

1 **SENATE FLOOR VERSION**

2 February 20, 2024

3 SENATE BILL NO. 1268

By: Rader of the Senate

4 and

5 Osburn of the House

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7  
8 An Act relating to child pornography; amending 10  
9 O.S. 2021, Sections 7505-5.1 and 7505-6.3, which  
10 relate to adoption proceedings; modifying term;  
11 amending 10A O.S. 2021, Section 1-4-705, which  
12 relates to child custody; modifying term; amending  
13 10A O.S. 2021, Section 2-8-221, which relates to  
14 transmission of obscenity and child pornography;  
15 modifying term; amending 21 O.S. 2021, Section 13.1,  
16 which relates to sentencing; modifying term; amending  
17 21 O.S. 2021, Section 843.5, which relates to child  
18 abuse; modifying term; amending 21 O.S. 2021,  
19 Sections 1021, 1021.1, 1021.2, 1021.3, 1021.4, 1022,  
20 and 1023, which relate to Oklahoma law on obscenity  
21 and child pornography; modifying term; amending 21  
22 O.S. 2021, Section 1024.1, which relates to  
23 definitions; modifying term; modifying definition;  
24 amending 21 O.S. 2021, Sections 1024.2, 1024.3,  
1024.4, and 1040.8, which relate to Oklahoma law on  
obscenity and child pornography; modifying term;  
amending 21 O.S. 2021, Section 1040.11, which relates  
to Oklahoma law on obscenity and child pornography;  
modifying term; amending 21 O.S. 2021, Sections  
1040.12a, 1040.13, 1040.14, 1040.15, 1040.16,  
1040.17, 1040.20, 1040.21, 1040.22, 1040.24, 1040.54,  
1040.56, and 1040.80, which relate to Oklahoma law on  
obscenity and child pornography; modifying terms;  
amending 21 O.S. 2021, Section 1123, as amended by  
Section 4, Chapter 260, O.S.L. 2022 (21 O.S. Supp.  
2023, Section 1123), which relates to acts against  
children; modifying term; amending 22 O.S. 2021,  
Section 40, which relates to definitions; modifying  
term; amending 22 O.S. 2021, Sections 991h and 996.1,  
which relate to sentencing; modifying terms; amending

1 43 O.S. 2021, Section 112.5, which relates to custody  
or guardianship; modifying term; amending 57 O.S.  
2 2021, Section 138, which relates to inmate credits;  
modifying terms; amending 57 O.S. 2021, Section  
3 332.16, which relates to recommendations for parole;  
modifying term; amending 57 O.S. 2021, Section 571,  
4 as amended by Section 2, Chapter 212, O.S.L. 2023 (57  
O.S. Supp. 2023, Section 571), which relates to  
5 definitions; modifying term; amending 57 O.S. 2021,  
Section 582, which relates to sex offenders;  
6 modifying term; amending 68 O.S. 2021, Section  
2357.101, which relates to film tax credits;  
7 modifying term; amending 68 O.S. 2021, Sections 3623  
and 3632, as amended by Section 1, Chapter 347,  
8 O.S.L. 2023 (68 O.S. Supp. 2023, Section 3623), which  
relate to definitions; modifying term; amending  
9 Section 1, Chapter 280, O.S.L. 2022, as amended by  
Section 1, Chapter 373, O.S.L. 2023 (70 O.S. Supp.  
10 2023, Section 11-202), which relates to digital or  
online library database resources; modifying term;  
11 amending 70 O.S. 2021, Section 1210.163, which  
relates to duty for school employees to report  
12 potential student abuse or neglect; modifying term;  
amending 74 O.S. 2021, Section 151.1, which relates  
13 to internet crimes against children; modifying term;  
updating statutory language and references; making  
14 language gender neutral; and providing an effective  
date.

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16  
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 10 O.S. 2021, Section 7505-5.1, is  
19 amended to read as follows:

20 Section 7505-5.1. A. Except as otherwise provided in this  
21 section, only a person for whom a favorable written preplacement  
22 home study has been prepared may accept custody of a minor for  
23 purposes of adoption. A preplacement home study is favorable if it  
24 contains a finding that the person is suited to be an adoptive

1 parent, either in general or for a particular minor, and it is  
2 completed or brought current within twelve (12) months next  
3 preceding a placement of a minor with the person for adoption.

4 B. A preplacement home study is not required if a parent or  
5 guardian places a minor directly with a relative of the minor for  
6 purposes of adoption, or if the minor has been residing with a birth  
7 parent's spouse for not less than one (1) year as of the date the  
8 petition for adoption is filed, but a home study of the relative or  
9 stepparent is required during the pendency of a proceeding for  
10 adoption.

11 C. A prospective adoptive parent shall not be approved for  
12 placement of a child if the petitioners or any other person residing  
13 in the home of the petitioners has been convicted of any of the  
14 following felony offenses:

15 1. Within the five-year period preceding the date of the  
16 petition, physical assault, domestic abuse, battery or a drug-  
17 related offense;

18 2. Child abuse or neglect;

19 3. A crime against a child, including, but not limited to,  
20 child ~~pornography~~ sexual abuse material; and

21 4. A crime involving violence, including, but not limited to,  
22 rape, sexual assault or homicide, but excluding those crimes  
23 specified in paragraph 1 of this subsection.

24

1 D. Under no circumstances shall a child be placed in the  
2 custody of an individual subject to the ~~Oklahoma~~ Sex Offenders  
3 Registration Act or an individual who is married to or living with  
4 an individual subject to the ~~Oklahoma~~ Sex Offenders Registration  
5 Act.

6 SECTION 2. AMENDATORY 10 O.S. 2021, Section 7505-6.3, is  
7 amended to read as follows:

8 Section 7505-6.3. A. After six (6) months from the date of the  
9 interlocutory decree unless the court waived all or part of the  
10 waiting period, the petitioners may apply to the court for a final  
11 decree of adoption. The court shall thereupon set a time and place  
12 for final hearing.

13 B. If the minor is related by blood to one of the petitioners,  
14 or is a stepchild of the petitioner, or the court finds that the  
15 best interests of the child will be furthered thereby, the court,  
16 after examination of the home study reports required by Section  
17 7505-5.1 or 7505-5.2 of this title, may waive the entry of an  
18 interlocutory decree and the waiting period of six (6) months or the  
19 balance of the waiting period provided in this section.

