

§21-1266. Advocating overthrow of government by force - Penalty.

Any person above the age of eighteen (18) years who advocates revolution, teaches or justifies a program of sabotage, force and violation, sedition or treason against the government of the United States or of this state, or who directly or indirectly advocates or teaches by any means the overthrow of the government of the United States or of this state by force or any unlawful means shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary from five (5) years to life. Added by Laws 1955, p. 189, § 1, emerg. eff. June 6, 1955. Amended by Laws 1997, c. 133, § 319, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 216, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 319 from July 1, 1998, to July 1, 1999.

§21-1266.1. Existence of communist conspiracy.

Upon evidence and proof already presented before this legislature, congress, the courts of this state, and the courts of the United States, it is here now found and declared to be a fact that there exists an International Communist conspiracy which is committed to the overthrow of the government of the United States and of the several states, including that of the State of Oklahoma, by force or violence, such conspiracy including the Communist Party of the United States, its component or related parts and members, and that such conspiracy constitutes a clear and present danger to the government of the United States and of this state.

Laws 1955, p. 189, § 1.

§21-1266.2. Communist Party of the United States and component parts as illegal.

The Communist Party of the United States, together with its component or related parts and organizations, no matter under what name known, and all other organizations, incorporated or unincorporated, which engage in or advocate, abet, advise, or teach, or a purpose of which is to engage in or advocate, abet, advise, or teach, any activities intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence, are hereby declared to be illegal and not entitled to any rights, privileges, or immunities attendant upon bodies under the jurisdiction of the State of Oklahoma or any political subdivision thereof. It shall be unlawful for such Party or any of its component or related parts or organizations, or any such other organization, to exist, function, or operate in the State of Oklahoma. Any organization which is found by a court of competent jurisdiction to have violated any provisions of this section, in a proceeding brought for that purpose by the County Attorney, shall be dissolved, and if it be a corporation organized and existing under

the laws of this state or having a permit to do business in this state, its charter or permit shall be forfeited, and, whether incorporated or unincorporated, all funds, records, and other property belonging to such Party or any component or related part or organization thereof, or to any such other organization, shall be seized by and forfeited to the State of Oklahoma to escheat to the state as in the case of a person dying without heirs. All books, records, and files of any such organizations shall be turned over to the Attorney General.

Laws 1955, p. 190, § 2.

§21-1266.3. Affiliation with parent or superior organization - Prima facie evidence of guilt.

As to any particular organization, proof of its affiliation with a parent or superior organization, inside or outside of this state, which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or advocate, abet, advise, or teach, any activities intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence, shall constitute prima facie evidence that such particular organization engages in or advocates, abets, advises, or teaches, or has as a purpose the engaging in or advocating, abetting, advising, or teaching of, the same activities with the same intent.

Laws 1955, p. 190, § 3.

§21-1266.4. Unlawful acts.

It shall be unlawful for any person knowingly or willfully to:

(1) Commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence; or

(2) Advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or aid in the commission of any such act, under such circumstances as to constitute a clear and present danger to the security of the United States, or of the State of Oklahoma, or of any political subdivision of either of them; or

(3) Conspire with one or more persons to commit any of the above acts; or

(4) Assist in the formation of, or participate in the management of, or contribute to the support of, or become or remain a member of, or destroy any books or records or files of, or secrete any funds in this state of the Communist Party of the United States or any component or related part or organization thereof, or any organization which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or advocate, abet,

advise or teach, any activities intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence, knowing the nature of such organization. Laws 1955, p. 190, § 4.

§21-1266.5. Penalty.

Any person who shall violate any of the provisions of Section 1266.4 of this title shall be guilty of a felony, and upon conviction thereof shall be fined not more than Twenty Thousand Dollars (\$20,000.00), or imprisoned not less than one (1) year nor more than twenty (20) years in the State Penitentiary, or may be both so fined and imprisoned. No person convicted of any violation of this act shall ever be entitled to suspension or probation of sentence by the trial court.

