

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 15

By: Standridge

AS INTRODUCED

An Act relating to crime and punishment; amending 21 O.S. 2011, Sections 1312, 1315, 1316, 1320.4 and 1320.5, which relate to the punishment for riot, rout or unlawful assembly, warning to disperse, remaining after, penalty for riot or incitement to riot, penalty for unlawful assembly; prescribing certain penalties and restitution; and providing an effective date.

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 States, in the performance of any legal duty, or in serving or

1 executing any legal process, such person shall be guilty of a felony  
2 punishable by imprisonment in the State Penitentiary not exceeding  
3 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 be guilty of a felony punishable by imprisonment  
7 in the ~~State Penitentiary~~ custody of the Department of Corrections  
8 not exceeding ten (10) years and not less than two (2) years;

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

15 5. In all other cases such person is ~~punishable as for~~ guilty  
16 of a misdemeanor punishable by imprisonment in the county jail not  
17 exceeding one (1) year or by a fine not exceeding Five Hundred  
18 Dollars (\$500.00), or by such fine and imprisonment and by at least  
19 twenty-five (25) hours of community service work to be determined by  
20 the court;

21 6. In addition to any sentence imposed for a violation of this  
22 section, the court shall include an order of restitution for any  
23 property damage or loss incurred as a result of the offense.  
24

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1315, is  
2 amended to read as follows:

3 Section 1315. A. Every person who participates in any rout or  
4 unlawful assembly is guilty of a misdemeanor punishable by  
5 imprisonment in the county jail not exceeding one (1) year or by a  
6 fine not exceeding Five Hundred Dollars (\$500.00), or by such fine  
7 and imprisonment and by at least twenty-five (25) hours of community  
8 service work to be determined by the court.

9 B. In addition to any sentence imposed for a violation of this  
10 section, the court shall include an order of restitution for any  
11 property damage or loss incurred as a result of the offense.

12 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1316, is  
13 amended to read as follows:

14 Section 1316. Every person remaining present at the place of  
15 any riot, rout or unlawful assembly after the same has been lawfully  
16 warned to disperse, except public officers and persons assisting  
17 them in attempting to disperse the same, is guilty of a misdemeanor  
18 punishable by imprisonment in the county jail not exceeding one (1)  
19 year or by a fine not exceeding Five Hundred Dollars (\$500.00), or  
20 by such fine and imprisonment and by at least twenty-five (25) hours  
21 of community service work to be determined by the court.

22 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1320.4, is  
23 amended to read as follows:

1 Section 1320.4. Any person guilty of the crime, as set forth in  
2 Section 1320.2 of this title, shall be deemed guilty of a felony,  
3 punishable by not more than ten (10) years in prison, or a fine of  
4 not more than Ten Thousand Dollars (\$10,000.00), or both. In  
5 addition to any sentence imposed for a violation of this section,  
6 the court shall include an order of restitution for any property  
7 damage or loss incurred as a result of the offense.

8 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1320.5, is  
9 amended to read as follows:

10 Section 1320.5. Any person guilty of the crime, as set forth in  
11 Section 1320.3 of this title, shall be deemed guilty of a felony,  
12 punishable by not more than five (5) years in prison, or a fine of  
13 not more than Five Thousand Dollars (\$5,000.00), or both. In  
14 addition to any sentence imposed for a violation of this section,  
15 the court shall include an order of restitution for any property  
16 damage or loss incurred as a result of the offense.

17 SECTION 6. This act shall become effective November 1, 2021.

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