

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1083

By: Sharp

AS INTRODUCED

An Act relating to crime and punishment; amending 21 O.S. 2011, Section 850, which relates to malicious intimidation or harassment; modifying certain offense; updating statutory language; 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:

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, make or transmit, cause or allow to
6 be transmitted, any telephonic, computerized, or electronic message.

7 C. No person shall maliciously and with specific intent to
8 incite or produce, and which is likely to incite or produce,
9 imminent violence, which violence would be directed against another
10 person because of that person's race, color, religion, ancestry,
11 national origin or disability, broadcast, publish, or distribute,
12 cause or allow to be broadcast, published or distributed, any
13 message or material.

14 D. Any person convicted of violating any provision of
15 subsections A, B or C of this section shall be guilty of a
16 misdemeanor ~~on a first offense and~~ or a felony upon the discretion
17 of the District Attorney and the felony shall be punishable by not
18 more than ten (10) years incarceration in the custody of the
19 Department of Corrections for ~~a second or subsequent~~ an offense.
20 The fine for a felony violation of this section shall not exceed Ten
21 Thousand Dollars (\$10,000.00). Furthermore, ~~said~~ the person shall
22 be civilly liable for any damages resulting from any violation of
23 this section.
24

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. No person, partnership, company or corporation that installs
23 telephonic, computerized, or electronic message equipment shall be
24 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, 2020.

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