

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1088

By: Reese

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1021, as last amended by Section 1, Chapter 208, O.S.L. 2000 (21 O.S. Supp. 2000, Section 1021), which relates to pornography; authorizing persons who aid in conviction for internet pornography to share in forfeiture proceeds; stating limits; stating exception to seizure and forfeiture of equipment; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1021, as last amended by Section 1, Chapter 208, O.S.L. 2000 (21 O.S. Supp. 2000, Section 1021), is amended to read as follows:

Section 1021. A. Every person who willfully either:

1. Lewdly exposes his person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby;

2. Procures, counsels, or assists any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;

3. Writes, composes, stereotypes, prints, photographs, designs, copies, draws, engraves, paints, molds, cuts, or otherwise prepares, publishes, sells, distributes, keeps for sale, or exhibits any obscene material or child pornography; or

4. Makes, prepares, cuts, sells, gives, loans, distributes, keeps for sale, or exhibits any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child pornography, shall be guilty, upon conviction, of a felony and shall be punished by the imposition of a fine of not less than Five Hundred Dollars (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or by imprisonment for not less than thirty (30) days nor more than ten (10) years, or by both such fine and imprisonment. Persons convicted under paragraphs 3 and 4 of subsection A of this section shall not be eligible for a deferred sentence.

B. Every person who:

1. Willfully solicits or aids a minor child to perform; or
2. Shows, exhibits, loans, or distributes to a minor child any obscene material or child pornography for the purpose of inducing said minor to participate in, any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this section shall be guilty, upon conviction, of a felony and shall be punished by imprisonment in a state correctional institution for not less than ten (10) years nor more than thirty (30) years. Persons convicted under this subsection shall not be eligible for a deferred sentence.

C. Any person who aids a law enforcement officer, the office of the district attorney or the Office of the Attorney General in any way that leads to the conviction of a person violating any of the provisions of this section by use of the internet shall receive at least one-half (1/2) of the value of any confiscated computer equipment or other evidence, excluding any seized pornography. Compensation received by a person pursuant to this subsection shall not exceed Five Thousand Dollars (\$5,000.00). No internet or cable service provider shall be subject to the seizure and forfeiture of equipment unless the internet or cable service provider has intentionally violated the provisions of this section.

SECTION 2. This act shall become effective November 1, 2001.

48-1-6010

6/12/15