

1 **SENATE FLOOR VERSION**

2 April 9, 2014

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2349

6 By: Kern, Ritze and Nollan of
7 the House

8 and

9 Brecheen of the Senate

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

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

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

16 Section 1025. Every person who keeps any bawdy house, house of
17 ill fame, of assignation, or of prostitution, or any other house or
18 place for persons to visit for unlawful sexual intercourse, or for
19 any other lewd, obscene or indecent purpose, is, upon conviction,
20 guilty of a misdemeanor and upon conviction shall be fined in any
21 sum punished by a fine of not less than One Hundred Dollars
22 (\$100.00) nor more than Five Hundred Dollars (\$500.00) Two Thousand
23 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 less than three (3) years and not
7 more than twenty (20) years, or by a fine of not ~~exceeding~~ less than
8 Ten Thousand Dollars (\$10,000.00), or by both such fine and
9 imprisonment. Any person convicted of a second or subsequent
10 violation shall, upon conviction, be punished by imprisonment in the
11 custody of the Department of Corrections for not less than ten (10)
12 years and not more than thirty (30) years, or by a fine of not less
13 than Twenty Thousand Dollars (\$20,000.00), or by both such fine and
14 imprisonment. The violator, upon conviction, shall be required to
15 register as a sex offender under the Sex Offenders Registration Act.

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

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
18 April 9, 2014 - DO PASS AS AMENDED

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