

ENGROSSED SENATE
BILL NO. 1091

By: Coffee, Gumm and Brogdon
of the Senate

and

Vaughn of the House

An Act relating to crimes and punishments; requiring report of computer images of children engaged in sexual conduct on computers; specifying reportable sexual conduct; providing reporting procedure; requiring certain information within certain time; defining term; stating penalty; providing for codification; and declaring an 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 that is intentionally saved or organized on hardware or any other media including, but not limited to, CDs, DVDs and thumbdrives, whether digital, analog or other means and whether directly viewable, compressed or encoded, 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 within a reasonable time 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. A copy of the image file, video file or computer file, if available, shall be attached to the written report and submitted, within thirty-six (36) hours after notifying the local law enforcement agency of 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 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) or by imprisonment in the county jail not to exceed one (1) year, or both such fine and imprisonment.

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.

Passed the Senate the 10th day of March, 2004.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2004.

Presiding Officer of the House
of Representatives