

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1306

By: Humphrey

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2021, Sections 856 and 856.3, which relate to
9 the delinquency of minors and criminal street gangs;
10 expanding scope of certain unlawful acts; defining
11 term; amending 21 O.S. 2021, Section 1191, which
12 relates to public nuisances; making certain acts
13 unlawful; providing penalty; defining term; amending
14 21 O.S. 2021, Section 1268.1, which relates to the
15 Oklahoma Antiterrorism Act; adding and modifying
16 definitions; and providing an effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2021, Section 856, is
19 amended to read as follows:

20 Section 856. A. 1. Except as otherwise specifically provided
21 by law, every person who shall knowingly or willfully cause, aid,
22 abet or encourage a minor to be, to remain, or to become a
23 delinquent child or a runaway child, upon conviction, shall, for the
24 first offense, be guilty of a misdemeanor punishable by imprisonment
in a county jail not to exceed one (1) year, or by a fine not to
exceed One Thousand Dollars (\$1,000.00), or by both such fine and
imprisonment.

1 2. For purposes of prosecution under this subsection, a
2 "runaway child" means an unemancipated minor who is voluntarily
3 absent from the home without a compelling reason, without the
4 consent of a custodial parent or other custodial adult and without
5 the parent or other custodial adult's knowledge as to the child's
6 whereabouts. "Compelling reason" means imminent danger from incest,
7 a life-threatening situation, or equally traumatizing circumstance.
8 A person aiding a runaway child pursuant to paragraph ~~(4)~~ 4 of
9 subsection ~~(a)~~ A of Section 5 of Title 76 of the Oklahoma Statutes
10 or aiding a child based upon a reasonable belief that the child is
11 in physical, mental or emotional danger and with notice to the
12 Department of Human Services or a local law enforcement agency of
13 the location of the child within twelve (12) hours of aiding the
14 child shall not be subject to prosecution under this section.

15 B. Every person convicted of a second or any subsequent
16 violation of this section shall be guilty of a felony punishable by
17 imprisonment in the custody of the Department of Corrections not to
18 exceed three (3) years, or by a fine not exceeding Five Thousand
19 Dollars (\$5,000.00), or by both such fine and imprisonment.

20 C. Every person eighteen (18) years of age or older who shall
21 knowingly or willfully cause, aid, abet, or encourage a minor to
22 commit or participate in committing an act that would be a felony if
23 committed by an adult shall, upon conviction, be guilty of a felony
24 punishable by the maximum penalty allowed for conviction of the

1 offense or offenses which the person caused, aided, abetted, or
2 encouraged the minor to commit or participate in committing.

3 D. Every person who shall knowingly or willfully cause, aid,
4 abet, encourage, solicit, or recruit a minor to participate, join,
5 or associate with any criminal street gang or foreign terrorist
6 organization, ~~as~~ is defined by ~~subsection~~ subsections F and G of
7 this section, or any gang member or member of a foreign terrorist
8 organization for the purpose of committing any criminal act shall,
9 upon conviction, be guilty of a felony punishable by imprisonment in
10 the custody of the Department of Corrections for a term of not more
11 than five (5) years, or a fine not to exceed Five Thousand Dollars
12 (\$5,000.00), or both such fine and imprisonment.

13 E. Every person convicted of a second or subsequent violation
14 of subsection D of this section shall be guilty of a felony
15 punishable by imprisonment in the custody of the Department of
16 Corrections for a term not less than five (5) years nor more than
17 ten (10) years, or by a fine not exceeding Five Thousand Dollars
18 (\$5,000.00), or by both such fine and imprisonment.