20 C. Notice of the time and date of the hearing shall be served  
21 at least ten (10) days prior to the hearing upon any parent whose  
22 parental rights have not been terminated, unless that parent has  
23 properly executed a consent to the adoption or a permanent  
24 relinquishment pursuant to Sections 7503-2.3, 7503-2.4 and 7503-2.6

1 of this title or has waived the right to notice pursuant to Section  
2 7503-3.1 of this title. Notice of the hearing shall also be served  
3 on the child-placing agency or the Department of Human Services in  
4 those cases where the child-placing agency or Department has  
5 original custody, or performed a home study.

6 D. The petitioners and child shall appear at the hearing on the  
7 application for final decree, unless the presence of the child is  
8 waived by the court.

9 E. The final hearing is not required to be recorded by a court  
10 reporter. Upon the request of any party, the court shall direct  
11 that the hearing be recorded by the court reporter, or the court may  
12 order on its own initiative that the hearing be recorded.

13 F. The court may enter a final decree of adoption, if the court  
14 is satisfied that the adoption is in the best interests of the  
15 child.

16 G. For purposes of this subsection, the State of Oklahoma  
17 elects to make subparagraph (A) of paragraph 20 of subsection 3 of  
18 Section 471(a) of the Social Security Act (Public Law 105-89)  
19 inapplicable to Oklahoma. Instead, the State of Oklahoma requires  
20 that:

21 1. Except as otherwise provided by this subsection, a  
22 prospective adoptive parent shall not be approved for placement of a  
23 child if the petitioners or any other person residing in the home of  
24

1 the petitioners has been convicted of any of the following felony  
2 offenses:

- 3 a. within the five-year period preceding the date of the  
4 petition, physical assault, domestic abuse, battery or  
5 a drug-related offense, except as otherwise authorized  
6 by this subsection,
- 7 b. child abuse or neglect,
- 8 c. a crime against a child, including, but not limited  
9 to, child ~~pornography~~ sexual abuse material, and
- 10 d. a crime involving violence, including, but not limited  
11 to, rape, sexual assault or homicide, but excluding  
12 physical assault or battery.

13 2. A prospective adoptive parent may be an approved placement  
14 regardless of whether such parent has been convicted of any of the  
15 felony offenses specified by subparagraph a of paragraph 1 of this  
16 subsection, if an evaluation has been made and accepted by the court  
17 which considers the nature and seriousness of the crime in relation  
18 to the adoption, the time elapsed since the commission of the crime,  
19 the circumstances under which the crime was committed, the degree of  
20 rehabilitation, the number of crimes committed by the person  
21 involved, and a showing by clear and convincing evidence that the  
22 child will not be at risk by such placement.

23 H. Under no circumstances shall a child be placed in the  
24 custody of an individual subject to the ~~Oklahoma~~ Sex Offenders

1 Registration Act or an individual who is married to or living with  
2 an individual subject to the ~~Oklahoma~~ Sex Offenders Registration  
3 Act.

4 SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-4-705, is  
5 amended to read as follows:

6 Section 1-4-705. A. In placing a child in the custody of an  
7 individual, a private agency, or institution, the court and the  
8 Department of Human Services shall, if possible, select a person,  
9 agency, or institution governed by persons of the same religious  
10 faith as that of the parents of the child, or in case of a  
11 difference in the religious faith of the parents, then of the  
12 religious faith of the child.

13 B. Except as otherwise provided by this section or by law, it  
14 shall be left to the discretion of the judge to place the custody of  
15 children where their total needs will best be served. If an  
16 individual meets the minimum required age for placement purposes,  
17 the age of an otherwise eligible individual shall not be a reason  
18 for denying the individual placement or custody of a child.

19 C. A prospective foster or adoptive parent shall not be an  
20 approved placement for a child if the prospective foster or adoptive  
21 parent or any other person residing in the home of the prospective  
22 foster or adoptive parent has been convicted of any of the following  
23 felony offenses:

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- 1           1. Within the five-year period preceding the application date,  
2 a physical assault, battery, or a drug-related offense;
- 3           2. Child abuse or neglect;
- 4           3. Domestic abuse;
- 5           4. A crime against a child, including, but not limited to,  
6 child ~~pornography~~ sexual abuse material; or
- 7           5. A crime involving violence, including, but not limited to,  
8 rape, sexual assault or homicide, but excluding those crimes  
9 specified in paragraph 1 of this subsection.
- 10          D. 1. Under no circumstances shall a child be placed with or  
11 in the custody of an individual subject to the ~~Oklahoma~~ Sex  
12 Offenders Registration Act or an individual who is married to or  
13 living with an individual subject to the ~~Oklahoma~~ Sex Offenders  
14 Registration Act.
- 15          2. In addition, prior to the court placing a child in the  
16 custody of an individual, the court shall inquire as to whether the  
17 individual has been previously convicted of any felony or relevant  
18 misdemeanor or has any felony or misdemeanor charges pending.
- 19          3. Prior to the custody order being entered, the individual  
20 seeking custody shall provide an Oklahoma criminal history record  
21 obtained pursuant to Section 150.9 of Title 74 of the Oklahoma  
22 Statutes to the court.
- 23          4. For purposes of this subsection the terms:  
24

1 a. "relevant misdemeanor" may include assault and  
2 battery, alcohol- or drug-related offenses, domestic  
3 violence or other offenses involving the use of  
4 physical force or violence against the person or  
5 property of another, and

6 b. "individual" shall not include a parent or legal  
7 guardian of the child.

8 E. The provisions of this section shall not apply in any  
9 paternity or domestic relations case, unless otherwise ordered by  
10 the court.

11 SECTION 4. AMENDATORY 10A O.S. 2021, Section 2-8-221, is  
12 amended to read as follows:

13 Section 2-8-221. A. Whenever the district attorney for any  
14 district has reasonable cause to believe that an individual, with  
15 knowledge of its content, is engaged in sending a transmission or  
16 causing a transmission to originate within this state containing  
17 obscene material or child ~~pornography~~ sexual abuse material, as such  
18 terms are defined in Section 1024.1 of Title 21 of the Oklahoma  
19 Statutes, the district attorney for the district into which the  
20 transmission is sent or caused to be sent, may institute an action  
21 in the district court for an adjudication of the obscenity or child  
22 ~~pornographic content~~ sexual abuse material of the transmission.

23 Provided that if the conditions of subsection B of this section are  
24 present, then it shall be at the discretion of the district attorney

1 whether the action instituted is a juvenile offense as defined in  
2 subsection B of this section or whether the action instituted is a  
3 felony for a violation of Section 1040.13a of Title 21 of the  
4 Oklahoma Statutes.

