

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1177

By: Ross

AS INTRODUCED

An Act relating to hate crimes; amending 21 O.S. 1991, Section 850, as last amended by Section 153, Chapter 5, 1st Extraordinary Session, O.S.L. 2000 (21 O.S. Supp. 2000, Section 850), which relates to malicious harassment based on race, color, religion, ancestry, national origin or disability; eliminating certain time period for reporting crimes to OSBI; requiring agencies to report crimes on forms prescribed by the OSBI; amending 74 O.S. 1991, Section 150.10, as last amended by Section 2, Chapter 258, O.S.L. 2000 (74 O.S. Supp. 2000, Section 150.10), which relates to the Uniform Crime Reporting System; modifying certain reporting periods; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 850, as last amended by Section 153, Chapter 5, 1st Extraordinary Session, O.S.L. 2000 (21 O.S. Supp. 2000, Section 850), is amended to read as follows:

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

1. Assault or batter another person;
2. Damage, destroy, vandalize or deface any real or personal property of another person; or
3. Threaten, by word or act, to do any act prohibited by 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, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin or disability, make or transmit, cause or allow to be transmitted, any telephonic, computerized, or electronic message.

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

D. Any person convicted of violating any provision of subsections A, B or C of this section shall be guilty of a misdemeanor on a first offense and a felony punishable by not more than ten (10) years incarceration in the custody of the Department of Corrections for a second or subsequent offense. The fine for a felony violation of this section shall not exceed Ten Thousand Dollars (\$10,000.00). Furthermore, said person shall be civilly liable for any damages resulting from any violation of this section.

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

F. The Oklahoma State Bureau of Investigation shall develop a standard system for state and local law enforcement agencies to report incidents of crime which are apparently directed against members of racial, ethnic, religious groups or other groups specified by this section ~~to the Bureau within seventy-two (72) hours of the time such incidents are reported to such agencies. All~~

~~law enforcement agencies shall report to the OSBI, pursuant to such system, incidents of crime which are apparently directed against members of racial, ethnic, religious groups or other groups specified by this section and further provide information on the disposition of the reported incident.~~ The Oklahoma State Bureau of Investigation shall promulgate rules, regulations and procedures necessary to develop, implement and maintain a standard system for the collection and reporting of hate crime data. All state, county, city and town law enforcement agencies shall submit a monthly report to the Oklahoma State Bureau of Investigation on forms prescribed by the Bureau. The report shall contain the number and nature of the offenses committed within their respective jurisdictions, the disposition of such matters and any other information the Bureau may require, respecting information relating to the cause and prevention of crime, recidivism, the rehabilitation of criminals and the proper administration of criminal justice.

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

SECTION 2. AMENDATORY 74 O.S. 1991, Section 150.10, as last amended by Section 2, Chapter 258, O.S.L. 2000 (74 O.S. Supp. 2000, Section 150.10), is amended to read as follows:

Section 150.10 A. A uniform crime reporting system shall be established by the Oklahoma State Bureau of Investigation. The Director shall have the power and duty, when directed by the Commission, to collect and gather such information from such state

agencies as may be prescribed in Section 150.1 et seq. of this title.

B. The Oklahoma State Bureau of Investigation is hereby designated as the agency which shall collect, gather, assemble and collate such information as is prescribed by this section.

C. All state, county, city and town law enforcement agencies shall submit a ~~quarterly~~ monthly report to the Oklahoma State Bureau of Investigation on forms prescribed by the Bureau, which report shall contain the number and nature of offenses committed within their respective jurisdictions, the disposition of such matters, and such other information as the Bureau may require, respecting information relating to the cause and prevention of crime, recidivism, the rehabilitation of criminals and the proper administration of criminal justice.

D. Upon receipt of such information the Director shall have such data collated and formulated and shall compile such statistics as he may deem necessary in order to present a proper classification and analysis of the volume and nature of crime and the administration of criminal justice within this state.

E. Refusal or persistent failure of any law enforcement agency to submit reports required by this section may result in discontinued access to Bureau information and assistance.

SECTION 3. This act shall become effective November 1, 2001.

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