

SHORT TITLE: Church burning; authorizing life imprisonment or death penalty; codification; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 657

By: Horner

AS INTRODUCED

An Act relating to a crime against religious property; amending 21 O.S. 1991, Section 1765, which relates to injuring house of worship; modifying elements of crime; adding and increasing penalty; criminalizing the destruction of real property by fire or explosive for ethnic, religious, or racial reason; authorizing life imprisonment or death penalty; providing limitation of prosecution; prohibiting intentional use of explosive on certain clinic or medical facility; providing penalty; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1765, is amended to read as follows:

Section 1765. A. Every person who willfully breaks, damages, destroys, defaces, or otherwise injures any house of worship, or any part thereof, or any appurtenance thereto, or any book, furniture, ornament, musical instrument, article of silver or plated ware, or other chattel kept therein for use in connection with religious worship, is guilty of a felony shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding five (5) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by

restitution in an amount of the cost of repairing or replacing any property that is damaged or destroyed, whichever is greater, or by such fine, restitution, and imprisonment.

B. Every person who willfully defaces, damages, or destroys any religious real property by means of fire or explosive because of the race, color, religious characteristics or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding thirty-five (35) years, or by a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by restitution in an amount of the cost of repairing or replacing any property that is damaged or destroyed, whichever is greater, or by such fine, restitution, and imprisonment; and if personal injury results to any person, including any police, fire or public servant performing duties because of conduct prohibited by this subsection, the person shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding forty (40) years, by a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by restitution in an amount of the cost of repairing or replacing any property that is damaged or destroyed, or by such fine, restitution, and imprisonment; and if death results to any person including any police, fire, or public servant performing duties because of conduct prohibited by this subsection, the person shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding forty (40) years, by a fine of not more than Fifty Thousand Dollars (\$50,000.00), or by restitution in an amount of the cost of repairing or replacing any property that is damaged or destroyed, or by such fine, restitution, and imprisonment, or by imprisonment for life, or by death, in the discretion of the judge or jury.

No person shall be prosecuted, tried, or punished for any noncapital offense pursuant to the provisions of this subsection unless the indictment is found or the information is instituted within seven (7) years after the date on which the offense was committed.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 849.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

Any person who shall attach to, or place in or upon any clinic or medical facility used primarily for the termination of pregnancy, any explosive device or material with the intent to cause bodily injury or death to any person, or with intent to cause destruction or damage to property, shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for not less than five (5) years nor more than life.

SECTION 3. 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.

46-1-0021

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