

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2255

By: Goodwin

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 850, which relates to penalties
9 for malicious intimidation or harassment; expanding
10 scope of crime to include certain individuals;
11 modifying elements of crime; providing separate
12 penalties for certain prohibited acts; defining term;
13 and providing an effective date.

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

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

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

- 21 1. Assault ~~or~~ and batter another person;
- 22 2. Damage, destroy, vandalize or deface any real or personal
23 property of another person; or
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1 3. Threaten, by word or act, to do any act prohibited by
2 paragraph 1 or 2 of this subsection if there is reasonable cause to
3 believe that such act will occur.

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

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

18 D. 1. Any person convicted of violating ~~any provision of~~
19 ~~subsections~~ paragraph 1 of subsection A, B or C of this section
20 shall be guilty of a misdemeanor ~~on a first offense and a felony~~
21 ~~punishable by not more than ten (10) years incarceration~~
22 imprisonment in the ~~custody of the Department of Corrections for a~~
23 ~~second or subsequent offense.~~ The county jail for not less than six
24 (6) months, or by a fine for a felony violation of this section

1 ~~shall of not exceed Ten Thousand Dollars (\$10,000.00) less than One~~
2 ~~Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.~~
3 Upon conviction of a second or subsequent offense, the person shall
4 be punished by imprisonment in the county jail for not less than one
5 (1) year, or by a fine of not less than One Thousand Dollars
6 (\$1,000.00), or by both such fine and imprisonment. Furthermore,
7 said person shall be civilly liable for any damages resulting from
8 any violation of this section.

9 ~~E. Upon conviction, any~~

10 2. Any person convicted of violating paragraph 2 or 3 of
11 subsection A of this section or the provisions of subsection B or C
12 of this section shall be guilty of a misdemeanor in violation of
13 this section shall be punishable by the imposition of a fine not
14 exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in
15 the county jail for a period of not more than one (1) year, or by a
16 fine of not less than One Thousand Dollars (\$1,000.00), or by both
17 such fine and imprisonment. Furthermore, said person shall be
18 civilly liable for any damages resulting from any violation of this
19 section.

20 3. Any person convicted of a violation of paragraph 1 of
21 subsection A of this section that results in great bodily injury
22 shall be guilty of a felony punishable by imprisonment in the
23 custody of the Department of Corrections for not less than two (2)
24 years nor more than ten (10) years, or by a fine of not less than

1 Two Thousand Dollars (\$2,000.00) and not exceeding Ten Thousand
2 Dollars (\$10,000.00), or by both such fine and imprisonment. Upon
3 conviction of a second or subsequent violation of paragraph 1 of
4 subsection A of this section that results in great bodily injury,
5 the person shall be punished by imprisonment in the custody of the
6 Department of Corrections for not less than four (4) years nor more
7 than ten (10) years, or by a fine of not less than Four Thousand
8 Dollars (\$4,000.00) and not exceeding Ten Thousand Dollars
9 (\$10,000.00), or by both such fine and imprisonment. Furthermore,
10 said person shall be civilly liable for any damages resulting from
11 any violation of this section.

12 ~~F.~~ E. The Oklahoma State Bureau of Investigation shall develop
13 a standard system for state and local law enforcement agencies to
14 report incidents of crime which are apparently directed against
15 members of racial, ethnic, religious groups or other groups
16 specified by this section. The Oklahoma State Bureau of
17 Investigation shall promulgate rules, regulations and procedures
18 necessary to develop, implement and maintain a standard system for
19 the collection and reporting of hate crime data. All state, county,
20 city and town law enforcement agencies shall submit a monthly report
21 to the Oklahoma State Bureau of Investigation on forms prescribed by
22 the Bureau. The report shall contain the number and nature of the
23 offenses committed within their respective jurisdictions, the
24 disposition of such matters and any other information the Bureau may

1 require, respecting information relating to the cause and prevention
2 of crime, recidivism, the rehabilitation of criminals and the proper
3 administration of criminal justice.

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

13 G. As used in this section, "great bodily injury" means bone
14 fracture, protracted and obvious disfigurement, protracted loss or
15 impairment of the function of a body part, organ or mental faculty,
16 or substantial risk of death.

17 SECTION 2. This act shall become effective November 1, 2019.

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