

ENROLLED 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), Askins,  
Blackwell, Case, Duncan,  
Nance, Turner, Blackburn,  
Covey, Deutschendorf  
Reynolds, and Wesselhoft 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.

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Presiding Officer of the Senate

Passed the House of Representatives the 30th day of March, 2005.

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Presiding Officer of the House  
of Representatives

