

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2571

By: Cox and Deutschendorf of
the House

and

Horner of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 850, as last amended by Section 249, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 850), which relates to malicious intimidation because of race; modifying type of prohibited transmissions; scheduling crime; 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 last amended by Section 249, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ telephonic, computerized, 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 Schedule E felony on a second or subsequent offense. The fine for a felony violation of this section shall not exceed Ten Thousand Dollars (\$10,000.00). 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. 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.

G. No person, partnership, company or corporation that installs ~~telephone~~ telephonic, computerized, 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 November 1, 1998.

46-2-11734 LAC