

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2134

By: Cox

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 850, as amended by Section 1, Chapter 82, O.S.L. 1992 (21 O.S. Supp. 1993, Section 850), which relates to hate crimes; requiring certain community service; specifying such service; prohibiting suspended sentences, deferred sentences, and probation under certain circumstances; 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, as amended by Section 1, Chapter 82, O.S.L. 1992 (21 O.S. Supp. 1993, 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. Said person shall also be ordered by the court to provide not fewer than one hundred (100) hours of community service and not more than three hundred (300) hours of community service. Such community service shall be performed at a project designated by the court, upon advice of the victim-witness coordinator, that primarily serves the person or group who was the target of the defendant.

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. Said sentence for a second or subsequent offense pursuant to this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

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, 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. All law enforcement agencies shall report to the OSBI, pursuant to such system, incidents of crime which are apparently directed against members of racial, ethnic, religious groups or other groups specified by this section and further provide information on the disposition of the reported incident. The Oklahoma State Bureau of Investigation shall promulgate rules, regulations and procedures necessary to develop, implement and maintain a standard system for the collection and reporting of hate crime data.

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, 1994.

44-2-7617

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