

1 ENGROSSED HOUSE
2 BILL NO. 1811

By: Loring of the House

3 and

4 Shaw of the Senate

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7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 1024.4, as amended by Section
9 1, Chapter 32, O.S.L. 2016 (21 O.S. Supp. 2016,
10 Section 1024.4), which relates to the destruction of
11 obscene material or child pornography; clarifying
12 procedures related to the destruction of obscene
13 material or child pornography; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1024.4, as
17 amended by Section 1, Chapter 32, O.S.L. 2016 (21 O.S. Supp. 2016,
18 Section 1024.4), is amended to read as follows:

19 Section 1024.4 Upon final conviction of the accused and any
20 codefendant, ~~any the~~ magistrate, or law enforcement agency ~~or~~
21 ~~district attorney~~ shall, with the consent of the district attorney,
22 cause any obscene material or child pornography, in respect whereof
23 the accused and any codefendant stands convicted and which remains
24 in the possession or control of such magistrate, law enforcement
agency or district attorney, to be destroyed including, but not
limited to, the destruction of any computer, hard drive or other

1 electronic storage media of the accused or codefendant on which such
2 obscene material or child pornography was located. For purposes of
3 this section, "final conviction" includes the exhaustion of or
4 failure to timely pursue post-conviction and state and federal
5 habeas corpus review.

6 SECTION 2. This act shall become effective November 1, 2017.

7 Passed the House of Representatives the 6th day of March, 2017.

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10 Presiding Officer of the House
of Representatives

11 Passed the Senate the ____ day of _____, 2017.

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14 Presiding Officer of the Senate