5 The individual sending the transmission specified in this  
6 section may be charged and tried in any district wherein the  
7 transmission is sent or in which it is received by the person to  
8 whom it was transmitted.

9 For purposes of any criminal prosecution pursuant to a violation  
10 of this section, the person violating the provisions of this section  
11 shall be deemed to be within the jurisdiction of this state by the  
12 fact of accessing any computer, cellular phone, or other computer-  
13 related or satellite-operated device in this state, regardless of  
14 the actual jurisdiction where the violator resides.

15 B. Any individual under eighteen (18) years of age who engages  
16 in the original or relayed transmission of obscene material or child  
17 ~~pornography~~ sexual abuse material via electronic media in the form  
18 of digital images, videos, or other depictions of real persons under  
19 the age of eighteen (18) years, and:

20 1. The original or relayed transmission is of another minor  
21 over thirteen (13) years of age and is made with the consent of the  
22 pictured individual and is transmitted to five or fewer individual  
23 destinations, known or unknown, shall be guilty of a misdemeanor  
24 violation of this section punishable by:

- a. a fine not to exceed Five Hundred Dollars (\$500.00) for the first offense,
- b. a fine not to exceed One Thousand Dollars (\$1,000.00) for a second and subsequent offense,
- c. up to forty (40) hours of community service,
- d. a referral to a juvenile bureau to propose a probation plan which shall be adopted through disposition, or
- e. attendance and successful completion of an educational program or a delinquency prevention and diversion program as provided in Section 24-100.4 of Title 70 of the Oklahoma Statutes. The court shall have the discretion to order the parent or legal guardian of the juvenile to attend and successfully complete the educational program;

2. The original or relayed transmission is of another minor over thirteen (13) years of age and is made without the consent of the pictured individual, or is sent to six or more individual destinations, known or unknown, shall be guilty of a misdemeanor violation of this section punishable by:

- a. a fine not to exceed Seven Hundred Dollars (\$700.00) for the first offense,
- b. a fine not to exceed One Thousand Four Hundred Dollars (\$1,400.00) for a second or subsequent offense,
- c. up to sixty (60) hours of community service,

- 1 d. a referral to a juvenile bureau to propose a probation  
2 plan which shall be adopted through disposition, and  
3 e. attendance and successful completion of an educational  
4 program or a delinquency prevention and diversion  
5 program as provided in Section 24-100.4 of Title 70 of  
6 the Oklahoma Statutes. The court shall have the  
7 discretion to order the parent or legal guardian of  
8 the juvenile to attend and successfully complete the  
9 educational program; and

10 3. The original or relayed transmission is of another minor  
11 thirteen (13) years of age or younger, with or without the pictured  
12 individual's consent, and is transmitted to any number of  
13 destinations, known or unknown, shall be guilty of a misdemeanor  
14 violation of this section punishable by:

- 15 a. a fine not to exceed Nine Hundred Dollars (\$900.00)  
16 for the first offense,  
17 b. a fine not to exceed One Thousand Eight Hundred  
18 Dollars (\$1,800.00) for a second or subsequent  
19 offense,  
20 c. up to eighty (80) hours of community service,  
21 d. a referral to a juvenile bureau to propose a probation  
22 plan which may be adopted through disposition, and  
23 e. attendance and successful completion of an educational  
24 program or a delinquency prevention and diversion

1 program as provided in Section 24-100.4 of Title 70 of  
2 the Oklahoma Statutes. The court shall have the  
3 discretion to order the parent or legal guardian of  
4 the juvenile to attend and successfully complete the  
5 educational program.

6 C. The fact that the individual making the transmission and the  
7 individual pictured are the same does not alter the criminality  
8 provided in this section.

9 D. It is an affirmative defense to the relayed transmission of  
10 obscene material or child ~~pornography~~ sexual abuse material, as  
11 these terms are defined in Section 1024.1 of Title 21 of the  
12 Oklahoma Statutes, if a juvenile:

13 1. Has not solicited the visual depiction; and

14 2. Does not subsequently distribute, present, transmit, post,  
15 print, disseminate or exchange the visual depiction except for the  
16 purpose of reporting the original transmission or relayed  
17 transmission to appropriate school or law enforcement authorities.

18 SECTION 5. AMENDATORY 21 O.S. 2021, Section 13.1, is  
19 amended to read as follows:

20 Section 13.1. Persons convicted of:

21 1. First degree murder as defined in Section 701.7 of this  
22 title;

23 2. Second degree murder as defined by Section 701.8 of this  
24 title;

1           3. Manslaughter in the first degree as defined by Section 711  
2 of this title;

3           4. Poisoning with intent to kill as defined by Section 651 of  
4 this title;

5           5. Shooting with intent to kill, use of a vehicle to facilitate  
6 use of a firearm, crossbow or other weapon, assault, battery, or  
7 assault and battery with a deadly weapon or by other means likely to  
8 produce death or great bodily harm, as provided for in Section 652  
9 of this title;

10          6. Assault with intent to kill as provided for in Section 653  
11 of this title;

12          7. Conjoint robbery as defined by Section 800 of this title;

13          8. Robbery with a dangerous weapon as defined in Section 801 of  
14 this title;

15          9. First degree robbery as defined in Section 797 of this  
16 title;

17          10. First degree rape as provided for in Section 1111, 1114 or  
18 1115 of this title;

19          11. First degree arson as defined in Section 1401 of this  
20 title;

21          12. First degree burglary as provided for in Section 1436 of  
22 this title;

23          13. Bombing as defined in Section 1767.1 of this title;

24

1 14. Any crime against a child provided for in Section 843.5 of  
2 this title;

3 15. Forcible sodomy as defined in Section 888 of this title;

4 16. Child ~~pornography~~ sexual abuse material or aggravated child  
5 ~~pornography~~ sexual abuse material as defined in Section 1021.2,  
6 1021.3, 1024.1, 1024.2 or 1040.12a of this title;

7 17. Child prostitution as defined in Section 1030 of this  
8 title;

9 18. Lewd molestation of a child as defined in Section 1123 of  
10 this title;

11 19. Abuse of a vulnerable adult as defined in Section 10-103 of  
12 Title 43A of the Oklahoma Statutes;

13 20. Aggravated trafficking as provided for in subsection C of  
14 Section 2-415 of Title 63 of the Oklahoma Statutes;

15 21. Aggravated assault and battery upon any person defending  
16 another person from assault and battery; or

17 22. Human trafficking as provided for in Section 748 of this  
18 title,  
19 shall be required to serve not less than eighty-five percent (85%)  
20 of any sentence of imprisonment imposed by the judicial system prior  
21 to becoming eligible for consideration for parole. Persons  
22 convicted of these offenses shall not be eligible for earned credits  
23 or any other type of credits which have the effect of reducing the  
24

1 length of the sentence to less than eighty-five percent (85%) of the  
2 sentence imposed.

