

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2096

By: Lepak

4
5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 1312, which relates to
9 penalties for participating in riots; updating
10 language; making certain acts unlawful; providing
11 penalties; and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1312, is
14 amended to read as follows:

15 Section 1312. Every person guilty of participating in any riot
16 is punishable as follows:

17 1. If any murder, maiming, robbery, rape or arson was committed
18 in the course of such riot, such person is punishable in the same
19 manner as a principal in such crime;

20 2. If the purpose of the riotous assembly was to resist the
21 execution of any statute of this state or of the United States, or
22 to obstruct any public officer of this state or of the United
23 States, in the performance of any legal duty, or in serving or
24 executing any legal process, such person shall, upon conviction, be

1 guilty of a felony punishable by imprisonment in the ~~State~~
2 Penitentiary custody of the Department of Corrections for a term not
3 exceeding ten (10) years and not less than two (2) years;

4 3. If such person carried at the time of such riot any species
5 of firearms, or other deadly or dangerous weapon, or was disguised,
6 such person shall, upon conviction, be guilty of a felony punishable
7 by imprisonment in the ~~State Penitentiary~~ custody of the Department
8 of Corrections for a term not exceeding ten (10) years and not less
9 than two (2) years;

10 4. If such person directed, advised, encouraged or solicited
11 other persons, who participated in the riot to acts of force or
12 violence, such person shall, upon conviction, be guilty of a felony
13 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
14 Department of Corrections for a term not exceeding twenty (20) years
15 and not less than two (2) years;

16 5. If such person commits any assault and battery in the course
17 of a riot, such person shall, upon conviction, be guilty of a felony
18 punishable by imprisonment in the custody of the Department of
19 Corrections for a term not exceeding ten (10) years and not less
20 than two (2) years;

21 6. If such person commits any aggravated assault and battery in
22 the course of a riot, such person shall, upon conviction, be guilty
23 of a felony punishable by imprisonment in the custody of the
24

1 Department of Corrections for a term not exceeding twenty (20) years
2 and not less than two (2) years; or

3 7. If such person willfully damaged, destroyed, vandalized or
4 defaced any structure, building or office space owned or leased by a
5 municipality, county, state or federal governmental authority in the
6 course of such riot, such person shall, upon conviction, be guilty
7 of a felony punishable by imprisonment in the custody of the
8 Department of Corrections for a term not exceeding ten (10) years
9 and not less than two (2) years.

10 In all other cases such person is punishable as for a
11 misdemeanor.

12 SECTION 2. This act shall become effective November 1, 2021.

13

14 58-1-6771 GRS 01/13/21

15

16

17

18

19

20

21

22

23

24