

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2370

By: Dank

AS INTRODUCED

An Act relating to crimes and punishments; amending 10 O.S. 2001, Section 7115, as amended by Section 7, Chapter 455, O.S.L. 2002 (10 O.S. Supp. 2005, Section 7115), which relates to child abuse; providing separate penalties for certain crimes; amending 21 O.S. 2001, Section 843.1, as amended by Section 8, Chapter 22, O.S.L. 2002, and Section 1, Chapter 195, O.S.L. 2003 (21 O.S. Supp. 2005, Sections 843.1 and 843.3), which relate to malicious offenses against the person; modifying penalties for certain crimes; amending 21 O.S. 2001, Sections 886, as amended by Section 8, Chapter 460, O.S.L. 2002, and 888, as amended by Section 9, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2005, Sections 886 and 888), which relate to crime against nature and forcible sodomy; modifying penalties; amending 21 O.S. 2001, Sections 1021, as last amended by Section 1, Chapter 308, O.S.L. 2003, 1021.2, 1021.3, and 1040.13a, as amended by Section 1, Chapter 110, O.S.L. 2002 (21 O.S. Supp. 2005, Sections 1021 and 1040.13a), which relate to obscenity and child pornography; modifying penalties for certain crimes; amending 21 O.S. 2001, Sections 1087 and 1088, which relate to pandering; modifying penalties for certain crimes; amending 21 O.S. 2001, Sections 1115, as amended by Section 10, Chapter 460, O.S.L. 2002, and 1123, as last amended by Section 1, Chapter 159, O.S.L. 2003 (21 O.S. Supp. 2005, Sections 1115 and 1123), which relate to rape, abduction, carnal abuse of children and seduction; modifying penalties for certain crimes; establishing time limitation for issuance of driver licenses for certain persons; providing time limitation for initial and renewal licenses; directing compliance with certain driver license and renewal requirements; amending 57 O.S. 2001, Section 583, as last amended by Section 2, Chapter 123, O.S.L. 2005 (57 O.S. Supp. 2005, Section 583), which relates to registration requirements for Sex Offenders Registration Act; directing certain entities to inform offenders of driver license requirements; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7115, as amended by Section 7, Chapter 455, O.S.L. 2002 (10 O.S. Supp. 2005, Section 7115), is amended to read as follows:

1 Section 7115. A. Any parent or other person who shall
2 willfully or maliciously engage in child abuse shall, upon
3 conviction, be guilty of a felony punishable by imprisonment in the
4 ~~State Penitentiary~~ custody of the Department of Corrections not
5 exceeding life imprisonment, or by imprisonment in a county jail not
6 exceeding one (1) year, or by a fine of not less than Five Hundred
7 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
8 or both such fine and imprisonment. As used in this subsection,
9 "child abuse" means the willful or malicious abuse, as defined by
10 paragraph 1 of subsection B of Section 7102 of this title, of a
11 child under eighteen (18) years of age by another, or the act of
12 willfully or maliciously injuring, torturing or maiming a child
13 under eighteen (18) years of age by another.

14 B. Any parent or other person who shall willfully or
15 maliciously engage in enabling child abuse shall, upon conviction,
16 be punished by imprisonment in the ~~State Penitentiary~~ custody of the
17 Department of Corrections not exceeding life imprisonment, or by
18 imprisonment in a county jail not exceeding one (1) year, or by a
19 fine of not less than Five Hundred Dollars (\$500.00) nor more than
20 Five Thousand Dollars (\$5,000.00) or both such fine and
21 imprisonment. As used in this subsection, "enabling child abuse"
22 means the causing, procuring or permitting of a willful or malicious
23 act of child abuse, as defined by paragraph 1 of subsection B of
24 Section 7102 of this title, of a child under eighteen (18) years of
25 age by another. As used in this subsection, "permit" means to
26 authorize or allow for the care of a child by an individual when the
27 person authorizing or allowing such care knows or reasonably should
28 know that the child will be placed at risk of abuse as proscribed by
29 this subsection.

30 C. Any parent or other person who shall willfully or
31 maliciously engage in child neglect shall, upon conviction, be
32 punished by imprisonment in the ~~State Penitentiary~~ custody of the

1 Department of Corrections not exceeding life imprisonment, or by
2 imprisonment in a county jail not exceeding one (1) year, or by a
3 fine of not less than Five Hundred Dollars (\$500.00) nor more than
4 Five Thousand Dollars (\$5,000.00), or both such fine and
5 imprisonment. As used in this subsection, "child neglect" means the
6 willful or malicious neglect, as defined by paragraph 3 of
7 subsection B of Section 7102 of this title, of a child under
8 eighteen (18) years of age by another.

9 D. Any parent or other person who shall willfully or
10 maliciously engage in enabling child neglect shall, upon conviction,
11 be punished by imprisonment in the ~~State Penitentiary~~ custody of the
12 Department of Corrections not exceeding life imprisonment, or by
13 imprisonment in a county jail not exceeding one (1) year, or by a
14 fine of not less than Five Hundred Dollars (\$500.00) nor more than
15 Five Thousand Dollars (\$5,000.00), or both such fine and
16 imprisonment. As used in this subsection, "enabling child neglect"
17 means the causing, procuring or permitting of a willful or malicious
18 act of child neglect, as defined by paragraph 3 of subsection B of
19 Section 7102 of this title, of a child under eighteen (18) years of
20 age by another. As used in this subsection, "permit" means to
21 authorize or allow for the care of a child by an individual when the
22 person authorizing or allowing such care knows or reasonably should
23 know that the child will be placed at risk of neglect as proscribed
24 by this subsection.