Added by Laws 1955, p. 191, § 5, emerg. eff. June 6, 1955. Amended by Laws 1997, c. 133, § 320, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 217, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 320 from July 1, 1998, to July 1, 1999.

§21-1266.6. Bar from holding public office.

Any person who shall be convicted finally by a court of competent jurisdiction of violating any of the provisions of this act shall from the date of such final conviction automatically be disqualified and barred from holding any office, elective or appointive, or any other position of profit, trust, or employment with the government of the State of Oklahoma or any agency thereof, or of any county, municipal corporation, or other political subdivision of the state. Laws 1955, p. 191, § 6.

§21-1266.7. District court powers.

The district courts of this state and the judges thereof shall have full power, authority, and jurisdiction, upon the application of the State of Oklahoma, acting through the district attorney, to issue any and all proper restraining orders, temporary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce the provisions of this act; no injunction or other writ shall be granted, used or relied upon under the provisions of this act in any labor dispute or disputes. Such proceedings shall be instituted, prosecuted, tried, and heard as other civil proceedings of like nature in such courts, provided that such proceedings shall have priority over other cases in settings for hearing.

Nothing in this act shall be construed to alter in any way the powers now held by the courts of this state or of this nation under the laws of this state in labor disputes.

Laws 1955, p. 191, § 7.

§21-1266.8. Search warrants.

A search warrant may issue for the purpose of searching for and seizing any books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, or any written instruments showing that a person or organization is violating or has violated any provision of this act. Search warrants may be issued by any judge of a court of record in this state upon the written application of the district attorney, within their respective jurisdictions, accompanied by the affidavit of a credible person setting forth the name or description of the owner or person in charge of the premises to be searched, or stating that his name and description are unknown, the address or description of the premises, and showing that the described premises is a place where some specified phase or phases of this act are violated or are being violated, or where are kept any books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, or written instruments of any kind showing a violation of some phase or phases of this act; provided that if the premises to be searched constitute a private residence, such application for a search warrant shall be accompanied by the affidavits of two (2) credible citizens. Except as herein provided, the application, issuance, and execution of any such warrant and all proceedings relative thereto shall conform to the applicable provisions of the Code of Criminal Procedure; provided that any evidence obtained by virtue of a search warrant issued under the provisions of this act shall not be admissible in evidence in the trial of any proceeding, administrative or judicial, save and except those arising under this act.

Laws 1955, p. 191, § 8.

§21-1266.9. Utilization of State agency personnel by Governor.

The Governor is authorized to utilize any personnel of the Department of Public Safety and any other state agency to conduct such investigations and to render such assistance to local law enforcement officers as the Governor may deem necessary in carrying out the provisions of this act.

Laws 1955, p. 191, § 9.

§21-1266.10. Partial invalidity.

If any section or any part whatever of this act, or the application thereof to any person or circumstances, should be held for any reason to be invalid, such invalidity shall not affect or invalidate any portion of the remainder of this act, and it is hereby declared that such remaining portions would have been enacted in any event.

Laws 1955, p. 192, § 10.

§21-1266.11. Provisions cumulative.

The provisions of this act are expressly declared to be cumulative to existing laws.

Laws 1955, p. 192, § 11.

§21-1267.1. Organizing or assisting to organize groups, companies, etc.

Any person organizing or assisting to organize any group, company, assembly of persons, or association with the intent of advocating or encouraging the overthrow of the United States or state governments, or of acting to overthrow such governments, by force or violence, or who is or becomes a member or affiliate of any such organization knowing its purposes shall, upon conviction thereof, be guilty of a felony.

Added by Laws 1961, p. 743, § 1, emerg. eff. July 12, 1961. Amended by Laws 1997, c. 133, § 321, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 321 from July 1, 1998, to July 1, 1999.

§21-1267.2. Registration - Contents.

(a) The officers of each group, company, assembly of persons, or association with the intent designated in Section 1267.1 of this title shall, within thirty (30) days of the effective date hereof, register with the Attorney General, on forms prescribed by him by regulations, as such an organization, and shall thereafter register annually on or before July 1.

