

1 ENGROSSED SENATE
2 BILL NO. 446

By: Wyrick of the Senate

and

Glenn of the House

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6 An Act relating to misdemeanors; amending 21 O.S.
7 2001, Section 1021, as last amended by Section 12,
8 Chapter 3, O.S.L. 2008 (21 O.S. Supp. 2010, Section
9 1021), which relates to indecent exposure; making
10 language gender neutral; clarifying conduct subject
11 to certain prosecution; and providing an effective
12 date.

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

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SECTION 1. AMENDATORY 21 O.S. 2001, Section 1021, as

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last amended by Section 12, Chapter 3, O.S.L. 2008 (21 O.S. Supp.

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2010, Section 1021), is amended to read as follows:

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Section 1021. A. Every person who willfully and knowingly

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either:

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1. Lewdly exposes his or her person or genitals in any public

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place, or in any place where there are present other persons to be

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offended or annoyed thereby; provided, however, for purposes of this

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section, a person alleged to have committed an act of public

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urination shall be prosecuted pursuant to Section 22 of this title

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unless such act was accompanied with another act that violates

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1 paragraphs 2 through 4 of this subsection and shall not be subject
2 to registration under the Sex Offenders 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. This act shall become effective November 1, 2011.

4 Passed the Senate the 16th day of March, 2011.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,

9 2011.

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Presiding Officer of the House
of Representatives

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