25 E. Any parent or other person who shall willfully or
26 maliciously engage in child sexual abuse shall, upon conviction, be
27 punished by imprisonment in the ~~State Penitentiary~~ custody of the
28 Department of Corrections not exceeding life imprisonment, or by
29 imprisonment in a county jail not exceeding one (1) year, or by a
30 fine of not less than Five Hundred Dollars (\$500.00) nor more than
31 Five Thousand Dollars (\$5,000.00), or both such fine and
32 imprisonment, except as provided in Section 3 51.1a of Title 21 of

1 ~~this act~~ the Oklahoma Statutes. As used in this section, "child
2 sexual abuse" means the willful or malicious sexual abuse, as
3 defined by paragraph 6 of subsection B of Section 7102 of this
4 title, of a child under eighteen (18) years of age by another.

5 F. Any parent or other person who shall willfully or
6 maliciously engage in sexual abuse with a child under twelve (12)
7 years of age shall, upon conviction, be punished by imprisonment in
8 the custody of the Department of Corrections for not less than
9 twenty-five (25) years nor more than life imprisonment, and by a
10 fine of not less than Five Hundred Dollars (\$500.00) nor more than
11 Five Thousand Dollars (\$5,000.00).

12 G. Any parent or other person who shall willfully or
13 maliciously engage in enabling child sexual abuse shall, upon
14 conviction, be punished by imprisonment in the ~~State Penitentiary~~
15 custody of the Department of Corrections not exceeding life
16 imprisonment, or by imprisonment in a county jail not exceeding one
17 (1) year, or by a fine of not less than Five Hundred Dollars
18 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
19 such fine and imprisonment. As used in this subsection, "enabling
20 child sexual abuse" means the causing, procuring or permitting of a
21 willful or malicious act of child sexual abuse, as defined by
22 paragraph 6 of subsection B of Section 7102 of this title, of a
23 child under the age of eighteen (18) by another. As used in this
24 subsection, "permit" means to authorize or allow for the care of a
25 child by an individual when the person authorizing or allowing such
26 care knows or reasonably should know that the child will be placed
27 at risk of sexual abuse as proscribed by this subsection.

28 ~~G.~~ H. Any parent or other person who shall willfully or
29 maliciously engage in child sexual exploitation shall, upon
30 conviction, be punished by imprisonment in the ~~State Penitentiary~~
31 custody of the Department of Corrections not exceeding life
32 imprisonment, or by imprisonment in a county jail not exceeding one

1 (1) year, or by a fine of not less than Five Hundred Dollars
2 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
3 such fine and imprisonment. As used in this subsection, "child
4 sexual exploitation" means the willful or malicious sexual
5 exploitation, as defined by paragraph 7 of subsection B of Section
6 7102 of this title, of a child under eighteen (18) years of age by
7 another.

8 H. I. Any parent or other person who shall willfully or
9 maliciously engage in sexual exploitation of a child under twelve
10 (12) years of age shall, upon conviction, be punished by
11 imprisonment in the custody of the Department of Corrections for not
12 less than twenty-five (25) years nor more than life imprisonment,
13 and by a fine of not less than Five Hundred Dollars (\$500.00) nor
14 more than Five Thousand Dollars (\$5,000.00).

15 J. Any parent or other person who shall willfully or
16 maliciously engage in enabling child sexual exploitation shall, upon
17 conviction, be punished by imprisonment in the ~~State Penitentiary~~
18 custody of the Department of Corrections not exceeding life
19 imprisonment, or by imprisonment in a county jail not exceeding one
20 (1) year, or by a fine of not less than Five Hundred Dollars
21 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
22 such fine and imprisonment. As used in this subsection, "enabling
23 child sexual exploitation" means the causing, procuring or
24 permitting of a willful or malicious act of child sexual
25 exploitation, as defined by paragraph 7 of subsection B of Section
26 7102 of this title, of a child under eighteen (18) years of age by
27 another. As used in this subsection, "permit" means to authorize or
28 allow for the care of a child by an individual when the person
29 authorizing or allowing such care knows or reasonably should know
30 that the child will be placed at risk of sexual exploitation as
31 proscribed by this subsection.
32

1 SECTION 2. AMENDATORY 21 O.S. 2001, Section 843.1, as
2 amended by Section 8, Chapter 22, O.S.L. 2002 (21 O.S. Supp. 2005,
3 Section 843.1), is amended to read as follows:

4 Section 843.1 A. 1. No caretaker or other person shall abuse,
5 neglect, commit sexual abuse, or exploit any person entrusted to the
6 care of such caretaker or other person in a nursing facility or
7 other setting, or knowingly cause, secure, or permit any of these
8 acts to be done.

