HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 3131 By: Nelson

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 360, which relates to crimes against state property and revenue; prohibiting public employees from certain actions regarding legislation; prohibiting retaliation; providing exceptions; amending 21 O.S. 2011, Section 491, which relates to perjury; modifying definition; providing for legislative proceeding; expanding crime of perjury to include dissemination of certain information; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 360, is amended to read as follows:

Section 360. A. No public employee or public official, as defined in Section 304 of Title 51 of the Oklahoma Statutes, shall directly or indirectly coerce, attempt to coerce, command, advise or

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BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

direct any state employee to pay, lend or contribute any part of his or her salary or compensation, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes.

B. No public employee or official shall retaliate against any employee for exercising his or her rights or for not participating in permitted political activities as provided in Ethics Commission Rule 257:10-1-4.

C. No public employee as defined in Section 304 of Title 51 of the Oklahoma Statutes, employed in this state by a governmental entity having authority to issue, revoke, suspend or deny a license, permit or certification to a person shall directly or indirectly coerce, attempt to coerce, command, advise or direct a person who is seeking or has a license, permit or certification issued by the governmental entity, to pay, lend or contribute money, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes or to support, oppose, express or refrain from expressing facts or opinions on proposed or pending legislation, regulations, rules or ordinances affecting the governmental entity or its employees.

D. No public employee shall retaliate against any person for exercising his or her rights or for participating or not participating in permitted political activities as provided in

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Ethics Commission Rule 257:10-1-4 or for supporting, opposing, expressing or not expressing facts or opinions on proposed legislation, regulations, rules or ordinances.

E. The provisions of subsection C of this section shall not be applicable to a public employee as defined in Section 304 of Title 51 of the Oklahoma Statutes, employed in this state by a governmental entity having authority to issue, revoke, suspend or deny a license, permit or certification when the person who is seeking or has a license, permit or certification from the governmental entity is also a member of the Legislature, a person who serves on the governing board of the agency or a person who is appointed to serve on a task force or similar entity created by legislative action or by a political subdivision.

F. The provisions of subsection C of this section shall not be construed to prevent any public employee from providing information or offering his or her opinion regarding proposed or pending legislation, regulations, rules or ordinances to a person, public employee or public official or any person who is seeking or has a license, permit or certification issued by that governmental entity.

G. Any person convicted of willfully violating the provisions of this section shall be guilty of a felony and shall be punished by the imposition of a fine of not more than Ten Thousand Dollars

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($10,000.00) or by imprisonment for not longer than two (2) years, or by both said fine and imprisonment.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 491, is amended to read as follows:

Section 491. A. Whoever, in a trial, hearing, investigation, deposition, certification ~~or~~, declaration or legislative proceeding, in which the making or subscribing of a statement is required or authorized by law, makes or subscribes a statement under oath, affirmation or other legally binding assertion that the statement is true, when in fact the witness or declarant does not believe that the statement is true or knows that it is not true or intends thereby to avoid or obstruct the ascertainment of the truth, is guilty of perjury. It shall be a defense to the charge of perjury as defined in this section that the statement is true.

B. Any public employee or official who knowingly provides false or misleading information to the Legislature, a member of the Legislature, a legislative committee or subcommittee, or a legislative staff person requesting information on behalf of the Legislature, a member of the Legislature, or a legislative committee or subcommittee, shall be guilty of perjury.

SECTION 3. This act shall become effective July 1, 2012.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

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declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/22/2012 - DO PASS.

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