

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2263

By: Wyrick

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Section 1021, as last amended by  
9 Section 3, Chapter 12, O.S.L. 2008 (21 O.S. Supp.  
10 2009, Section 1021), which relates to indecent  
11 exposure; making language gender neutral; providing  
12 exception to certain registration; amending 57 O.S.  
13 2001, Section 582, as last amended by Section 2,  
14 Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009, Section  
15 582), which relates to the Oklahoma Sex Offender  
16 Registration Act; providing certain exception to  
17 registration; updating language; and providing an  
18 effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1021, as  
21 last amended by Section 3, Chapter 12, O.S.L. 2008 (21 O.S. Supp.  
22 2009, Section 1021), is amended to read as follows:

23 A. Every person who willfully and knowingly either:

24 1. Lewdly exposes his or her person or genitals in any public  
place, or in any place where there are present other persons to be  
offended or annoyed thereby, provided, however, for purposes of this  
paragraph, a conviction that results from public urination shall not

1 be subject to registration under the Oklahoma Sex Offenders  
2 Registration Act;

3 2. Procures, counsels, or assists any person to expose such  
4 person, or to make any other exhibition of such person to public  
5 view or to the view of any number of persons, for the purpose of  
6 sexual stimulation of the viewer;

7 3. Writes, composes, stereotypes, prints, photographs, designs,  
8 copies, draws, engraves, paints, molds, cuts, or otherwise prepares,  
9 publishes, sells, distributes, keeps for sale, knowingly downloads  
10 on a computer, or exhibits any obscene material or child  
11 pornography; or

12 4. Makes, prepares, cuts, sells, gives, loans, distributes,  
13 keeps for sale, or exhibits any disc record, metal, plastic, or wax,  
14 wire or tape recording, or any type of obscene material or child  
15 pornography,

16 shall be guilty, upon conviction, of a felony and shall be punished  
17 by the imposition of a fine of not less than Five Hundred Dollars  
18 (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or by  
19 imprisonment for not less than thirty (30) days nor more than ten  
20 (10) years, or by both such fine and imprisonment.

21 B. Every person who:

22 1. Willfully solicits or aids a minor child to perform; or  
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1           2. Shows, exhibits, loans, or distributes to a minor child any  
2 obscene material or child pornography for the purpose of inducing  
3 said minor to participate in,  
4 any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this  
5 section shall be guilty of a felony, upon conviction, and shall be  
6 punished by imprisonment in the custody of the Department of  
7 Corrections for not less than ten (10) years nor more than thirty  
8 (30) years, except when the minor child is under twelve (12) years  
9 of age at the time the offense is committed, and in such case the  
10 person shall, upon conviction, be punished by imprisonment in the  
11 custody of the Department of Corrections for not less than twenty-  
12 five (25) years.

13           C. Persons convicted under this section shall not be eligible  
14 for a deferred sentence.

15           D. Except for persons sentenced to life or life without parole,  
16 any person sentenced to imprisonment for two (2) years or more for a  
17 violation of this section shall be required to serve a term of post-  
18 imprisonment supervision pursuant to subparagraph f of paragraph 1  
19 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes  
20 under conditions determined by the Department of Corrections. The  
21 jury shall be advised that the mandatory post-imprisonment  
22 supervision shall be in addition to the actual imprisonment.

23           E. For purposes of this section, "downloading on a computer"  
24 means electronically transferring an electronic file from one

1 computer or electronic media to another computer or electronic  
2 media.

