

**BILL SUMMARY**  
1<sup>st</sup> Session of the 52<sup>nd</sup> Legislature

<b>Bill No.:</b>	<b>SB 1020</b>
<b>Version:</b>	<b>2nd CCS</b>
<b>Author:</b>	<b>Representative Terrill Senator Nichols</b>
<b>Date:</b>	<b>May 22, 2009</b>
<b>Impact:</b>	<b>Increase In Prison Costs: Dependent Upon the Number of Adjudicated Cases and Length of Sentences</b>

**Bill Summary**

Research Analyst: Brad Wolgamott

The 2nd Conference Committee Substitute for SB1020 (req. no. 2216) creates a felony crime of domestic abuse if the defendant has a prior pattern of physical abuse. Punishment is up to ten years in prison, a fine not exceeding \$5,000 or by both fine and imprisonment. Defines “prior pattern of physical abuse”.

The measure prohibits the transmitting of child pornography by use of the Internet or by any electronic, photo-electronic or photo-optical system, including transmission by wire, cable or wireless means. Conviction is a felony punishable by a term of not less than 5 years nor more than life, a fine of not more than \$10,000 or both fine and imprisonment.

The measure increases the punishment for creation, distribution, etc, of child pornography to be not more than 20 years imprisonment, a fine not exceeding \$10,000 or both fine and imprisonment. Requires persons convicted of child pornography related crimes to register as a sex offender.

Prohibits registered sex offenders from being employed in ice cream truck vending. Punishment for violation is up to 2 and 1/2 years in prison, a fine of up to \$1,000 or both fine and imprisonment. Requires ice cream truck vending companies to conduct an annual name search on employees hired to operate a vending truck.

**Fiscal Summary**

Fiscal Analyst: Marilyn Anderson

The 2nd CCS for Engrossed SB 1020 makes domestic abuse a felony if there is a prior pattern of physical abuse, makes it a felony to transmit child pornography by use of the Internet or other electronic means, prohibits sex offenders from engaging in ice cream truck vending, and increases the penalty for possession of child pornography.

**Fiscal Analysis**

Persons convicted of domestic abuse with a prior pattern of physical abuse will be guilty of a felony, punishable by up to ten years imprisonment and/or a fine up to \$5,000. Every person convicted of this crime and sentenced to prison will cost the state approximately \$55 per day for each day of incarceration.

SB 1020 requires persons convicted of transmitting child pornography to be punished by imprisonment for up to twenty years and/or a fine up to \$10,000. According to the Oklahoma Criminal Justice Resource Center, because this is a new felony there is no data available on the frequency of this crime. Every person convicted and sentenced to prison will cost the state approximately \$55 per day for each day of incarceration.

SB 1020 increases the penalty for persons convicted of possession of child pornography from a maximum of twenty years to a maximum of life imprisonment. In addition, violators, upon conviction, will be required to register as a sex offender.

SB 1020 prohibits sex offenders from engaging in ice cream truck vending. Persons convicted could receive up to two and one-half years imprisonment and/or a fine up to \$1,000. Companies engaged in ice cream truck vending must conduct an annual name search against the Sex Offender Registry for each of their ice cream truck operators prior to allowing them to operate an ice cream truck. SB 1020 makes failure to conduct the name search and maintain records a misdemeanor. Sole proprietors in the business of ice cream truck vending must have in their possession, while operating an ice cream truck, a signed notarized statement that they are not required to register as a sex offender. SB 1020 makes failure to do so a misdemeanor.

The fiscal impact of SB 1020 would be dependent upon the number of adjudicated cases and the length of the prison terms imposed.

### **Long Term Fiscal Considerations**

None

Fiscal Analysis Reviewed by:

*Mark Tygret*

House Fiscal Director