

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 787

By: Nichols

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Section 842.1, as amended by Section 2,  
Chapter 141, O.S.L. 2006 (21 O.S. Supp. 2008, Section  
9 842.1), which relates to tattooing; prohibiting  
tattooing of human eyeball; providing penalty;  
10 amending 57 O.S. 2001, Section 21, as amended by  
Section 5, Chapter 366, O.S.L. 2008 (57 O.S. Supp.  
11 2008, Section 21), which relates to contraband;  
clarifying language; modifying certain prohibited  
12 transmissions; defining term; and declaring an  
emergency.

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

16 SECTION 1. AMENDATORY 21 O.S. 2001, Section 842.1, as  
17 amended by Section 2, Chapter 141, O.S.L. 2006 (21 O.S. Supp. 2008,  
18 Section 842.1), is amended to read as follows:

19 Section 842.1 A. It shall be unlawful for any person to  
20 perform or offer to perform body piercing or tattooing on a child  
21 under eighteen (18) years of age. No person under eighteen (18)  
22 years of age shall be allowed to receive a tattoo. No person under  
23 eighteen (18) years of age shall be allowed to receive a body  
24 piercing procedure unless the parent or legal guardian of such child

1 gives written consent for the procedure, and the parent or legal  
2 guardian of the child is present during the procedure. No person  
3 shall be allowed to purchase or possess tattoo equipment or supplies  
4 without being licensed either as an Oklahoma medical  
5 micropigmentologist or as an Oklahoma tattoo artist.

6 B. It shall be unlawful for any person to perform or offer to  
7 perform tattooing on a human eyeball.

8 C. Tattooing shall not be performed upon a person impaired by  
9 drugs or alcohol. A person impaired by drugs or alcohol is  
10 considered incapable of consenting to tattooing and incapable of  
11 understanding tattooing procedures and aftercare suggestions.

12 ~~C.~~ D. As used in this section and Sections 842.2 and 842.3 of  
13 this title:

14 1. "Body piercing" means a procedure in which an opening is  
15 created in a human body solely for the purpose of inserting jewelry  
16 or other decoration; provided, however, the term does not include  
17 ear piercing;

18 2. "Tattooing" means the practice of producing an indelible  
19 mark or figure on the human body by scarring or inserting a pigment  
20 under the skin using needles, scalpels, or other related equipment;  
21 provided, that medical micropigmentation, performed pursuant to the  
22 provisions of the Oklahoma Medical Micropigmentation Regulation Act,  
23 shall not be construed to be tattooing;

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1       3. "Body piercing operator" means any person who owns,  
2 controls, operates, conducts, or manages any permanent body piercing  
3 establishment, whether actually performing the work of body piercing  
4 or not. A mobile unit, including, but not limited to, a mobile  
5 home, recreational vehicle, or any other nonpermanent facility,  
6 shall not be used as a permanent body piercing establishment;

7       4. "Tattoo operator" means any person who owns, controls,  
8 operates, conducts, or manages any permanent tattooing establishment  
9 whether performing the work of tattooing or not, or a temporary  
10 location that is a fixed location at which an individual tattoo  
11 operator performs tattooing for a specified period of not more than  
12 seven (7) days in conjunction with a single event or celebration,  
13 where the primary function of the event or celebration is tattooing;

14       5. "Artist" means the person who actually performs the body  
15 piercing or tattooing procedure; and

16       6. "Apprentice" means any person who is training under the  
17 supervision of a licensed tattoo artist. That person cannot  
18 independently perform the work of tattooing. Apprentice also means  
19 any person who is training under the supervision of a licensed body  
20 artist. That person cannot independently perform the work of body  
21 piercing.

22       ~~D.~~ E. Sections 842.1 through 842.3 of this title shall not  
23 apply to any act of a licensed practitioner of the healing arts  
24 performed in the course of practice of the practitioner.

1 F. Any person violating the provisions of this section shall be  
2 punished as provided in Section 842.2 of this title.

3 SECTION 2. AMENDATORY 57 O.S. 2001, Section 21, as  
4 amended by Section 5, Chapter 366, O.S.L. 2008 (57 O.S. Supp. 2008,  
5 Section 21), is amended to read as follows:

6 Section 21. A. Any person who, without authority, brings into  
7 or has in his or her possession in any jail or state penal  
8 institution or other place where prisoners are located, any gun,  
9 knife, bomb or other dangerous instrument, any controlled dangerous  
10 substance as defined by Section 2-101 et seq. of Title 63 of the  
11 Oklahoma Statutes, any intoxicating beverage or low-point beer as  
12 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma  
13 Statutes, money, or financial documents for a person other than the  
14 inmate or a spouse of the inmate, including but not limited to tax  
15 returns, shall be guilty of a felony and is subject to imprisonment  
16 in the custody of the Department of Corrections for not less than  
17 one (1) year or more than five (5) years, or a fine of not less than  
18 One Hundred Dollars (\$100.00) or more than One Thousand Dollars  
19 (\$1,000.00), or both such fine and imprisonment.

20 B. If an inmate is found to be in possession of any ~~such~~ item  
21 prohibited by this section, upon conviction, such inmate shall be  
22 guilty of a felony and shall be ~~subject to~~ punished by imprisonment  
23 for a term not less than five (5) years nor more than twenty (20)  
24 years in the custody of the Department of Corrections.

1 C. If the person found to be in possession of any ~~such~~ item  
2 prohibited by this section has committed, prior to the commission of  
3 ~~said~~ an offense in violation of this section, ~~committed~~ two or more  
4 felony offenses, and ~~said~~ the possession of contraband was in  
5 violation of this section is within ten (10) years of the completion  
6 of the execution of the sentence for any prior offense, such person,  
7 upon conviction, shall be guilty of a felony and shall be punished  
8 by imprisonment in the custody of the Department of Corrections for  
9 a term of not less than twenty (20) years. Felony offenses relied  
10 upon shall not have arisen out of the same transaction or occurrence  
11 or series of events closely related in time and location.

12 D. ~~Any~~ Except as provided in subsection B or C of this section,  
13 any person who, without authority, brings into or has in his or her  
14 possession in any jail or state penal institution or other place  
15 where prisoners are located, cigarettes, cigars, snuff, chewing  
16 tobacco, or any other form of tobacco product, or any cellular phone  
17 or electronic device capable of sending or receiving ~~digital~~  
18 ~~transmissions~~ any electronic communication shall, upon conviction,  
19 be guilty of a misdemeanor punishable by imprisonment in the county  
20 jail for a term not to exceed more than one (1) year, or by a fine  
21 not to exceed exceeding Five Hundred Dollars (\$500.00), or by both  
22 such fine and imprisonment. "Electronic communication" means any  
23 transfer of signs, signals, writings, images, sounds, data, or  
24 intelligence of any nature transmitted in whole or part by a wire,

1 radio, electromagnetic, photo-electronic, or photo-optical system,  
2 and includes, but is not limited to, the transfer of that  
3 communication through the Internet.

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

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