19 F. "Criminal street gang" means any ongoing organization,
20 association, or group of five or more persons that specifically
21 either promotes, sponsors, or assists in, or participates in, and
22 requires as a condition of membership or continued membership, the
23 commission of one or more of the following criminal acts:

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- 1 1. Assault, battery, or assault and battery with a deadly
2 weapon, as defined in Section 645 of this title;
- 3 2. Aggravated assault and battery as defined by Section 646 of
4 this title;
- 5 3. Robbery by force or fear, as defined in Sections 791 through
6 797 of this title;
- 7 4. Robbery or attempted robbery with a dangerous weapon or
8 imitation firearm, as defined by Section 801 of this title;
- 9 5. Unlawful homicide or manslaughter, as defined in Sections
10 691 through 722 of this title;
- 11 6. The sale, possession for sale, transportation, manufacture,
12 offer for sale, or offer to manufacture controlled dangerous
13 substances, as defined in Section 2-101 et seq. of Title 63 of the
14 Oklahoma Statutes;
- 15 7. Trafficking in illegal drugs, as provided for in the
16 Trafficking in Illegal Drugs Act, Section 2-414 of Title 63 of the
17 Oklahoma Statutes;
- 18 8. Arson, as defined in Sections 1401 through 1403 of this
19 title;
- 20 9. The influence or intimidation of witnesses and jurors, as
21 defined in Sections 388, 455 and 545 of this title;
- 22 10. Theft of any vehicle, as described in Section 1720 of this
23 title;
- 24 11. Rape, as defined in Section 1111 of this title;

1 12. Extortion, as defined in Section 1481 of this title;

2 13. Transporting a loaded firearm in a motor vehicle, in
3 violation of Section 1289.13 of this title;

4 14. Possession of a concealed weapon, as defined by Section
5 1289.8 of this title;

6 15. Shooting or discharging a firearm, as defined by Section
7 652 of this title;

8 16. Soliciting, inducing or enticing another to commit an act
9 of prostitution, as defined by Section 1030 of this title;

10 17. Human trafficking, as defined by Section 748 of this title;

11 or

12 18. Possession of a firearm after former conviction of a
13 felony, as defined by Section 1283 of this title.

14 G. "Foreign terrorist organization" means three or more persons
15 operating as an organization at least partially outside the United
16 States who engage in criminal activity and threaten the security of
17 this state or its residents including, but not limited to, a drug
18 cartel.

19 SECTION 2. AMENDATORY 21 O.S. 2021, Section 856.3, is
20 amended to read as follows:

21 Section 856.3. Any person who attempts or commits a gang-
22 related offense as a condition of membership in a criminal street
23 gang or a foreign terrorist organization or while in association
24 with any criminal street gang ~~or~~, gang member, or foreign terrorist

1 organization shall be guilty of a felony offense. Upon conviction,
2 the violator shall be punished by incarceration in the custody of
3 the Department of Corrections for a term of five (5) years, which
4 shall be in addition to any other penalty imposed. For purposes of
5 this section, "criminal street gang" ~~is~~ and "foreign terrorist
6 organization" are defined by ~~subsection~~ subsections F and G of
7 Section 856 of ~~Title 21 of the Oklahoma Statutes~~ this title and
8 "gang-related offense" means those offenses enumerated in paragraphs
9 1 through ~~16~~ 18 of subsection F of Section 856 of ~~Title 21 of the~~
10 ~~Oklahoma Statutes~~ this title.

11 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1191, is
12 amended to read as follows:

13 Section 1191. A. Every person who maintains or commits any
14 public nuisance, the punishment for which is not otherwise
15 prescribed, or who willfully omits to perform any legal duty
16 relating to the removal of a public nuisance, is guilty of a
17 misdemeanor.

18 B. Every person who is a member of a foreign terrorist
19 organization that continuously or regularly associates in gang-
20 related offenses is a public nuisance and, upon conviction, is
21 guilty of a felony. As used in this section, "gang-related offense"
22 means those offenses enumerated in paragraphs 1 through 18 of
23 subsection F of Section 856 of this title.

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1 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1268.1, is
2 amended to read as follows:

3 Section 1268.1. As used in this act:

4 1. "Biochemical assault" means the intentional delivery of any
5 substance or material to another person without lawful cause,
6 whether or not such substance or material is toxic, noxious or
7 lethal to humans, to:

8 a. cause intimidation, fear or anxiety and a reasonable
9 belief by the victim that death, disease, injury or
10 illness will occur as a result of contamination by
11 such substance or material and, based upon that
12 belief, an emergency response is necessary, or

13 b. poison, injure, harm or cause disease or illness to
14 any person;

