

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 96

6 By: Weaver

7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 850, which relates to malicious
10 intimidation or harassment; modifying offenses to be
11 considered as hate crimes; prescribing certain
12 penalty; updating language; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 850, is
16 amended to read as follows:

17 Section 850. A. No person shall maliciously and with the
18 specific intent to intimidate or harass another person because of
19 that person's race, color, religion, ancestry, national origin or
20 disability:

21 1. Assault or batter another person;

22 2. Damage, destroy, vandalize or deface any real or personal
23 property of another person; or
24

1 3. Threaten, by word or act, to do any act prohibited by
2 paragraph 1 or 2 of this subsection if there is reasonable cause to
3 believe that such act will occur.

4 B. No person shall maliciously and with specific intent to
5 incite or produce, and which is likely to incite or produce,
6 imminent violence, which violence would be directed against another
7 person because of that person's race, color, religion, ancestry,
8 national origin or disability, make or transmit, cause or allow to
9 be transmitted, any telephonic, computerized, or electronic message.

10 C. No person shall maliciously and with specific intent to
11 incite or produce, and which is likely to incite or produce,
12 imminent violence, which violence would be directed against another
13 person because of that person's race, color, religion, ancestry,
14 national origin or disability, broadcast, publish, or distribute,
15 cause or allow to be broadcast, published or distributed, any
16 message or material.

17 D. No person shall maliciously and with specific intent to
18 incite or produce, and which is likely to incite or produce,
19 imminent violence, injury or death, which would be directed against
20 a law enforcement officer, correctional officer or corrections
21 employee while the officer or employee is in the performance of
22 official duties and because of that person's employment as a law
23 enforcement officer, correctional officer or corrections employee.
24

1 E. Any person convicted of violating any provision of
2 ~~subsections~~ subsection A, B or C of this section shall be guilty of
3 a misdemeanor on a first offense and a felony punishable by not more
4 than ten (10) years incarceration in the custody of the Department
5 of Corrections for a second or subsequent offense. The fine for a
6 felony violation of this section shall not exceed Ten Thousand
7 Dollars (\$10,000.00). Furthermore, ~~said~~ the person shall be civilly
8 liable for any damages resulting from any violation of this section.

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

14 G. Any person convicted of violating any provision of
15 subsection D of this section shall be guilty of a felony punishable
16 by imprisonment of up to life without parole in the custody of the
17 Department of Corrections.

18 ~~F.~~ H. The Oklahoma State Bureau of Investigation shall develop
19 a standard system for state and local law enforcement agencies to
20 report incidents of crime which are apparently directed against
21 members of racial, ethnic, religious groups or other groups
22 specified by this section. The Oklahoma State Bureau of
23 Investigation shall promulgate rules, regulations and procedures
24 necessary to develop, implement and maintain a standard system for

1 the collection and reporting of hate crime data. All state, county,
2 city and town law enforcement agencies shall submit a monthly report
3 to the Oklahoma State Bureau of Investigation on forms prescribed by
4 the Bureau. The report shall contain the number and nature of the
5 offenses committed within their respective jurisdictions, the
6 disposition of such matters and any other information the Bureau may
7 require, respecting information relating to the cause and prevention
8 of crime, recidivism, the rehabilitation of criminals and the proper
9 administration of criminal justice.

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

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