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# CORRECTED PRINTING

SENATE FLOOR VERSION

March 28, 2011

As Amended

ENGROSSED HOUSE  
BILL NO. 1549

By: Kern, Reynolds, Ritze,  
Faught, Brumbaugh, Cox,  
Wesselhoft and Tibbs of the  
House

and

Eason McIntyre and Shortey  
of the Senate

An Act relating to crimes and punishments;  
authorizing victims of child pornography to bring  
civil action; providing for the recovery of damages,  
costs and attorney fees; providing procedures for  
filing civil action; prohibiting reliance on certain  
defense; providing statutory reference for certain  
term; providing exemption to statute; providing for  
codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1040.56 of Title 21, unless  
there is created a duplication in numbering, reads as follows:

A. Any person who, while under the age of eighteen (18), was a  
victim of an offense provided for in Section 681, 741, 843.5, 852.1,  
867, 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1024.2, 1040.8,  
1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of

1 Title 21 of the Oklahoma Statutes, where such offense resulted in a  
2 conviction and any portion of such offense was used in the  
3 production of child pornography, and who suffers personal or  
4 psychological injury as a result of the production, promotion, or  
5 possession of such child pornography, may bring a civil action  
6 against the producer, promoter, or intentional possessor of such  
7 child pornography, regardless of whether the victim is now an adult.

8 B. In any civil action brought under this section, the  
9 prevailing plaintiff shall recover the actual, special and punitive  
10 damages such person sustained and the cost of the suit, including  
11 reasonable attorney fees.

12 C. Notwithstanding any other provision of law, any civil action  
13 commenced pursuant to this section shall be filed within three (3)  
14 years after the later of:

15 1. The conclusion of the related criminal case;

16 2. The notification to the victim by a law enforcement agency  
17 of the creation, possession, distribution or promotion of child  
18 pornography; or

19 3. In the case of a victim younger than eighteen (18) years of  
20 age, within three (3) years after the person reaches the age of  
21 eighteen (18).

22 D. It is not a defense to a civil cause of action under this  
23 section that the respondent did not know the victim or commit the  
24 abuse depicted in the child pornography.

1       **E.** As used in this section, "child pornography" shall have the  
2 same meaning as such term is defined in Section 1024.1 of Title 21  
3 of the Oklahoma Statutes.

4       **F.** The provisions of this section shall not apply to any acts  
5 performed in the scope and course of employment by any:

- 6       1. Law enforcement officer;
- 7       2. Forensic examiner;
- 8       3. Prosecuting attorney; or
- 9       4. Employee of a child advocacy organization.

10       SECTION 2. This act shall become effective November 1, 2011.

11       COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-22-11 - DO  
12       PASS, As Amended and Coauthored.

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