

1 ENGROSSED HOUSE  
2 BILL NO. 1309

By: Luttrell and Reynolds of  
the House

3 and

4 Barrington of the Senate  
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8 An Act relating to crimes and punishments; amending  
9 21 O.S. 2001, Section 1021.4, as amended by Section  
10 1, Chapter 19, O.S.L. 2005 (21 O.S. Supp. 2008,  
11 Section 1021.4), which relates to reporting the  
12 discovery of obscene materials containing minors to  
13 law enforcement; providing immunity from civil  
14 liability when submitting report; and providing an  
15 effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1021.4, as  
18 amended by Section 1, Chapter 19, O.S.L. 2005 (21 O.S. Supp. 2008,  
19 Section 1021.4), is amended to read as follows:

20 Section 1021.4 A. Any commercial film and photographic print  
21 processor or commercial computer technician who has knowledge of or  
22 observes, within the scope of ~~such person's~~ the professional  
23 capacity or employment of the person, any film, photograph, video  
24 CD-ROM, magnetic disk memory, magnetic tape memory, picture, graphic

1 or image that is intentionally saved, transmitted or organized on  
2 hardware or any other media including, but not limited to, CDs, DVDs  
3 and thumbdrives, whether digital, analog or other means and whether  
4 directly viewable, compressed or encoded depicting a child under the  
5 age of eighteen (18) years engaged in an act of sexual conduct as  
6 defined in Section 1024.1 of this title shall immediately or as soon  
7 as possible report by telephone such instance of suspected child  
8 abuse or child pornography to the law enforcement agency having  
9 jurisdiction over the case and shall prepare and send a written  
10 report of the incident with an attached copy of such material,  
11 within thirty-six (36) hours after receiving the information  
12 concerning the incident.

13 For the purposes of this section:

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

20 2. "Commercial computer technician" means any person who  
21 repairs, installs, or otherwise services any computer including, but  
22 not limited to, any component part, device, memory storage or  
23 recording mechanism, auxiliary storage, recording or memory  
24 capacity, or any other materials relating to operation and

1 maintenance of a computer or computer network or system, for  
2 compensation. The term shall also include any employee of such  
3 person.

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

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

15 SECTION 2. This act shall become effective November 1, 2009.  
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1 Passed the House of Representatives the 11th day of March, 2009.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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9 Presiding Officer of the Senate  
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