

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1257

By: Holt, Stanislawski and
Pittman of the Senate

and

Jordan of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to non-consensual dissemination of
13 sexual images; providing definitions; stating
14 elements of certain unlawful act; providing
15 exceptions; subjecting convicted persons to
16 forfeiture proceedings; providing penalties;
17 authorizing courts to enter certain orders; providing
18 for codification; and providing an effective date.

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

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

22 A. As used in this section:

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

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

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

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

11 1. Intentionally disseminates an image of another person:

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

13 b. who is identifiable from the image itself or
14 information displayed in connection with the image,
15 and

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

18 2. Disseminates the image with the intent to harass, intimidate
19 or coerce the person, or under circumstances in which a reasonable
20 person would know or understand that dissemination of the image
21 would harass, intimidate or coerce the person;

22 3. Obtains the image under circumstances in which a reasonable
23 person would know or understand that the image was to remain
24 private; and

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

3 C. The provisions of this section shall not apply to the
4 intentional dissemination of an image of another identifiable person
5 who is engaged in a sexual act or whose intimate parts are exposed
6 when:

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

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

11 3. The images involve voluntary exposure in public or
12 commercial settings; or

13 4. The dissemination serves a lawful purpose.

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

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

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

23 3. A telecommunications network or broadband provider.
24

1 E. A person convicted under this section is subject to the
2 forfeiture provisions in Section 1040.54 of Title 21 of the Oklahoma
3 Statutes.

4 F. Any person who violates the provisions of this section shall
5 be guilty of a misdemeanor punishable by imprisonment in a county
6 jail for not more than one (1) year or by a fine of not more than
7 One Thousand Dollars (\$1,000.00), or both such fine and
8 imprisonment.

9 G. The court shall have the authority to order the defendant to
10 remove the disseminated image should the court find it is in the
11 power of the defendant to do so.

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

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14 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
15 dated 04/06/2016 - DO PASS, As Amended and Coauthored.
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