

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1257, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Holt

Holt-TEK-FS-Req#3230
3/8/2016 4:15 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1257

By: Holt and Stanislawski of
the Senate

and

Jordan of the House

FLOOR SUBSTITUTE

[non-consensual dissemination - unlawful -
codification - effective date]

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1040.13b of Title 21, unless
there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Image" includes a photograph, film, videotape, digital
recording or other depiction or portrayal of an object, including a
human body;

2. "Intimate parts" means the fully unclothed, partially
unclothed or transparently clothed genitals, pubic area or female
adult nipple; and

1 3. "Sexual act" means sexual intercourse including genital,
2 anal or oral sex;

3 B. A person commits non-consensual dissemination of private
4 sexual images when he or she:

5 1. Intentionally disseminates an image of another person:

6 a. who is at least eighteen (18) years of age,

7 b. who is identifiable from the image itself or
8 information displayed in connection with the image,
9 and

10 c. who is engaged in a sexual act or whose intimate parts
11 are exposed, in whole or in part;

12 2. Disseminates the image with the intent to harass, annoy,
13 humiliate, intimidate, coerce or alarm the person, or under
14 circumstances in which a reasonable person would know or understand
15 that dissemination of the image would harass, annoy, humiliate,
16 intimidate, coerce or alarm the person;

17 3. Obtains the image under circumstances in which a reasonable
18 person would know or understand that the image was to remain
19 private; and

20 4. Knows or a reasonable person should have known that the
21 person in the image has not consented to the dissemination.

22 C. The provisions of this section shall not apply to the
23 intentional dissemination of an image of another identifiable person
24

1 who is engaged in a sexual act or whose intimate parts are exposed
2 when:

3 1. The dissemination is made for the purpose of a criminal
4 investigation that is otherwise lawful;

5 2. The dissemination is for the purpose of, or in connection
6 with, the reporting of unlawful conduct;

7 3. The images involve voluntary exposure in public or
8 commercial settings; or

9 4. The dissemination serves a lawful purpose.

10 D. Nothing in this section shall be construed to impose
11 liability upon the following entities solely as a result of content
12 or information provided by another person:

13 1. An interactive computer service, as defined in 47 U.S.C. 230
14 (f) (2);

15 2. A wireless service provider, as defined in Section 332(d) of
16 the Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq.
17 Federal Communications Commission rules, and the Omnibus Budget
18 Reconciliation Act of 1993, Pub. L. No 103-66; or

19 3. A telecommunications network or broadband provider.

20 E. A person convicted under this section is subject to the
21 forfeiture provisions in Section 1040.54 of this title.

22 F. Any person who violates the provisions of this section shall
23 be guilty of a misdemeanor; provided, however, that upon a second or
24 subsequent violation of the provisions of this section, the person

1 shall be guilty of a felony punishable by imprisonment of not less
2 than one (1) year, a fine of not more than Twenty-five Thousand
3 Dollars (\$25,000.00) or both such imprisonment and fine.

4 SECTION 2. This act shall become effective November 1, 2016.

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6 55-2-3230 TEK 3/8/2016 4:15:35 PM
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