

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1478

By: Young

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6 AS INTRODUCED

7 An Act relating to discrimination; amending 22 O.S.  
8 2011, Sections 34.4, as amended by Section 1, Chapter  
9 214, O.S.L. 2013 and 34.5, as amended by Section 2,  
10 Chapter 214, O.S.L. 2013 (22 O.S. Supp. 2016,  
11 Sections 34.4 and 34.5), which relate to the Office  
12 of Civil Rights Enforcement; prohibiting forwarding  
13 of names on complaint; amending 25 O.S. 2011, Section  
14 1502, as amended by Section 10, Chapter 214, O.S.L.  
15 2013 (25 O.S. Supp. 2016, Section 1502), which  
16 relates to the Office of Civil Rights Enforcement;  
17 requiring Attorney General perform certain actions  
18 for complaints; and providing an effective date.

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1 arrest occurred. A copy of the complaint shall be forwarded to the  
2 arresting officer's employer by the Attorney General's Office of  
3 Civil Rights Enforcement; provided the name of the complainant shall  
4 be redacted and shall not be forwarded with the complaint. The  
5 employer shall investigate the complaint for purposes of  
6 disciplinary action ~~and~~ or criminal prosecution.

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

10 Section 34.5 A. The Attorney General's Office of Civil Rights  
11 Enforcement shall promulgate rules establishing procedures for  
12 filing a racial profiling complaint with the Attorney General's  
13 Office of Civil Rights Enforcement and the district attorney and the  
14 process for delivering a copy of the complaint by the Attorney  
15 General to the employing agency. The Attorney General's Office of  
16 Civil Rights Enforcement, in consultation with the Governor's  
17 Cabinet Secretary for Safety and Security, shall promulgate forms  
18 for complaints of racial profiling.

19 B. The Attorney General shall compile an annual report of all  
20 complaints received for racial profiling and submit the report on or  
21 before January 31 of each year to the Governor, the President Pro  
22 Tempore of the Senate, and the Speaker of the House of  
23 Representatives; provided the names of the complainants shall be  
24 redacted and shall not be forwarded with the report.

1 SECTION 3. AMENDATORY 25 O.S. 2011, Section 1502, as  
2 amended by Section 10, Chapter 214, O.S.L. 2013 (25 O.S. Supp. 2016,  
3 Section 1502), is amended to read as follows:

4 Section 1502. A. A person claiming to be aggrieved by a  
5 discriminatory practice, his or her attorney, or a nonprofit  
6 organization chartered for the purpose of combatting discrimination  
7 may file with the Attorney General's Office of Civil Rights  
8 Enforcement a written sworn complaint stating that a discriminatory  
9 practice has been committed, and setting forth the facts upon which  
10 the complaint is based, and setting forth facts sufficient to enable  
11 the Attorney General to identify the person charged, hereinafter  
12 called the respondent. The Attorney General shall promptly furnish  
13 the respondent with a copy of the complaint and shall promptly  
14 investigate the allegations of discriminatory practice set forth in  
15 the complaint. The complaint must be filed within one hundred  
16 eighty (180) days after the alleged discriminatory practice occurs.

17 B. If within sixty (60) days after the complaint is filed it is  
18 determined by the Attorney General that there is no reasonable cause  
19 to believe that the respondent has engaged in a discriminatory  
20 practice, the Attorney General shall issue an order dismissing the  
21 complaint and shall furnish a copy of the order to the complainant,  
22 the respondent and such other public officers and persons as the  
23 Attorney General deems proper.

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1 C. The complainant, within thirty (30) days after receiving a  
2 copy of an order dismissing the complaint, may file with the  
3 Attorney General an application for reconsideration of the order.  
4 Upon such application, the Attorney General shall make a new  
5 determination whether there is a reasonable cause to believe that  
6 the respondent has engaged in a discriminatory practice. If it is  
7 determined within thirty (30) days after the application is filed  
8 that there is no reasonable cause to believe that the respondent has  
9 engaged in a discriminatory practice, the Attorney General shall  
10 issue an order dismissing the complaint and furnish a copy of the  
11 order to the complainant, the respondent and such other public  
12 officers as the Attorney General deems proper.

13 D. The Attorney General shall:

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

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

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

18 and

19 4. Create a toll-free number to the Office of Civil Rights  
20 Enforcement for persons who need assistance in completing or filing  
21 the complaint form.

22 E. This section ~~does~~ shall not apply to persons claiming to be  
23 aggrieved by a discriminatory housing practice to the extent that it  
24

1 is inconsistent with specific provisions of Section 1101 et seq. of  
2 this title relating to a discriminatory housing complaint.

3 SECTION 4. This act shall become effective November 1, 2017.

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