

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1674

By: West (Kevin)

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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 rioting; updating language; making
10 certain acts unlawful; providing penalties; providing
11 liability provision for certain damages; defining
12 term; providing exemption from criminal or civil
13 liability for motor vehicle operators under certain
14 circumstances; providing penalties for certain
15 organizations; providing for codification; and
16 providing an effective date.

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

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

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

22 1. If any murder, maiming, robbery, rape or arson was committed
23 in the course of such riot, such person is punishable in the same
24 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

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

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

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

18 5. Every person who shall knowingly and willfully obstruct the
19 normal use of any public street, highway or road within this state
20 by impeding, hindering or restraining motor vehicle traffic or
21 passage thereon, by standing or approaching motor vehicles thereon,
22 or by endangering the safe movement of motor vehicles or pedestrians
23 travelling thereon shall, upon conviction, be guilty of a
24 misdemeanor punishable by imprisonment in the county jail for a term

1 not exceeding one (1) year, or by a fine of not less than One
2 Hundred Dollars (\$100.00) and not exceeding Five Thousand Dollars
3 (\$5,000.00), or by both such fine and imprisonment. In addition,
4 the person shall be liable for all damages to person or property by
5 reason of the same. As used in this paragraph, "obstruct" means to
6 render impassable or to render passage unreasonably inconvenient or
7 hazardous.

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

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

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

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

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

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

4 If an organization is found to be a conspirator with persons who
5 are found to have committed any of the crimes described in Sections
6 1311 through 1320.5 and 1320.10 of Title 21 of the Oklahoma
7 Statutes, the conspiring organization shall be punished by a fine
8 that is ten times the amount of said fine authorized by the
9 appropriate provision.

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

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