

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3262

By: McAffrey

4
5 AS INTRODUCED

6 An Act relating to crimes and punishments; amending
7 21 O.S. 2001, Section 850, which relates to malicious
8 intimidation or harassment; expanding scope of crime;
9 modifying penalty; directing Oklahoma State Bureau of
10 Investigation to develop a toll-free number for
11 certain purpose; requiring development of a public
12 awareness campaign; providing for promulgation of
13 rules and procedures; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2001, Section 850, is
17 amended to read as follows:

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

- 22 1. Assault or batter another person;
23 2. Damage, destroy, vandalize or deface any real or personal
24 property of another person; or

1 3. Threaten, by word or act, to do any act prohibited by
2 paragraph 1 or 2 of this subsection if there is reasonable cause to
3 believe that such act will occur.

4 B. 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, or gender identity, make or
9 transmit, cause or allow to be transmitted, any telephonic,
10 computerized, or electronic message.

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

18 D. Any person convicted of violating any provision of
19 ~~subsections~~ subsection A, B or C of this section shall be guilty of
20 a ~~misdemeanor on a first offense and a felony punishable by not more~~
21 than ten (10) years incarceration in the custody of the Department
22 of Corrections ~~for a second or subsequent offense. The, or a~~ fine
23 ~~for a felony violation of this section shall not to~~ exceed Ten
24 Thousand Dollars (\$10,000.00). Furthermore, ~~said~~ the person shall

1 be civilly liable for any damages resulting from any violation of
2 this section.

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

8 F. The Oklahoma State Bureau of Investigation shall develop a
9 standard system for state and local law enforcement agencies to
10 report incidents of crime which are apparently directed against
11 members of racial, ethnic, religious groups or other groups
12 specified by this section. The Oklahoma State Bureau of
13 Investigation shall promulgate rules, regulations and procedures
14 necessary to develop, implement and maintain a standard system for
15 the collection and reporting of hate crime data. All state, county,
16 city and town law enforcement agencies shall submit a monthly report
17 to the Oklahoma State Bureau of Investigation on forms prescribed by
18 the Bureau. The report shall contain the number and nature of the
19 offenses committed within their respective jurisdictions, the
20 disposition of such matters and any other information the Bureau may
21 require, respecting information relating to the cause and prevention
22 of crime, recidivism, the rehabilitation of criminals and the proper
23 administration of criminal justice.

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1 F. The Oklahoma State Bureau of Investigation shall develop and
2 provide a toll-free number whereby the public may report incidents
3 of crime which are directed against members of racial, ethnic, or
4 religious groups or other groups specified by this section. The
5 Oklahoma State Bureau of Investigation shall develop a statewide
6 public awareness campaign to inform the public of the toll-free
7 number for the reporting of hate crimes in Oklahoma. The Oklahoma
8 State Bureau of Investigation shall promulgate rules and procedures
9 necessary to implement the provisions of this subsection.

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

19 SECTION 2. This act shall become effective November 1, 2008.

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21 51-2-8683 GRS 01/15/08
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