

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

COMMITTEE AMENDMENT

(Date)

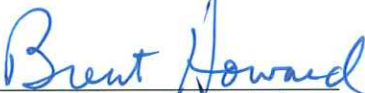
I move to amend Senate Bill No. 1056 by substituting the attached floor substitute (Request # 2017) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Standridge

I hereby grant permission for the floor substitute to be adopted.



Senator Howard, Chair (required)



Senator Gollihare

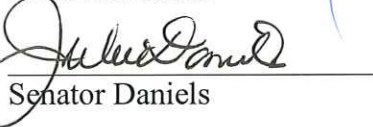
Senator Boren



Senator Brooks



Senator Bullard



Senator Daniels

Senator Treat, President Pro Tempore

Senator Floyd



Senator Hall



Senator Jech



Senator Standridge



Senator Stewart



Senator Weaver

Senator McCortney, Majority Floor Leader

Note: Judiciary Committee majority requires seven (7) members' signatures.

Standridge-TEK-FS-SB1056

3/9/2023 2:01 PM

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(Floor Amendments Only)

Date and Time Filed: 3-9-23 2:20 pm *jd*

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1056

6 By: Standridge, Bullard,
7 Newhouse, Dahm, Bergstrom,
8 Rogers, and Burns of the
9 Senate

10 and

11 West (Kevin) of the House

12 FLOOR SUBSTITUTE

13 An Act relating to obscene material; amending 21 O.S.
14 2021, Section 1024.1, which relates to definitions;
15 updating statutory references; modifying definitions;
16 updating statutory language; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1024.1, is
20 amended to read as follows:

21 Section 1024.1. A. As used in Sections 1021,~~1021.1~~ through
22 ~~1021.4, Sections 1022 through 1024~~ 1024.4, and Sections 1040.8
23 through 1040.24 of this title, "child pornography" means and
24 includes any visual depiction or individual image stored or
contained in any format on any medium including, but not limited to,
film, motion picture, videotape, photograph, negative, undeveloped
film, slide, photographic product, reproduction of a photographic

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

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

20 1. "Obscene material" means and includes any representation,
21 performance, depiction or description of sexual conduct, whether in
22 any form or on any medium including still photographs, undeveloped
23 photographs, motion pictures, undeveloped film, videotape, optical,
24 magnetic or solid-state storage, CD or DVD, or a purely photographic

1 product or a reproduction of such product in any book, pamphlet,
2 magazine, or other publication or electronic or photo-optical
3 format, if ~~said~~ such items contain the following elements:

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

19 The standard for obscenity applied in this section shall not apply
20 to child pornography;

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

23 3. "Sexual conduct" means and includes any of the following:
24

- 1 a. acts of sexual intercourse including any intercourse
2 which is normal or perverted, actual or simulated,
3 b. acts of ~~deviate~~ deviant sexual conduct, including oral
4 and anal sodomy,
5 c. acts of masturbation,
6 d. acts of sadomasochistic abuse including but not
7 limited to:
8 (1) flagellation or torture by or upon any person who
9 is nude or clad in undergarments or in a costume
10 which is of a revealing nature, or
11 (2) the condition of being fettered, bound, or
12 otherwise physically restrained on the part of
13 one who is nude or so clothed,
14 e. acts of excretion in a sexual context, or
15 f. acts of exhibiting human genitals or pubic areas; and

16 4. "Explicit child pornography" means material which a law
17 enforcement officer can immediately identify upon first viewing
18 without hesitation as child pornography.

19 The types of sexual conduct described in paragraph 3 of this
20 subsection are intended to include situations when, if appropriate
21 to the type of conduct, the conduct is performed alone or between
22 members of the same or opposite sex or between humans and animals in
23 an act of apparent sexual stimulation or gratification.
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1 SECTION 2. This act shall become effective November 1, 2023.

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3 59-1-2017 TEK 3/9/2023 2:41:30 PM

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