

THE HOUSE OF REPRESENTATIVES
Wednesday, February 25, 2009

House Bill No. 1309

HOUSE BILL NO. 1309 - By: LUTTRELL of the House and BARRINGTON of the Senate.

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

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

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

4 Section 1021.4 A. Any commercial film and photographic print processor or
5 commercial computer technician who has knowledge of or observes, within the scope of
6 ~~such person's~~ the professional capacity or employment of the person, any film,
7 photograph, video tape, negative, or slide, or any computer file, recording, ~~CD-Rom~~ CD-
8 ROM, magnetic disk memory, magnetic tape memory, picture, graphic or image that is
9 intentionally saved, transmitted or organized on hardware or any other media including,
10 but not limited to, CDs, DVDs and thumbdrives, whether digital, analog or other means
11 and whether directly viewable, compressed or encoded depicting a child under the age of
12 eighteen (18) years engaged in an act of sexual conduct as defined in Section 1024.1 of

1 this title shall immediately or as soon as possible report by telephone such instance of
2 suspected child abuse or child pornography to the law enforcement agency having
3 jurisdiction over the case and shall prepare and send a written report of the incident with
4 an attached copy of such material, within thirty-six (36) hours after receiving the
5 information concerning the incident.

6 For the purposes of this section:

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

4 SECTION 2. This act shall become effective November 1, 2009.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-24-09 - DO PASS,
6 As Coauthored.