



1 Section 1024.1 A. As used in Sections 1021, 1021.1 through  
2 ~~1021.3~~ 1021.4, Sections 1022 through 1024, and Sections 1040.8  
3 through 1040.24 of this title, "child pornography" means and  
4 includes any visual depiction or individual image stored or  
5 contained in any format on any medium including, but not limited to,  
6 film, motion picture, videotape, photograph, negative, undeveloped  
7 film, slide, photographic product, reproduction of a photographic  
8 product, ~~CD-ROM, magnetic disk memory, magnetic tape memory,~~  
9 ~~electronic or photo-optical format,~~ play or performance wherein a  
10 minor under the age of eighteen (18) years is engaged in any act  
11 with a person, other than his or her spouse, of sexual intercourse  
12 which is normal or perverted, in any act of anal sodomy, in any act  
13 of sexual activity with an animal, in any act of sadomasochistic  
14 abuse including, but not limited to, flagellation or torture, or the  
15 condition of being fettered, bound or otherwise physically  
16 restrained in the context of sexual conduct, in any act of fellatio  
17 or cunnilingus, in any act of excretion in the context of sexual  
18 conduct, in any lewd exhibition of the uncovered genitals in the  
19 context of masturbation or other sexual conduct, or where the lewd  
20 exhibition of the uncovered genitals, buttocks or, if such minor is  
21 a female, the breast, has the purpose of sexual stimulation of the  
22 viewer, or wherein a person under the age of eighteen (18) years  
23 observes such acts or exhibitions. Each visual depiction or

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1 individual image shall constitute a separate item and multiple  
2 copies of the same identical material shall each be counted as a  
3 separate item.

4 B. As used in Sections 1021 through 1024.4 and Sections 1040.8  
5 through 1040.24 of this title:

6 1. "Obscene material" means and includes any representation,  
7 performance, depiction or description of sexual conduct, whether in  
8 any form or on any medium including still photographs, undeveloped  
9 photographs, motion pictures, undeveloped film, videotape, ~~CD-ROM,~~  
10 optical, magnetic ~~disk memory, magnetic tape memory,~~ electronic or  
11 ~~photo-optical format~~ solid-state storage, CD or DVD, or a purely  
12 photographic product or a reproduction of such product in any book,  
13 pamphlet, magazine, or other publication or electronic or photo-  
14 optical format, if said items contain the following elements:

- 15 a. depictions or descriptions of sexual conduct which are  
16 patently offensive as found by the average person  
17 applying contemporary community standards,  
18 b. taken as a whole, have as the dominant theme an appeal  
19 to prurient interest in sex as found by the average  
20 person applying contemporary community standards, and  
21 c. a reasonable person would find the material or  
22 performance taken as a whole lacks serious literary,  
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1 artistic, educational, political, or scientific  
2 purposes or value.

3 The standard for obscenity applied in this section shall not apply  
4 to child pornography;

5 2. "Performance" means and includes any display, live or  
6 recorded, in any form or medium;

7 3. "Sexual conduct" means and includes any of the following:

8 a. acts of sexual intercourse including any intercourse  
9 which is normal or perverted, actual or simulated,

10 b. acts of deviate sexual conduct, including oral and  
11 anal sodomy,

12 c. acts of masturbation,

13 d. acts of sadomasochistic abuse including but not  
14 limited to:

15 (1) flagellation or torture by or upon any person who  
16 is nude or clad in undergarments or in a costume  
17 which is of a revealing nature, or

18 (2) the condition of being fettered, bound, or  
19 otherwise physically restrained on the part of  
20 one who is nude or so clothed,

21 e. acts of excretion in a sexual context, or

22 f. acts of exhibiting human genitals or pubic areas; and  
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1 4. "Explicit child pornography" means material which a law  
2 enforcement officer can immediately identify upon first viewing  
3 without hesitation as child pornography.

4 The types of sexual conduct described in paragraph 3 of this  
5 subsection are intended to include situations when, if appropriate  
6 to the type of conduct, the conduct is performed alone or between  
7 members of the same or opposite sex or between humans and animals in  
8 an act of apparent sexual stimulation or gratification.

9 SECTION 2. AMENDATORY 74 O.S. 2011, Section 151.1, is  
10 amended to read as follows:

11 Section 151.1 A. The Oklahoma State Bureau of Investigation  
12 shall establish an Internet Crimes Against Children (ICAC) unit for  
13 the primary purpose of investigating Internet crimes committed  
14 against children, including, but not limited to, offenses related to  
15 child pornography and solicitation of minors for pornography,  
16 prostitution or sex-related offenses. The unit shall additionally  
17 promote safe Internet use among children and their parents by  
18 various media or printed-material campaigns or by offering  
19 educational programs to schools or communities throughout this  
20 state. The Bureau shall employ sufficient employees to investigate  
21 and implement the ICAC unit.

22 B. The Director of the Oklahoma State Bureau of Investigation  
23 is hereby authorized to enter into local cooperative agreements with

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

1 local law enforcement agencies for the purpose of appointing ICAC  
2 Affiliate Task Force Agents to assist the ICAC unit of the Bureau.  
3 ICAC Affiliate Task Force Agents shall be employees and commissioned  
4 law enforcement officers of the local law enforcement agency  
5 entering into agreement with the Oklahoma State Bureau of  
6 Investigation and shall not be employees of the Bureau. ICAC  
7 Affiliate Task Force Agents shall have general peace officer powers  
8 and the authority to arrest persons throughout the state for the  
9 purpose of investigating Internet crimes committed against children  
10 including, but not limited to, offenses related to child  
11 pornography, solicitation of minors for pornography, prostitution or  
12 sex-related offenses. ICAC Affiliate Task Force Agents shall  
13 promote safe Internet use among children and parents of children by  
14 various media or printed-material campaigns or by offering  
15 educational programs to schools or communities throughout Oklahoma.  
16 The Director of the Bureau may renew, suspend or revoke any  
17 agreement appointing an ICAC Affiliate Task Force Agent at any time.  
18 ICAC Affiliate Task Force Agents serve solely at the discretion and  
19 will of the Director of the Oklahoma State Bureau of Investigation.

20 SECTION 3. This act shall become effective November 1, 2012.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/09/2012 -  
22 DO PASS, As Amended and Coauthored.

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