3 SECTION 6. AMENDATORY 21 O.S. 2021, Section 843.5, is  
4 amended to read as follows:

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

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

21 C. Any person responsible for the health, safety or welfare of  
22 a child who shall willfully or maliciously engage in child neglect,  
23 as defined in this section, shall, upon conviction, be punished by  
24 imprisonment in the custody of the Department of Corrections not

1 exceeding life imprisonment, or by imprisonment in a county jail not  
2 exceeding one (1) year, or by a fine ~~of~~ not less than Five Hundred  
3 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),  
4 or both such fine and imprisonment.

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

12 E. Any person responsible for the health, safety or welfare of  
13 a child who shall willfully or maliciously engage in child sexual  
14 abuse, as defined in this section, shall, upon conviction, be  
15 punished by imprisonment in the custody of the Department of  
16 Corrections not exceeding life imprisonment, or by imprisonment in a  
17 county jail not exceeding one (1) year, or by a fine ~~of~~ not less  
18 than Five Hundred Dollars (\$500.00) nor more than Five Thousand  
19 Dollars (\$5,000.00), or both such fine and imprisonment, except as  
20 provided in Section 51.1a of this title or as otherwise provided in  
21 subsection F of this section for a child victim under twelve (12)  
22 years of age. Except for persons sentenced to life or life without  
23 parole, any person sentenced to imprisonment for two (2) years or  
24 more for a violation of this subsection shall be required to serve a

1 term of post-imprisonment supervision pursuant to subparagraph f of  
2 paragraph 1 of subsection A of Section 991a of Title 22 of the  
3 Oklahoma Statutes under conditions determined by the Department of  
4 Corrections. The jury shall be advised that the mandatory post-  
5 imprisonment supervision shall be in addition to the actual  
6 imprisonment.

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

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

23 H. Any person who shall willfully or maliciously engage in  
24 child sexual exploitation, as defined in this section, shall, upon

1 conviction, be punished by imprisonment in the custody of the  
2 Department of Corrections not exceeding life imprisonment, or by  
3 imprisonment in a county jail not exceeding one (1) year, or by a  
4 fine of not less than Five Hundred Dollars (\$500.00) nor more than  
5 Five Thousand Dollars (\$5,000.00), or both such fine and  
6 imprisonment except as provided in subsection I of this section for  
7 a child victim under twelve (12) years of age. Except for persons  
8 sentenced to life or life without parole, any person sentenced to  
9 imprisonment for two (2) years or more for a violation of this  
10 subsection shall be required to serve a term of post-imprisonment  
11 supervision pursuant to subparagraph f of paragraph 1 of subsection  
12 A of Section 991a of Title 22 of the Oklahoma Statutes under  
13 conditions determined by the Department of Corrections. The jury  
14 shall be advised that the mandatory post-imprisonment supervision  
15 shall be in addition to the actual imprisonment.

16 I. Any person who shall willfully or maliciously engage in  
17 child sexual exploitation, as defined in this section, of a child  
18 under twelve (12) years of age shall, upon conviction, be punished  
19 by imprisonment in the custody of the Department of Corrections for  
20 not less than twenty-five (25) years nor more than life  
21 imprisonment, and by a fine of not less than Five Hundred Dollars  
22 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

23 J. Any person responsible for the health, safety or welfare of  
24 a child who shall willfully or maliciously engage in enabling child

1 sexual exploitation, as defined in this section, shall, upon  
2 conviction, be punished by imprisonment in the custody of the  
3 Department of Corrections not exceeding life imprisonment, or by  
4 imprisonment in a county jail not exceeding one (1) year, or by a  
5 fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than  
6 Five Thousand Dollars (\$5,000.00), or both such fine and  
7 imprisonment.

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

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

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

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

23 O. As used in this section:

24 1. "Child abuse" means:

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

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

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

- 17 a. sexual intercourse,  
18 b. penetration of the vagina or anus, however slight, by  
19 an inanimate object or any part of the human body not  
20 amounting to sexual intercourse,  
21 c. sodomy,  
22 d. incest, or  
23 e. a lewd act or proposal, as defined in this section;  
24

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

4 a. human trafficking, as provided for in Section 748 of  
5 this title, if the offense involved child trafficking  
6 for commercial sex,

7 b. trafficking in children, as provided for in Section  
8 866 of this title, if the offense was committed for  
9 the sexual gratification of any person,

10 c. procuring or causing the participation of a minor in  
11 child ~~pornography~~ sexual abuse material, as provided  
12 for in Section 1021.2 of this title,

13 d. purchase, procurement or possession of child  
14 ~~pornography~~ sexual abuse material, as provided for in  
15 Section 1024.2 of this title,

16 e. engaging in or soliciting prostitution, as provided  
17 for in Section 1029 of this title, if the offense  
18 involved child prostitution,

19 f. publication, distribution or participation in the  
20 preparation of obscene material, as provided for in  
21 Section 1040.8 of this title, if the offense involved  
22 child ~~pornography~~ sexual abuse material,

- 1 g. aggravated possession of child ~~pornography~~ sexual  
2 abuse material, as provided for in Section 1040.12a of  
3 this title,
- 4 h. sale or distribution of obscene material, as provided  
5 for in Section 1040.13 of this title,
- 6 i. soliciting sexual conduct or communication with a  
7 minor by use of technology, as provided for in Section  
8 ~~1043.13a~~ 1040.13a of this title,
- 9 j. offering or transporting a child for purposes of  
10 prostitution, as provided for in Section 1087 of this  
11 title, and
- 12 k. child prostitution, as provided for in Section 1088 of  
13 this title;

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

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

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

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

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

7 10. "Lewd act or proposal" means:

- 8 a. making any oral, written or electronic or computer-  
9 generated lewd or indecent proposal to a child for the  
10 child to have unlawful sexual relations or sexual  
11 intercourse with any person,
- 12 b. looking upon, touching, mauling or feeling the body or  
13 private parts of a child in a lewd or lascivious  
14 manner or for the purpose of sexual gratification,
- 15 c. asking, inviting, enticing or persuading any child to  
16 go alone with any person to a secluded, remote or  
17 secret place for a lewd or lascivious purpose,
- 18 d. urinating or defecating upon a child or causing,  
19 forcing or requiring a child to defecate or urinate  
20 upon the body or private parts of another person for  
21 the purpose of sexual gratification,
- 22 e. ejaculating upon or in the presence of a child,
- 23  
24

1 f. causing, exposing, forcing or requiring a child to  
2 look upon the body or private parts of another person  
3 for the purpose of sexual gratification,

4 g. causing, forcing or requiring any child to view any  
5 obscene materials, child ~~pornography~~ sexual abuse  
6 material or materials deemed harmful to minors as such  
7 terms are defined in Sections 1024.1 and 1040.75 of  
8 this title,

9 h. causing, exposing, forcing or requiring a child to  
10 look upon sexual acts performed in the presence of the  
11 child for the purpose of sexual gratification, or

12 i. causing, forcing or requiring a child to touch or feel  
13 the body or private parts of the child or another  
14 person for the purpose of sexual gratification;

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

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

- 22 a. the parent of the child,  
23 b. the legal guardian of the child,  
24 c. the custodian of the child,

- 1 d. the foster parent of the child,
- 2 e. a person eighteen (18) years of age or older with whom
- 3 the parent of the child cohabitates, who is at least
- 4 three (3) years older than the child,
- 5 f. any other person eighteen (18) years of age or older
- 6 residing in the home of the child, who is at least
- 7 three (3) years older than the child,
- 8 g. an owner, operator, agent, employee or volunteer of a
- 9 public or private residential home, institution,
- 10 facility or day treatment program, as defined in
- 11 Section 175.20 of Title 10 of the Oklahoma Statutes,
- 12 that the child attended,
- 13 h. an owner, operator, agent, employee or volunteer of a
- 14 child care facility, as defined in Section 402 of
- 15 Title 10 of the Oklahoma Statutes, that the child
- 16 attended,
- 17 i. an intimate partner of the parent of the child, as
- 18 defined in Section 60.1 of Title 22 of the Oklahoma
- 19 Statutes, or
- 20 j. a person who has voluntarily accepted responsibility
- 21 for the care or supervision of a child;

22 13. "Sexual intercourse" means the actual penetration, however

23 slight, of the vagina or anus by the penis; and

24 14. "Sodomy" means:

- 1 a. penetration, however slight, of the mouth of the child  
2 by a penis,
- 3 b. penetration, however slight, of the vagina of a person  
4 responsible for a child's health, safety or welfare,  
5 by the mouth of a child,
- 6 c. penetration, however slight, of the mouth of the  
7 person responsible for a child's health, safety or  
8 welfare by the penis of the child, or
- 9 d. penetration, however slight, of the vagina of the  
10 child by the mouth of the person responsible for a  
11 child's health, safety or welfare.

12 SECTION 7. AMENDATORY 21 O.S. 2021, Section 1021, is  
13 amended to read as follows:

14 Section 1021. A. Every person who willfully and knowingly  
15 either:

16 1. Lewdly exposes his or her person or genitals in any public  
17 place, or in any place where there are present other persons to be  
18 offended or annoyed thereby; provided, however, for purposes of this  
19 section, a person alleged to have committed an act of public  
20 urination shall be prosecuted pursuant to Section 22 of this title  
21 unless such act was accompanied with another act that violates  
22 paragraphs 2 through 4 of this subsection and shall not be subject  
23 to registration under the Sex Offenders Registration Act;

24

1           2. Procures, counsels, or assists any person to expose such  
2 person, or to make any other exhibition of such person to public  
3 view or to the view of any number of persons, for the purpose of  
4 sexual stimulation of the viewer;

5           3. Writes, composes, stereotypes, prints, photographs, designs,  
6 copies, draws, engraves, paints, molds, cuts, or otherwise prepares,  
7 publishes, sells, distributes, keeps for sale, knowingly downloads  
8 on a computer, or exhibits any obscene material or child ~~pornography~~  
9 sexual abuse material; or

10           4. Makes, prepares, cuts, sells, gives, loans, distributes,  
11 keeps for sale, or exhibits any disc record, metal, plastic, or wax,  
12 wire or tape recording, or any type of obscene material or child  
13 ~~pornography~~ sexual abuse material,  
14 shall be guilty, upon conviction, of a felony and shall be punished  
15 by the imposition of a fine ~~of~~ not less than Five Hundred Dollars  
16 (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or by  
17 imprisonment for not less than thirty (30) days nor more than ten  
18 (10) years, or by both such fine and imprisonment.

19           B. Every person who:

20           1. Willfully solicits or aids a minor child to perform; or

21           2. Shows, exhibits, loans, or distributes to a minor child any  
22 obscene material or child ~~pornography~~ sexual abuse material for the  
23 purpose of inducing ~~said~~ the minor to participate in,  
24

1 any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this  
2 section shall be guilty of a felony, upon conviction, and shall be  
3 punished by imprisonment in the custody of the Department of  
4 Corrections for not less than ten (10) years nor more than thirty  
5 (30) years, except when the minor child is under twelve (12) years  
6 of age at the time the offense is committed, and in such case the  
7 person shall, upon conviction, be punished by imprisonment in the  
8 custody of the Department of Corrections for not less than twenty-  
9 five (25) years.

10 C. Persons convicted under this section shall not be eligible  
11 for a deferred sentence.

12 D. Except for persons sentenced to life or life without parole,  
13 any person sentenced to imprisonment for two (2) years or more for a  
14 violation of this section shall be required to serve a term of post-  
15 imprisonment supervision pursuant to subparagraph f of paragraph 1  
16 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes  
17 under conditions determined by the Department of Corrections. The  
18 jury shall be advised that the mandatory post-imprisonment  
19 supervision shall be in addition to the actual imprisonment.

20 E. For purposes of this section, "downloading on a computer"  
21 means electronically transferring an electronic file from one  
22 computer or electronic media to another computer or electronic  
23 media.

24

1 SECTION 8. AMENDATORY 21 O.S. 2021, Section 1021.1, is  
2 amended to read as follows:

3 Section 1021.1. A. Sections 1021 through 1024.4 of this title  
4 shall not apply to persons who may possess or distribute obscene  
5 matter or child ~~pornography~~ sexual abuse material or participate in  
6 conduct otherwise prescribed by this ~~act~~ section and Section 1021 of  
7 this title, when such possession, distribution, or conduct occurs in  
8 the course of law enforcement activities.

