

1 police officer, sheriff, deputy sheriff, highway patrolman,
2 corrections personnel, or state peace officer employed or duly
3 appointed by any state governmental agency to enforce state laws
4 while the officer is in the performance of his or her duties is a
5 misdemeanor punishable by imprisonment in the county jail for a term
6 not exceeding less than six (6) months,~~or~~ and not more than one (1)
7 year and by a fine not ~~exceeding~~ less than Five Hundred Dollars
8 (\$500.00), ~~or by both such fine and imprisonment~~ and not more than
9 One Thousand Dollars (\$1,000.00).

10 B. Every person who, without justifiable or excusable cause
11 knowingly commits battery or assault and battery upon the person of
12 a police officer, sheriff, deputy sheriff, highway patrolman,
13 corrections personnel, or other state peace officer employed or duly
14 appointed by any state governmental agency to enforce state laws
15 while the officer is in the performance of his or her duties, upon
16 conviction, shall be guilty of a felony punishable by imprisonment
17 in the custody of the Department of Corrections of not more than
18 five (5) years ~~or county jail for a period not to exceed one (1)~~
19 ~~year,~~ or and by a fine not ~~exceeding~~ less than Five Hundred Dollars
20 (\$500.00), ~~or by both such fine and imprisonment~~ and not more than
21 Two Thousand Dollars (\$2,000.00).

22 C. As used in this section and in Section 650 of this title,
23 "corrections personnel" means any person, employed or duly appointed
24 by the state or by a political subdivision, who has direct contact

1 with inmates of a jail or state correctional facility, and includes
2 but is not limited to, Department of Corrections personnel in job
3 classifications requiring direct contact with inmates, persons
4 providing vocational-technical training to inmates, education
5 personnel who have direct contact with inmates because of education
6 programs for inmates, and persons employed or duly appointed by
7 county or municipal jails to supervise inmates or to provide medical
8 treatment or meals to inmates of jails.

9 D. For the purposes of this section, assault and battery upon
10 law officers includes any willful and unlawful touching of an
11 officer in a way that was harmful and any attempt to reach for or
12 gain control of the firearm of any police officer, sheriff, deputy
13 sheriff, highway patrol, corrections personnel as defined in Section
14 649 of this title, or any peace officer employed by any state or
15 federal governmental agency to enforce state laws.

16 E. For purposes of this section, if an officer is off duty and
17 the nature of the assault or assault and battery relates back to, or
18 in any manner or circumstances has to do with, his or her official
19 position as a law enforcement officer then it shall fall within the
20 meaning of "in the performance of his or her duties" as an officer.

21 F. This section shall not supersede any other act or acts, but
22 shall be cumulative thereto.

23 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1312, is
24 amended to read as follows:

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

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

6 2. If the purpose of the riotous assembly was to resist the
7 execution of any statute of this state or of the United States, or
8 to obstruct any public officer of this state or of the United
9 States, in the performance of any legal duty, or in serving or
10 executing any legal process, such person shall be guilty of a felony
11 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
12 Department of Corrections for a term not exceeding more than ten
13 (10) years and not less than two (2) years;

14 3. If such person carried at the time of such riot any species
15 of firearms, or other deadly or dangerous weapon, or was disguised,
16 such person shall be guilty of a felony punishable by imprisonment
17 in the ~~State Penitentiary~~ custody of the Department of Corrections
18 for a term not exceeding more than ten (10) years and not less than
19 two (2) years;

20 4. If such person directed, advised, encouraged or solicited
21 other persons, who participated in the riot to acts of force or
22 violence, such person shall be guilty of a felony punishable by
23 imprisonment in the ~~State Penitentiary~~ custody of the Department of
24

1 Corrections for a term not exceeding more than twenty (20) years and
2 not less than two (2) years;

3 5. In all other cases such person is ~~punishable as for~~ guilty
4 of a misdemeanor punishable by imprisonment in the county jail for a
5 term not more than one (1) year or by a fine of not less than Five
6 Hundred Dollars (\$500.00) and not more than One Thousand Dollars
7 (\$1,000.00), or by such fine and imprisonment and by at least forty
8 (40) hours of community service work to be determined by the court;

