

An Act

ENROLLED SENATE
BILL NO. 53

By: Rader of the Senate

and

West (Tammy) of the House

An Act relating to child sexual abuse material; amending Section 1, Chapter 181, O.S.L. 2024 (15 O.S. Supp. 2024, Section 791), which relates to definitions; modifying term; amending 21 O.S. 2021, Section 843.5, as amended by Section 2, Chapter 151, O.S.L. 2024 (21 O.S. Supp. 2024, Section 843.5), which relates to child abuse; modifying term; amending 21 O.S. 2021, Section 1040.12a, as amended by Section 3, Chapter 103, O.S.L. 2024 (21 O.S. Supp. 2024, Section 1040.12a), which relates to possession of child sexual abuse material; modifying term; amending 21 O.S. 2021, Section 1024.1, as amended by Section 2, Chapter 103, O.S.L. 2024 (21 O.S. Supp. 2024, Section 1024.1), which relates to definitions; modifying term; updating statutory language; and providing an effective date.

SUBJECT: Child sexual abuse material

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

SECTION 1. AMENDATORY Section 1, Chapter 181, O.S.L. 2024 (15 O.S. Supp. 2024, Section 791), is amended to read as follows:

Section 791. As used in this act:

1. "Child ~~pornography~~ sexual abuse material" means the same as used in Section 1024.1 of Title 21 of the Oklahoma Statutes;

2. "Child sexual exploitation" means the same as used in Section 843.5 of Title 21 of the Oklahoma Statutes;

3. "Commercial entity" means a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized entity;

4. "Digitized identification card" means a data file available on any mobile device, which has connectivity to the Internet, through a state-approved application that allows the mobile device to download the data file from a state agency or any authorized agent of a state agency that contains all of the data elements visible on the face and back of a license or identification card and displays the current state of the licensed or identification card;

5. "Distribute" means to issue, sell, give, provide, deliver, transfer, transmit, circulate, or disseminate by any means;

6. "Harmful to minors" means the same as ~~terms~~ defined in ~~Sections~~ Section 1040.75 ~~through 1040.77~~ of Title 21 of the Oklahoma Statutes;

7. "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks;

8. "Minor" means any person eighteen (18) years of age or younger;

9. "News-gathering organization" means any of the following:

- a. an employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, while operating as an employee as provided in this subsection, who can provide documentation of such employment with the newspaper, news publication, or news source, or
- b. an employee of a radio broadcast station, television broadcast station, cable television operator, or wire service while operating as an employee as provided in this subsection, who can provide documentation of such employment;

10. ~~"Obscene material"~~ "Obscene" means the same as used in Section 1024.1 of Title 21 of the Oklahoma Statutes;

11. "Publish" means to communicate or make information available to another person or entity on a publicly available Internet website;

12. "Reasonable age verification methods" means verifying that the person seeking access to the available material is eighteen (18) years of age or older by using the following methods:

- a. use of a digitized identification card as defined in this section,
- b. verification through an independent, third-party age verification service that compares the personal information entered by the individual who is seeking access to the material that is available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for purpose of age and identity verification, or
- c. any commercially reasonable method that relies on public or private transactional data to verify the age of the person attempting to access the material;

13. "Substantial portion" means when more than a third of the total material available on the website meets the definition of material harmful to minors as defined in this section; and

14. "Transactional data" means a sequence of information that documents as exchange, agreement, or transfer between an individual, commercial entity, or a third party used for the purpose of satisfying a request or event. Transactional data may include, but not be limited to, records from mortgage, education, and employment entities.

SECTION 2. AMENDATORY 21 O.S. 2021, Section 843.5, as amended by Section 2, Chapter 151, O.S.L. 2024 (21 O.S. Supp. 2024, Section 843.5), is amended to read as follows:

Section 843.5. A. Any person who shall willfully or maliciously engage in child abuse, as defined in this section, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

B. Any person responsible for the health, safety, or welfare of a child who shall willfully or maliciously engage in enabling child abuse, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

C. Any person responsible for the health, safety, or welfare of a child who shall willfully or maliciously engage in child neglect, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

D. Any parent or other person who shall willfully or maliciously engage in enabling child neglect shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

E. Any person responsible for the health, safety, or welfare of a child who shall willfully or maliciously engage in child sexual abuse, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~of~~ not less

than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment, except as provided in Section 51.1a of this title or as otherwise provided in subsection F of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

F. Any person responsible for the health, safety, or welfare of a child who shall willfully or maliciously engage in child sexual abuse, as defined in this section, to a child under twelve (12) years of age shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

G. Any parent or other person who shall willfully or maliciously engage in enabling child sexual abuse shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

H. Any person who shall willfully or maliciously engage in child sexual exploitation, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment, except as provided in subsection I of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to

imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

I. Any person who shall willfully or maliciously engage in child sexual exploitation, as defined in this section, of a child under twelve (12) years of age shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

J. Any person responsible for the health, safety, or welfare of a child who shall willfully or maliciously engage in enabling child sexual exploitation, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

K. Notwithstanding any other provision of law, any person convicted of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd molestation of a child under fourteen (14) years of age subsequent to a previous conviction for any offense of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd molestation of a child under fourteen (14) years of age shall be punished by death or by imprisonment for life without parole.

