

ENGROSSED SENATE
BILL NO. 513

By: Branan, Jolley, Brogdon,
Pruitt, Laughlin, Mazzei,
Coates, Myers, Reynolds,
Barrington, Anderson, Lamb,
Riley, Wilcoxson, Ford,
Nichols, Crain, Eason
McIntyre, Easley and
Garrison of the Senate

and

Miller (Ken) of the House

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1021.4, which relates to disclosure of obscene materials; including computer technician for purpose of reporting certain prohibited materials; expanding language to include suspected child pornography; defining term; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1021.4, is amended to read as follows:

Section 1021.4 A. Any commercial film and photographic print processor or commercial computer technician who has knowledge of or observes, within the scope of ~~his~~ such person's professional capacity or employment, any film, photograph, video tape, negative, or slide, or any computer file, recording, CD-Rom, magnetic disk memory, magnetic tape memory, picture, graphic or image that is intentionally saved, transmitted 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 this title shall immediately or as soon as possible report by telephone such instance of suspected child abuse or child pornography to the law enforcement agency having jurisdiction over the case and shall prepare and send a written

report of the incident with ~~a~~ an attached copy of ~~the film,~~
~~photograph, video tape, negative, or slide attached~~ such material,
within thirty-six (36) hours after receiving the information
concerning the incident.

For the purposes of this section, ~~commercial:~~

1. "Commercial film and photographic print processor" ~~shall~~
~~mean~~ means any person who develops exposed photographic film into
negatives, slides, or prints, or who makes prints from negatives or
slides, for compensation. The term shall also include any employee
of such a person but shall not include a person who develops film or
makes prints for a public agency; and

2. "Commercial computer technician" means any person who
repairs, installs, or otherwise services any computer including, but
not limited to, any component part, device, memory storage or
recording mechanism, auxiliary storage, recording or memory
capacity, or any other materials relating to operation and
maintenance of a computer or computer network or system, for
compensation. The term shall also include any employee of such
person.

B. Any person who violates the provisions of this section, upon
conviction, shall be guilty of a misdemeanor and shall be punished
by the imposition of 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.

C. Nothing in this section shall be construed to require or
authorize any person to act outside the scope of such person's
professional capacity or employment by searching for prohibited
materials or media.

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 3rd day of March, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2005.

Presiding Officer of the House
of Representatives