9 2. For purposes of this section, the terms, "abuse", "neglect",
10 "sexual abuse", and "exploit" shall have the same meaning as such
11 terms are defined and clarified in Section 10-103 of Title 43A of
12 the Oklahoma Statutes.

13 B. 1. Any person convicted of a violation of this section,
14 except as provided in paragraph 2 of this subsection, shall be
15 guilty of a felony. The violator, upon conviction, shall be
16 punished by imprisonment in the ~~State Penitentiary~~ custody of the
17 Department of Corrections for a term not to exceed ten (10) years,
18 and by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by
19 both such fine and imprisonment. Such person's term shall further
20 be subject to the provisions of Section 13.1 of this title.

21 2. Any person convicted of violating the provisions of this
22 section by committing sexual abuse shall be guilty of a felony. The
23 person convicted of sexual abuse shall be punished by imprisonment
24 in the ~~State Penitentiary~~ custody of the Department of Corrections
25 for a term of not to exceed fifteen (15) less than twenty-five (25)
26 years, and by a fine not exceeding Ten Thousand Dollars
27 (\$10,000.00), ~~or by both such fine and imprisonment.~~

28 C. Consent shall not be a defense for any violation of this
29 section.

30 SECTION 3. AMENDATORY Section 1, Chapter 195, O.S.L.
31 2003 (21 O.S. Supp. 2005, Section 843.3), is amended to read as
32 follows:

1 Section 843.3 A. Any person who engages in abuse, ~~sexual~~
2 ~~abuse,~~ or exploitation of a vulnerable adult, as defined in Section
3 10-103 of Title 43A of the Oklahoma Statutes, shall, upon conviction,
4 be fined not more than Ten Thousand Dollars (\$10,000.00) or be
5 imprisoned not more than eighteen (18) months, or both such fine and
6 imprisonment.

7 B. Any person who has a responsibility to care for a vulnerable
8 adult who purposely, knowingly or recklessly neglects the vulnerable
9 adult as defined in Section 10-103 of Title 43A of the Oklahoma
10 Statutes shall, upon conviction, be fined not more than Ten Thousand
11 Dollars (\$10,000.00) or be imprisoned for not more than eighteen
12 (18) months, or both such fine and imprisonment.

13 C. Any person who engages in sexual abuse or sexual
14 exploitation of a vulnerable adult, as defined in Section 10-103 of
15 Title 43A of the Oklahoma Statutes, shall, upon conviction, be fined
16 not more than Ten Thousand Dollars (\$10,000.00) and be punished by
17 imprisonment in the custody of the Department of Corrections for not
18 less than twenty-five (25) years.

19 SECTION 4. AMENDATORY 21 O.S. 2001, Section 886, as
20 amended by Section 8, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2005,
21 Section 886), is amended to read as follows:

22 Section 886. Every person who is guilty of the detestable and
23 abominable crime against nature, committed with mankind or with a
24 beast, is punishable by imprisonment in the ~~penitentiary~~ custody of
25 the Department of Corrections for not exceeding ten (10) years less
26 than twenty-five (25) years.

27 SECTION 5. AMENDATORY 21 O.S. 2001, Section 888, as
28 amended by Section 9, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2005,
29 Section 888), is amended to read as follows:

30 Section 888. A. Any person who forces another person to engage
31 in the detestable and abominable crime against nature, pursuant to
32 Section 886 of this title, upon conviction, is guilty of a felony

1 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
2 Department of Corrections for a period of not ~~more~~ less than ~~twenty~~
3 ~~(20)~~ twenty-five (25) years. Any person convicted of a second
4 violation of this section, where the victim of the second offense is
5 a person under sixteen (16) years of age, shall not be eligible for
6 probation, suspended or deferred sentence. Any person convicted of
7 a third or subsequent violation of this section, where the victim of
8 the third or subsequent offense is a person under sixteen (16) years
9 of age, shall be punished by imprisonment in the ~~State Penitentiary~~
10 custody of the Department of Corrections for a term of life or life
11 without parole, in the discretion of the jury, or in case the jury
12 fails or refuses to fix punishment then the same shall be pronounced
13 by the court. Any person convicted of a violation of this
14 subsection after having been twice convicted of a violation of
15 subsection A of Section 1114 of this title, a violation of Section
16 1123 of this title or sexual abuse of a child pursuant to Section
17 7115 of Title 10 of the Oklahoma Statutes, or of any attempt to
18 commit any of these offenses or any combination of said offenses,
19 shall be punished by imprisonment in the ~~State Penitentiary~~ custody
20 of the Department of Corrections for a term of life or life without
21 parole.

22 B. The crime of forcible sodomy shall include:

23 1. Sodomy committed by a person over eighteen (18) years of age
24 upon a person under sixteen (16) years of age; or

25 2. Sodomy committed upon a person incapable through mental
26 illness or any unsoundness of mind of giving legal consent
27 regardless of the age of the person committing the crime; or

28 3. Sodomy accomplished with any person by means of force,
29 violence, or threats of force or violence accompanied by apparent
30 power of execution regardless of the age of the victim or the person
31 committing the crime; or

32

1 4. Sodomy committed by a state, county, municipal or political
2 subdivision employee or a contractor or an employee of a contractor
3 of the state, a county, a municipality or political subdivision of
4 this state upon a person who is under the legal custody, supervision
5 or authority of a state agency, a county, a municipality or a
6 political subdivision of this state.