(b) The registration statements shall include the following information:

(1) The name of the organization and address of its principal office;

(2) The name and present address of each person who is currently an officer of the organization or who has been an officer of the organization any time in the course of the twelve (12) months preceding the filing of each registration statement;

(3) An accounting of all money received and expended by the organization, including the sources of receipt and purposes of expenditures, in the course of the twelve (12) months preceding the filing of each registration statement;

(4) The name and present address of each person who is or was a member of the organization at any time in the course of the twelve (12) months preceding the filing of each registration statement.

(5) If any officer or member of the organization uses or has used more than one name, all such names shall be included in the registration statements.

(c) All such organizations shall maintain, in the form and manner as the Attorney General shall by regulations provide, an accurate and complete record of all information required by the registration statement forms.

(d) If the officers of any such organization violate any provision of this section they shall, upon conviction, be guilty of a felony.

Added by Laws 1961, p. 743, § 2, emerg. eff. July 12, 1961. Amended

by Laws 1997, c. 133, § 322, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 322 from July 1, 1998, to July 1, 1999.

§21-1268. Short title.

This act shall be known and may be cited as the "Oklahoma Antiterrorism Act".

Added by Laws 2002, c. 477, § 1, emerg. eff. June 6, 2002.

§21-1268.1. Definitions.

As used in this act:

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

- a. cause intimidation, fear or anxiety and a reasonable belief by the victim that death, disease, injury or illness will occur as a result of contamination by such substance or material and, based upon that belief, an emergency response is necessary, or
- b. poison, injure, harm or cause disease or illness to any person;

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

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

4. "Financial institution" includes:

- a. any financial institution, as defined in Section 5312(a)(2) of Title 31 of the United States Code, or the regulations promulgated thereunder, and
- b. any foreign bank, as defined in Section 3101 of Title 12 of the United States Code;

5. "Financial transaction" means:

- a. a transaction which in any way or degree affects state, interstate or foreign commerce:
  - (1) involving the movement of funds by wire or other means,
  - (2) involving one or more monetary instruments, or
  - (3) involving the transfer of title to any real property, vehicle, vessel, or aircraft, or
- b. a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, state, interstate or foreign commerce in any way or degree;

6. "Monetary instrument" means:

- a. coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, and money orders, or
- b. investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

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

8. "Terrorism" means one or more kidnappings or other act of violence, or a series of acts of violence, resulting in damage to property, personal injury or death, or the threat of such act or acts that appears to be intended:

- a. to intimidate or coerce a civilian population,
- b. to influence the policy or conduct of a government by intimidation or coercion, or
- c. in retaliation for the policy or conduct of a government by intimidation or coercion.

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

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

- a. the intentional use of any substance to cause fear, intimidation or anxiety and a reasonable belief by any victim that such substance is used, placed, sent, delivered or otherwise employed as an act of biochemical terrorism requiring an emergency response or the evacuation or quarantine of any person, place or article, or
- b. any act or threat of violence, sabotage, damage or harm against a population, place or infrastructure that causes fear, intimidation or anxiety and a reasonable belief by any victim that such act or threat is an act of terrorism to disrupt any place, population, business, agency or government;

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

11. "Transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.

Added by Laws 2002, c. 477, § 2, emerg. eff. June 6, 2002. Amended

by Laws 2010, c. 456, § 1, eff. Nov. 1, 2010; Laws 2016, c. 154, § 1, eff. Nov. 1, 2016.

§21-1268.2. Violations - Penalties.

A. Every act of terrorism is a felony.

B. A person convicted of terrorism shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding life.

C. A person who kills another person or who causes the death of another person in the commission of an act of terrorism shall be guilty of murder in the first degree.

D. A person convicted of biochemical terrorism shall be ordered, in addition to the punishment imposed for the act of terrorism, to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act of terrorism.

E. The punishment for terrorism shall be in addition to any penalty imposed for any individual offense or offenses involved in the act or acts of terrorism.