9 6. 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 4. AMENDATORY 21 O.S. 2011, Section 1315, is
13 amended to read as follows:

14 Section 1315. Every person who participates in any rout or
15 unlawful assembly is guilty of a misdemeanor punishable by
16 imprisonment in the county jail for a term not more than one (1)
17 year or by a fine of not less than Five Hundred Dollars (\$500.00)
18 and not more than One Thousand Dollars (\$1,000.00), or by such fine
19 and imprisonment and by at least forty (40) hours of community
20 service work to be determined by the court. In addition to any
21 sentence imposed for a violation of this section, the court shall
22 include an order of restitution for any property damage or loss
23 incurred as a result of the offense.

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1 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1316, is
2 amended to read as follows:

3 Section 1316. Every person remaining present at the place of
4 any riot, rout or unlawful assembly after the same has been lawfully
5 warned to disperse, except public officers and persons assisting
6 them in attempting to disperse the same, is guilty of a misdemeanor
7 punishable by imprisonment in the county jail for a term not more
8 than one (1) year or by a fine of not less than Five Hundred Dollars
9 (\$500.00) and not more than One Thousand Dollars (\$1,000.00), or by
10 such fine and imprisonment and by at least forty (40) hours of
11 community service work to be determined by the court. In addition
12 to any sentence imposed for a violation of this section, the court
13 shall include an order of restitution for any property damage or
14 loss incurred as a result of the offense.

15 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1317, is
16 amended to read as follows:

17 Section 1317. Where three or more persons assemble for a lawful
18 purpose and afterwards proceed to commit an act that would amount to
19 riot if it had been the original purpose of the meeting, every
20 person who does not retire when the change of purpose is made known,
21 except public officers and persons assisting them in attempting to
22 disperse the same, is guilty of a misdemeanor punishable by
23 imprisonment in the county jail for a term not more than one (1)
24 year or by a fine of not less than Five Hundred Dollars (\$500.00)

1 and not less than One Thousand Dollars (\$1,000.00), or by such fine
2 and imprisonment and by at least forty (40) hours of community
3 service work to be determined by the court. In addition to any
4 sentence imposed for a violation of this section, the court shall
5 include an order of restitution for any property damage or loss
6 incurred as a result of the offense.

7 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1320.4, is
8 amended to read as follows:

9 Section 1320.4. Any person guilty of the crime, as set forth in
10 Section 1320.2 of this title, shall be deemed guilty of a felony,
11 punishable by imprisonment in the custody of the Department of
12 Corrections for a term not more than ten (10) years ~~in prison~~, or a
13 fine of not more than Ten Thousand Dollars (\$10,000.00), or both
14 such fine and imprisonment.

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

17 Section 1320.5. Any person guilty of the crime, as set forth in
18 Section 1320.3 of this title, shall be deemed guilty of a felony,
19 punishable by imprisonment in the custody of the Department of
20 Corrections for a term not more than five (5) years ~~in prison~~, or a
21 fine of not more than Five Thousand Dollars (\$5,000.00), or both
22 such fine and imprisonment.

23 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1362, is
24 amended to read as follows:

1 Section 1362. If any person shall willfully or maliciously
2 disturb, either by day or night, the peace and quiet of any city of
3 the first class, town, village, neighborhood, family or person by
4 loud or unusual noise, or by abusive, violent, obscene or profane
5 language, whether addressed to the party so disturbed or some other
6 person, or by threatening behavior or conduct toward others with the
7 intent to intimidate or harass, as defined in Section 1173 of this
8 title, or by threatening to kill, do bodily harm or injury, destroy
9 property, fight, or by quarreling or challenging to fight, or
10 fighting, or shooting off any firearms, or brandishing ~~the same, or~~
11 ~~by running any horse at unusual speed along any street, alley,~~
12 ~~highway or public road, he~~ any firearms, upon conviction shall be
13 ~~deemed~~ guilty of a misdemeanor, ~~and, on conviction thereof, shall be~~
14 ~~fined in any sum not to exceed One Hundred Dollars (\$100.00), or~~
15 punishable by imprisonment in the county jail for a term not ~~to~~
16 ~~exceed~~ more than thirty (30) days, or a fine of not less than Five
17 Hundred Dollars (\$500.00) and not more than One Thousand Dollars
18 (\$1,000.00) or by both such fine and imprisonment, ~~at the discretion~~
19 ~~of the court or jury trying the same.~~

20 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1754, is
21 amended to read as follows:

22 Section 1754. A. Every person who shall knowingly and
23 willfully ~~obstruct:~~
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1 1. Obstruct or plow up, or cause to be obstructed or plowed up,
2 any public highway or public street of any town, except by order of
3 the road supervisors for the purpose of working the same, ~~or injure;~~
4 2. Injure or damage any bridge on the public highway; or
5 3. Block or restrict traffic on any public highway or public
6 street as a result of a riot, as provided in Section 1311 of this
7 title or unlawful assembly, as provided in Section 1314 of this
8 title, upon conviction shall be deemed guilty of a misdemeanor, and
9 ~~upon conviction shall be punished by fine not exceeding One Hundred~~
10 ~~Dollars (\$100.00), and shall be liable for all damages to person or~~
11 ~~property by reason of the same~~ punishable by imprisonment in the
12 county jail for a term not more than one (1) year or by a fine not
13 more than Five Hundred Dollars (\$500.00), or by such fine and
14 imprisonment and by at least forty (40) hours of community service
15 work to be determined by the court. In addition to any sentence
16 imposed for a violation of this section, the court shall include an
17 order of restitution for any property damage or loss incurred as a
18 result of the offense.

19 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1760, is
20 amended to read as follows:

21 Section 1760. A. Every person who maliciously injures, defaces
22 or destroys any real or personal property not his or her own, in
23 cases other than such as are specified in Section 1761 et seq. of
24 this title, is guilty of:

1 1. A misdemeanor, if the damage, defacement or destruction
2 causes a loss which has an aggregate value of less than One Thousand
3 Dollars (\$1,000.00) punishable by imprisonment in the county jail
4 for a term not more than one (1) year or by a fine of not less than
5 Five Hundred Dollars (\$500.00) and not more than One Thousand
6 Dollars (\$1,000.00), or by such fine and imprisonment and by at
7 least forty (40) hours of community service work to be determined by
8 the court;

9 2. A felony, if the damage, defacement or destruction causes a
10 loss which has an aggregate value of One Thousand Dollars
11 (\$1,000.00) or more, punishable by imprisonment in the custody of
12 the Department of Corrections for a term not less than two (2) years
13 and not more than five (5) years or by a fine of not less than One
14 Thousand Dollars (\$1,000.00), or by such fine and imprisonment; or

15 3. A felony, if the defendant has two or more prior convictions
16 for an offense under this section, notwithstanding the value of loss
17 caused by the damage, defacement or destruction, punishable by
18 imprisonment in the custody of the Department of Corrections for a
19 term not less than five (5) years and not more than ten (10) years
20 or by a fine of not less than Two Thousand Dollars (\$2,000.00), or
21 by such fine and imprisonment.

22 B. In addition to the punishment prescribed by law for
23 violations of subsection A of this section, the court shall include
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1 an order of restitution for any property damage or loss incurred as
2 a result of the offense.

3 C. In addition to any other punishment prescribed by law for
4 violations of subsection A of this section, he or she is liable in
5 treble damages for the injury done, to be recovered in a civil
6 action by the owner of such property or public officer having charge
7 thereof.

8 SECTION 12. This act shall become effective November 1, 2021.

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10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
11 04/08/2021 - DO PASS, As Amended.

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