

1 ENGROSSED HOUSE AMENDMENT
TO

2 ENGROSSED SENATE BILL NO. 1994

By: Standridge, Bullard,
Hamilton, and Jett of the
Senate

4 and

5 O'Donnell of the House

8 An Act relating to obscene material; amending 21 O.S.
2021, Section 1024.1, which relates to definitions;
9 updating statutory references; modifying definitions;
10 updating statutory language; and providing an
effective date.

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13 AUTHORS: Remove Representative O'Donnell as principal House author
and substitute with Representative Ford

14

15 Add the following House Coauthors: O'Donnell, Worthen,
Echols, Crosswhite Hader, Hays, Stark, Staires, Cantrell,
and Townley

16

17 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:

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19 "An Act relating to unlawful occupation of property;
authorizing property owners or their authorized
20 agents to request assistance from the sheriff from
where the property is located for the immediate
21 removal of unauthorized occupants under certain
conditions; requiring such owners or agents to submit
22 completed and verified complaints; specifying
requirements for complaints; providing requirements
23 for the sheriff; authorizing sheriffs to arrest
unauthorized occupants for legal cause; providing fee
24 for service of such notice; authorizing owners or

1 agents to request that sheriffs stand by while the
2 owner or agent takes possession of the property;
3 authorizing sheriffs to charge a reasonable hourly
4 rate; exempting sheriffs from liability to any party
5 for loss, destruction, or damage; exempting property
6 owners or agents from liability to any party for the
7 loss, destruction, or damage to personal property
8 unless it was wrongfully removed; providing civil
9 remedies; providing criminal penalties for certain
10 persons who cause intentional damages to the
11 property; providing criminal penalties for persons
12 who present false documents purporting to be valid
13 lease agreements, deeds, or other instruments
14 conveying real property rights; prohibiting use of
15 act to circumvent rights or laws governing the
16 landlord-tenant relationship; providing for
17 codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1354 of Title 21, unless there
is created a duplication in numbering, reads as follows:

A. A property owner or his or her authorized agent may request
from the sheriff of the county in which the property is located the
immediate removal of a person or persons unlawfully occupying real
property pursuant to this section if all of the following conditions
are met:

1. The requesting person is the property owner or authorized
agent of the property owner;

2. An unauthorized person or persons have unlawfully entered
and remain or continue to reside on the property owner's property;

1 3. The real property was not open to members of the public at
2 the time the unauthorized person or persons entered;

3 4. The property owner or their agent has directed the
4 unauthorized persons to leave the property;

5 5. The unauthorized person or persons are not current or former
6 tenants pursuant to a written or oral rental agreement authorized by
7 the property owner;

8 6. The unauthorized person cannot produce documentation,
9 correspondence, or identification cards sent or issued by a
10 government agency, including, but not limited to, Service Oklahoma
11 or the Election Board, which show that the person used the property
12 address as an address of record with the agency within the previous
13 twelve (12) months;

14 7. The unauthorized person cannot produce a lease signed by the
15 property owner or their agent;

16 8. The unauthorized person or persons are not immediate family
17 members of the property owner; and

18 9. There is no pending litigation related to the real property
19 between the property owner and any known unauthorized person.

20 B. To request the immediate removal of an unlawful occupant of
21 a residential dwelling, the property owner or his or her authorized
22 agent must submit a complaint by presenting a completed and verified
23 Complaint to Remove Persons Unlawfully Occupying Residential Real
24 Property form to the sheriff of the county in which the real

1 property is located. The submitted complaint must be in
2 substantially the following form:

3 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
4 REAL PROPERTY

5 I, the owner or authorized agent of the owner of the real
6 property located at _____, declare under the penalty of
7 perjury that (initial each box):

8 1. _____ I am the owner of the real property or the authorized
9 agent of the owner of the real property.

10 2. _____ I purchased the property on _____.

11 3. _____ An unauthorized person or persons have unlawfully
12 entered and are remaining or residing unlawfully on the real
13 property.

14 4. _____ The real property was not open to members of the
15 public at the time the unauthorized person or persons entered.

16 5. _____ I have directed the unauthorized person or persons to
17 leave the real property, but they have not done so.

18 6. _____ The person or persons are not current or former
19 tenants pursuant to any valid lease authorized by the property
20 owner, and any lease that may be produced by an occupant is
21 fraudulent.

22 7. _____ The unauthorized person or persons sought to be
23 removed are not an owner or a co-owner of the property and have not
24

1 | been listed on the title to the property unless the person or
2 | persons have engaged in title fraud.

3 | 8. _____ The unauthorized person or persons are not immediate
4 | family members of the property owner.

5 | 9. _____ There is no litigation related to the real property
6 | pending between the property owner and any person sought to be
7 | removed.