9 B. The criminal provisions of this title shall not prohibit the  
10 district attorney from seeking civil or injunctive relief to enjoin  
11 the production, publication, dissemination, distribution, sale of or  
12 participation in any obscene material or child ~~pornography~~ sexual  
13 abuse material, or the dissemination to minors of material harmful  
14 to minors, or the possession of child ~~pornography~~ sexual abuse  
15 material.

16 SECTION 9. AMENDATORY 21 O.S. 2021, Section 1021.2, is  
17 amended to read as follows:

18 Section 1021.2. A. Any person who shall procure or cause the  
19 participation of any minor under the age of eighteen (18) years in  
20 any child ~~pornography~~ sexual abuse material or who knowingly  
21 possesses, procures, or manufactures, or causes to be sold or  
22 distributed any child ~~pornography~~ sexual abuse material shall be  
23 guilty, upon conviction, of a felony and shall be punished by  
24 imprisonment for not more than twenty (20) years or by the

1 imposition of a fine ~~of~~ not more than Twenty-five Thousand Dollars  
2 (\$25,000.00) or by both ~~said~~ such fine and imprisonment. Persons  
3 convicted under this section shall not be eligible for a deferred  
4 sentence. Except for persons sentenced to life or life without  
5 parole, any person sentenced to imprisonment for two (2) years or  
6 more for a violation of this subsection shall be required to serve a  
7 term of post-imprisonment supervision pursuant to subparagraph f of  
8 paragraph 1 of subsection A of Section 991a of Title 22 of the  
9 Oklahoma Statutes under conditions determined by the Department of  
10 Corrections. The jury shall be advised that the mandatory post-  
11 imprisonment supervision shall be in addition to the actual  
12 imprisonment.

13 B. The consent of the minor, or of the mother, father, legal  
14 guardian, or custodian of the minor to the activity prohibited by  
15 this section shall not constitute a defense.

16 SECTION 10. AMENDATORY 21 O.S. 2021, Section 1021.3, is  
17 amended to read as follows:

18 Section 1021.3. A. Any parent, guardian or individual having  
19 custody of a minor under the age of eighteen (18) years who  
20 knowingly permits or consents to the participation of a minor in any  
21 child ~~pornography~~ sexual abuse material shall be guilty of a felony  
22 and, upon conviction, shall be imprisoned in the custody of the  
23 Department of Corrections for a period ~~of~~ not more than twenty (20)  
24 years or a fine ~~of~~ not more than Twenty-five Thousand Dollars

1 (\$25,000.00) or by both such fine and imprisonment. Persons  
2 convicted under this section shall not be eligible for a deferred  
3 sentence. Except for persons sentenced to life or life without  
4 parole, any person sentenced to imprisonment for two (2) years or  
5 more for a violation of this subsection shall be required to serve a  
6 term of post-imprisonment supervision pursuant to subparagraph f of  
7 paragraph 1 of subsection A of Section 991a of Title 22 of the  
8 Oklahoma Statutes under conditions determined by the Department of  
9 Corrections. The jury shall be advised that the mandatory post-  
10 imprisonment supervision shall be in addition to the actual  
11 imprisonment.

12 B. The consent of the minor to the activity prohibited by this  
13 section shall not constitute a defense.

14 SECTION 11. AMENDATORY 21 O.S. 2021, Section 1021.4, is  
15 amended to read as follows:

16 Section 1021.4. A. Any commercial film and photographic print  
17 processor or commercial computer technician who has knowledge of or  
18 observes, within the scope of such person's professional capacity or  
19 employment, any film, photograph, video tape, negative, or slide, or  
20 any computer file, recording, CD-Rom, magnetic disk memory, magnetic  
21 tape memory, picture, graphic or image that is intentionally saved,  
22 transmitted or organized on hardware or any other media including,  
23 but not limited to, CDs, DVDs and thumbdrives, whether digital,  
24 analog or other means and whether directly viewable, compressed or

1 encoded depicting a child under the age of eighteen (18) years  
2 engaged in an act of sexual conduct as defined in Section 1024.1 of  
3 this title shall immediately or as soon as possible report by  
4 telephone such instance of suspected child abuse or child  
5 ~~pornography~~ sexual abuse material to the law enforcement agency  
6 having jurisdiction over the case and shall prepare and send a  
7 written report of the incident with an attached copy of such  
8 material, within thirty-six (36) hours after receiving the  
9 information concerning the incident.

10 For the purposes of this section:

11 1. "Commercial film and photographic print processor" means any  
12 person who develops exposed photographic film into negatives,  
13 slides, or prints, or who makes prints from negatives or slides, for  
14 compensation. The term shall also include any employee of such a  
15 person but shall not include a person who develops film or makes  
16 prints for a public agency; and

17 2. "Commercial computer technician" means any person who  
18 repairs, installs, or otherwise services any computer including, but  
19 not limited to, any component part, device, memory storage or  
20 recording mechanism, auxiliary storage, recording or memory  
21 capacity, or any other materials relating to operation and  
22 maintenance of a computer or computer network or system, for  
23 compensation. The term shall also include any employee of such  
24 person.

1 B. Any person who violates the provisions of this section, upon  
2 conviction, shall be guilty of a misdemeanor and shall be punished  
3 by the imposition of a fine not to exceed Five Hundred Dollars  
4 (\$500.00) or by imprisonment in the county jail not to exceed one  
5 (1) year, or both such fine and imprisonment.

6 C. Nothing in this section shall be construed to require or  
7 authorize any person to act outside the scope of such person's  
8 professional capacity or employment by searching for prohibited  
9 materials or media.

10 SECTION 12. AMENDATORY 21 O.S. 2021, Section 1022, is  
11 amended to read as follows:

12 Section 1022. Every person who is authorized or enjoined to  
13 arrest any person for a violation of paragraph 3 of subsection A of  
14 Section 1021 of this title is equally authorized and enjoined to  
15 seize one copy of the obscene material, or all copies of explicit  
16 child ~~pornography~~ sexual abuse material, found in possession of or  
17 under the control of the person so arrested, and to deliver the same  
18 to the magistrate before whom the person so arrested is required to  
19 be taken.

