

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1811

By: Loring

7 AS INTRODUCED

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

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

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

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

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

7 SECTION 2. This act shall become effective November 1, 2017.
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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND
10 CORRECTIONS, dated 02/08/2017 - DO PASS.
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