

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3148

By: Dunnington

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 850, which relates to penalties for malicious intimidation or harassment; expanding scope of crime to include certain class of individuals; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 850, is amended to read as follows:

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

1. Assault or batter another person;
2. Damage, destroy, vandalize or deface any real or personal property of another person; or
3. Threaten, by word or act, to do any act prohibited by paragraph 1 or 2 of this subsection if there is reasonable cause to 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, ancestry,
5 national origin ~~or~~, disability, sexual orientation or gender
6 identity, make or transmit, cause or allow to be transmitted, any
7 telephonic, 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, ancestry,
12 national origin ~~or~~, disability, sexual orientation or gender
13 identity, broadcast, publish, or distribute, cause or allow to be
14 broadcast, published or 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. This act shall become effective November 1, 2018.

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7 56-2-9132 GRS 01/03/18

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