

CS for SB 1479

THE STATE SENATE  
Monday, February 27, 2006

Committee Substitute for  
Senate Bill No. 1479

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1479 - By: WILSON and LEFTWICH of the Senate and WALKER of the House.

[ crimes and punishments - sexual conduct with minors - penalty jurisdiction - Oklahoma State Bureau of Investigation - codification - noncodification - 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

1 (DVD), recording or sound device, CD-ROM, VHS, computer, computer  
2 network or system, Internet or World Wide Web address including any  
3 blog site or personal web address, e-mail address, Internet Protocol  
4 address (IP), text messaging or paging device, any video, audio,  
5 photographic or camera device of any computer, computer network or  
6 system, cell phone, any other electrical, electronic, computer or  
7 mechanical device, or any other device capable of any transmission  
8 of any written or text message, audio or sound message,  
9 photographic, video, movie, digital or computer-generated image, or  
10 any other communication of any kind by use of an electronic device.

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

1 descriptive or identifying information of a minor, or other  
2 individual the person believes to be a minor.

3 C. The fact that an undercover operative or law enforcement  
4 officer was involved in the detection and investigation of an  
5 offense pursuant to this section shall not constitute a defense to a  
6 prosecution under this section.

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

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

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

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

11           SECTION 4. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO  
16 PASS, As Amended and Coauthored.