

CS for SB 1840

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**THE STATE SENATE**  
**Wednesday, March 1, 2006**

**Committee Substitute for**  
**Senate Bill No. 1840**

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1840 - By: JOHNSON  
(Constance) of the Senate and SHUMATE of the House.

[ crimes and punishments - hate crimes - penalty -  
emergency ]

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

SECTION 1. AMENDATORY 21 O.S. 2001, 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

1 person because of that person's race, color, religion, ancestry,  
2 national origin or disability, make or transmit, cause or allow to  
3 be transmitted, any telephonic, computerized, or electronic message.

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

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

19 E. Upon conviction, any person guilty of a misdemeanor in  
20 violation of this section shall be punishable by the imposition of a  
21 fine not exceeding ~~One Thousand Dollars (\$1,000.00)~~ Ten Thousand  
22 Dollars (\$10,000.00), or by imprisonment in the county jail for a

1 period of not more than one (1) year, or by both such fine and  
2 imprisonment.

3 F. The Oklahoma State Bureau of Investigation shall develop a  
4 standard system for state and local law enforcement agencies to  
5 report incidents of crime which are apparently directed against  
6 members of racial, ethnic, religious groups or other groups  
7 specified by this section. 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. All state, county,  
11 city and town law enforcement agencies shall submit a monthly report  
12 to the Oklahoma State Bureau of Investigation on forms prescribed by  
13 the Bureau. The report shall contain the number and nature of the  
14 offenses committed within their respective jurisdictions, the  
15 disposition of such matters and any other information the Bureau may  
16 require, respecting information relating to the cause and prevention  
17 of crime, recidivism, the rehabilitation of criminals and the proper  
18 administration of criminal justice.

19 G. No person, partnership, company or corporation that installs  
20 telephonic, computerized, or electronic message equipment shall be  
21 required to monitor the use of such equipment for possible  
22 violations of this section, nor shall such person, partnership,  
23 company or corporation be held criminally or civilly liable for the

1 use by another person of the equipment in violation of this section,  
2 unless the person, partnership, company or corporation that  
3 installed the equipment had prior actual knowledge that the  
4 equipment was to be used in violation of this section.

5 SECTION 2. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO  
10 PASS, As Amended and Coauthored.