L. Provided, however, that nothing contained in this section shall prohibit any parent or guardian from using reasonable and ordinary force pursuant to Section 844 of this title.

M. Consent shall not be a defense for any violation provided for in this section.

N. Notwithstanding the age requirements of other statutes referenced within this section, this section shall apply to any child under eighteen (18) years of age.

O. As used in this section:

1. "Child abuse" means:

- a. the willful or malicious harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child under eighteen (18) years of age by a person responsible for a child's health, safety, or welfare, or
- b. the act of willfully or maliciously injuring, torturing, or maiming a child under eighteen (18) years of age by any person;

2. "Child neglect" means the willful or malicious neglect, as defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of a child under eighteen (18) years of age by a person responsible for a child's health, safety, or welfare;

3. "Child sexual abuse" means the willful or malicious sexual abuse of a child under eighteen (18) years of age by a person responsible for a child's health, safety, or welfare and includes, but is not limited to:

- a. sexual intercourse,
- b. penetration of the vagina or anus, however slight, by an inanimate object or any part of the human body not amounting to sexual intercourse,
- c. sodomy,
- d. incest, or
- e. a lewd act or proposal, as defined in this section;

4. "Child sexual exploitation" means the willful or malicious sexual exploitation of a child under eighteen (18) years of age by another and includes, but is not limited to:

- a. human trafficking, as provided for in Section 748 of this title, if the offense involved child trafficking for commercial sex,
- b. trafficking in children, as provided for in Section 866 of this title, if the offense was committed for the sexual gratification of any person,
- c. procuring or causing the participation of a minor in child ~~pornography~~ sexual abuse material, as provided for in Section 1021.2 of this title,
- d. purchase, procurement, or possession of child ~~pornography~~ sexual abuse material, as provided for in Section 1024.2 of this title,
- e. engaging in or soliciting prostitution, as provided for in Section 1029 of this title, if the offense involved child sex trafficking,
- f. publication, distribution, or participation in the preparation of obscene material, as provided for in Section 1040.8 of this title, if the offense involved child ~~pornography~~ sexual abuse material,
- g. aggravated possession of child ~~pornography~~ sexual abuse material, as provided for in Section 1040.12a of this title,
- h. sale or distribution of obscene material, as provided for in Section 1040.13 of this title,
- i. soliciting sexual conduct or communication with a minor by use of technology, as provided for in Section 1040.13a of this title,

- j. offering or transporting a child for purposes of child sex trafficking, as provided for in Section 1087 of this title, and
- k. child sex trafficking, as provided for in Section 1088 of this title;

5. "Enabling child abuse" means the causing, procuring, or permitting of child abuse by a person responsible for a child's health, safety, or welfare;

6. "Enabling child neglect" means the causing, procuring, or permitting of child neglect by a person responsible for a child's health, safety, or welfare;

7. "Enabling child sexual abuse" means the causing, procuring, or permitting of child sexual abuse by a person responsible for a child's health, safety, or welfare;

8. "Enabling child sexual exploitation" means the causing, procuring, or permitting of child sexual exploitation by a person responsible for a child's health, safety, or welfare;

9. "Incest" means marrying, committing adultery, or fornicating with a child by a person responsible for the health, safety, or welfare of a child;

10. "Lewd act or proposal" means:

- a. making any oral, written, or electronic or computer-generated lewd or indecent proposal to a child for the child to have unlawful sexual relations or sexual intercourse with any person,
- b. looking upon, touching, mauling, or feeling the body or private parts of a child in a lewd or lascivious manner or for the purpose of sexual gratification,
- c. asking, inviting, enticing, or persuading any child to go alone with any person to a secluded, remote, or secret place for a lewd or lascivious purpose,

- d. urinating or defecating upon a child or causing, forcing, or requiring a child to defecate or urinate upon the body or private parts of another person for the purpose of sexual gratification,
- e. ejaculating upon or in the presence of a child,
- f. causing, exposing, forcing, or requiring a child to look upon the body or private parts of another person for the purpose of sexual gratification,
- g. causing, forcing, or requiring any child to view any obscene materials, child ~~pornography~~ sexual abuse material or materials deemed harmful to minors as such terms are defined in Sections 1024.1 and 1040.75 of this title,
- h. causing, exposing, forcing, or requiring a child to look upon sexual acts performed in the presence of the child for the purpose of sexual gratification, or
- i. causing, forcing, or requiring a child to touch or feel the body or private parts of the child or another person for the purpose of sexual gratification;

11. "Permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of the conduct or harm proscribed by this section;

12. "Person responsible for a child's health, safety, or welfare" for purposes of this section shall include, but not be limited to:

- a. the parent of the child,
- b. the legal guardian of the child,
- c. the custodian of the child,
- d. the foster parent of the child,