8 | 10. _____ I understand that a person or persons removed from
9 | the property pursuant to this procedure may bring a cause of action
10 | against me for any false statements made in this complaint, or for
11 | wrongfully using this procedure, and that as a result of such action
12 | I may be held liable for actual damages, penalties, costs, and
13 | reasonable attorney fees.

14 | 11. _____ I am requesting the sheriff to immediately remove the
15 | unauthorized person or persons from the property.

16 | 12. _____ A copy of my valid government-issued identification
17 | is attached, or I am an agent of the property owner, and documents
18 | evidencing my authority to act on the property owner's behalf are
19 | attached.

20 | I ACKNOWLEDGE AND UNDERSTAND THAT MAKING OR CAUSING TO BE MADE A
21 | FALSE STATEMENT IN THIS AFFIDAVIT MAY SUBJECT ME TO CRIMINAL
22 | PROSECUTION FOR PERJURY AND/OR BEING LIABLE FOR ACTUAL DAMAGES
23 | SUFFERED OR INCURRED BY ANY PERSON OR OTHER ENTITY AS A RESULT OR
24 | CONSEQUENCE OF THE MAKING OF OR RELIANCE UPON SUCH FALSE STATEMENT.

1 _____ (Signature of Property Owner or
2 Agent of Owner)

3 C. Upon receipt of the complaint, the sheriff shall verify that
4 the person submitting the complaint is the record owner of the real
5 property or the authorized agent of the owner and appears otherwise
6 entitled to relief under this section. If verified, the sheriff
7 must, without unnecessary delay, serve a notice to immediately
8 vacate on all the unlawful occupants and shall put the owner in
9 possession of the real property. Service may be accomplished by
10 hand delivery of the notice to an occupant or by posting the notice
11 on the front door or at a conspicuous location on the property. The
12 sheriff shall also attempt to verify the identities of all persons
13 occupying the property and note the identities on the return of
14 service. If appropriate, the sheriff may arrest any person found on
15 the property for trespass, outstanding warrants, or any other legal
16 cause.

17 D. The sheriff is entitled to the same fee for service of the
18 notice to immediately vacate as if the sheriff were serving a writ
19 of execution under Section 1148.10 of Title 12 of the Oklahoma
20 Statutes. After the sheriff serves the notice to immediately
21 vacate, the property owner or authorized agent may request that the
22 sheriff stand by to keep the peace while the property owner or agent
23 of the owner changes the locks and removes the personal property of
24 the unlawful occupants from the premises. When such a request is

1 made, the sheriff may charge a reasonable hourly rate, and the
2 person requesting the sheriff to stand by and keep the peace is
3 responsible for paying the reasonable hourly rate set by the
4 sheriff. The sheriff is not liable to the unlawful occupant or any
5 other party for loss, destruction, or damage of property. The
6 property owner or his or her authorized agent is not liable to an
7 unlawful occupant or any other party for the loss, destruction, or
8 damage to the personal property unless the removal was wrongful.

9 E. A person may bring a civil cause of action for wrongful
10 removal against the person who requested such removal under this
11 section. A person harmed by a wrongful removal under this section
12 may be restored to possession of the real property and may recover
13 actual costs and damages incurred, statutory damages equal to triple
14 the fair market rent of the dwelling, court costs, and reasonable
15 attorney fees.

16 F. This section does not limit the rights of a property owner
17 or limit the authority of a law enforcement officer to arrest an
18 unlawful occupant for trespassing, vandalism, theft, or other
19 crimes.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1355 of Title 21, unless there
22 is created a duplication in numbering, reads as follows:

23 A person who unlawfully detains or occupies or trespasses upon a
24 property and who intentionally damages the dwelling causing One

1 Thousand Dollars (\$1,000.00) or more and is removed from the
2 property pursuant to this act shall, upon conviction, be guilty of a
3 felony punishable by imprisonment in the custody of the Department
4 of Corrections for a term not exceeding three (3) years or by a fine
5 not exceeding Ten Thousand Dollars (\$10,000.00), or both such fine
6 and imprisonment.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1356 of Title 21, unless there
9 is created a duplication in numbering, reads as follows:

10 Any person who, with the intent to detain or remain upon real
11 property, knowingly and willfully presents to another person a false
12 document purporting to be a valid lease agreement, deed, or other
13 instrument conveying real property rights upon conviction is guilty
14 of a misdemeanor punishable by imprisonment in the county jail not
15 exceeding one (1) year or by a fine not exceeding One Thousand
16 Dollars (\$1,000.00), or both such fine and imprisonment.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1357 of Title 21, unless there
19 is created a duplication in numbering, reads as follows:

20 This act shall not be used to circumvent any rights or laws
21 governing the landlord tenant relationship as provided in Title 41
22 of the Oklahoma Statutes.

23 SECTION 5. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval."

3 Passed the House of Representatives the 17th day of April, 2024.

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6 Presiding Officer of the House of
7 Representatives

8 Passed the Senate the ____ day of _____, 2024.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 1994

By: Standridge, Bullard,
Hamilton, and Jett of the
Senate

3
4 and

O'Donnell of the House

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6
7 An Act relating to obscene material; amending 21 O.S.
8 2021, Section 1024.1, which relates to definitions;
9 updating statutory references; modifying definitions;
10 updating statutory language; and providing an
11 effective date.

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

13 SECTION 6. AMENDATORY 21 O.S. 2021, Section 1024.1, is
14 amended to read as follows:

15 Section 1024.1. A. As used in Sections 1021,~~1021.1~~ through
16 ~~1021.4, Sections 1022 through 1024~~ 1024.4, and Sections 1040.8
17 through 1040.24 of this title, "child pornography" means and
18 includes any visual depiction or individual image stored or
19 contained in any format on any medium including, but not limited to,
20 film, motion picture, videotape, photograph, negative, undeveloped
21 film, slide, photographic product, reproduction of a photographic
22 product, play or performance wherein a minor under the age of
23 eighteen (18) years is engaged in any act with a person, other than
24 his or her spouse, of sexual intercourse which is normal or

1 perverted, in any act of anal sodomy, in any act of sexual activity
2 with an animal, in any act of sadomasochistic abuse including, but
3 not limited to, flagellation or torture, or the condition of being
4 fettered, bound or otherwise physically restrained in the context of
5 sexual conduct, in any act of fellatio or cunnilingus, in any act of
6 excretion in the context of sexual conduct, in any lewd exhibition
7 of the uncovered genitals in the context of masturbation or other
8 sexual conduct, or where the lewd exhibition of the uncovered
9 genitals, buttocks or, if such minor is a female, the breast, has
10 the purpose of sexual stimulation of the viewer, or wherein a person
11 under the age of eighteen (18) years observes such acts or
12 exhibitions. Each visual depiction or individual image shall
13 constitute a separate item and multiple copies of the same identical
14 material shall each be counted as a separate item.

15 B. As used in Sections 1021 through 1024.4 and Sections 1040.8
16 through 1040.24 of this title:

17 1. "Obscene material" means and includes any representation,
18 performance, depiction or description of sexual conduct, whether in
19 any form or on any medium including still photographs, undeveloped
20 photographs, motion pictures, undeveloped film, videotape, optical,
21 magnetic or solid-state storage, CD or DVD, or a purely photographic
22 product or a reproduction of such product in any book, pamphlet,
23 magazine, or other publication or electronic or photo-optical
24 format, if ~~said~~ such items contain the following elements:

- 1 a. depictions or descriptions of sexual conduct which are
2 patently offensive as found by the average person
3 applying contemporary community standards,
4 b. taken as a whole, have as the dominant theme an appeal
5 to prurient interest in sex, or in minors create a
6 prurient interest in sex, as found by the average
7 person applying contemporary community standards, and
8 c. a reasonable person would find the material or
9 performance taken as a whole lacks serious literary,
10 artistic, educational, political, or scientific
11 purposes or value; provided, however, such standard
12 shall not apply when an adult knowingly provides
13 material that qualifies as obscene to a minor without
14 written informed consent by the minor's parent or
15 guardian.

16 The standard for obscenity applied in this section shall not apply
17 to child pornography;

18 2. "Performance" means and includes any display, live or
19 recorded, in any form or medium;

20 3. "Sexual conduct" means and includes any of the following:

- 21 a. acts of sexual intercourse including any intercourse
22 which is normal or perverted, actual or simulated,
23 b. acts of ~~deviate~~ deviant sexual conduct, including oral
24 and anal sodomy,

1 c. acts of masturbation,

2 d. acts of sadomasochistic abuse including but not
3 limited to:

4 (1) flagellation or torture by or upon any person who
5 is nude or clad in undergarments or in a costume
6 which is of a revealing nature, or

7 (2) the condition of being fettered, bound, or
8 otherwise physically restrained on the part of
9 one who is nude or so clothed,

10 e. acts of excretion in a sexual context, or

11 f. acts of exhibiting human genitals or pubic areas; and

12 4. "Explicit child pornography" means material which a law
13 enforcement officer can immediately identify upon first viewing
14 without hesitation as child pornography.

15 The types of sexual conduct described in paragraph 3 of this
16 subsection are intended to include situations when, if appropriate
17 to the type of conduct, the conduct is performed alone or between
18 members of the same or opposite sex or between humans and animals in
19 an act of apparent sexual stimulation or gratification.

20 SECTION 7. This act shall become effective November 1, 2024.
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1 Passed the Senate the 4th day of March, 2024.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

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8 _____
9 Presiding Officer of the House
10 of Representatives