

ENROLLED SENATE
BILL NO. 588

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

and

HAMILTON (Jeff), APPLE, BASTIN,
CALDWELL, COX, ISAAC, JOHNSON
(Rob), PAULK, PELTIER, SEIKEL,
WEBB and WEESE 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 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 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 subsection F of this section, 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 not to exceed 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 five or more persons that specifically either promotes, sponsors, or assists in, or participates in, and requires as a condition of membership or continued membership, the commission of one or more of the following criminal acts:

1. assault, battery, or assault and battery with a deadly weapon, as defined in Section 645 of Title 21 of the Oklahoma Statutes,

2. aggravated assault and battery as defined by Section 646 of Title 21 of the Oklahoma Statutes,

3. robbery by force or fear, as defined in Section 791 through 797 of Title 21 of the Oklahoma Statutes,

4. robbery or attempted robbery with a dangerous weapon or imitation firearm, as defined by Section 801 of title 21 of the Oklahoma Statutes,

5. unlawful homicide or manslaughter, as defined in Sections 691 through 722 of Title 21 of the Oklahoma Statutes,

6. the sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled dangerous substances, as defined in Section 2-101 et seq. of Title 63 of the Oklahoma Statutes,

7. trafficking in illegal drugs, as provided for in the Trafficking in Illegal Drugs Act,

8. arson, as defined in Sections 1401 through 1403 of Title 21 of the Oklahoma Statutes,

9. the influence or intimidation of witnesses and jurors, as defined in Sections 388, 455 and 545 of Title 21 of the Oklahoma Statutes,

10. criminal gang intimidation, as defined by Section 3 of this act,

11. theft of any vehicle, as described in Section 1720 of Title 21 of the Oklahoma Statutes,

12. rape, as defined in Section 1111 of Title 21 of the Oklahoma Statutes,

13. extortion, as defined in Section 1481 of Title 21 of the Oklahoma Statutes,

14. transporting a loaded firearm in a motor vehicle, in violation of Section 1289.13 of Title 21 of the Oklahoma Statutes,

15. transporting a weapon in, or discharging a weapon from, a boat, in violation of Section 1289.14 of Title 21 of the Oklahoma Statutes,

16. possession of a concealed weapon, as defined by Section 1289.8 of Title 21 of the Oklahoma Statutes, or

17. shooting or discharging a firearm, as defined by Section 652 of Title 21 of the Oklahoma Statutes.

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.

