

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1982

By: Deever

6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2021, Sections 1024.1, as last amended by
9 Section 4, Chapter 29, O.S.L. 2025, 1024.2, as last
10 amended by Section 51, Chapter 486, O.S.L. 2025, and
11 1040.8, as last amended by Section 72, Chapter 486,
12 O.S.L. 2025 (21 O.S. Supp. 2025, Sections 1024.1,
13 1024.2, and 1040.8), which relate to obscenity and
14 child sexual abuse material; updating statutory
15 reference; providing severability clause; authorizing
civil action; providing elements of certain award;
modifying elements of felony offense; creating felony
offenses; providing penalties; authorizing certain
relief; construing provision; modifying elements of
misdemeanor offense; updating statutory language;
requiring internet service providers to take certain
action; providing for codification; and providing an
effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1024.1, as

20 last amended by Section 4, Chapter 29, O.S.L. 2025 (21 O.S. Supp.
21 2025, Section 1024.1), is amended to read as follows:

22 Section 1024.1. A. As used in Sections 1021, 1021.1 through
23 1021.4, Sections 1022, 1023, and Sections 1040.8 through 1040.24 of
24 this title, "child sexual abuse material" means:

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

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

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

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

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

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

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

18 a. appeals to the prurient interest in sex as determined
19 by the average person applying the contemporary
20 standards of ~~their~~ his or her community,

21 b. depicts, represents, or displays sexually explicit
22 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 sexual abuse material" means material which a law enforcement officer can immediately identify as child sexual abuse material; and

1 6. "Unlawful pornography" means any visual depiction or
2 individual image stored or contained in any format on any medium
3 including, but not limited to, film, motion picture, videotape,
4 photograph, negative, undeveloped film, slide, photographic product,
5 reproduction of a photographic product, play, or performance in
6 which a person is engaged in any of the following acts with a
7 person:

- 8 a. sexual intercourse which is normal or perverted,
- 9 b. anal sodomy,
- 10 c. sexual activity with an animal,
- 11 d. sadomasochistic abuse,
- 12 e. flagellation or torture,
- 13 f. physical restraint such as binding or fettering in the
14 context of sexual conduct,
- 15 g. fellatio or cunnilingus,
- 16 h. excretion in the context of sexual conduct,
- 17 i. lewd exhibition of the uncovered genitals in the
18 context of masturbation or other sexual conduct, and
- 19 j. lewd exhibition of the uncovered genitals, buttocks,
20 or, if such person is female, the breast, for the
21 purpose of sexual stimulation of the viewer; and

22 7. "Visual depiction" means any depiction, picture, movie,
23 performance, or image displayed, stored, shared, or transmitted in

1 any format and on any medium including data that is capable of being
2 converted into a depiction, picture, movie, performance, or image.

3 D. It is the intent of the Legislature that every provision,
4 section, subsection, sentence, clause, phrase, or word in the
5 definition of unlawful pornography is severable from each other,
6 such that if any of the listed items is found by a court to be
7 invalid or unconstitutional, the remaining items will be severed and
8 may not be affected. All constitutionally valid applications of
9 this section shall be severed from any application that a court
10 finds to be invalid, leaving the valid applications in force,
11 because it is the intent and priority of the Legislature that the
12 valid applications be allowed to stand alone. Even if a reviewing
13 court finds a provision of this section to be an unconstitutional
14 restraint in a large or substantial fraction of relevant cases, the
15 applications that do not present an unconstitutional restraint shall
16 be severed from the remaining applications and shall remain in
17 force, and shall be treated as if the Legislature had enacted a
18 statute limited to the person, group of persons, or circumstances
19 for which the application of the statute does not present an
20 unconstitutional restraint on protected speech. If any court
21 declares or finds a provision of this section facially
22 unconstitutional, when discrete applications of that provision can
23 be enforced against a persons, group of persons, or circumstances
24 without violating the United States Constitution and Oklahoma

1 Constitution, those applications shall be severed from all remaining
2 applications of the provision, and the provision shall be
3 interpreted as if the Legislature had enacted a provision limited to
4 the person, group of persons, or circumstances for which the
5 provision's application will not violate the United States
6 Constitution and Oklahoma Constitution.

7 E. The Legislature further declares that it would have enacted
8 this section, and each provision, subsection, sentence, clause,
9 phrase, or word, and all constitutional applications of this
10 section, irrespective of the fact that any provision, subsection,
11 sentence, clause, phrase, or word, or application of this section,
12 were to be declared unconstitutional or to represent an
13 unconstitutional restraint. If any provision of this section is
14 found by any court to be unconstitutionally vague, then the
15 applications of that provision that do not present constitutional
16 vagueness problems shall be severed and remain in force. No court
17 may decline to enforce the severability requirements of this section
18 on the grounds that severance would rewrite the statute or involve
19 the court in legislative or lawmaking activity.

20 F. Each of the items of unlawful pornography in paragraph 6 of
21 subsection C of this section are depictions of sexual conduct which
22 are patently offensive under contemporary community standards in
23 this state, and have as their dominant theme an appeal to prurient
24 interest in sex under contemporary community standards of this

1 state, and may not be produced or distributed within the state if
2 they lack serious literary, artistic, educational, political, or
3 scientific purposes or value.

4 G. Any person, other than an officer or employee of a state or
5 local governmental entity in this state, may bring a civil action
6 against any person who:

7 1. Produces or distributes unlawful pornography that lacks
8 serious literary, artistic, educational, political, or scientific
9 purposes or value;

10 2. Knowingly engages in conduct that aids or abets the
11 production or distribution of unlawful pornography that lacks
12 serious literary, artistic, educational, political, or scientific
13 purposes or value; or

14 3. Intends to engage in the conduct provided for in paragraphs
15 1 and 2 of this subsection.

16 H. If a claimant prevails in an action brought under this
17 section, the court shall award:

18 1. Injunctive relief sufficient to prevent the defendant from
19 violating this section or engaging in acts that aid or abet
20 violations of this section;

21 2. Statutory damages not less than Ten Thousand Dollars
22 (\$10,000.00) for each image or depiction produced or distributed
23 within this state; and

24 3. Court costs and attorney fees.

1 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1024.2, as

2 last amended by Section 51, Chapter 486, O.S.L. 2025 (21 O.S. Supp.
3 2025, Section 1024.2), is amended to read as follows:

4 Section 1024.2. A. It shall be unlawful for any person to buy,
5 procure, view, traffic, or possess child sexual abuse material as
6 defined in violation of Sections Section 1024.1 through 1024.4 of
7 this title. Such

8 B. 1. A person who violates subsection A of this section
9 shall, upon conviction, be guilty of a Class B1 felony offense and
10 shall be punished by imprisonment for a period of not more less than
11 twenty (20) ten (10) years or nor more than thirty (30) years, and a
12 fine up to, but not exceeding, Twenty-five Thousand Dollars
13 (\$25,000.00) or by both such fine and imprisonment not to exceed Two
14 Hundred Fifty Thousand Dollars (\$250,000.00). A person who receives
15 a second or subsequent conviction pursuant to this subsection shall
16 be punished by imprisonment in the custody of the Department of
17 Corrections for not less than fifteen (15) years nor more than fifty
18 (50) years, and a fine not to exceed Three Hundred Thousand Dollars
19 (\$300,000.00).

20 2. For purposes of this section, "trafficking pornography"
21 means the production, sale, distribution, transportation, or
22 dissemination of pornography through any medium, including physical
23 or electronic means, for financial or material gain or with intent
24 to exploit.

1 a. Trafficking of child sexual abuse material or unlawful
2 pornography conducted through organized operations
3 shall be punishable by imprisonment in the custody of
4 the Department of Corrections for a term not more than
5 forty (40) years nor less than fifteen (15) years, and
6 a fine not to exceed Five Hundred Thousand Dollars
7 (\$500,000.00)).

8 b. Victims of trafficking offenses may recover statutory
9 damages not less than Fifty Thousand Dollars
10 (\$50,000.00) per occurrence, attorney fees, and
11 injunctive relief.

12 This section shall not be construed to prevent spouses from
13 sending images of a sexual nature to each other.

14 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1040.8, as
15 last amended by Section 72, Chapter 486, O.S.L. 2025 (21 O.S. Supp.
16 2025, Section 1040.8), is amended to read as follows:

17 Section 1040.8. A. No person shall knowingly photograph, act
18 in, pose for, model for, print, sell, offer for sale, give away,
19 exhibit, publish, offer to publish, or otherwise distribute,
20 display, or exhibit any book, magazine, story, pamphlet, paper,
21 writing, card, advertisement, circular, print, picture, photograph,
22 motion picture film, electronic video game or recording, image,
23 cast, slide, figure, instrument, statue, drawing, presentation, or
24 other article which is obscene material, unlawful pornography, or

1 child sexual abuse material, as defined in Section 1024.1 of this
2 title. In the case of any unsolicited mailing of any of the
3 material listed in this section, the offense is deemed complete from
4 the time such material is deposited in any post office or delivered
5 to any person with intent that it shall be forwarded. Also, unless
6 preempted by federal law, no unsolicited mail which is harmful to
7 minors ~~pursuant to~~ as defined in Section 1040.75 of this title shall
8 be mailed to any person. The party mailing the materials specified
9 in this section may be indicted and tried in any county wherein such
10 material is deposited or delivered, or in which it is received by
11 the person to whom it is addressed.

12 B. Any person who violates any provision of this section
13 involving obscene materials or unlawful pornography, upon
14 conviction, shall be guilty of a misdemeanor and shall be punished
15 by imprisonment in the county jail for not more than one (1) year,
16 or by a fine ~~of~~ not less than Two Thousand Dollars (\$2,000.00), or
17 by both such fine and imprisonment.

18 C. Any person who violates any provision of this section
19 involving child sexual abuse material, upon conviction, shall be
20 guilty of a Class B2 felony offense and shall be punished by
21 imprisonment in the custody of the Department of Corrections for not
22 less than three (3) years and not more than twenty (20) years, or by
23 a fine ~~of~~ not less than Ten Thousand Dollars (\$10,000.00), or by
24 both such fine and imprisonment. Any person convicted of a second

1 or subsequent violation shall, upon conviction, be punished by
2 imprisonment in the custody of the Department of Corrections for not
3 less than ten (10) years and not more than thirty (30) years, or by
4 a fine ~~of~~ not less than Twenty Thousand Dollars (\$20,000.00), or by
5 both such fine and imprisonment. The violator, upon conviction,
6 shall be required to register as a sex offender under the Sex
7 Offenders Registration Act.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1040.8a of Title 21, unless
10 there is created a duplication in numbering, reads as follows:

11 Any internet service provider that provides internet access to
12 customers in this state shall implement filtering technology that
13 prevents any person from accessing child sexual abuse material,
14 obscene materials, or unlawful pornography as defined in Section
15 1024.1 of Title 21 of the Oklahoma Statutes.

16 SECTION 5. This act shall become effective November 1, 2026.

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