

1 ENGROSSED HOUSE
2 BILL NO. 2590

By: Luttrell and Reynolds of
the House

3 and

4 Myers of the Senate
5
6

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 1021.4, as amended by Section
9 1, Chapter 19, O.S.L. 2005 (21 O.S. Supp. 2007,
10 Section 1021.4), which relates to the disclosure of
11 obscene materials containing minors; deleting
12 penalty; providing immunity from civil liability when
13 filing certain report; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1021.4, as
17 amended by Section 1, Chapter 19, O.S.L. 2005 (21 O.S. Supp. 2007,
18 Section 1021.4), is amended to read as follows:

19 Section 1021.4 A. Any commercial film and photographic print
20 processor or commercial computer technician who has knowledge of or
21 observes, within the scope of such person's professional capacity or
22 employment, any film, photograph, video tape, negative, or slide, or
23 any computer file, recording, CD-Rom, magnetic disk memory, magnetic
24 tape memory, picture, graphic or image that is intentionally saved,
transmitted or organized on hardware or any other media including,
but not limited to, CDs, DVDs and thumbdrives, whether digital,

1 analog or other means and whether directly viewable, compressed or
2 encoded depicting a child under the age of eighteen (18) years
3 engaged in an act of sexual conduct as defined in Section 1024.1 of
4 this title shall immediately or as soon as possible report by
5 telephone such instance of suspected child abuse or child
6 pornography to the law enforcement agency having jurisdiction over
7 the case and shall prepare and send a written report of the incident
8 with an attached copy of such material, within thirty-six (36) hours
9 after receiving the information concerning the incident.

10 For the purposes of this section:

11 1. "Commercial film and photographic print processor" means any
12 person who develops exposed photographic film into negatives,
13 slides, or prints, or who makes prints from negatives or slides, for
14 compensation. The term shall also include any employee of such a
15 person but shall not include a person who develops film or makes
16 prints for a public agency; and

17 2. "Commercial computer technician" means any person who
18 repairs, installs, or otherwise services any computer including, but
19 not limited to, any component part, device, memory storage or
20 recording mechanism, auxiliary storage, recording or memory
21 capacity, or any other materials relating to operation and
22 maintenance of a computer or computer network or system, for
23 compensation. The term shall also include any employee of such
24 person.

1 B. Any person who ~~violates the provisions of~~ files a report as
2 provided in this section, ~~upon conviction,~~ shall be ~~guilty of a~~
3 ~~misdemeanor and shall be punished by the imposition of a fine not to~~
4 ~~exceed Five Hundred Dollars (\$500.00) or by imprisonment in the~~
5 ~~county jail not to exceed one (1) year, or both such fine and~~
6 ~~imprisonment~~ immune from civil liability with respect to any report
7 made in good faith.

8 C. Nothing in this section shall be construed to require or
9 authorize any person to act outside the scope of such person's
10 professional capacity or employment by searching for prohibited
11 materials or media.

12 SECTION 2. This act shall become effective November 1, 2008.

13 Passed the House of Representatives the 11th day of March, 2008.

14

15

16 _____
Presiding Officer of the House of
Representatives

17

18 Passed the Senate the ____ day of _____, 2008.

19

20

21 _____
Presiding Officer of the Senate

22

23

24