

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1339

6 By: Piatt

7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending  
9 21 O.S. 2001, Section 1040.13a, as last amended by  
10 Section 2, Chapter 183, O.S.L. 2006 (21 O.S. Supp.  
11 2006, Section 1040.13a), which relates to soliciting  
12 sexual conduct with a minor; providing separate  
13 penalty for persons convicted of certain prohibited  
14 act; amending 57 O.S. 2001, Section 582, as last  
15 amended by Section 1, Chapter 123, O.S.L. 2005 (57  
16 O.S. Supp. 2006, Section 582), which relates to the  
17 Sex Offenders Registration Act; modifying list of  
18 applicable crimes; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1040.13a, as  
21 last amended by Section 2, Chapter 183, O.S.L. 2006 (21 O.S. Supp.  
22 2006, Section 1040.13a), is amended to read as follows:

23 Section 1040.13a A. It is unlawful for any person to  
24 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

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

14 B. A person is guilty of violating the provisions of this  
15 section if the person knowingly transmits any prohibited  
16 communication by use of any technology defined herein, or knowingly  
17 prints, publishes or reproduces by use of any technology described  
18 herein any prohibited communication, or knowingly buys, sells,  
19 receives, exchanges, or disseminates any prohibited communication or  
20 any information, notice, statement, website, or advertisement 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  
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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 D. Any violation of the provisions of this section shall be a  
8 felony, punishable by a fine in an amount not to exceed Ten Thousand  
9 Dollars (\$10,000.00), or by imprisonment in the custody of the  
10 Department of Corrections for a term of not more than ten (10)  
11 years, or by both such fine and imprisonment; provided, any person  
12 convicted of violating the provisions of subsection A or B of this  
13 section who is at least ten (10) years older than the victim or at  
14 least ten (10) years older than the age portrayed by the undercover  
15 operative or law enforcement officer shall be guilty of a felony  
16 punishable by a fine in an amount not to exceed Fifty Thousand  
17 Dollars (\$50,000.00), or by imprisonment in the custody of the  
18 Department of Corrections for a term of not more than twenty (20)  
19 years, or by both such fine and imprisonment. For purposes of this  
20 section, each communication shall constitute a separate offense.

21 E. For purposes of any criminal prosecution pursuant to any  
22 violation of this section, the person violating the provisions of  
23 this section shall be deemed to be within the jurisdiction of this  
24 state by the fact of accessing any computer, cellular phone or other

1 computer-related or satellite-operated device in this state,  
2 regardless of the actual jurisdiction where the violator resides.

3 SECTION 2. AMENDATORY 57 O.S. 2001, Section 582, as last  
4 amended by Section 1, Chapter 123, O.S.L. 2005 (57 O.S. Supp. 2006,  
5 Section 582), is amended to read as follows:

6 Section 582. A. The provisions of the Sex Offenders  
7 Registration Act, ~~Section 581 et seq. of this title,~~ shall apply to  
8 any person residing, working or attending school within the State of  
9 Oklahoma who, after November 1, 1989, has been convicted, whether  
10 upon a verdict or plea of guilty or upon a plea of nolo contendere,  
11 or received a suspended sentence or any probationary term, or is  
12 currently serving a sentence or any form of probation or parole for  
13 a crime or an attempt to commit a crime provided for in Section 7115  
14 of Title 10 of the Oklahoma Statutes if the offense involved sexual  
15 abuse or sexual exploitation as those terms are defined in Section  
16 7102 of Title 10 of the Oklahoma Statutes, Section 681, if the  
17 offense involved sexual assault, 741, if the offense involved sexual  
18 abuse or sexual exploitation, Section 843.1, if the offense involved  
19 sexual abuse or sexual exploitation, 865 et seq., 885, 886, 888,  
20 891, 1021, 1021.2, 1021.3, 1040.13a, 1040.51, 1087, 1088, 1111.1,  
21 1114 or, 1123 or 1488, if the offense involved any sexual activity  
22 between the victim and the perpetrator, of Title 21 of the Oklahoma  
23 Statutes.

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1 B. The provisions of the Sex Offenders Registration Act shall  
2 apply to any person who after November 1, 1989, resides, works or  
3 attends school within the State of Oklahoma and who has been  
4 convicted or received a suspended sentence at any time in any court  
5 of another state, a federal court, an Indian tribal court or a  
6 military court for a crime or attempted crime which, if committed or  
7 attempted in this state, would be a crime or an attempt to commit a  
8 crime provided for in any of said laws listed in subsection A of  
9 this section.

10 C. The provisions of the Sex Offenders Registration Act shall  
11 apply to any person who resides, works or attends school within the  
12 State of Oklahoma and who has received a deferred judgment at any  
13 time in any court of another state, a federal court, an Indian  
14 tribal court or a military court for a crime or attempted crime  
15 which, if committed or attempted in this state, would be a crime or  
16 an attempt to commit a crime provided for in Section 7115 of Title  
17 10 of the Oklahoma Statutes if the offense involved sexual abuse or  
18 sexual exploitation as those terms are defined in Section 7102 of  
19 Title 10 of the Oklahoma Statutes, Section 681, if the offense  
20 involved sexual assault, 741, if the offense involved sexual abuse  
21 or sexual exploitation, Section 843.1, if the offense involved  
22 sexual abuse or sexual exploitation, 865 et seq., 885, 886, 888,  
23 891, 1021, 1021.2, 1021.3, 1040.13a, 1040.51, 1087, 1088, 1111.1,  
24 1114 ~~or~~, 1123 or 1488, if the offense involved any sexual activity

1 between the victim and the perpetrator, of Title 21 of the Oklahoma  
2 Statutes. The provisions of the Sex Offenders Registration Act  
3 shall not apply to any such person while the person is incarcerated  
4 in a maximum or medium correctional institution of the Department of  
5 Corrections.

6 D. On the effective date of this act, any person registered as  
7 a sex offender pursuant to Section 741 of Title 21 of the Oklahoma  
8 Statutes shall be summarily removed from the Sex Offender Registry  
9 by the Department of Corrections and all law enforcement agencies of  
10 any political subdivision of this state, unless the offense involved  
11 sexual abuse or sexual exploitation.

12 SECTION 3. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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