

1 STATE OF OKLAHOMA

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

3 SENATE BILL 209

By: Young

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6 AS INTRODUCED

7 An Act relating to legislation; requiring preparation
8 of racial impact statement for certain legislation;
9 specifying procedures for filing racial impact
10 statement; directing certain agencies to prepare
11 racial impact statements; specifying contents of
statements; requiring filing of racial impact
statement before a bill may receive a floor hearing;
defining term; providing for codification; and
providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 456.2a of Title 74, unless there
17 is created a duplication in numbering, reads as follows:

18 A. 1. A racial impact statement shall be prepared as provided
19 in this section for any bill filed in the Senate or House of
20 Representatives that will:

- 21 a. create a new offense,
22 b. significantly change an existing offense,
23 c. change the penalty for an existing offense, or
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1 d. change existing sentencing, parole or probation
2 procedures.

3 2. A racial impact statement shall be prepared and filed with
4 the chair of the committee to which the bill is referred before the
5 bill is heard in the committee during a regular or special session
6 of the Legislature.

7 3. If a bill requiring a racial impact statement is amended, a
8 revised racial impact statement shall be prepared for the bill as
9 amended.

10 B. 1. Except as provided in paragraph 2 of this subsection,
11 the Oklahoma Statistical Analysis Center at the Oklahoma State
12 Bureau of Investigation, with the assistance of the Department of
13 Mental Health and Substance Abuse Services, shall prepare the racial
14 impact statement required by this section.

15 2. The Oklahoma Statistical Analysis Center at the Oklahoma
16 State Bureau of Investigation, with the assistance of the Office of
17 Juvenile Affairs, shall prepare a racial impact statement for a bill
18 pursuant to subsection A of this section that has an impact on
19 minors.

20 3. The racial impact statement shall include without
21 limitation:

22 a. the estimated number of criminal cases per year that
23 the bill will affect,

- b. the impact of the bill on a minority as defined in subsection E of this section,
- c. the impact of the bill upon correctional facilities and services, and
- d. other matters deemed relevant to the bill at issue.

C. 1. If a racial impact statement indicates a disparate impact on a minority as defined in subsection E of this section, the sponsor of the bill shall consider whether the bill may be amended to achieve its purpose with a lessened impact on minorities.

2. If a bill is amended to lessen its impact on minorities, the sponsor of the bill shall identify in writing, in the bill and the racial impact statement, the methodology used to lessen the impact on minorities in the amended proposal.

3. If the sponsor of the bill elects not to amend the bill or if the racial impact statement for an amended bill continues to indicate a disparate impact on a minority, the sponsor of the bill shall:

- a. withdraw the bill, or
- b. identify in writing, in the bill and the racial impact statement, his or her reasoning for proceeding with the bill despite the disparate impact.

D. 1. If a bill is scheduled for a floor hearing in the Senate or House of Representatives and a racial impact statement is required by this section and has not been provided by the author of

1 the bill or by the committee to which the bill was referred, the
2 presiding officer of the Senate or House of Representatives shall
3 cause the bill to be referred for the preparation of a racial impact
4 statement, which shall be filed with the presiding officer at least
5 five (5) days prior to the bill again being scheduled for a floor
6 hearing.

7 2. The bill shall not be called back up for consideration until
8 a racial impact statement has been filed with the presiding officer.

9 E. For purposes of this section, "minority" shall mean African
10 American, Hispanic American, American Indian or Native American,
11 Asian and Pacific Islander.

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

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