

By: Horner of the Senate
and
Toure of the House

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; authorizing complaints for racial profiling; providing procedure for filing complaint of racial profiling; requiring investigation of complaint; making certain actions misdemeanors; requiring certain disciplinary action; authorizing the Oklahoma Human Rights Commission to promulgate rules, procedures and forms for certain purpose; requiring Commission to compile certain report; requiring filing of report; 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 member of the Highway Patrol, the Department of Public Safety, a municipal police department, a county sheriff or any other 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. When an act of racial profiling has been committed, the supervising law enforcement agency shall take disciplinary action against the officer involved in the unlawful conduct.

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. 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 may promulgate rules and procedures to carry out the provisions of this act. The Commission shall promulgate forms for complaints of racial profiling.

B. The Commission shall compile an annual report of all complaints of racial profiling and submit the report 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.

Passed the Senate the 7th day of March, 2000.

President of the Senate

Passed the House of Representatives the ____ day of _____,
2000.

Speaker of the House of
Representatives