20 SECTION 13. AMENDATORY 21 O.S. 2021, Section 1023, is  
21 amended to read as follows:

22 Section 1023. The magistrate to whom any child ~~pornography~~  
23 sexual abuse material, or any obscene material, is delivered  
24 pursuant to Section 1022 of this title, shall, upon the examination

1 of the accused, or if the examination is delayed or prevented,  
2 without awaiting such examination, determine the character of such  
3 child ~~pornography~~ sexual abuse material or obscene material, and if  
4 the magistrate finds it to be obscene material or child ~~pornography~~  
5 sexual abuse material, the magistrate shall cause the same to be  
6 delivered to the district attorney of the county in which the  
7 accused is liable to indictment or trial. The magistrate shall  
8 issue in writing the factual and legal basis for the determination  
9 by the magistrate of the character of the child ~~pornography~~ sexual  
10 abuse material or obscene material.

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

13 Section 1024.1. A. As used in Sections 1021, 1021.1 through  
14 1021.4, Sections 1022 through ~~1024~~ 1031, and Sections 1040.8 through  
15 1040.24 of this title, "child ~~pornography~~ sexual abuse material"  
16 means and includes any visual depiction or individual image stored  
17 or contained in any format on any medium including, but not limited  
18 to, ~~film, motion:~~

19 1. Film;

20 2. Motion picture, videotape, photograph, negative,  
21 undeveloped;

22 3. Videotape;

23 4. Photograph;

24 5. Negative;

1     6. Undeveloped film, ~~slide, photographic;~~

2     7. Slide;

3     8. Photographic product, ~~reproduction;~~

4     9. Reproduction of a photographic product, ~~play;~~

5     10. Digital, computerized, or artificial intelligence-generated  
6 image indistinguishable from an actual minor;

7     11. An image created, adapted, or modified that appears to  
8 depict an actual and identifiable minor; or

9     12. Play or performance,

10 wherein a minor under the age of eighteen (18) years is engaged in  
11 any act with a person, other than his or her spouse, of sexual  
12 intercourse which is normal or perverted, in any act of anal sodomy,  
13 in any act of sexual activity with an animal, in any act of  
14 sadomasochistic abuse including, but not limited to, flagellation or  
15 torture, or the condition of being fettered, bound or otherwise  
16 physically restrained in the context of sexual conduct, in any act  
17 of fellatio or cunnilingus, in any act of excretion in the context  
18 of sexual conduct, in any lewd exhibition of the uncovered genitals  
19 in the context of masturbation or other sexual conduct, or where the  
20 lewd exhibition of the uncovered genitals, buttocks or, if such  
21 minor is a female, the breast, has the purpose of sexual stimulation  
22 of the viewer, or wherein a person under the age of eighteen (18)  
23 years observes such acts or exhibitions. Each visual depiction or  
24 individual image shall constitute a separate item and multiple

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

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

5 1. "Obscene material" means and includes any representation,  
6 performance, depiction or description of sexual conduct, whether in  
7 any form or on any medium including still photographs, undeveloped  
8 photographs, motion pictures, undeveloped film, videotape, optical,  
9 magnetic or solid-state storage, CD or DVD, or a purely photographic  
10 product or a reproduction of such product in any book, pamphlet,  
11 magazine, or other publication or electronic or photo-optical  
12 format, if ~~said~~ such items contain the following elements:

- 13 a. depictions or descriptions of sexual conduct which are  
14 patently offensive as found by the average person  
15 applying contemporary community standards,
- 16 b. taken as a whole, have as the dominant theme an appeal  
17 to prurient interest in sex as found by the average  
18 person applying contemporary community standards, and
- 19 c. a reasonable person would find the material or  
20 performance taken as a whole lacks serious literary,  
21 artistic, educational, political, or scientific  
22 purposes or value.

23 The standard for obscenity applied in this section shall not apply  
24 to child ~~pornography~~ sexual abuse material;

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

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

4            a. acts of sexual intercourse including any intercourse  
5                    which is normal or perverted, actual or simulated,

6            b. acts of deviate sexual conduct, including oral and  
7                    anal sodomy,

8            c. acts of masturbation,

9            d. acts of sadomasochistic abuse including but not  
10                   limited to:

11                    (1) flagellation or torture by or upon any person who  
12                            is nude or clad in undergarments or in a costume  
13                            which is of a revealing nature, or

14                    (2) the condition of being fettered, bound, or  
15                            otherwise physically restrained on the part of  
16                            one who is nude or so clothed,

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

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

19        4. "Explicit child ~~pornography~~ sexual abuse material" means  
20 material which a law enforcement officer can immediately identify  
21 upon first viewing without hesitation as child ~~pornography~~ sexual  
22 abuse material.

23        The types of sexual conduct described in paragraph 3 of this  
24 subsection are intended to include situations when, if appropriate

1 to the type of conduct, the conduct is performed alone or between  
2 members of the same or opposite sex or between humans and animals in  
3 an act of apparent sexual stimulation or gratification.

4 SECTION 15. AMENDATORY 21 O.S. 2021, Section 1024.2, is  
5 amended to read as follows:

6 Section 1024.2. It shall be unlawful for any person to buy,  
7 procure or possess child ~~pornography~~ sexual abuse material in  
8 violation of Sections 1024.1 through 1024.4 of this title. Such  
9 person shall, upon conviction, be guilty of a felony and shall be  
10 imprisoned for a period ~~of~~ not more than twenty (20) years or a fine  
11 up to, but not exceeding, Twenty-five Thousand Dollars (\$25,000.00)  
12 or by both such fine and imprisonment.

13 SECTION 16. AMENDATORY 21 O.S. 2021, Section 1024.3, is  
14 amended to read as follows:

15 Section 1024.3. Every person who is authorized or enjoined to  
16 arrest any person for a violation of ~~this act~~ Section 1024.1 et seq.  
17 of this title is equally authorized or enjoined to seize an  
18 evidentiary copy of any obscene material or child ~~pornography~~ sexual  
19 abuse material or all copies of explicit child ~~pornography~~ sexual  
20 abuse material found in the possession of or under the control of  
21 the person so arrested and to deliver the obscene material or child  
22 ~~pornography~~ sexual abuse material to the magistrate before whom the  
23 person so arrested is required to be taken.