7 SECTION 6. AMENDATORY 21 O.S. 2001, Section 1021, as
8 last amended by Section 1, Chapter 308, O.S.L. 2003 (21 O.S. Supp.
9 2005, Section 1021), is amended to read as follows:

10 Section 1021. A. Every person who willfully and knowingly
11 either:

12 1. Lewdly exposes his person or genitals in any public place,
13 or in any place where there are present other persons to be offended
14 or annoyed thereby;

15 2. Procures, counsels, or assists any person to expose such
16 person, or to make any other exhibition of such person to public
17 view or to the view of any number of persons, for the purpose of
18 sexual stimulation of the viewer;

19 3. Writes, composes, stereotypes, prints, photographs, designs,
20 copies, draws, engraves, paints, molds, cuts, or otherwise prepares,
21 publishes, sells, distributes, keeps for sale, knowingly downloads
22 on a computer, or exhibits any obscene material or child
23 pornography; or

24 4. Makes, prepares, cuts, sells, gives, loans, distributes,
25 keeps for sale, or exhibits any disc record, metal, plastic, or wax,
26 wire or tape recording, or any type of obscene material or child
27 pornography,

28 shall be guilty, upon conviction, of a felony and shall be punished
29 by the imposition of a fine of not less than Five Hundred Dollars
30 (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or by
31 imprisonment for not less than thirty (30) days nor more than ten
32 (10) years, or by both such fine and imprisonment.

1 B. Every person who:

2 1. Willfully solicits or aids a minor child to perform; or

3 2. Shows, exhibits, loans, or distributes to a minor child any

4 obscene material or child pornography for the purpose of inducing

5 said minor to participate in, any act specified in paragraphs 1, 2,

6 3 or 4 of subsection A of this section shall be guilty, upon

7 conviction, of a felony and shall be punished by imprisonment in a

8 ~~state correctional institution~~ the custody of the Department of

9 Corrections for not less than ten (10) years nor more than thirty

10 (30) years. If the minor child is under the age of twelve (12) at

11 the time the offense is committed, the person shall, upon

12 conviction, be punished by imprisonment in the custody of the

13 Department of Corrections for not less than twenty-five (25) years.

14 C. Persons convicted under this section shall not be eligible

15 for a deferred sentence.

16 D. For purposes of this section, "downloading on a computer"

17 means electronically transferring an electronic file from one

18 computer or electronic media to another computer or electronic

19 media.

20 SECTION 7. AMENDATORY 21 O.S. 2001, Section 1021.2, is

21 amended to read as follows:

22 Section 1021.2 Any person who shall procure or cause the

23 participation of any minor under the age of eighteen (18) years in

24 any child pornography or who knowingly possesses, procures, or

25 manufactures, or causes to be sold or distributed any child

26 pornography shall be guilty, upon conviction, of a felony and shall

27 be punished by imprisonment in the custody of the Department of

28 Corrections for not more than twenty (20) years or by the imposition

29 of a fine of not more than Twenty-five Thousand Dollars (\$25,000.00)

30 or by both said fine and imprisonment. If the minor is under the

31 age of twelve (12) at the time the offense is committed, the person

32 shall, upon conviction, be punished by imprisonment in the custody

1 of the Department of Corrections for not less than twenty-five (25)
2 years. Persons convicted under this section shall not be eligible
3 for a deferred sentence. The consent of the minor, or of the
4 mother, father, legal guardian, or custodian of the minor to the
5 activity prohibited by this section shall not constitute a defense.

6 SECTION 8. AMENDATORY 21 O.S. 2001, Section 1021.3, is
7 amended to read as follows:

8 Section 1021.3 Any parent, guardian or individual having
9 custody of a minor under the age of eighteen (18) years who
10 knowingly permits or consents to the participation of a minor in any
11 child pornography shall be guilty of a felony and, upon conviction,
12 shall be imprisoned in the ~~State Penitentiary~~ custody of the
13 Department of Corrections for a period of not more than twenty (20)
14 years or a fine of not more than Twenty-five Thousand Dollars
15 (\$25,000.00) or by both such fine and imprisonment. If the minor is
16 under the age of twelve (12) at the time the offense is committed,
17 the person shall, upon conviction, be punished by imprisonment in
18 the custody of the Department of Corrections for not less than
19 twenty-five (25) years. Persons convicted under this section shall
20 not be eligible for a deferred sentence. The consent of the minor
21 to the activity prohibited by this section shall not constitute a
22 defense.

23 SECTION 9. AMENDATORY 21 O.S. 2001, Section 1040.13a, as
24 amended by Section 1, Chapter 110, O.S.L. 2002 (21 O.S. Supp. 2005,
25 Section 1040.13a), is amended to read as follows:

26 Section 1040.13a A. A person is guilty of violating the
27 provisions of this section if, for the purposes of facilitating,
28 encouraging, offering or soliciting sexual conduct with any minor,
29 or other individual the person believes to be a minor, the person
30 knowingly transmits by means of computer, or prints, publishes or
31 reproduces by other computerized means, or buys, sells, receives,
32 exchanges, or disseminates, any notice, statement, or advertisement

1 of any name, telephone number, place of residence, physical
2 characteristics or other descriptive or identifying information of a
3 minor or other individual the person believes to be a minor. The
4 fact that an undercover operative or law enforcement officer was
5 involved in the detection and investigation of an offense pursuant
6 to this section shall not constitute a defense to a prosecution
7 under this section.