- e. a person eighteen (18) years of age or older with whom the parent of the child cohabitates, who is at least three (3) years older than the child,
- f. any other person eighteen (18) years of age or older residing in the home of the child, who is at least three (3) years older than the child,
- g. an owner, operator, agent, employee, or volunteer of a public or private residential home, institution, facility, or day treatment program, as defined in Section 175.20 of Title 10 of the Oklahoma Statutes, that the child attended,
- h. an owner, operator, agent, employee, or volunteer of a child care facility, as defined in Section 402 of Title 10 of the Oklahoma Statutes, that the child attended,
- i. an intimate partner of the parent of the child, as defined in Section 60.1 of Title 22 of the Oklahoma Statutes, or
- j. a person who has voluntarily accepted responsibility for the care or supervision of a child;

13. "Sexual intercourse" means the actual penetration, however slight, of the vagina or anus by the penis; and

14. "Sodomy" means:

- a. penetration, however slight, of the mouth of the child by a penis,
- b. penetration, however slight, of the vagina of a person responsible for a child's health, safety, or welfare, by the mouth of a child,
- c. penetration, however slight, of the mouth of the person responsible for a child's health, safety, or welfare by the penis of the child, or

- d. penetration, however slight, of the vagina of the child by the mouth of the person responsible for a child's health, safety, or welfare.

SECTION 3. AMENDATORY 21 O.S. 2021, Section 1040.12a, as amended by Section 3, Chapter 103, O.S.L. 2024 (21 O.S. Supp. 2024, Section 1040.12a), is amended to read as follows:

Section 1040.12a. A. Any person who, with knowledge of its contents, possesses one hundred (100) or more separate visual depictions of child ~~pornography~~ sexual abuse material shall, upon conviction, be guilty of aggravated possession of child ~~pornography~~ sexual abuse material. The violator shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding life imprisonment and by a fine ~~in an amount of~~ not more than Ten Thousand Dollars (\$10,000.00). The violator, upon conviction, shall be required to register as a sex offender under the Sex Offenders Registration Act.

B. For purposes of this section:

1. Multiple copies of the same identical material shall each be counted as a separate item; and

2. The terms "child ~~pornography~~ sexual abuse material" and "visual depictions" mean the same definitions provided by Section 1024.1 of this title.

SECTION 4. AMENDATORY 21 O.S. 2021, Section 1024.1, as amended by Section 2, Chapter 103, O.S.L. 2024 (21 O.S. Supp. 2024, Section 1024.1), is amended to read as follows:

Section 1024.1. A. As used in Sections 1021, 1021.1 through 1021.4, Sections 1022, 1023, and Sections 1040.8 through 1040.24 of this title, "child ~~pornography~~ sexual abuse material" means:

1. Any visual depiction of a child engaged in any act of sexually explicit conduct;

2. Any visual depiction of a child that has been adapted, altered, or modified so that the child depicted appears to be engaged in any act of sexually explicit conduct; or

3. Any visual depiction that appears to be a child, regardless of whether the image is a depiction of an actual child, a computer-generated image, or an image altered to appear to be a child, engaged in any act of sexually explicit conduct, and such visual depiction is obscene.

B. Each visual depiction or individual image of child pornography shall constitute a separate item and act.

C. As used in Sections 1021 through 1024.4 and Sections 1040.8 through 1040.24 of this title:

1. "Child" means a person under eighteen (18) years of age;

2. "Obscene" means any performance or depiction, in any form or on any medium, if ~~said~~ the material when taken as a whole:

- a. appeals to the prurient interest in sex as determined by the average person applying the contemporary standards of their community,
- b. depicts, represents, or displays sexually explicit conduct in a patently offensive way, and
- c. a reasonable person would find the material or performance lacks serious literary, artistic, educational, political, or scientific value;

3. "Performance" means any display, live, recorded, or transmitted, in any form or medium;

4. "Sexually explicit conduct" means any of the following whether actual or simulated:

- a. acts of sexual intercourse,
- b. acts of oral and anal sodomy,
- c. acts of masturbation,
- d. acts of sexual activity with an animal,

e. acts of sadomasochism including:

- (1) flagellation or torture by or upon any person who is nude or clad in undergarments or in a costume which is of a revealing nature, or
- (2) the condition of being fettered, bound, or otherwise physically restrained on the part of one who is nude or so clothed,

f. acts of excretion in a sexual context, or

g. exhibiting genitalia, breast, or pubic area for the purpose of the sexual stimulation of the viewer;

5. "Explicit child ~~pornography~~ sexual abuse material" means material which a law enforcement officer can immediately identify as child ~~pornography~~ sexual abuse material; and

6. "Visual depiction" means any depiction, picture, movie, performance, or image displayed, stored, shared, or transmitted in any format and on any medium including data that is capable of being converted into a depiction, picture, movie, performance, or image.

SECTION 5. This act shall become effective November 1, 2025.

Passed the Senate the 10th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 29th day of April, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____