

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1610

By: Wilson

AS INTRODUCED

An Act relating to crimes and punishments; criminalizing solicitation of minor for sexual conduct or sexually explicit communication by the Internet or certain other devices; stating penalty; prohibiting certain defense; construing separate offenses; construing jurisdiction and authority to investigate; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1040.13b of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It is unlawful for any person to solicit a minor, or a person believed to be a minor, for sexual conduct or to engage in a sexually explicit communication with a minor, or a person believed to be a minor, by use of the Internet, any computer network, system or software, or any text message, photographic, digital or computer generated image, video, audio or other communication capabilities of any cellular phone or other computer-related or satellite operated device.

B. Any violation of the provisions of this section shall be a felony, punishable by imprisonment for a term of not more than ten (10) years, by a fine in an amount not to exceed Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

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.

D. Each communication shall constitute a separate offense for purposes of prosecuting any violation of this section.

E. For purposes of any criminal prosecution pursuant to any violation of this section, the person violating the provisions of this section shall be deemed to be within the jurisdiction of this state by the fact of accessing any computer, cellular phone or other computer-related or satellite operated device in this state, regardless of the actual jurisdiction where the violator resides. For purposes of investigating any violation of this section, the Oklahoma State Bureau of Investigation and the Attorney General shall have authority to investigate the offense in all jurisdictions by any lawful means including, but not limited to, collaborating with other recognized law enforcement agencies in other jurisdictions or contacting any federal law enforcement agency for assistance.

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.

50-2-2713

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