

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 1211

By: Ross

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending  
9 21 O.S. 1991, Section 850, as last amended by Section  
10 7, Chapter 2, 1st Extraordinary Session, O.S.L. 1998  
11 (21 O.S. Supp. 1998, Section 850), which relates to  
12 hate crimes; modifying conduct which may constitute a  
13 hate crime; amending 21 O.S. 1991, Section 645, as  
14 amended by Section 218, Chapter 133, O.S.L. 1997 (21  
15 O.S. Supp. 1998, Section 645), which relates to  
16 assault and battery with a dangerous weapon;  
17 increasing penalty under certain circumstances; and  
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 1991, Section 850, as last  
21 amended by Section 7, Chapter 2, 1st Extraordinary Session, O.S.L.  
22 1998 (21 O.S. Supp. 1998, Section 850), is amended to read as  
23 follows:

24 Section 850. A. No person shall maliciously and with the  
25 specific intent to intimidate or harass another person because of  
26 that person's race, color, religion, ancestry, national origin,  
27 sexual orientation or disability:

28 1. Assault or batter another person;  
29 2. Damage, destroy, vandalize or deface any real or personal  
30 property of another person; or

31 3. Threaten, by word or act, to do any act prohibited by  
32 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,

1 imminent violence, which violence would be directed against another  
2 person because of that person's race, color, religion, ancestry,  
3 national origin, sexual orientation or disability, make or transmit,  
4 cause or allow to be transmitted, any telephonic, computerized, or  
5 electronic message.

6 C. No person shall maliciously and with specific intent to  
7 incite or produce, and which is likely to incite or produce,  
8 imminent violence, which violence would be directed against another  
9 person because of that person's race, color, religion, ancestry,  
10 national origin, sexual orientation or disability, broadcast,  
11 publish, or distribute, cause or allow to be broadcast, published or  
12 distributed, any message or material.

13 D. Any person convicted of violating any provision of  
14 subsections A, B or C of this section shall be guilty of a  
15 misdemeanor on a first offense and a Schedule E felony on a second  
16 or subsequent offense committed on or after the effective date of  
17 Section 20.1 of this title and a felony punishable by not more than  
18 ten (10) years incarceration in the custody of the Department of  
19 Corrections for a second or subsequent offense committed before the  
20 effective date of Section 20.1 of this title. The fine for a felony  
21 violation of this section shall not exceed Ten Thousand Dollars  
22 (\$10,000.00). Furthermore, said person shall be civilly liable for  
23 any damages resulting from any violation of this section.

24 E. Upon conviction, any person guilty of a misdemeanor in  
25 violation of this section shall be punishable by the imposition of a  
26 fine not exceeding One Thousand Dollars (\$1,000.00), or by  
27 imprisonment in the county jail for a period of not more than one  
28 (1) year, or by both such fine and imprisonment.

29 F. The Oklahoma State Bureau of Investigation shall develop a  
30 standard system for state and local law enforcement agencies to  
31 report incidents of crime which are apparently directed against  
32 members of racial, ethnic, religious groups or other groups

1 specified by this section to the Bureau within seventy-two (72)  
2 hours of the time such incidents are reported to such agencies. All  
3 law enforcement agencies shall report to the OSBI, pursuant to such  
4 system, incidents of crime which are apparently directed against  
5 members of racial, ethnic, religious groups or other groups  
6 specified by this section and further provide information on the  
7 disposition of the reported incident. The Oklahoma State Bureau of  
8 Investigation shall promulgate rules, regulations and procedures  
9 necessary to develop, implement and maintain a standard system for  
10 the collection and reporting of hate crime data.

11 G. No person, partnership, company or corporation that installs  
12 telephonic, computerized, or electronic message equipment shall be  
13 required to monitor the use of such equipment for possible  
14 violations of this section, nor shall such person, partnership,  
15 company or corporation be held criminally or civilly liable for the  
16 use by another person of the equipment in violation of this section,  
17 unless the person, partnership, company or corporation that  
18 installed the equipment had prior actual knowledge that the  
19 equipment was to be used in violation of this section.

20 SECTION 2. AMENDATORY 21 O.S. 1991, Section 645, as  
21 amended by Section 218, Chapter 133, O.S.L. 1997 (21 O.S. Supp.  
22 1998, Section 645), is amended to read as follows:

23 Section 645. Every person who, with intent to do bodily harm  
24 and without justifiable or excusable cause, commits any assault,  
25 battery, or assault and battery upon the person of another with any  
26 sharp or dangerous weapon, or who, without such cause, shoots at  
27 another, with any kind of firearm or air gun or other means  
28 whatever, with intent to injure any person, although without the  
29 intent to kill such person or to commit any felony, upon conviction  
30 is guilty of a felony. Any person convicted of violating this  
31 section with the specific intent to intimidate or harass another  
32 person because of that person's race, color, religion, ancestry,

1 national origin, sexual orientation or disability shall be subject  
2 to a twenty-five percent (25%) longer term of incarceration and a  
3 twenty-five percent (25%) larger fine.

4 SECTION 3. This act shall become effective November 1, 1999.

5

6 47-1-6331 LAC 6/11/15

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32