15 2. "Biochemical terrorism" means an act of terrorism involving
16 any biological organism, pathogen, bacterium, virus, chemical or its
17 toxins, isomers, salts or compounds, or any combination of
18 organisms, viruses or chemicals that is capable of and intended to
19 cause death, disease, injury, illness or harm to any human or animal
20 upon contact or ingestion, or harm to any food supply, plant, water
21 supply, drink, medicine or other product used for or consumed by
22 humans or animals;

23 3. "Conduct" includes initiating, concluding, or participating
24 in initiating or concluding a transaction;

1 4. "Financial institution" includes:

2 a. any financial institution, as defined in Section
3 5312(a)(2) of Title 31 of the United States Code, or
4 the regulations promulgated thereunder, and

5 b. any foreign bank, as defined in Section 3101 of Title
6 12 of the United States Code;

7 5. "Financial transaction" means:

8 a. a transaction which in any way or degree affects
9 state, interstate or foreign commerce:

10 (1) involving the movement of funds by wire or other
11 means,

12 (2) involving one or more monetary instruments, or

13 (3) involving the transfer of title to any real
14 property, vehicle, vessel, or aircraft, or

15 b. a transaction involving the use of a financial
16 institution which is engaged in, or the activities of
17 which affect, state, interstate or foreign commerce in
18 any way or degree;

19 6. "Foreign terrorist organization" means three or more persons
20 operating as an organization at least partially outside the United
21 States who engage in criminal activity and threaten the security of
22 this state or its residents including, but not limited to, a drug
23 cartel;

24 7. "Monetary instrument" means:

1 a. coin or currency of the United States or of any other
2 country, travelers' checks, personal checks, bank
3 checks, and money orders, or

4 b. investment securities or negotiable instruments, in
5 bearer form or otherwise in such form that title
6 thereto passes upon delivery;

7 ~~7.~~ 8. "Proceeds" means all monies, negotiable instruments, and
8 securities received, used, or intended to be used to facilitate any
9 violation of the Oklahoma Antiterrorism Act;

10 ~~8.~~ 9. "Terrorism" means international or domestic drug
11 trafficking activity, one or more kidnappings or other act of
12 violence, or a series of acts of force or violence committed by any
13 person or member of a foreign terrorist organization, resulting in
14 damage to property, personal injury or death, or the threat of such
15 act or acts of force or violence that appears to be intended:

16 a. to overthrow, destabilize, intimidate or coerce a
17 civilian population,

18 b. to influence the policy or conduct of a government by
19 intimidation or coercion, or

20 c. in retaliation for the policy or conduct of a
21 government by intimidation or coercion.

22 Peaceful picketing or boycotts and other nonviolent action shall
23 not be considered terrorism;

1 ~~9.~~ 10. "Terrorism hoax" means the willful conduct to simulate
2 an act of terrorism as a joke, hoax, prank or trick against a place,
3 population, business, agency or government by:

4 a. the intentional use of any substance to cause fear,
5 intimidation or anxiety and a reasonable belief by any
6 victim that such substance is used, placed, sent,
7 delivered or otherwise employed as an act of
8 biochemical terrorism requiring an emergency response
9 or the evacuation or quarantine of any person, place
10 or article, or

11 b. any act or threat of violence, sabotage, damage or
12 harm against a population, place or infrastructure
13 that causes fear, intimidation or anxiety and a
14 reasonable belief by any victim that such act or
15 threat is an act of terrorism to disrupt any place,
16 population, business, agency or government;

17 ~~10.~~ 11. "Terrorist activity" means to plan, aid or abet an act
18 of terrorism or aid or abet any person who plans or commits an act
19 of terrorism; and

20 ~~11.~~ 12. "Transaction" includes a purchase, sale, loan, pledge,
21 gift, transfer, delivery, or other disposition, and with respect to
22 a financial institution includes a deposit, withdrawal, transfer
23 between accounts, exchange of currency, loan, extension of credit,
24 purchase or sale of any stock, bond, certificate of deposit, or

1 other monetary instrument, use of a safe deposit box, or any other
2 payment, transfer, or delivery by, through, or to a financial
3 institution, by whatever means effected.

4 SECTION 5. This act shall become effective November 1, 2025.

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