

ENGROSSED SENATE
BILL NO. 25

By: Leftwich of the Senate

and

Hamilton (Jeff) of the
House

An Act relating to contributing to the delinquency of minors; amending 21 O.S. 1991, Section 856, as amended by Section 1, Chapter 182, O.S.L. 1992 (21 O.S. Supp. 1992, Section 856), which relates to contributing to the delinquency of minors; modifying statutory reference; deleting criminal gang intimidation; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 856, as amended by Section 1, Chapter 182, O.S.L. 1992 (21 O.S. Supp. 1992, 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~~, this title;

2. Aggravated assault and battery as defined by Section 646 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

3. Robbery by force or fear, as defined in ~~Section~~ Sections 791 through 797 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

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

5. Unlawful homicide or manslaughter, as defined in Sections 691 through 722 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

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, Section 2-414 of Title 63 of the Oklahoma Statutes;

8. Arson, as defined in Sections 1401 through 1403 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

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

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,~~ this title;

~~12.~~ 11. Rape, as defined in Section 1111 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

~~13.~~ 12. Extortion, as defined in Section 1481 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

~~14.~~ 13. Transporting a loaded firearm in a motor vehicle, in violation of Section 1289.13 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

~~15.~~ 14. Transporting a weapon in, or discharging a weapon from, a boat, in violation of Section 1289.14 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

~~16.~~ 15. Possession of a concealed weapon, as defined by Section 1289.8 of ~~Title 21 of the Oklahoma Statutes,~~ this title; or

~~17.~~ 16. Shooting or discharging a firearm, as defined by Section 652 of ~~Title 21 of the Oklahoma Statutes~~ this title.

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 3rd day of March, 1993.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1993.

Speaker of the House of Representatives