

ENGROSSED HOUSE
BILL NO. 2946

By: Collins

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1040.14, which relates to mailing obscene material; adding requirement that district attorneys or the Attorney General contact prosecuting attorneys for out-of-state areas from which unfit mailable matter was sent; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1040.14, is amended to read as follows:

Section 1040.14 ~~(a)~~ A. Whenever the Attorney General of this state or the district attorney for any district has reasonable cause to believe that any person, with knowledge of its contents, is ~~(1)~~ engaged:

1. Engaged in sending or causing to be sent, bringing or causing to be brought, into this state for sale or commercial distribution, ~~;~~ or ~~is (2) in~~

2. In this state preparing, selling, exhibiting or commercially distributing or giving away, or offering to give away, or has in ~~his~~ such person's possession with intent to sell, or commercially distribute or to exhibit or give away or offer to give away, any unfit mailable matter, the Attorney General or the district attorney for the county into which such mailable matter is sent or

caused to be sent, brought or caused to be brought, or in which it is prepared, sold, exhibited or commercially distributed or given away or offered to be given away, or possessed, may institute an action in the district court for an adjudication of the obscenity of the mailable matter.

~~(b)~~ B. The procedure to be followed shall be that set forth in this act.

C. If any unfit mailable matter is sent to any person in this state from an out-of-state distributor, the district attorney located in the county where the person receiving such mail is located or the Attorney General of this state shall contact the appropriate prosecuting attorney located in the area out-of-state from where such mail is sent and request that a complaint against such mailer be made if, in the sound discretion of the district attorney or the Attorney General, there is the belief that such request should be made.

SECTION 2. This act shall become effective November 1, 1998.

Passed the House of Representatives the 4th day of March, 1998.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1998.

President of the Senate