

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1479

By: Wilson

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1040.13a, as last 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 facilitating, encouraging, offering or soliciting sexual conduct with minor or communication with minor for sexual or prurient interest by certain methods; including person believed to be a minor for purpose of certain offense; defining term; clarifying language; increasing penalty; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1040.13a, as last 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, World Wide Web address including any blog site or personal web address, email 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 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, email 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 five (5) years,~~ or by both such fine and imprisonment. For purposes of this section, each communication shall constitute a separate offense.

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.

50-2-2736

NP

6/13/2015 8:29:13 AM