

SHORT TITLE: Crimes and punishments; modifying definitions relating to display of materials harmful to minors; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 565

By: Snyder

AS INTRODUCED

An Act relating to crimes and punishments; amending Sections 2 and 3, Chapter 7, O.S.L. 1992 (21 O.S. Supp. 1994, Sections 1040.76 and 1040.77), which relate to prohibited acts of commercial establishments related to minors and related penalties; prohibiting commercial establishments from disseminating certain labeled compact discs, video discs and audio recording to minors; clarifying statutory references; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 7, O.S.L. 1992 (21 O.S. Supp. 1994, Section 1040.76), is amended to read as follows:

Section 1040.76 No person having custody, control or supervision of any commercial establishment shall knowingly:

1. Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material. Provided, however, a person shall be deemed not to have "displayed" material harmful to minors if the material is kept behind devices commonly known as "blinder racks" so that the lower two-thirds (2/3) of the material is not exposed to view;

2. Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors, including, but not limited to, any compact disc, video disc, audio recording or like device that is labeled "Parental Advisory" or with any other legend indicating the presence of "explicit" or "adult" material; or

3. Present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.

SECTION 2. AMENDATORY Section 3, Chapter 7, O.S.L. 1992 (21 O.S. Supp. 1994, Section 1040.77), is amended to read as follows:

Section 1040.77 Any person convicted of violating any provision of Section ~~2~~ 1040.76 of this ~~act~~ title shall be guilty of a misdemeanor and shall be fined a sum not exceeding One Hundred Dollars (\$100.00). Each day that any violation of Section ~~2~~ 1040.76 of this ~~act~~ title occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act or transaction prohibited by Section ~~2~~ 1040.76 of this ~~act~~ title shall constitute a separate offense as to each item, issue or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume and number issue or other such identical material shall constitute a single offense.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-0858

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