8 B. Any violation of the provisions of this section shall, upon
9 conviction, be a misdemeanor, punishable by the imposition of a fine
10 not to exceed Ten Thousand Dollars (\$10,000.00), or by imprisonment
11 in the county jail not to exceed one (1) year, or by both such fine
12 and imprisonment. If the minor is under the age of twelve (12) at
13 the time the offense is committed, the person shall, upon
14 conviction, be guilty of a felony punishable by imprisonment in the
15 custody of the Department of Corrections for not less than twenty-
16 five (25) years.

17 SECTION 10. AMENDATORY 21 O.S. 2001, Section 1087, is
18 amended to read as follows:

19 Section 1087. A. No person shall:

20 1. Offer, or offer to secure, a child under eighteen (18) years
21 of age for the purpose of prostitution, or for any other lewd or
22 indecent act, or procure or offer to procure a child for, or a place
23 for a child as an inmate in, a house of prostitution or other place
24 where prostitution is practiced;

25 2. Receive or to offer or agree to receive any child under
26 eighteen (18) years of age into any house, place, building, other
27 structure, vehicle, trailer, or other conveyance for the purpose of
28 prostitution, lewdness, or assignation, or to permit any person to
29 remain there for such purpose; or

30 3. Direct, take, or transport, or to offer or agree to take or
31 transport, or aid or assist in transporting, any child under
32 eighteen (18) years of age to any house, place, building, other

1 structure, vehicle, trailer, or other conveyance, or to any other
2 person with knowledge or having reasonable cause to believe that the
3 purpose of such directing, taking, or transporting is prostitution,
4 lewdness, or assignation~~r~~.

5 B. ~~1~~. Any person violating the provisions of subsection A of
6 this section shall, upon conviction, be guilty of a felony
7 punishable by imprisonment ~~of~~ in the custody of the Department of
8 Corrections for not less than one (1) year nor more than ten (10)
9 years. If the child is under the age of twelve (12) at the time the
10 offense is committed the person shall, upon conviction, be punished
11 by imprisonment in the custody of the Department of Corrections for
12 not less than twenty-five (25) years.

13 ~~2~~. C. Any owner, proprietor, keeper, manager, conductor, or
14 other person who knowingly permits any violation of this section in
15 any house, building, room, or other premises or any conveyances
16 under ~~his~~ the control of the person or of which ~~he~~ the person has
17 possession shall, upon conviction for the first offense, be guilty
18 of a misdemeanor ~~and~~ punishable by imprisonment in the county jail
19 for a period of not less than six (6) months nor more than one (1)
20 year, and by a fine of not less than Five Hundred Dollars (\$500.00)
21 nor more than Five Thousand Dollars (\$5,000.00). Upon conviction
22 for a subsequent offense pursuant to this subsection ~~such~~ the person
23 shall be guilty of a felony and shall be punished by imprisonment in
24 the ~~State Penitentiary~~ custody of the Department of Corrections for
25 a period of not less than one (1) year nor more than ten (10) years,
26 or by a fine of not less than Five Thousand Dollars (\$5,000.00) nor
27 more than Twenty-five Thousand Dollars (\$25,000.00) or by both such
28 fine and imprisonment.

29 SECTION 11. AMENDATORY 21 O.S. 2001, Section 1088, is
30 amended to read as follows:

31 Section 1088. A. No person shall:
32

1 1. By promise, threats, violence, or by any device or scheme,
2 including but not limited to the use of any controlled dangerous
3 substance prohibited pursuant to the provisions of the Uniform
4 Controlled Dangerous Substances Act, cause, induce, persuade, or
5 encourage a child under eighteen (18) years of age to engage or
6 continue to engage in prostitution or to become or remain an inmate
7 of a house of prostitution or other place where prostitution is
8 practiced;

9 2. Keep, hold, detain, restrain, or compel against his or her
10 will, any child under eighteen (18) years of age to engage in the
11 practice of prostitution or in a house of prostitution or other
12 place where prostitution is practiced or allowed;

13 3. Directly or indirectly keep, hold, detain, restrain, or
14 compel or attempt to keep, hold, detain, restrain, or compel a child
15 under eighteen (18) years of age to engage in the practice of
16 prostitution or in a house of prostitution or any place where
17 prostitution is practiced or allowed for the purpose of compelling
18 ~~such~~ the child to directly or indirectly pay, liquidate, or cancel
19 any debt, dues, or obligations incurred, or said to have been
20 incurred by ~~such~~ the child.

21 B. 1. Any person violating the provisions of this section
22 other than paragraph 2 of this subsection, upon conviction, shall be
23 guilty of a felony punishable by imprisonment in the custody of the
24 Department of Corrections for not less than one (1) year nor more
25 than twenty-five (25) years, and by a fine of not less than Five
26 Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand
27 Dollars (\$25,000.00). If the child is under the age of twelve (12)
28 at the time the offense is committed, the person shall, upon
29 conviction, be punished by imprisonment in the custody of the
30 Department of Corrections for not less than twenty-five (25) years.

