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April 17, 2025

ENGROSSED HOUSE
BILL NO. 1364

By: Hasenbeck and Lepak of the
House

and

Alvord of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1040.13b, as amended by Section 1, Chapter 214, O.S.L. 2024 (21 O.S. Supp. 2024, Section 1040.13b), which relates to the Oklahoma Law on Obscenity and Child Sexual Abuse Material; defining terms; making certain acts unlawful; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1040.13b, as amended by Section 1, Chapter 214, O.S.L. 2024 (21 O.S. Supp. 2024, Section 1040.13b), is amended to read as follows:

Section 1040.13b. A. As used in this section:

1. "Artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments, including the ability to:

a. perceive real and virtual environments,

b. abstract perceptions made under this paragraph into
models through analysis in an automated manner, and

1 c. use model inference to formulate options for
2 information or action based on outcomes under
3 subparagraphs a and b of this paragraph.

4 The term includes generative artificial intelligence;

5 2. "Artificially generated sexual depiction" means a visual
6 depiction:

7 a. that appears to authentically depict an individual in
8 a state of nudity or engaged in sexual conduct that
9 did not occur in reality, and

10 b. the production of which was substantially dependent
11 upon technical means, including artificial
12 intelligence or photo editing software, rather than
13 the ability of another person to physically
14 impersonate the other person;

15 3. "Generative artificial intelligence" means the class of
16 models that emulate the structure and characteristics of input data
17 in order to generate derived synthetic content, including
18 information such as images, videos, audio clips, or text, that has
19 been significantly modified or generated by algorithms, including by
20 artificial intelligence;

21 4. "Image" includes a photograph, film, videotape, digital
22 recording or other depiction or portrayal of an object, including a
23 human body;

1 ~~2.~~ 5. "Intimate parts" means the fully unclothed, partially
2 unclothed or transparently clothed genitals, pubic area or female
3 adult nipple; ~~and~~

4 ~~3.~~ 6. "Sexual act" means sexual intercourse including genital,
5 anal or oral sex; and

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

10 B. 1. A person commits nonconsensual dissemination of private
11 sexual images when he or she:

12 ~~1.—Intentionally~~

13 a. intentionally disseminates an image of another person
14 who is engaged in a sexual act or whose intimate parts
15 are exposed, in whole or in part~~+~~,

16 ~~2.—Obtains~~

17 b. obtains the image under circumstances in which a
18 reasonable person would know or understand that the
19 image was to remain private~~+~~, and

20 ~~3.—Disseminates~~

21 c. disseminates the image without the effective consent
22 of the depicted person.

23 2. A person commits nonconsensual dissemination of private
24 sexual images when he or she:

- 1 a. disseminates an artificially generated sexual
2 depiction of another person with the intent or with
3 reckless disregard to harass, annoy, threaten, alarm,
4 or cause physical, emotional, reputational, or
5 economic harm to the depicted person, and
6 b. disseminates the artificially generated sexual
7 depiction without the effective consent of the
8 depicted person.

9 C. The provisions of this section shall not apply to the
10 intentional dissemination of an image or artificially generated
11 sexual depiction of another identifiable person who is engaged in a
12 sexual act or whose intimate parts are exposed when:

- 13 1. The dissemination is made for the purpose of a criminal
14 investigation that is otherwise lawful;
15 2. The dissemination is for the purpose of, or in connection
16 with, the reporting of unlawful conduct;
17 3. The images or artificially generated sexual depictions
18 involve voluntary exposure in public or commercial settings; or
19 4. The dissemination serves a lawful purpose.

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

- 23 1. An interactive computer service, as defined in 47 U.S.C.,
24 Section 230(f)(2);

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

5 3. A telecommunications network or broadband provider.

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

8 F. Any person who violates the provisions of subsection B of
9 this section shall, upon conviction, be guilty of a misdemeanor
10 punishable by imprisonment in a county jail for not more than one
11 (1) year or by a fine of not more than One Thousand Dollars
12 (\$1,000.00), or both such fine and imprisonment.

13 G. Any person who violates or attempts to violate the
14 provisions of subsection B of this section and who gains or attempts
15 to gain any property or who gains or attempts to gain anything of
16 value as a result of the nonconsensual dissemination or threatened
17 dissemination of private sexual images or artificially generated
18 sexual depictions shall, upon conviction, be guilty of a felony
19 punishable by imprisonment in the custody of the Department of
20 Corrections for not more than five (5) years. A second or
21 subsequent violation of this subsection shall be a felony punishable
22 by imprisonment in the custody of the Department of Corrections for
23 not more than ten (10) years and the offender shall be required to
24 register as a sex offender under the Sex Offenders Registration Act.

1 H. The state shall not have the discretion to file a
2 misdemeanor charge, pursuant to Section 234 of Title 22 of the
3 Oklahoma Statutes, for a violation pursuant to subsection G of this
4 section.

5 I. The court shall have the authority to order the defendant to
6 remove the disseminated image or artificially generated sexual
7 depictions should the court find it is in the power of the defendant
8 to do so.

9 J. Nothing in this section shall prohibit the prosecution of a
10 person pursuant to the provisions of Section 1021.2, 1021.3, 1024.1,
11 1024.2, or 1040.12a of this title or any other applicable statute.

12 K. Any person who violates the provisions of subsection B of
13 this section by disseminating three or more images or artificially
14 generated sexual depictions within a six-month period shall, upon
15 conviction, be guilty of a felony punishable by imprisonment in the
16 custody of the Department of Corrections for not more than ten (10)
17 years.

18 SECTION 2. This act shall become effective November 1, 2025.

19 COMMITTEE REPORT BY: COMMITTEE ON TECHNOLOGY AND TELECOMMUNICATIONS
20 April 17, 2025 - DO PASS
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