

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1674

By: West (Kevin) of the House

and

Standridge of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2011, Section 1312, which relates to
13 penalties for rioting; updating language; making
14 certain acts unlawful; providing penalties; providing
15 liability provision for certain damages; defining
16 term; providing exemption from criminal or civil
17 liability for motor vehicle operators under certain
18 circumstances; providing penalties for certain
19 organizations; providing for codification; and
20 providing an effective date.

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

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

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

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

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

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

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

1 5. Every person who shall unlawfully obstruct the normal use of
2 any public street, highway or road within this state by impeding,
3 hindering or restraining motor vehicle traffic or passage thereon,
4 by standing or approaching motor vehicles thereon, or by endangering
5 the safe movement of motor vehicles or pedestrians travelling
6 thereon shall, upon conviction, be guilty of a misdemeanor
7 punishable by imprisonment in the county jail for a term not
8 exceeding one (1) year, or by a fine of not less than One Hundred
9 Dollars (\$100.00) and not exceeding Five Thousand Dollars
10 (\$5,000.00), or by both such fine and imprisonment. In addition,
11 the person shall be liable for all damages to person or property by
12 reason of the same. As used in this paragraph, "obstruct" means to
13 render impassable or to render passage unreasonably inconvenient or
14 hazardous.

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

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

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

23 1. The injury or death of the individual occurred while the
24 motor vehicle operator was fleeing from a riot, as defined in

1 Section 1311 of Title 21 of the Oklahoma Statutes, under a
2 reasonable belief that fleeing was necessary to protect the motor
3 vehicle operator from serious injury or death; and

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

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

9 If an organization is found to be a conspirator with persons who
10 are found to have committed any of the crimes described in Sections
11 1311 through 1320.5 and 1320.10 of Title 21 of the Oklahoma
12 Statutes, the conspiring organization shall be punished by a fine
13 that is ten times the amount of said fine authorized by the
14 appropriate provision.

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

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17 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
18 dated 03/01/2021 - DO PASS, As Amended and Coauthored.

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