

05/16/2014 01:32:29 PM

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2349**

By: Kern of the House and Brecheen of the Senate

Title: Crimes and punishments; increasing fine for certain prohibited act; adding penalty provision for second and subsequent convictions; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

That the House concurs with Senate Amendment No. 1 and No. 2; and  
That the Senate recede from its Senate Amendment No. 3.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

HB2349 CCR (A)  
**HOUSE CONFEREES**

Biggs, Scott R.

Echols, Jon



Grau, Randy



Inman, Scott

Johnson, Dennis



Jordan, Fred



Martin, Steve



McCall, Charles A.



McCullough, Mark

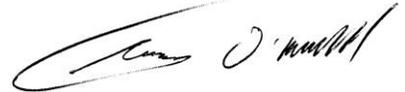


Morrisette, Richard

Newell, Tom



O'Donnell, Terry



Russ, Todd



Sherrer, Ben

Stiles, Aaron

Virgin, Emily

Williams, Cory T.

SENATE CONFEREES

Bass [Signature]

Treat [Signature]

Branan \_\_\_\_\_

Wyrick \_\_\_\_\_

Brinkley [Signature]

Coates \_\_\_\_\_

Crain [Signature]

David [Signature]

Ellis \_\_\_\_\_

Fields [Signature]

Ford [Signature]

Griffin [Signature]

Halligan [Signature]

Holt [Signature]

Ivester \_\_\_\_\_

C. Johnson \_\_\_\_\_

R. Johnson [Signature]

Jolley [Signature]

Justice [Signature]

Marlatt [Signature]

Mazzei [Signature]

Newberry [Signature]

Paddack [Signature]

Standridge [Signature]

Stanislowski [Signature]

Sykes [Signature]



1 ENGROSSED SENATE AMENDMENTS  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2349

By: Kern and Ritze of the House

and

Brecheen of the Senate

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6  
7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Sections 1025 and 1040.8, which relate  
9 to the Oklahoma Law on Obscenity and Child  
10 Pornography; increasing fine for certain prohibited  
11 act; adding penalty provision for second and  
12 subsequent convictions; and providing an effective  
13 date.

14 AUTHOR: Add the following Senate Coauthor: Ivester

15 AUTHOR: Add the following House Coauthor: Nollan

16 AMENDMENT NO. 1. Page 3, line 6, by inserting after the word "for"  
17 and before the word "not" the words "not less than  
18 three (3) years and"

19 AMENDMENT NO. 2. Page 3, line 11, by inserting after the word  
20 "years" and before the period, the words "and not  
21 more than thirty (30) years, or by a fine of not  
22 less than Twenty Thousand Dollars (\$20,000.00), or  
23 by both such fine and imprisonment"

24 AMENDMENT NO. 3. Page 1, strike the title to read

"[ crimes and punishments - Oklahoma Law on Obscenity  
and Child Pornography - penalty provision - effective  
date ]"



1 ENGROSSED HOUSE  
2 BILL NO. 2349

By: Kern and Ritze of the House

3 and

4 Brecheen of the Senate

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6  
7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Sections 1025 and 1040.8, which relate  
9 to the Oklahoma Law on Obscenity and Child  
10 Pornography; increasing fine for certain prohibited  
11 act; adding penalty provision for second and  
12 subsequent convictions; and providing an effective  
13 date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1025, is  
16 amended to read as follows:

17 Section 1025. Every person who keeps any bawdy house, house of  
18 ill fame, of assignation, or of prostitution, or any other house or  
19 place for persons to visit for unlawful sexual intercourse, or for  
20 any other lewd, obscene or indecent purpose, is, upon conviction,  
21 guilty of a misdemeanor and upon conviction and shall be fined in  
22 any sum punished by a fine of not less than One Hundred Dollars  
23 ~~(\$100.00) nor more than Five Hundred Dollars (\$500.00) Two Thousand~~  
24 Dollars (\$2,000.00) for each offense.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1040.8, is  
2 amended to read as follows:

3 Section 1040.8 A. No person shall knowingly photograph, act  
4 in, pose for, model for, print, sell, offer for sale, give away,  
5 exhibit, publish, offer to publish, or otherwise distribute,  
6 display, or exhibit any book, magazine, story, pamphlet, paper,  
7 writing, card, advertisement, circular, print, picture, photograph,  
8 motion picture film, electronic video game or recording, image,  
9 cast, slide, figure, instrument, statue, drawing, presentation, or  
10 other article which is obscene material or child pornography, as  
11 defined in Section 1024.1 of this title. In the case of any  
12 unsolicited mailing of any of the material listed in this section,  
13 the offense is deemed complete from the time such material is  
14 deposited in any post office or delivered to any person with intent  
15 that it shall be forwarded. Also, unless preempted by federal law,  
16 no unsolicited mail which is harmful to minors pursuant to Section  
17 1040.75 of this title shall be mailed to any person. The party  
18 mailing the materials specified in this section may be indicted and  
19 tried in any county wherein such material is deposited or delivered,  
20 or in which it is received by the person to whom it is addressed.

21 B. Any person who violates any provision of this section  
22 involving obscene materials, upon conviction, shall be guilty of a  
23 misdemeanor and shall be punished by imprisonment in the county jail  
24 for not more than one (1) year, or by a fine of not ~~exceeding~~ One

1 ~~Thousand Dollars (\$1,000.00)~~ less than Two Thousand Dollars  
2 (\$2,000.00), or by both such fine and imprisonment.

3 C. Any person who violates any provision of this section  
4 involving child pornography, upon conviction, shall be guilty of a  
5 felony and shall be punished by imprisonment in the custody of the  
6 Department of Corrections for not more than twenty (20) years, or by  
7 a fine of not ~~exceeding~~ less than Ten Thousand Dollars (\$10,000.00),  
8 or by both such fine and imprisonment. Any person convicted of a  
9 second or subsequent violation shall, upon conviction, be punished  
10 by imprisonment in the custody of the Department of Corrections for  
11 not less than ten (10) years. The violator, upon conviction, shall  
12 be required to register as a sex offender under the Sex Offenders  
13 Registration Act.

14 SECTION 3. This act shall become effective November 1, 2014.

15 Passed the House of Representatives the 5th day of March, 2014.

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\_\_\_\_\_  
18 Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2014.

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22 Presiding Officer of the Senate

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