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April 11, 2017

ENGROSSED HOUSE
BILL NO. 1478

By: Young and Goodwin of the
House

and

Matthews and Pittman of the
Senate

An Act relating to discrimination; amending 22 O.S. 2011, Section 34.5, as amended by Section 2, Chapter 214, O.S.L. 2013 (22 O.S. Supp. 2016, Section 34.5), which relates to the Office of Civil Rights Enforcement; prohibiting forwarding of names on complaint; amending 25 O.S. 2011, Section 1502, as amended by Section 10, Chapter 214, O.S.L. 2013 (25 O.S. Supp. 2016, Section 1502), which relates to the Office of Civil Rights Enforcement; requiring Attorney General perform certain actions for complaints; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 34.5, as amended by Section 2, Chapter 214, O.S.L. 2013 (22 O.S. Supp. 2016, Section 34.5), is amended to read as follows:

Section 34.5. A. The Attorney General's Office of Civil Rights Enforcement shall promulgate rules establishing procedures for filing a racial profiling complaint with the Attorney General's Office of Civil Rights Enforcement and the district attorney and the

1 process for delivering a copy of the complaint by the Attorney
2 General to the employing agency. The Attorney General's Office of
3 Civil Rights Enforcement, in consultation with the Governor's
4 Cabinet Secretary for Safety and Security, shall promulgate forms
5 for complaints of racial profiling.

6 B. The Attorney General shall compile an annual report of all
7 complaints received for racial profiling and submit the report on or
8 before January 31 of each year to the Governor, the President Pro
9 Tempore of the Senate, and the Speaker of the House of
10 Representatives; provided the names of the complainants shall be
11 redacted and shall not be forwarded with the report.

12 SECTION 2. AMENDATORY 25 O.S. 2011, Section 1502, as
13 amended by Section 10, Chapter 214, O.S.L. 2013 (25 O.S. Supp. 2016,
14 Section 1502), is amended to read as follows:

15 Section 1502. A. A person claiming to be aggrieved by a
16 discriminatory practice, his or her attorney, or a nonprofit
17 organization chartered for the purpose of combatting discrimination
18 may file with the Attorney General's Office of Civil Rights
19 Enforcement a written sworn complaint stating that a discriminatory
20 practice has been committed, and setting forth the facts upon which
21 the complaint is based, and setting forth facts sufficient to enable
22 the Attorney General to identify the person charged, hereinafter
23 called the respondent. The Attorney General shall promptly furnish
24 the respondent with a copy of the complaint and shall promptly

1 investigate the allegations of discriminatory practice set forth in
2 the complaint. The complaint must be filed within one hundred
3 eighty (180) days after the alleged discriminatory practice occurs.

4 B. If within sixty (60) days after the complaint is filed it is
5 determined by the Attorney General that there is no reasonable cause
6 to believe that the respondent has engaged in a discriminatory
7 practice, the Attorney General shall issue an order dismissing the
8 complaint and shall furnish a copy of the order to the complainant,
9 the respondent and such other public officers and persons as the
10 Attorney General deems proper.

11 C. The complainant, within thirty (30) days after receiving a
12 copy of an order dismissing the complaint, may file with the
13 Attorney General an application for reconsideration of the order.
14 Upon such application, the Attorney General shall make a new
15 determination whether there is a reasonable cause to believe that
16 the respondent has engaged in a discriminatory practice. If it is
17 determined within thirty (30) days after the application is filed
18 that there is no reasonable cause to believe that the respondent has
19 engaged in a discriminatory practice, the Attorney General shall
20 issue an order dismissing the complaint and furnish a copy of the
21 order to the complainant, the respondent and such other public
22 officers as the Attorney General deems proper.

23 D. The Attorney General shall:

24 1. Allow for electronic submission of the complaint form;

1 2. Make a good-faith effort to contact the complainant if the
2 complaint form is deemed insufficient or incomplete;

3 3. Provide the complaint form in Spanish as well as English;
4 and

5 4. Provide the two access numbers to the Office of Civil Rights
6 Enforcement for persons who need assistance in completing or filing
7 the complaint form.

8 E. This section ~~does~~ shall not apply to persons claiming to be
9 aggrieved by a discriminatory housing practice to the extent that it
10 is inconsistent with specific provisions of Section 1101 et seq. of
11 this title relating to a discriminatory housing complaint.

12 SECTION 3. This act shall become effective November 1, 2017.

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
14 April 11, 2017 - DO PASS
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