3 SECTION 2. AMENDATORY 57 O.S. 2001, Section 582, as last  
4 amended by Section 2, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009,  
5 Section 582), is amended to read as follows:

6 A. The provisions of the Sex Offenders Registration Act shall  
7 apply to any person residing, working or attending school within the  
8 State of Oklahoma who, after November 1, 1989, has been convicted,  
9 whether upon a verdict or plea of guilty or upon a plea of nolo  
10 contendere, or received a suspended sentence or any probationary  
11 term, or is currently serving a sentence or any form of probation or  
12 parole for a crime or an attempt to commit a crime provided for in  
13 Section 7115 of Title 10 of the Oklahoma Statutes if the offense  
14 involved sexual abuse or sexual exploitation as those terms are  
15 defined in Section 7102 of Title 10 of the Oklahoma Statutes,  
16 Section 681, if the offense involved sexual assault, 741, if the  
17 offense involved sexual abuse or sexual exploitation, Section 843.1,  
18 if the offense involved sexual abuse or sexual exploitation, Section  
19 852.1, if the offense involved sexual abuse of a child, 865 et seq.,  
20 885, 886, 888, 891, if the offense involved sexual abuse or sexual  
21 exploitation, 1021, except for paragraph 1 of subsection A, 1021.2,  
22 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1,  
23 1114 or 1123 of Title 21 of the Oklahoma 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, the District of Columbia, Puerto Rico, Guam,  
6 American Samoa, the Northern Mariana Islands and the United States  
7 Virgin Islands, a federal court, an Indian tribal court, a military  
8 court, or a court of a foreign country for a crime, attempted crime  
9 or a conspiracy to commit a crime which, if committed or attempted  
10 in this state, would be a crime, an attempt to commit a crime or a  
11 conspiracy to commit a crime provided for in any of ~~said~~ the laws  
12 listed in subsection A of this section.

13           C. The provisions of the Sex Offenders Registration Act shall  
14 apply to any person who resides, works or attends school within the  
15 State of Oklahoma and who has received a deferred judgment at any  
16 time in any court of another state, the District of Columbia, Puerto  
17 Rico, Guam, American Samoa, the Northern Mariana Islands and the  
18 United States Virgin Islands, a federal court, an Indian tribal  
19 court, a military court, or a court of a foreign country for a  
20 crime, attempted crime or a conspiracy to commit a crime which, if  
21 committed or attempted or conspired to be committed in this state,  
22 would be a crime, an attempt to commit a crime or a conspiracy to  
23 commit a crime provided for in Section 7115 of Title 10 of the  
24 Oklahoma Statutes if the offense involved sexual abuse or sexual

1 exploitation as those terms are defined in Section 7102 of Title 10  
2 of the Oklahoma Statutes, Section 681, if the offense involved  
3 sexual assault, 741, if the offense involved sexual abuse or sexual  
4 exploitation, Section 843.1, if the offense involved sexual abuse or  
5 sexual exploitation, Section 852.1, if the offense involved sexual  
6 abuse of a child, 865 et seq., 885, 886, 888, 891, if the offense  
7 involved sexual abuse or sexual exploitation, 1021, except for  
8 paragraph 1 of subsection A, 1021.2, 1021.3, 1024.2, 1040.12a,  
9 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of  
10 the Oklahoma Statutes. The provisions of the Sex Offenders  
11 Registration Act shall not apply to any such person while the person  
12 is incarcerated in a maximum or medium correctional institution of  
13 the Department of Corrections.

14 D. ~~On the effective date of this act~~ November 1, 2002, any  
15 person registered as a sex offender pursuant to Section 741 of Title  
16 21 of the Oklahoma Statutes shall be summarily removed from the Sex  
17 Offender Registry by the Department of Corrections and all law  
18 enforcement agencies of any political subdivision of this state,  
19 unless the offense involved sexual abuse or sexual exploitation.

20 E. The provisions of the Sex Offenders Registration Act shall  
21 not apply to any such person who has received a criminal history  
22 records expungement for a conviction in another state for a crime or  
23 attempted crime which, if committed or attempted in this state,  
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1 would be a crime or an attempt to commit a crime provided for in any  
2 ~~said~~ the laws listed in subsection A of this section.

3 SECTION 3. This act shall become effective November 1, 2010.  
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