31 2. Any owner, proprietor, keeper, manager, conductor, or other
32 person who knowingly permits a violation of this section in any

1 house, building, room, tent, lot or premises under ~~his~~ the control
2 of that person or of which ~~he~~ the person has possession, upon
3 conviction for the first offense, shall be guilty of a misdemeanor
4 punishable by imprisonment in the county jail for a period of not
5 less than six (6) months nor more than one (1) year, and by a fine
6 of not more than Five Thousand Dollars (\$5,000.00). Upon conviction
7 for a subsequent offense pursuant to the provisions of this
8 subsection such person shall be guilty of a felony punishable by
9 imprisonment in the custody of the Department of Corrections for a
10 period of not less than one (1) year nor more than ten (10) years,
11 and by a fine of not less than Five Thousand Dollars (\$5,000.00)
12 nor more than Twenty-five Thousand Dollars (\$25,000.00).

13 SECTION 12. AMENDATORY 21 O.S. 2001, Section 1115, as
14 amended by Section 10, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2005,
15 Section 1115), is amended to read as follows:

16 Section 1115. Rape in the first degree is a felony punishable
17 by death or imprisonment in the ~~State Penitentiary~~ custody of the
18 Department of Corrections, for a term of not less than ~~five (5)~~
19 twenty-five (25) years, life or life without parole. Any person
20 convicted of a second or subsequent violation of subsection A of
21 Section 1114 of this title shall not be eligible for any form of
22 probation. Any person convicted of a third or subsequent violation
23 of subsection A of Section 1114 of this title or of an offense under
24 Section 888 of this title or an offense under Section 1123 of this
25 title or sexual abuse of a child pursuant to Section 7115 of Title
26 10 of the Oklahoma Statutes, or any attempt to commit any of these
27 offenses or any combination of these offenses shall be punished by
28 imprisonment in the ~~State Penitentiary~~ custody of the Department of
29 Corrections for life or life without parole.

30 SECTION 13. AMENDATORY 21 O.S. 2001, Section 1123, as
31 last amended by Section 1, Chapter 159, O.S.L. 2003 (21 O.S. Supp.
32 2005, Section 1123), is amended to read as follows:

1 Section 1123. A. It is a felony for any person to knowingly
2 and intentionally:

3 1. Make any oral, written or electronically or computer-
4 generated lewd or indecent proposal to any child under sixteen (16)
5 years of age, or other individual the person believes to be a child
6 under sixteen (16) years of age, for the child to have unlawful
7 sexual relations or sexual intercourse with any person; or

8 2. Look upon, touch, maul, or feel the body or private parts of
9 any child under sixteen (16) years of age in any lewd or lascivious
10 manner by any acts against public decency and morality, as defined
11 by law; or

12 3. Ask, invite, entice, or persuade any child under sixteen
13 (16) years of age, or other individual the person believes to be a
14 child under sixteen (16) years of age, to go alone with any person
15 to a secluded, remote, or secret place, with the unlawful and
16 willful intent and purpose then and there to commit any crime
17 against public decency and morality, as defined by law, with the
18 child; or

19 4. In any manner lewdly or lasciviously look upon, touch, maul,
20 or feel the body or private parts of any child under sixteen (16)
21 years of age in any indecent manner or in any manner relating to
22 sexual matters or sexual interest; or

23 5. In a lewd and lascivious manner and for the purpose of
24 sexual gratification:

25 a. urinate or defecate upon a child under sixteen (16)
26 years of age,

27 b. ejaculate upon or in the presence of a child,

28 c. cause, expose, force or require a child to look upon
29 the body or private parts of another person,

30 d. force or require any child under sixteen (16) years of
31 age or other individual the person believes to be a
32 child under sixteen (16) years of age, to view any

1 obscene materials, child pornography or materials
2 deemed harmful to minors as such terms are defined by
3 Sections 1024.1 and 1040.75 of this title,

4 e. cause, expose, force or require a child to look upon
5 sexual acts performed in the presence of the child, or

6 f. force or require a child to touch or feel the body or
7 private parts of said child or another person.

8 Any person convicted of any violation of this subsection ~~A of~~
9 ~~this section~~ shall be punished by imprisonment in the ~~State~~
10 Penitentiary custody of the Department of Corrections for not less
11 than one (1) year nor more than twenty (20) years. If the child is
12 under the age of twelve (12) at the time the offense is committed,
13 the person shall, upon conviction, be punished by imprisonment in
14 the custody of the Department of Corrections for not less than
15 twenty-five (25) years. The provisions of this ~~section~~ subsection
16 shall not apply unless the accused is at least three (3) years older
17 than the victim. Any person convicted of a second or subsequent
18 violation of this subsection ~~A of this section~~ shall be guilty of a
19 felony punishable as provided in this subsection and shall not be
20 eligible for probation, suspended or deferred sentence. Any person
21 convicted of a third or subsequent violation of this subsection ~~A of~~
22 ~~this section~~ shall be guilty of a felony punishable by imprisonment
23 in the ~~State~~ Penitentiary custody of the Department of Corrections
24 for a term of life or life without parole, in the discretion of the
25 jury, or in case the jury fails or refuses to fix punishment then
26 the same shall be pronounced by the court. Any person convicted of
27 a violation of this subsection after having been twice convicted of
28 a violation of subsection A of Section 1114 of this title, Section
29 888 of this title, sexual abuse of a child pursuant to Section 7115
30 of Title 10 of the Oklahoma Statutes, or of any attempt to commit
31 any of these offenses or any combination of convictions pursuant to
32 these sections shall be punished by imprisonment in the ~~State~~

1 ~~Penitentiary~~ custody of the Department of Corrections for a term of
2 life or life without parole.

