

ENGROSSED SENATE
BILL NO. 588

BY: LEFTWICH, LONG (Lewis), WILKERSON,
FAIR, MICKLE, HELTON, HARRISON,
TAYLOR, HERBERT and EASLEY of the
SENATE

and

HAMILTON (Jeff) of the HOUSE

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING
21 O.S. 1991, SECTION 856, WHICH RELATES TO
CONTRIBUTING TO DELINQUENCY OF MINORS; INCREASING
FINES; PROHIBITING SOLICITING OR RECRUITING MINORS
TO ASSOCIATE WITH GANGS OR GANG MEMBERS; SETTING
ENHANCED PENALTIES FOR SECOND OR SUBSEQUENT
VIOLATIONS; DEFINING TERM; AND DECLARING AN
EMERGENCY.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 856, is
amended to read as follows:

Section 856. A. Except as otherwise specifically provided by
law, every person who shall knowingly or willfully cause, aid, abet
or encourage a minor to be, to remain, or to become a delinquent
child, upon conviction, shall, for the first offense, be guilty of a
misdemeanor and punishable by imprisonment in a county jail not to
exceed one (1) year, or by a fine not to exceed ~~Five Hundred Dollars~~

~~(\$500.00)~~ One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. Every person convicted of a second or any succeeding violation of this act shall be guilty of a felony and punishable by imprisonment in the State Penitentiary not to exceed three (3) years, or by a fine not exceeding ~~Three Thousand Dollars (\$3,000.00)~~ Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. Every person eighteen (18) years of age or older who shall knowingly or willfully cause, aid, abet or encourage a minor to commit or participate in committing an act that would be a felony if committed by an adult shall, upon conviction, be guilty of a felony punishable by the maximum penalty allowed for conviction of the offense or offenses which the person caused, aided, abetted or encouraged the minor to commit or participate in committing.

D. Every person who shall knowingly or willfully cause, aid, abet, encourage, solicit or recruit a minor to participate, join, or associate with any criminal street gang, as defined by Section 2 of this act, or any gang member for the purpose of committing any criminal act shall, upon conviction, be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not to exceed one (1) year, or a fine not to exceed Three Thousand Dollars (\$3,000.00), or both such fine and imprisonment.

E. Every person convicted of a second or subsequent violation of subsection D of this section shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term of five (5) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

F. "Criminal street gang" means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts or offenses, which has a common name or

common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in criminal acts or offenses.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 2d day of March, 1992.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1992.

Speaker of the House of Representatives