

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1479

By: Wilson, Leftwich, Gumm and
Garrison of the Senate

and

Walker of the House

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; creating the Safe Net Act; amending 21 O.S. 2001, Section 1040.13a, as amended by Section 1, Chapter 110, O.S.L. 2002 (21 O.S. Supp. 2005, Section 1040.13a), which relates to soliciting sexual conduct with minors; prohibiting certain unlawful acts with a minor; defining term; modifying scope of certain unlawful acts; increasing and clarifying scope of penalty; specifying jurisdiction for criminal prosecutions; establishing certain unit within the Oklahoma State Bureau of Investigation; stating purpose; directing Bureau to employ sufficient employees; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known as the "Safe Net Act".

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1040.13a, as amended by Section 1, Chapter 110, O.S.L. 2002 (21 O.S. Supp. 2005, Section 1040.13a), is amended to read as follows:

Section 1040.13a A. It is unlawful for any person to facilitate, encourage, offer or solicit sexual conduct with a minor, or other individual the person believes to be a minor, by use of any technology, or to engage in any communication for sexual or prurient

interest with any minor, or other individual the person believes to be a minor, by use of any technology. For purposes of this subsection, "by use of any technology" means the use of any telephone or cell phone, computer disk (CD), digital video disk (DVD), recording or sound device, CD-ROM, VHS, computer, computer network or system, Internet or World Wide Web address including any blog site or personal web address, e-mail address, Internet Protocol address (IP), text messaging or paging device, any video, audio, photographic or camera device of any computer, computer network or system, cell phone, any other electrical, electronic, computer or mechanical device, or any other device capable of any transmission of any written or text message, audio or sound message, photographic, video, movie, digital or computer-generated image, or any other communication of any kind by use of an electronic device.

B. A person is guilty of violating the provisions of this section if, ~~for the purposes of facilitating, encouraging, offering or soliciting sexual conduct with any minor, or other individual the person believes to be a minor,~~ the person knowingly transmits any prohibited communication by means of computer use of any technology defined herein, or knowingly prints, publishes or reproduces by other computerized means use of any technology described herein any prohibited communication, or knowingly buys, sells, receives, exchanges, or disseminates, any prohibited communication or any information, notice, statement, website, or advertisement of for communication with a minor or access to any name, telephone number, cell phone number, e-mail address, Internet address, text message address, place of residence, physical characteristics or other descriptive or identifying information of a minor, or other individual the person believes to be a minor.

C. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an

offense pursuant to this section shall not constitute a defense to a prosecution under this section.

~~B.~~ D. Any violation of the provisions of this section shall be a ~~misdemeanor~~ felony, punishable by ~~the imposition of~~ a fine in an amount not to exceed Ten Thousand Dollars (\$10,000.00), or by imprisonment in the ~~county jail not to exceed one (1) year~~ custody of the Department of Corrections for a term of not more than ten (10) years, or by both such fine and imprisonment. For purposes of this section, each communication shall constitute a separate offense.

E. For purposes of any criminal prosecution pursuant to any violation of this section, the person violating the provisions of this section shall be deemed to be within the jurisdiction of this state by the fact of accessing any computer, cellular phone or other computer-related or satellite-operated device in this state, regardless of the actual jurisdiction where the violator resides.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 151.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Bureau of Investigation shall establish an Internet Crimes Against Children (ICAC) unit for the primary purpose of investigating Internet crimes committed against children, including, but not limited to, offenses related to child pornography and solicitation of minors for pornography, prostitution or sex-related offenses. The unit shall additionally promote safe Internet use among children and their parents by various media or printed material campaigns or by offering educational programs to schools or communities throughout this state. The Bureau shall employ sufficient employees to investigate and implement the ICAC unit.

SECTION 4. 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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