OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 6, 2022

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB1522

By: Standridge of the Senate and Humphrey of the House

Title: Crimes and punishments; penalties for cockfighting; scope of definition; reducing penalties for certain unlawful acts. Effective date.

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together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.

2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES:

Standridge

Weaver

Paxton

Jech

Matthews

Rader

Brooks

HOUSE CONFEREES:

Conference Committee on Criminal Justice and Corrections

Senate Action_____Date_____ House Action_____Date_____

SB1522 CCR (A)

HOUSE CONFEREES

Ford, Ross



Hardin, David

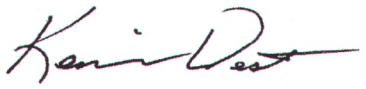


Humphrey, Justin



Turner, Mauree

West, Kevin



STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1522

By: Standridge of the Senate

and

Humphrey, Roberts (Dustin), and Townley of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 2021, Sections 1040.75 and 1792, which relate to definitions concerning display of harmful materials and trespass with respect to critical infrastructure facilities; modifying elements of certain definition; providing for criminal liability for loitering; providing certain definition; modifying definition; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1040.75, is amended to read as follows:

Section 1040.75. As used in Sections 1040.75 through 1040.77 of this title:

1. "Minor" means any unmarried person under the age of eighteen (18) years;

2. "Harmful to minors" means:

a. that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when the material or performance, taken as a whole, has the following characteristics:

(1) the average person eighteen (18) years of age or older applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors, and

(2) the average person eighteen (18) years of age or older applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors, and

(3) the material or performance lacks serious literary, scientific, medical, artistic, or political value for minors, or

b. any description, exhibition, presentation or representation, in whatever form, of inappropriate violence~~.~~, or

c. any adult that knowingly gives obscene material to a minor without either direct parental or guardian supervision or informed consent of the minor's guardian or parent, or

d. any adult that knowingly gives obscene material to a vulnerable person, which shall include, but not be limited to, a person with intellectual or developmental disabilities or a person experiencing homelessness;

3. "Inappropriate violence" means any description or representation, in an interactive video game or computer software, of violence which, taken as a whole, has the following characteristics:

a. the average person eighteen (18) years of age or older applying contemporary community standards would find that the interactive video game or computer software is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors, and

b. the interactive video game or computer software lacks serious literary, scientific, medical, artistic, or

political value for minors based on, but not limited to, the following criteria:

(1) is glamorized or gratuitous,

(2) is graphic violence used to shock or stimulate,

(3) is graphic violence that is not contextually relevant to the material,

(4) is so pervasive that it serves as the thread holding the plot of the material together,

(5) trivializes the serious nature of realistic violence,

(6) does not demonstrate the consequences or effects of realistic violence,

(7) uses brutal weapons designed to inflict the maximum amount of pain and damage,

(8) endorses or glorifies torture or excessive weaponry, or

(9) depicts lead characters who resort to violence freely;

4. "Nudity" means the:

a. showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering,

b. showing of the female breast with less than a full opaque covering of any portion of the female breast below the top of the nipple, or

c. depiction of covered male genitals in a discernibly turgid state;

5. "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast;

6. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal;

7. "Sadomasochistic abuse" means flagellation or torture by or upon a person clothed or naked or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed or naked;

8. "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, CD-ROM disk, Magnetic Disk Memory, Magnetic Tape Memory, video tape, computer software or video game;

9. "CD-ROM" means a compact disk with read only memory which has the capacity to store audio, video and written materials and may be used by computer to play or display materials harmful to minors;

10. "Magnetic Disk Memory" means a memory system that stores and retrieves binary data on record-like metal or plastic disks

coated with a magnetic material~~,~~ including but not limited to floppy diskettes;

11. "Magnetic Tape Memory" means a memory system that stores and retrieves binary data on magnetic recording tape;

12. "Performance" means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration;

13. "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

a. the character and content of any material or performance which is reasonably susceptible of examination by the defendant, and

b. the age of the minor. However, an honest mistake~~,~~ shall constitute an excuse from liability pursuant to ~~this act~~ Section 1040.75 et seq. of this title if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor;

14. "Person" means any individual, partnership, association, corporation, or other legal entity of any kind; and

15. "A reasonable bona fide attempt" means an attempt to ascertain the true age of the minor by requiring production of a driver license, marriage license, birth certificate or other

governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

SECTION 2. AMENDATORY 21 O.S. 2021, Section 1792, is amended to read as follows:

Section 1792. A. Any person who shall willfully trespass or enter or loiter upon property containing a critical infrastructure facility without permission by the owner of the property or lawful occupant thereof shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term of six (6) months, or by both such fine and imprisonment. If it is determined the intent of the trespasser is to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility, the person shall, upon conviction, be guilty of a felony punishable by a fine of not less than Ten Thousand Dollars ($10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of one (1) year, or by both such fine and imprisonment.

B. Any person who shall willfully damage, destroy, vandalize, deface or tamper with equipment in a critical infrastructure facility shall, upon conviction, be guilty of a felony punishable by a fine of One Hundred Thousand Dollars ($100,000.00), or by imprisonment in the custody of the Department of Corrections for a

term of not more than ten (10) years, or by both such fine and imprisonment.

C. If an organization is found to be a conspirator with persons who are found to have committed any of the crimes described in subsection A or B of this section, the conspiring organization shall be punished by a fine that is ten times the amount of ~~said~~ the fine authorized by the appropriate provision of this section.

D. As used in this section, "loiter" means standing or waiting around idly or without apparent or rational purpose.

~~D.~~ E. As used in this section, "critical infrastructure facility" means:

1. One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization:

a. a petroleum or alumina refinery,

b. an electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure,

c. a chemical, polymer or rubber manufacturing facility,

d. a water intake structure, water treatment facility, wastewater treatment plant or pump station,

e. a natural gas compressor station,

f. a liquid natural gas terminal or storage facility,

g. a telecommunications central switching office,

h. wireless telecommunications infrastructure~~,~~ including cell towers, telephone poles and lines~~,~~ including fiber optic lines,

i. a port, railroad switching yard, railroad tracks, trucking terminal or other freight transportation facility,

j. a gas processing plant~~,~~ including a plant used in the processing, treatment or fractionation of natural gas or natural gas liquids,

k. a transmission facility used by a federally licensed radio or television station,

l. a steelmaking facility that uses an electric arc furnace to make steel,

m. a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program,

n. a dam that is regulated by the state or federal government,

o. a natural gas distribution utility facility including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station and a natural gas storage facility, or

p. a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility; ~~or~~

2. Any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility or other storage facility that is enclosed by a fence, other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders; or

3. Any county-owned property including, but not limited to, courthouses and detention centers.

SECTION 3. This act shall become effective November 1, 2022.

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