3 B. No person shall commit sexual battery on any other person.

4 "Sexual battery" shall mean the intentional touching, mauling or
5 feeling of the body or private parts of any person sixteen (16)
6 years of age or older, in a lewd and lascivious manner and without
7 the consent of that person or when committed by a state, county,
8 municipal or political subdivision employee or a contractor or an
9 employee of a contractor of the state, a county, a municipality or
10 political subdivision of this state upon a person who is under the
11 legal custody, supervision or authority of a state agency, a county,
12 a municipality or a political subdivision of this state.

13 C. Any person convicted of any violation of ~~this~~ subsection B
14 of this section shall be deemed guilty of a felony and shall be
15 punished by imprisonment in the ~~State Penitentiary~~ custody of the
16 Department of Corrections for not more than five (5) years.

17 D. The fact that an undercover operative or law enforcement
18 officer was involved in the detection and investigation of an
19 offense pursuant to this section shall not constitute a defense to a
20 prosecution under this section.

21 SECTION 14. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 6-115.3 of Title 47, unless
23 there is created a duplication in numbering, reads as follows:

24 A. Except as otherwise provided by law, any applicant or
25 licensee who is subject to registration pursuant to the Sex
26 Offenders Registration Act and who is eligible for a driver license
27 shall be issued a driver license for a period of no more than one
28 (1) year. The applicant or licensee shall be subject to the
29 provisions of this section for the duration of the registration
30 period.

31 B. The expiration date of an initial license shall be no more
32 than one (1) year from the last day of the month of issuance or no

1 more than one (1) year from the last day of the birth month of the
2 applicant immediately preceding the date of issuance, if requested
3 by the applicant.

4 C. The expiration date of a renewal license shall be no more
5 than one (1) year from the last day of the month of expiration of
6 the previous license or no more than one (1) year from the last day
7 of the birth month of the licensee immediately preceding the
8 expiration date of the previous license, if requested by the
9 licensee.

10 D. All other requirements for a driver license or renewal shall
11 apply to persons subject to the provisions of this section.

12 SECTION 15. AMENDATORY 57 O.S. 2001, Section 583, as
13 last amended by Section 2, Chapter 123, O.S.L. 2005 (57 O.S. Supp.
14 2005, Section 583), is amended to read as follows:

15 Section 583. A. Any person who becomes subject to the
16 provisions of the Sex Offenders Registration Act on or after
17 November 1, 1989, shall be registered as follows:

18 1. With the Department of Corrections within three (3) business
19 days of being convicted or receiving a suspended sentence or any
20 probationary term, including a deferred sentence imposed in
21 violation of subsection G of Section 991c of Title 22 of the
22 Oklahoma Statutes, if the person is not incarcerated, or within
23 three (3) business days of release of the person from a correctional
24 institution, except as provided in subsection B of this section;

25 2. With the local law enforcement authority having jurisdiction
26 in the area where the person resides or intends to reside for more
27 than seven (7) days. The registration is required within three (3)
28 days after entering the jurisdiction of the law enforcement
29 authority; and

30 3. With the Department of Corrections and the local law
31 enforcement authority no less than three (3) business days prior to
32 abandoning or moving from the address of the previous registration.

1 For purposes of this section, "local law enforcement authority"
2 means:

- 3 a. the municipal police department, if the person resides
4 or intends to reside or stay within the jurisdiction
5 of any municipality of this state, or
- 6 b. the county sheriff, if the person resides or intends
7 to reside or stay at any place outside the
8 jurisdiction of any municipality within this state,
9 and
- 10 c. the police or security department of any institution
11 of higher learning within this state if the person:
12 (1) enrolls as a full-time or part-time student,
13 (2) is a full-time or part-time employee at an
14 institution of higher learning, or
15 (3) resides or intends to reside or stay on any
16 property owned or controlled by the institution
17 of higher learning.

