

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1543

By: Virgin

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5
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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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 22 O.S. 2011, Section 34.4, as
amended by Section 1, Chapter 214, O.S.L. 2013 (22 O.S. Supp. 2016,
Section 34.4), is amended to read as follows:

Section 34.4 Whenever a person who is stopped or arrested
believes the stop or arrest was in violation of Section 34.3 of this
title, that person may file a complaint with the Attorney General's
Office of Civil Rights Enforcement and may also file a complaint
with the district attorney for the county in which the stop or

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
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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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