

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2102:

Carey and Piatt

AS INTRODUCED

An Act relating to public health; allowing breastfeeding at authorized locations; amending 21 O.S. 2001, Section 1021, as last amended by Section 1, Chapter 308, O.S.L. 2003 (21 O.S. Supp. 2003, Section 1021), which relates to indecent exposure; creating an exception; amending 38 O.S. 2001, Section 28, which relates to qualifications for jury service; adding exemption for certain mothers; 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 1-234.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

The breastfeeding of a baby is an important and basic act of nurture to which every baby has a right and which act must be encouraged in the interests of maternal and child health and family values, and in furtherance of this right, a mother may breastfeed her baby in any location, where the mother is otherwise authorized to be, provided the mother acts in a discreet and modest way. The act of breastfeeding shall not be considered indecent exposure pursuant to Section 1021 of Title 21 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1021, as last amended by Section 1, Chapter 308, O.S.L. 2003 (21 O.S. Supp. 2003, Section 1021), is amended to read as follows:

Section 1021. A. Every person who willfully and knowingly 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, knowingly downloads on a computer, 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.

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.

C. Persons convicted under this section shall not be eligible for a deferred sentence.

D. For purposes of this section, "downloading on a computer" means electronically transferring an electronic file from one computer or electronic media to another computer or electronic media.

E. For purposes of this section, a mother breastfeeding a child shall not be considered indecent exposure.

SECTION 2. AMENDATORY 38 O.S. 2001, Section 28, is amended to read as follows:

Section 28. A. All citizens of the United States, residing in this state, having the qualifications of electors of this state, who are of sound mind and discretion and of good moral character are competent jurors to serve on all grand and petit juries within their counties; provided, that persons over seventy (70) years of age and persons who have served as a grand or petit juror during the last two (2) immediately preceding calendar years shall not be compelled to serve as jurors in this state and the court may excuse or discharge any juror drawn and summoned as a grand or petit juror if jury service would result in substantial hardship to the prospective juror.

B. Persons who are not qualified to serve as jurors are:

1. Justices of the Supreme Court or the Court of Civil Appeals;
2. Judges of the Court of Criminal Appeals or the district court;
3. Sheriffs or deputy sheriffs;
4. Jailers or law enforcement officers, state or federal, having custody of prisoners;
5. Licensed attorneys engaged in the practice of law;
6. Persons who have been convicted of any felony or who have served a term of imprisonment in any penitentiary, state or federal, for the commission of a felony; provided, any such citizen convicted, who has been fully restored to his or her civil rights, shall be eligible to serve as a juror; and

7. Legislators during session of the Legislature or involved in state business.

C. 1. Mothers who are breastfeeding their children or mothers who are unemployed and have custody of a child who is not enrolled full-time in an early childhood education program, upon their request, shall be exempted from service as jurors.

2. As used in this subsection, "early childhood education program" means prekindergarten programs for children.

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.

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