18 B. Any person who has been convicted of an offense or received
19 a deferred judgment for an offense on or after November 1, 1989, in
20 another jurisdiction, which offense if committed or attempted in
21 this state, would have been punishable as one or more of the
22 offenses listed in Section 582 of this title and who enters this
23 state shall be registered as follows:

24 1. With the Department of Corrections when the person enters
25 and intends to be in the state for any purpose for five (5) days or
26 longer, has any type of full-time or part-time employment, with or
27 without compensation for more than five (5) days, or is enrolled as
28 a full-time or part-time student within this state. Such
29 registration is required within two (2) days after entering the
30 state;

31 2. With the local law enforcement authority having jurisdiction
32 in the area where the person intends to reside or to stay for more

1 than five (5) days, has any type of full-time or part-time
2 employment, with or without compensation for more than five (5)
3 days, or is enrolled as a full-time or part-time student within this
4 state. The registration is required with local law enforcement
5 within two (2) days after entering the jurisdiction of the law
6 enforcement authority;

7 3. With the Department of Corrections and the local law
8 enforcement authority no less than three (3) business days prior to
9 abandoning or moving from the address of the previous registration;
10 and

11 4. For persons convicted of an offense or receiving a deferred
12 judgment in another jurisdiction requiring registration, which
13 offense if committed or attempted in this state, would have been
14 punishable as one or more of the offenses listed in Section 582 of
15 this title, shall maintain the registration for a period of ten (10)
16 years from the date the person was initially required to register in
17 Oklahoma, unless the person was convicted of a crime that would be
18 classified as an habitual or aggravated sex offender within the
19 State of Oklahoma, at which time registration shall continue at all
20 times.

21 C. When a person has been convicted or received probation
22 within the State of Oklahoma and the person is not classified as an
23 habitual or aggravated sex offender, the person shall be required to
24 register for a period of ten (10) years from the date of the
25 completion of the sentence and the information received pursuant to
26 the registration with the Department of Corrections required by this
27 section shall be maintained by the Department of Corrections for at
28 least ten (10) years from the date of the last registration.

29 D. When a person has been convicted or received probation
30 within the State of Oklahoma and the person is not classified as an
31 habitual or aggravated sex offender, the person shall be required to
32 register for a period of ten (10) years from the date of completion

1 of the sentence and the information received pursuant to the
2 registration with the local law enforcement authority required by
3 this section shall be maintained by such authority for at least ten
4 (10) years from the date of the last registration.

5 E. When registering an offender as provided in this section the
6 Department of Corrections or the local law enforcement agency having
7 jurisdiction shall:

8 1. Inform the offender of the duty to register and obtain the
9 information required for registration as described in this section;

10 2. Inform the offender that if the offender changes address,
11 the offender shall give notice of the move and the new address to
12 the Department of Corrections and to the local law enforcement
13 authority in the location in which the offender previously resided
14 in writing no later than three (3) days before the offender
15 establishes residence or is temporarily domiciled at the new
16 address;

17 3. Inform the offender that if the offender changes address to
18 another state, the offender shall give notice of the move and shall
19 register the new address with the Department of Corrections and with
20 a designated law enforcement agency in the new state not later than
21 ten (10) days before the offender establishes residency or is
22 temporarily domiciled in the new state, if the new state has a
23 registration requirement;

24 4. Inform the offender that if the offender participates in any
25 full-time or part-time employment, in another state, with or without
26 compensation for more than fourteen (14) days or an aggregate period
27 exceeding thirty (30) days in a calendar year, then the offender has
28 a duty to register as a sex offender in that state;

29 5. Inform the offender that if the offender enrolls in any type
30 of school in another state as a full-time or part-time student then
31 the offender has a duty to register as a sex offender in that state;

32

1 6. Inform the offender that if the offender enrolls in any
2 school within this state as a full-time or part-time student, then
3 the offender has a duty to register as a sex offender with the
4 Department of Corrections and the local law enforcement authority;

5 7. Inform the offender that if the offender participates in any
6 full-time or part-time employment at any school, with or without
7 compensation, or participates in any vocational course or occupation
8 at any school in this state, then the offender has a duty to notify
9 the Department of Corrections and the local law enforcement
10 authority in writing of such employment or participation at least
11 three (3) days before commencing or upon terminating such employment
12 or participation;

13 8. Inform the offender that if the offender graduates,
14 transfers, drops, terminates or otherwise changes enrollment or
15 employment at any school in this state, then the offender shall
16 notify the Department of Corrections and the local law enforcement
17 authority in writing of such change in enrollment or employment
18 within three (3) days of the change; ~~and~~

19 9. Inform the offender that if the offender makes application
20 for an original or renewal driver license, then the offender shall
21 be subject to annual driver license renewal requirements as provided
22 in Section 14 of this act; and

23 10. Require the offender to read and sign a form stating that
24 the duty of the person to register under the Sex Offenders
25 Registration Act has been explained.

26 F. For the purpose of this section, the "date of the completion
27 of the sentence" means the day an offender completes all
28 incarceration, probation and parole pertaining to the sentence.

29 G. Any person who resides in another state and who has been
30 convicted of an offense or received a deferred judgment for an
31 offense in this state, or in another jurisdiction, which offense if
32 committed or attempted in this state would have been punishable as

1 one or more of the offenses listed in Section 582 of this title, and
2 who is the spouse of a person living in this state shall be
3 registered as follows:

4 1. With the Department of Corrections when the person enters
5 and intends to be in the state for any purpose for five (5) days or
6 longer or an aggregate period of five (5) days or longer in a
7 calendar year. Such registration is required within two (2) days
8 after entering the state; and

9 2. With the local law enforcement authority having jurisdiction
10 in the area where the person intends to reside or to stay within
11 this state for two (2) days or longer. The registration is required
12 with local law enforcement within two (2) days after entering the
13 jurisdiction of the law enforcement authority.

14 SECTION 16. This act shall become effective November 1, 2006.

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