

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1610

By: Eason McIntyre

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Section 850, which relates to hate  
9 crimes; adding certain class to prohibition from  
10 harassment; and declaring an emergency.

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

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

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

18 1. Assault or batter another person;

19 2. Damage, destroy, vandalize or deface any real or personal  
20 property of another person; or

21 3. Threaten, by word or act, to do any act prohibited by  
22 paragraph 1 or 2 of this subsection if there is reasonable cause to  
23 believe that such act will occur.  
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1 B. No person shall maliciously and with specific intent to  
2 incite or produce, and which is likely to incite or produce,  
3 imminent violence, which violence would be directed against another  
4 person because of that person's race, color, sexual orientation,  
5 religion, ancestry, national origin or disability, make or transmit,  
6 cause or allow to be transmitted, any telephonic, computerized, or  
7 electronic message.

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

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

23 E. Upon conviction, any person guilty of a misdemeanor in  
24 violation of this section shall be punishable by the imposition of a

1 fine not exceeding One Thousand Dollars (\$1,000.00), or by  
2 imprisonment in the county jail for a period of not more than one  
3 (1) year, or by both such fine and imprisonment.

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

20 G. No person, partnership, company or corporation that installs  
21 telephonic, computerized, or electronic message equipment shall be  
22 required to monitor the use of such equipment for possible  
23 violations of this section, nor shall such person, partnership,  
24 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.

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