

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 351

By: Gumm

AS INTRODUCED

An Act relating to contracts and crimes and punishments; amending 21 O.S. 2001, Section 1040.13, which relates to electronic mail; requiring certain electronic mail messages to include designation; making violations subject to the Oklahoma Consumer Protection Act; making transmission of obscene material by electronic mail a felony; providing for codification; and providing an effective date.

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 776.5 of Title 15, unless there is created a duplication in numbering, reads as follows:

Any person initiating or transmitting an unsolicited electronic mail advertisement containing sexually explicit material which does not rise to the level of obscene material as defined in Section 1024.1 of Title 21 of the Oklahoma Statutes shall include in the subject line of that message the exact characters "ADV-ADULT". Any violation of this section shall be a violation of the Oklahoma Consumer Protection Act.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1040.13, is amended to read as follows:

Section 1040.13 Every person who, with knowledge of its contents, sends, brings, or causes to be sent or brought, in any manner including transmission by electronic mail message, into this state for sale or commercial distribution, or in this state prepares, sells, exhibits, commercially distributes, gives away, offers to give away, or has in ~~his~~ the person's possession with

intent to sell, to commercially distribute, to exhibit, to give away, or to offer to give away any obscene material or child pornography or gives information stating when, where, how, or from whom, or by what means obscene material or child pornography can be purchased or obtained, upon conviction, is guilty of a felony and shall be punished by imprisonment for not more than ten (10) years in prison or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such imprisonment and fine.

SECTION 3. This act shall become effective November 1, 2003.

49-1-1012

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