

CS for SB 1444

1 THE STATE SENATE
2 Monday, February 28, 2000

3 Committee Substitute for
4 Senate Bill No. 1444

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1444 - By: HORNER of the
6 Senate and TOURE of the House.

7 An Act relating to criminal procedure; prohibiting racial
8 profiling; defining term; prohibiting race or ethnicity as
9 sole factor in probable cause or reasonable suspicion for
10 stop by law enforcement; authorizing complaints for racial
11 profiling; providing procedure for filing complaint of
12 racial profiling; requiring investigation of complaint;
13 making certain actions misdemeanors; requiring certain
14 disciplinary action; authorizing the Oklahoma Human Rights
15 Commission to promulgate rules, procedures and forms for
16 certain purpose; requiring Commission to compile certain
17 report; requiring filing of report; providing for
18 codification; providing an effective date; and declaring an
19 emergency.

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

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

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

28 B. No member of the Highway Patrol, the Department of Public
29 Safety, a municipal police department, a county sheriff or any other
30 law enforcement agency shall engage in racial profiling.

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

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

8 E. When an act of racial profiling has been committed, the
9 supervising law enforcement agency shall take disciplinary action
10 against the officer involved in the unlawful conduct.

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

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

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

4 A. The Oklahoma Human Rights Commission may promulgate rules
5 and procedures to carry out the provisions of this act. The
6 Commission shall promulgate forms for complaints of racial
7 profiling.

8 B. The Commission shall compile an annual report of all
9 complaints of racial profiling and submit the report to the
10 Governor, the President Pro Tempore of the Senate, and the Speaker
11 of the House of Representatives.

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

13 SECTION 5. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-00 - DO
18 PASS, As Amended and Coauthored.