

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 446

By: Wyrick

4
5 AS INTRODUCED

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.

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

14 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1021, as
15 last amended by Section 12, Chapter 3, O.S.L. 2008 (21 O.S. Supp.
16 2010, Section 1021), is amended to read as follows:

17 A. Every person who willfully and knowingly either:

18 1. Lewdly exposes his or her person or genitals in any public
19 place, or in any place where there are present other persons to be
20 offended or annoyed thereby; provided, however, for purposes of this
21 section, a person alleged to have committed an act of public
22 urination shall be prosecuted pursuant to Section 22 of this title
23 unless such act was accompanied with another act that violates
24 paragraphs 2 through 4 of this subsection and shall not be subject
to registration under the Sex Offenders Registration Act;

1 2. Procures, counsels, or assists any person to expose such
2 person, or to make any other exhibition of such person to public
3 view or to the view of any number of persons, for the purpose of
4 sexual stimulation of the viewer;

5 3. Writes, composes, stereotypes, prints, photographs, designs,
6 copies, draws, engraves, paints, molds, cuts, or otherwise prepares,
7 publishes, sells, distributes, keeps for sale, knowingly downloads
8 on a computer, or exhibits any obscene material or child
9 pornography; or

10 4. Makes, prepares, cuts, sells, gives, loans, distributes,
11 keeps for sale, or exhibits any disc record, metal, plastic, or wax,
12 wire or tape recording, or any type of obscene material or child
13 pornography,

14 shall be guilty, upon conviction, of a felony and shall be punished
15 by the imposition of a fine of not less than Five Hundred Dollars
16 (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or by
17 imprisonment for not less than thirty (30) days nor more than ten
18 (10) years, or by both such fine and imprisonment.

19 B. Every person who:

20 1. Willfully solicits or aids a minor child to perform; or

21 2. Shows, exhibits, loans, or distributes to a minor child any
22 obscene material or child pornography for the purpose of inducing
23 said minor to participate in,
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1 any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this
2 section shall be guilty of a felony, upon conviction, and shall be
3 punished by imprisonment in the custody of the Department of
4 Corrections for not less than ten (10) years nor more than thirty
5 (30) years, except when the minor child is under twelve (12) years
6 of age at the time the offense is committed, and in such case the
7 person shall, upon conviction, be punished by imprisonment in the
8 custody of the Department of Corrections for not less than twenty-
9 five (25) years.

10 C. Persons convicted under this section shall not be eligible
11 for a deferred sentence.

12 D. Except for persons sentenced to life or life without parole,
13 any person sentenced to imprisonment for two (2) years or more for a
14 violation of this section shall be required to serve a term of post-
15 imprisonment supervision pursuant to subparagraph f of paragraph 1
16 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
17 under conditions determined by the Department of Corrections. The
18 jury shall be advised that the mandatory post-imprisonment
19 supervision shall be in addition to the actual imprisonment.

20 E. For purposes of this section, "downloading on a computer"
21 means electronically transferring an electronic file from one
22 computer or electronic media to another computer or electronic
23 media.

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

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