

An Act

ENROLLED HOUSE
BILL NO. 1674

By: West (Kevin), Roberts
(Sean), Humphrey, McDugle
and Steagall of the House

and

Standridge, Dahm,
Bergstrom, Stephens, Jett
and Hamilton of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1312, which relates to penalties for rioting; updating language; making certain acts unlawful; providing penalties; providing liability provision for certain damages; defining term; providing exemption from criminal or civil liability for motor vehicle operators under certain circumstances; providing penalties for certain organizations; providing for codification; and providing an effective date.

SUBJECT: Crimes and punishments

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

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

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

5. Every person who shall unlawfully obstruct the normal use of any public street, highway or road within this state by impeding, hindering or restraining motor vehicle traffic or passage thereon, by standing or approaching motor vehicles thereon, or by endangering the safe movement of motor vehicles or pedestrians traveling thereon shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year, or by a fine of not less than One Hundred Dollars (\$100.00) and not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. In addition, the person shall be liable for all damages to person or property by reason of the same. As used in this paragraph, "obstruct" means to render impassable or to render passage unreasonably inconvenient or hazardous.

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1320.11 of Title 21, unless there is created a duplication in numbering, reads as follows:

A motor vehicle operator who unintentionally causes injury or death to an individual shall not be criminally or civilly liable for the injury or death, if:

1. The injury or death of the individual occurred while the motor vehicle operator was fleeing from a riot, as defined in Section 1311 of Title 21 of the Oklahoma Statutes, under a reasonable belief that fleeing was necessary to protect the motor vehicle operator from serious injury or death; and

2. The motor vehicle operator exercised due care at the time of the death or injury.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1320.12 of Title 21, unless there is created a duplication in numbering, reads as follows:

If an organization is found to be a conspirator with persons who are found to have committed any of the crimes described in Sections 1311 through 1320.5 and 1320.10 of Title 21 of the Oklahoma Statutes, the conspiring organization shall be punished by a fine that is ten times the amount of said fine authorized by the appropriate provision.

SECTION 4. This act shall become effective November 1, 2021.

Passed the House of Representatives the 9th day of March, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____