

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2952

By: Shumate

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Section 850, which relates to malicious  
9 intimidation and harassment; expanding scope of crime  
to include certain class; modifying penalties; and  
providing an effective date.

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

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

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

- 19 1. Assault or batter another person;
- 20 2. Damage, destroy, vandalize or deface any real or personal  
21 property of another person; or
- 22 3. Threaten, by word or act, to do any act prohibited by  
23 paragraph 1 or 2 of this subsection if there is reasonable cause to  
24 believe that such act will occur.

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, religion, sexual  
5 orientation, ancestry, national origin or disability, make or  
6 transmit, cause or allow to be transmitted, any telephonic,  
7 computerized, or 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, religion, sexual  
12 orientation, 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~~ subsection A, B or C of this section shall be guilty of  
17 ~~a 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, or a fine~~  
20 ~~for a felony violation of this section shall not to~~ exceed Ten  
21 Thousand Dollars (\$10,000.00), or by both such fine and  
22 imprisonment. Furthermore, said person shall be civilly liable for  
23 any damages resulting from any violation of this section.

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

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

22       G. F. No person, partnership, company or corporation that  
23 installs telephonic, computerized, or electronic message equipment  
24 shall be required to monitor the use of such equipment for possible

1 violations of this section, nor shall such person, partnership,  
2 company or corporation be held criminally or civilly liable for the  
3 use by another person of the equipment in violation of this section,  
4 unless the person, partnership, company or corporation that  
5 installed the equipment had prior actual knowledge that the  
6 equipment was to be used in violation of this section.

7 SECTION 2. This act shall become effective November 1, 2010.

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9 52-2-9275 GRS 12/21/09

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