

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2349

By: Kern of the House

and

Brecheen of the Senate

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10                                   COMMITTEE SUBSTITUTE

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

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

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

21                   Section 1025. Every person who keeps any bawdy house, house of  
22 ill fame, of assignation, or of prostitution, or any other house or  
23 place for persons to visit for unlawful sexual intercourse, or for  
24 any other lewd, obscene or indecent purpose, is, upon conviction,  
~~guilty of a misdemeanor and upon conviction and shall be fined in~~

1 ~~any sum~~ punished by a fine of not less than One Hundred Dollars  
2 ~~(\$100.00) nor more than Five Hundred Dollars (\$500.00)~~ Two Thousand  
3 Dollars (\$2,000.00) for each offense.

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 B. Any person who violates any provision of this section  
2 involving obscene materials, upon conviction, shall be guilty of a  
3 misdemeanor and shall be punished by imprisonment in the county jail  
4 for not more than one (1) year, or by a fine of not exceeding One  
5 Thousand Dollars (\$1,000.00) less than Two Thousand Dollars  
6 (\$2,000.00), or by both such fine and imprisonment.

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

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

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20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2014 - DO  
21 PASS, As Amended and Coauthored.

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