

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1578

By: Gann

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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 participating in riots; updating  
10 language; making certain acts unlawful; providing  
11 penalties; and providing an effective date.

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

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

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

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

20 2. If the purpose of the riotous assembly was to resist the  
21 execution of any statute of this state or of the United States, or  
22 to obstruct any public officer of this state or of the United  
23 States, in the performance of any legal duty, or in serving or  
24 executing any legal process, such person shall, upon conviction, be

1 guilty of a felony punishable by imprisonment in the ~~State~~  
2 Penitentiary custody of the Department of Corrections for a term not  
3 exceeding 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, upon conviction, be guilty of a felony punishable  
7 by imprisonment in the ~~State Penitentiary~~ custody of the Department  
8 of Corrections for a term not exceeding ten (10) years and not less  
9 than two (2) years;

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

16 5. If such person threw or caused to be propelled any object or  
17 substance of any kind at another person that struck the person in  
18 the course of a riot, such person shall, upon conviction, be guilty  
19 of a misdemeanor punishable by imprisonment in county jail for a  
20 term of not less than six (6) months;

21 6. If such person threw or caused to be propelled any object or  
22 substance of any kind at a law enforcement officer or emergency  
23 first responder that struck the law enforcement officer or emergency  
24 first responder in the course of a riot, such person shall, upon

1 conviction, be guilty of a felony punishable by imprisonment in the  
2 custody of the Department of Corrections for a term not exceeding  
3 ten (10) years and not less than two (2) years; or

4 7. If such person willfully damaged, destroyed, vandalized or  
5 defaced any structure, building or office space owned or leased by a  
6 municipality, county, state or federal governmental authority in the  
7 course of such riot, such person shall, upon conviction, be guilty  
8 of a felony punishable by imprisonment in the custody of the  
9 Department of Corrections for a term not exceeding ten (10) years  
10 and not less than two (2) years; or

11 8. If such person intentionally caused annoyance, alarm or fear  
12 to any other person by engaging in fighting or in violent,  
13 tumultuous or threatening behavior or by addressing abusive language  
14 to another person at a public accommodation in the course of such  
15 riot, such person shall, upon conviction, be guilty of a misdemeanor  
16 punishable by imprisonment in the county jail for a term of not less  
17 than one (1) year.

18 In all other cases such person is punishable as for a  
19 misdemeanor.

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

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22 58-1-5637 GRS 01/16/21  
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