

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1644

By: Humphrey of the House

and

7 **Burns** of the Senate

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9
10 COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2011, Section 372, which relates to
13 mutilating or destroying flags; making certain acts
14 unlawful; providing penalty; requiring persons to
15 obtain permit prior to burning United States flag;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 372, is
19 amended to read as follows:

20 Section 372. A. Any person who shall contemptuously or
21 maliciously tear down, burn, trample upon, mutilate, deface, defile,
22 defy, treat with indignity, wantonly destroy, or cast contempt,
23 either by word or act, upon any flag, standard, colors or ensign of
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1 the United States of America, shall, upon conviction, be guilty of a
2 felony.

3 B. Any person who shall burn in public any flag of the United
4 States of America with the intent to cause a breach of the peace or
5 incitement to riot shall, upon conviction, be guilty of a felony. A
6 person seeking to burn the United States flag must obtain a permit
7 from the proper city or county authority before proceeding and must
8 burn the flag in a safe and proper manner.

9 C. The word "defile" as used in this section shall include
10 public conduct which brings shame or disgrace upon any flag of the
11 United States by its use for unpatriotic or profane purpose.

12 ~~C.~~ D. The terms "flag", "standard", "colors", or "ensign" of
13 the United States as used in this section shall include any picture,
14 representation or part thereof which an average person would
15 believe, upon seeing and without deliberation, to represent the
16 flag, standard, colors or ensign of the United States of America.

17 SECTION 2. This act shall become effective November 1, 2021.
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19 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
20 dated 03/01/2021 - DO PASS, As Amended and Coauthored.
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