STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 1444 By: Horner of the Senate

and

Toure and Cox of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; prohibiting racial profiling; defining term; prohibiting race or ethnicity as sole factor in probable cause or reasonable suspicion for stop by law enforcement; requiring every law enforcement agency to adopt a detailed policy prohibiting racial profiling; making certain written policy available to the public; requiring appropriate action by the employing agency on a violation of policy; authorizing complaints for racial profiling to the Oklahoma Human Rights Commission and district attorney; requiring a copy of a complaint be delivered to the employing agency; making violation a misdemeanor; authorizing the Oklahoma Human Rights Commission to promulgate certain procedures; directing the Governor's Cabinet Secretary for Safety and Security and the Oklahoma Human Rights Commission to promulgate certain forms for certain purpose; requiring Commission to compile certain report by certain date; providing report be submitted to certain persons; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 34.3 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. For the purposes of this section, "racial profiling" means the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual.

B. No officer of any municipal, county or state law enforcement agency shall engage in racial profiling.

C. The race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to take into custody or to arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

D. A violation of this section shall be a misdemeanor.

E. Every municipal, county, and state law enforcement agency shall adopt a detailed written policy that clearly defines the elements constituting racial profiling. Each agency's policy shall prohibit racial profiling based solely on an individual's race or ethnicity. The policy shall be available for public inspection during normal business hours.

F. If the investigation of a complaint of racial profiling reveals the officer was in direct violation of the law enforcement agency's written policy regarding racial profiling, the employing law enforcement agency shall take appropriate action consistent with applicable laws, rules, ordinances or policy.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 34.4 of Title 22, unless there is created a duplication in numbering, reads as follows:

Whenever a person who is stopped or arrested believes the stop or arrest was in violation of Section 1 of this act, that person may file a complaint with the Oklahoma Human Rights Commission and may also file a complaint with the district attorney for the county in which the stop or arrest occurred. A copy of the complaint shall be forwarded to the arresting officer's employer by the Commission. The employer shall investigate the complaint for purposes of disciplinary action and/or criminal prosecution.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 34.5 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Human Rights Commission shall promulgate rules establishing procedures for filing a racial profiling complaint with the Oklahoma Human Rights Commission and the district attorney and the process for delivering a copy of the complaint by the Commission to the employing agency. The Commission, in consultation with the Governor's Cabinet Secretary for Safety and Security, shall promulgate forms for complaints of racial profiling.

B. The Commission shall compile an annual report of all complaints received for racial profiling and submit the report on or before January 31 of each year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

SECTION 4. This act shall become effective July 1, 2000.

SECTION 5. 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.

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