

ENGROSSED HOUSE
BILL NO. 1257

By: Coleman and Pope (Tim)

An Act relating to prisons and reformatories;
prohibiting persons incarcerated in correctional
facilities from possessing certain material;
defining terms; amending 57 O.S. 1991, Section 583,
which relates to the Sex Offenders Registration
Act; eliminating shorter registration period for
certain offenders; providing for codification; and
providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 510.11 of Title 57, unless there
is created a duplication in numbering, reads as follows:

A. No inmate incarcerated in a correctional facility shall be
allowed to possess any material that describes, exhibits, presents
or represents nudity, sexual conduct, sexual excitement, or
sodomasochistic abuse.

B. As used in this section:

1. "Nudity" means the:

a. showing of the human male or female genitals, pubic
area, or buttocks with less than a full opaque
covering,

- b. showing of the female breast with less than a full opaque covering of any portion of the female breast below the top of the nipple, or
- c. depiction of covered male genitals in a discernibly turgid state;

2. "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast;

3. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal;

4. "Sadomasochistic abuse" means flagellation or torture by or upon a person clothed or naked or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed or naked; and

5. "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, or video tape. It does not include matter of a religious, scientific, medical or educational nature used or published by a recognized religious, scientific, medical or educational institution or publication.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 583, is amended to read as follows:

Section 583. A. Except as provided in subsection B of this section, any person who becomes subject to the provisions of the Sex Offenders Registration Act on or after November 1, 1989, shall register with the Department of Corrections within ten (10) business days of being convicted or receiving a suspended sentence if the person is not incarcerated, or within ten (10) business days of release of the person from a correctional institution.

B. Any person who has been convicted of an offense on or after November 1, 1989, in another jurisdiction, which offense if

committed or attempted in this state, would have been punishable as one or more of the offenses listed in Section 2 582 of this ~~act~~ title and who enters and remains in this state for thirty (30) days or longer shall register with the Department of Corrections within thirty (30) days after entering this state.

C. The registration required by this section shall be maintained by the Department of Corrections for a period of ten (10) years from the date of registration, ~~however persons who successfully complete the sex offender treatment program provided by the Department of Corrections, shall only be required to register for two (2) years after date of discharge. Repeat offenders after discharge shall be required to register for the full ten-year period.~~

SECTION 3. This act shall become effective November 1, 1995.

Passed the House of Representatives the 27th day of February, 1995.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate