

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 513

By: Branam

AS INTRODUCED

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 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 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,~~ such material, ~~photograph, video tape, negative, or slide attached~~ 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. "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. 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.

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.