Added by Laws 2002, c. 477, § 3, emerg. eff. June 6, 2002. Amended by Laws 2016, c. 154, § 2, eff. Nov. 1, 2016.

§21-1268.3. Conspiracy - Penalty.

A. Conspiracy to commit terrorism is a felony.

B. A person convicted of conspiracy to commit terrorism shall be punished by imprisonment in the State Penitentiary for a term not exceeding life.

Added by Laws 2002, c. 477, § 4, emerg. eff. June 6, 2002.

§21-1268.4. Hoax - Penalty.

A. Terrorism hoax is a felony.

B. A person convicted of terrorism hoax shall be punished by imprisonment in the State Penitentiary for a term of not more than ten (10) years. In addition to any punishment imposed for the act of terrorism hoax, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.

Added by Laws 2002, c. 477, § 5, emerg. eff. June 6, 2002.

§21-1268.5. Biochemical assault - Penalties.

A. Every person who, without justifiable or excusable cause, willfully commits biochemical assault against another person shall be punished as provided in this section.

B. Every act of biochemical assault is a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment when the person knows the substance or material used to commit biochemical assault is

not toxic, noxious, or lethal to humans. In addition to any term of imprisonment imposed for biochemical assault, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.

C. Every act of biochemical assault is a felony punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years when the person knows the substance or material used to commit biochemical assault is toxic, noxious, or lethal to humans. In addition to any term of imprisonment imposed for biochemical assault, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.  
Added by Laws 2002, c. 477, § 6, emerg. eff. June 6, 2002.

§21-1268.6. Manufacture, delivery or possession of toxic materials intended for terrorist activity - Penalties.

A. It shall be unlawful for any person to manufacture, send, deliver or possess any toxic, noxious, or lethal substance, chemical, biological or nuclear material with the intent of engaging in terrorist activity.

B. A person convicted of a violation of this section shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not more than eight (8) years. In addition to any term of imprisonment imposed for a violation of this section, the person shall be ordered to make restitution to victims and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to the crime.  
Added by Laws 2002, c. 477, § 7, emerg. eff. June 6, 2002.

§21-1268.7. Unlawful acts - Conduct financial transaction or transport, transmit, or transfer monetary instrument.

A. No person, knowing that property is the proceeds of an act of terrorism or a monetary instrument given, received, or intended to be used in support of an act of terrorism, shall conduct or attempt to conduct any financial transaction involving that property or transport, transmit or transfer that monetary instrument with the intent to do any of the following:

1. Commit or further the commission of an act of terrorism;
2. Conceal or disguise the nature, location, source, ownership, or control of either the proceeds of an act of terrorism or a monetary instrument given, received, or intended to be used to support an act of terrorism; or
3. Conceal or disguise the intent to avoid a financial transaction reporting requirement as provided in 31 U.S.C., Section 5311 et seq., 31 C.F.R., Part 103, Title 6 of the Oklahoma Statutes,

or other federal monetary reporting requirements under law.

B. Any person convicted of violating any provision of subsection A of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, or by a fine of not more than Fifty Thousand Dollars (\$50,000.00) or an amount equal to twice the dollar amount of each transaction, whichever is greater, or by both such fine and imprisonment. Added by Laws 2010, c. 456, § 2, eff. Nov. 1, 2010.

§21-1268.8. Oklahoma Antiterrorism Act - Using money services business or electronic funds transfer network.

Any person who knowingly or intentionally uses a money services business, as defined by the Oklahoma Financial Transaction Reporting Act, or an electronic funds transfer network for any purpose in violation of the Oklahoma Antiterrorism Act, or with intent to facilitate any violation of the Oklahoma Antiterrorism Act shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, or by a fine of not more than Fifty Thousand Dollars (\$50,000.00) or an amount equal to twice the dollar amount of each transaction, whichever is greater, or by both such fine and imprisonment. Added by Laws 2010, c. 456, § 3, eff. Nov. 1, 2010.