

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 3131

By: Nelson

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 360, which relates to crimes
9 against state property and revenue; prohibiting
10 public employees from certain actions regarding
11 legislation; prohibiting retaliation; providing
12 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.

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

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

18 Section 360. A. No public employee or public official, as
19 defined in Section 304 of Title 51 of the Oklahoma Statutes, shall
20 directly or indirectly coerce, attempt to coerce, command, advise or
21 direct any state employee to pay, lend or contribute any part of his
22 or her salary or compensation, time, effort or anything else of
23 value to any party, committee, organization, agency or person for
24 political purposes.

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

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

17 D. No public employee shall retaliate against any person for
18 exercising his or her rights or for participating or not
19 participating in permitted political activities as provided in
20 Ethics Commission Rule 257:10-1-4 or for supporting, opposing,
21 expressing or not expressing facts or opinions on proposed
22 legislation, regulations, rules or ordinances.

23 E. The provisions of subsection C of this section shall not be
24 applicable to a public employee as defined in Section 304 of Title

1 51 of the Oklahoma Statutes, employed in this state by a
2 governmental entity having authority to issue, revoke, suspend or
3 deny a license, permit or certification when the person who is
4 seeking or has a license, permit or certification from the
5 governmental entity is also a member of the Legislature, a person
6 who serves on the governing board of the agency or a person who is
7 appointed to serve on a task force or similar entity created by
8 legislative action or by a political subdivision.

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

15 G. Any person convicted of willfully violating the provisions
16 of this section shall be guilty of a felony and shall be punished by
17 the imposition of a fine of not more than Ten Thousand Dollars
18 (\$10,000.00) or by imprisonment for not longer than two (2) years,
19 or by both said fine and imprisonment.

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

22 Section 491. A. Whoever, in a trial, hearing, investigation,
23 deposition, certification ~~or~~, declaration or legislative proceeding,
24 in which the making or subscribing of a statement is required or

1 authorized by law, makes or subscribes a statement under oath,
2 affirmation or other legally binding assertion that the statement is
3 true, when in fact the witness or declarant does not believe that
4 the statement is true or knows that it is not true or intends
5 thereby to avoid or obstruct the ascertainment of the truth, is
6 guilty of perjury. It shall be a defense to the charge of perjury
7 as defined in this section that the statement is true.

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

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

15 SECTION 4. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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