

1 STATE OF OKLAHOMA

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

3 SENATE BILL 19

By: Bergstrom

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5  
6 AS INTRODUCED

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

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

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

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

20 1. Assault or batter another person;

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

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

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

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

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

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

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

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

15 ~~F.~~ H. The Oklahoma State Bureau of Investigation shall develop  
16 a standard system for state and local law enforcement agencies to  
17 report incidents of crime which are apparently directed against  
18 members of racial, ethnic, religious groups or other groups  
19 specified by this section. The Oklahoma State Bureau of  
20 Investigation shall promulgate rules, regulations and procedures  
21 necessary to develop, implement and maintain a standard system for  
22 the collection and reporting of hate crime data. All state, county,  
23 city and town law enforcement agencies shall submit a monthly report  
24 to the Oklahoma State Bureau of Investigation on forms prescribed by

1 the Bureau. The report shall contain the number and nature of the  
2 offenses committed within their respective jurisdictions, the  
3 disposition of such matters and any other information the Bureau may  
4 require, respecting information relating to the cause and prevention  
5 of crime, recidivism, the rehabilitation of criminals and the proper  
6 administration of criminal justice.

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

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

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