

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 2349

By: Kern

6
7 COMMITTEE SUBSTITUTE

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

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

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

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

16 54-2-10415 GRS 02/26/14

17

18

19

20

21

22

23

24