

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 96

By: Weaver

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 850, as relates to malicious intimidation or harassment; modifying offenses to be considered as hate crimes; prescribing certain penalty; updating 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. No person shall maliciously and with specific intent to
15 incite or produce, and which is likely to incite or produce,
16 imminent violence, injury or death, which would be directed against
17 a law enforcement officer, correctional officer or corrections
18 employee while the officer or employee is in the performance of
19 official duties and because of that person's employment as a law
20 enforcement officer, correctional officer or corrections employee.

21 E. Any person convicted of violating any provision of
22 ~~subsections~~ subsection A, B or C of this section shall be guilty of
23 a misdemeanor on a first offense and a felony punishable by not more
24 than ten (10) years incarceration in the custody of the Department

1 of Corrections for a second or subsequent offense. The fine for a
2 felony violation of this section shall not exceed Ten Thousand
3 Dollars (\$10,000.00). Furthermore, ~~said~~ the person shall be civilly
4 liable for any damages resulting from any violation of this section.

5 ~~F.~~ F. Upon conviction, any person guilty of a misdemeanor in
6 violation of this section shall be punishable by the imposition of a
7 fine not exceeding One Thousand Dollars (\$1,000.00), or by
8 imprisonment in the county jail for a period of not more than one
9 (1) year, or by both such fine and imprisonment.

10 G. Any person convicted of violating any provision of
11 subsection D of this section shall be guilty of a felony punishable
12 by death or by imprisonment for life without parole in the custody
13 of the Department of Corrections.

14 ~~F.~~ H. The Oklahoma State Bureau of Investigation shall develop
15 a standard system for state and local law enforcement agencies to
16 report incidents of crime which are apparently directed against
17 members of racial, ethnic, religious groups or other groups
18 specified by this section. The Oklahoma State Bureau of
19 Investigation shall promulgate rules, regulations and procedures
20 necessary to develop, implement and maintain a standard system for
21 the collection and reporting of hate crime data. All state, county,
22 city and town law enforcement agencies shall submit a monthly report
23 to the Oklahoma State Bureau of Investigation on forms prescribed by
24 the Bureau. The report shall contain the number and nature of the

1 offenses committed within their respective jurisdictions, the
2 disposition of such matters and any other information the Bureau may
3 require, respecting information relating to the cause and prevention
4 of crime, recidivism, the rehabilitation of criminals and the proper
5 administration of criminal justice.

6 ~~G.~~ I. No person, partnership, company or corporation that
7 installs telephonic, computerized, or electronic message equipment
8 shall be required to monitor the use of such equipment for possible
9 violations of this section, nor shall such person, partnership,
10 company or corporation be held criminally or civilly liable for the
11 use by another person of the equipment in violation of this section,
12 unless the person, partnership, company or corporation that
13 installed the equipment had prior actual knowledge that the
14 equipment was to be used in violation of this section.

15 SECTION 2. This act shall become effective November 1, 2019.

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