

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1674

6 By: West (Kevin)

7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending  
9 21 O.S. 2011, Section 1312, which relates to  
10 penalties for rioting; updating language; making  
11 certain acts unlawful; providing penalties; providing  
12 liability provision for certain damages; defining  
13 term; providing exemption from criminal or civil  
14 liability for motor vehicle operators under certain  
15 circumstances; providing penalties for certain  
16 organizations; providing for codification; and  
17 providing an effective date.

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

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

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

23 1. If any murder, maiming, robbery, rape or arson was committed  
24 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

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

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

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

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

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

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

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

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

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

22 2. The motor vehicle operator exercised due care at the time of  
23 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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58-1-7831 GRS 02/25/21