of reports regarding hate crime which are submitted to the Bureau; and

4. Procedures for assessing the credibility and accuracy of reports of hate crime data from law enforcement agencies.

The Oklahoma State Bureau of Investigation shall file a report on all data received pursuant to this subsection on or before January 1 of each year with the Office of the Attorney General.

H. No person, partnership, company or corporation that installs telephone or electronic message equipment shall be required to monitor the use of such equipment for possible violations of this section, nor shall such person, partnership, company or corporation be held criminally or civilly liable for the use by another person of the equipment in violation of this section, unless the person, partnership, company or corporation that installed the equipment had

prior actual knowledge that the equipment was to be used in violation of this section.

SECTION 2. This act shall become effective September 1, 1992.

Passed the House of Representatives the 4th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate