

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

February 24, 2016

AS AMENDED

SENATE BILL NO. 1257

By: Holt and Stanislawski

```
[ 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. For the purposes of 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.

3. "Sexual act" means sexual intercourse including genital, anus or oral sex.

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

1. Intentionally disseminates an image of another person:

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

1 b. who is identifiable from the image itself or
2 information displayed in connection with the image,
3 and

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

6 2. Obtains the image under circumstances in which a reasonable
7 person who knows or understands that the image was to remain
8 private; and

9 3. Knows or should have known that the person in the image has
10 not consented to the dissemination.

11 C. The following activities are exempt from the provisions of
12 this section:

13 1. The intentional dissemination of an image of another
14 identifiable person who is engaged in a sexual act or whose intimate
15 parts are exposed when the dissemination is made for the purpose of
16 a criminal investigation that is otherwise lawful;

17 2. The intentional dissemination of an image of another
18 identifiable person who is engaged in a sexual act or whose intimate
19 parts are exposed when the dissemination is for the purpose of, or
20 in connection with, the reporting of unlawful conduct;

21 3. The intentional dissemination of an image of another
22 identifiable person who is in engaged in a sexual act or whose
23 intimate parts are exposed when the images involve voluntary
24 exposure in public or commercial settings; or

1 4. The intentional dissemination of an image of another
2 identifiable person who is engaged in a sexual act or whose intimate
3 parts are exposed when the dissemination serves a lawful purpose.

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

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

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

13 3. A telecommunications network or broadband provider.

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

16 F. Any person who violates the provisions of this section shall
17 be guilty of a misdemeanor; provided, however, that upon a second or
18 subsequent violation of this section, he or she shall be guilty of a
19 felony, and upon conviction thereof, shall be punished by
20 imprisonment of not less than one (1) year, a fine of not more than
21 Twenty-Five Thousand Dollars (\$25,000.00), or both.

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

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
24 February 24, 2016 - DO PASS AS AMENDED