

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1561

By: Gann

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 riots; updating language; making
10 certain acts unlawful; providing penalties; providing
11 liability provision for certain damages; defining
12 term; providing exemption from criminal or civil
13 liability for motor vehicle operators under certain
14 circumstances; providing for codification; and
15 providing an effective date.

16
17
18
19
20
21
22
23
24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

2. If the purpose of the riotous assembly was to resist the
execution of any statute of this state or of the United States, or
to obstruct any public officer of this state or of the United

1 States, in the performance of any legal duty, or in serving or
2 executing any legal process, such person shall, upon conviction, be
3 guilty of a felony punishable by imprisonment in the ~~State~~
4 ~~Penitentiary~~ custody of the Department of Corrections not exceeding
5 ten (10) years and not less than two (2) years;

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

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

18 5. If such person willfully obstructed the normal use of any
19 public street, highway or road within this state by impeding motor
20 vehicle traffic, by standing or approaching motor vehicles thereon
21 or by endangering the safe movement of motor vehicles or pedestrians
22 traveling thereon, such person shall, upon conviction, be guilty of
23 a felony punishable by imprisonment in the custody of the Department
24 of Corrections for a term not exceeding two (2) years, or by a fine

1 not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by
2 both such fine and imprisonment. In addition, the person shall be
3 liable for all damages to person or property by reason of the same.
4 As used in this paragraph, "obstructed" means to render impassable
5 or to render passage unreasonably inconvenient or hazardous.

6 In all other cases such person is punishable as for a
7 misdemeanor.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1320.11 of Title 21, unless
10 there is created a duplication in numbering, reads as follows:

11 A motor vehicle operator who unintentionally causes injury or
12 death to an individual shall not be held criminally or civilly
13 liable for the injury or death, if the injury or death of the
14 individual occurred while the motor vehicle operator was fleeing
15 from a riot, as defined in Section 1311 of Title 21 of the Oklahoma
16 Statutes, under a reasonable belief that fleeing was necessary to
17 protect the motor vehicle operator from serious injury or death.

18 SECTION 3. This act shall become effective November 1, 2021.

19

20 58-1-5633 GRS 01/07/21

21

22

23

24