

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 565

By: Coffee, Gumm, Brogdon,
Coates, Reynolds,
Aldridge, Myers and Branan
of the Senate

and

Reynolds of the House

COMMITTEE SUBSTITUTE

(Computer images of children - sexual conduct -
reporting procedure - penalty - codification -
emergency)

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 1021.5 of Title 21, unless there
is created a duplication in numbering, reads as follows:

Any computer or computer systems technician, repair person,
maintenance person or installer who has knowledge of or observes,
within the scope of his or her professional capacity or employment,
any image file, video file or computer file depicting a child under
the age of eighteen (18) years engaged in an act of sexual conduct
as defined in Section 1024.1 of Title 21 of the Oklahoma Statutes
shall immediately or as soon as possible report by telephone such
instances of suspected child abuse to the local law enforcement
agency and shall prepare and send a written report to such agency of
the incident, and if possible to obtain a copy of the image file,
video file or computer file attached, within thirty-six (36) hours
after conveying the information concerning the incident. For the
purposes of this section, the term "computer or computer systems

technician, repair person, maintenance person or installer" means any person who repairs, maintains, configures or assembles computers or computer systems for compensation and shall include any employee of such a person but shall not include anyone who finds, prints or otherwise copies or uses such images, video or other such computer files for law enforcement agencies. Any person participating in good faith and exercising due care in the making of a report pursuant to the provisions of this section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports abuse shall have the same immunity with respect to participation in any judicial proceeding resulting from the report. Any person violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

SECTION 2. 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.

49-1-6623 SB 03/26/03