

# An Act

ENROLLED HOUSE  
BILL NO. 2349

By: Kern, Ritze and Nollan of  
the House

and

Brecheen and Ivester of the  
Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1025 and 1040.8, which relate to the Oklahoma Law on Obscenity and Child Pornography; modifying penalties for certain prohibited acts; adding penalty provision for second and subsequent convictions; and providing an effective date.

SUBJECT: Oklahoma Law on Obscenity and Child Pornography

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

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

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

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

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

B. Any person who violates any provision of this section involving obscene materials, upon conviction, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not exceeding One Thousand Dollars (\$1,000.00) less than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

C. Any person who violates any provision of this section involving child pornography, upon conviction, shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than three (3) years and not more than twenty (20) years, or by a fine of not exceeding less than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent violation shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years and not more than thirty (30) years, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. The violator, upon conviction, shall be required to register as a sex offender under the Sex Offenders Registration Act.

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

Passed the House of Representatives the 20th day of May, 2014.

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

Passed the Senate the 21st day of May, 2014.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_