24

1 SECTION 17. AMENDATORY 21 O.S. 2021, Section 1024.4, is  
2 amended to read as follows:

3 Section 1024.4. Upon final conviction of the accused and any  
4 codefendant, the magistrate or law enforcement agency shall, with  
5 the consent of the district attorney, cause any obscene material or  
6 child ~~pornography~~ sexual abuse material, in respect whereof the  
7 accused and any codefendant stands convicted and which remains in  
8 the possession or control of such magistrate, law enforcement agency  
9 or district attorney, to be destroyed including, but not limited to,  
10 the destruction of any computer, hard drive or other electronic  
11 storage media of the accused or codefendant on which such obscene  
12 material or child ~~pornography~~ sexual abuse material was located.  
13 For purposes of this section, "final conviction" includes the  
14 exhaustion of or failure to timely pursue post-conviction and state  
15 and federal habeas corpus review.

16 SECTION 18. AMENDATORY 21 O.S. 2021, Section 1040.8, is  
17 amended to read as follows:

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

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

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

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

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

7 SECTION 19. AMENDATORY 21 O.S. 2021, Section 1040.11, is  
8 amended to read as follows:

9 Section 1040.11. Sections 1021 through ~~1040.77~~ 1040.80 of this  
10 title shall be known as the "Oklahoma Law on Obscenity and Child  
11 ~~Pornography~~ Sexual Abuse Material" and may be referred to by that  
12 designation.

13 SECTION 20. AMENDATORY 21 O.S. 2021, Section 1040.12a,  
14 is amended to read as follows:

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

1 B. For purposes of this section:

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

4 2. The term "material" means the same definition provided by  
5 Section 1040.75 of ~~Title 21 of the Oklahoma Statutes~~ this title and,  
6 in addition, includes all digital and computerized images and  
7 depictions; and

8 3. The term "child ~~pornography~~ sexual abuse material" means the  
9 same definition provided by Section 1040.80 of ~~Title 21 of the~~  
10 ~~Oklahoma Statutes~~ this title and, in addition, includes sexual  
11 conduct, sexual excitement, sadomasochistic abuse, and performance  
12 of material harmful to minors where a minor is present or depicted  
13 as such terms are defined in Section 1040.75 of ~~Title 21 of the~~  
14 ~~Oklahoma Statutes~~ this title.

15 SECTION 21. AMENDATORY 21 O.S. 2021, Section 1040.13, is  
16 amended to read as follows:

17 Section 1040.13. Every person who, with knowledge of its  
18 contents, sends, brings, or causes to be sent or brought into this  
19 state for sale or commercial distribution, or in this state  
20 prepares, sells, exhibits, commercially distributes, gives away,  
21 offers to give away, or has in his possession with intent to sell,  
22 to commercially distribute, to exhibit, to give away, or to offer to  
23 give away any obscene material or child ~~pornography~~ sexual abuse  
24 material or gives information stating when, where, how, or from

1 whom, or by what means obscene material or child ~~pornography~~ sexual  
2 abuse material can be purchased or obtained, upon conviction, is  
3 guilty of a felony and shall be punished by imprisonment for not  
4 more than ten (10) years in prison or by a fine ~~of~~ not more than Ten  
5 Thousand Dollars (\$10,000.00), or by both such imprisonment and  
6 fine.

7 SECTION 22. AMENDATORY 21 O.S. 2021, Section 1040.14, is  
8 amended to read as follows:

9 Section 1040.14. ~~(a)~~ A. Whenever the Attorney General of this  
10 state or the district attorney for any district has reasonable cause  
11 to believe that any person, with knowledge of its contents, is (1)  
12 engaged in sending or causing to be sent, bringing or causing to be  
13 brought, into this state for sale or commercial distribution, or is  
14 (2) in this state preparing, selling, exhibiting or commercially  
15 distributing or giving away, or offering to give away, or has in his  
16 or her possession with intent to sell, or commercially distribute or  
17 to exhibit or give away or offer to give away, any obscene material  
18 or child ~~pornography~~ sexual abuse material, the Attorney General or  
19 the district attorney for the county into which such mailable matter  
20 is sent or caused to be sent, brought or caused to be brought, or in  
21 which it is prepared, sold, exhibited or commercially distributed or  
22 given away or offered to be given away, or possessed, may institute  
23 an action in the district court for an adjudication of the obscenity

24

1 or child ~~pornographic content~~ sexual abuse material of the mailable  
2 matter.

3 ~~(b)~~ B. The procedure to be followed shall be that set forth in  
4 ~~this act~~ Section 1040.11 et seq. of this title.

5 SECTION 23. AMENDATORY 21 O.S. 2021, Section 1040.15, is  
6 amended to read as follows:

7 Section 1040.15. The action described in Section 1040.14 of  
8 this title shall be commenced by filing with the court a petition:

9 ~~(a) directed~~ 1. Directed against the matter by name or  
10 description;

11 ~~(b)alleging~~ 2. Alleging it is obscene material or child  
12 ~~pornography~~ sexual abuse material;

13 ~~(c) listing~~ 3. Listing the names and addresses, if known, of  
14 its author, publisher and any other person sending or causing it to  
15 be sent, bringing or causing it to be brought into this state for  
16 sale or commercial distribution and of any person in this state  
17 preparing, selling, exhibiting or commercially distributing it, or  
18 giving away or offering to give it away, or possessing it with  
19 intent to sell or commercially distribute or exhibit or give away or  
20 offer to give it away;

21 ~~(d) seeking~~ 4. Seeking an adjudication that it is either  
22 obscene material or child ~~pornography~~ sexual abuse material, as  
23 defined in Section 1024.1 of this title;

24

1       ~~(e) seeking~~ 5. Seeking a permanent injunction against any  
2 person sending or causing it to be sent, bringing or causing it to  
3 be brought, into this state for sale or commercial distribution, or  
4 in this state preparing, selling, exhibiting or commercially  
5 distributing it, giving away or offering to give it away, or  
6 possessing it with intent to sell or commercially distribute or  
7 exhibit or give away or offer to give it away; and

8       ~~(f) seeking~~ 6. Seeking its surrender, seizure and destruction.

9       SECTION 24.        AMENDATORY        21 O.S. 2021, Section 1040.16, is  
10 amended to read as follows:

11       Section 1040.16. ~~(a)~~ A. Upon the filing of the petition  
12 described in Section 1040.15 of this title, the court shall  
13 summarily examine the obscene material or child ~~pornography~~ sexual  
14 abuse material.

15       ~~(b)~~ B. If the court finds no probable cause to believe it is  
16 obscene material or child ~~pornography~~ sexual abuse material, the  
17 court shall dismiss the petition.

18       ~~(c)~~ C. If the court finds probable cause to believe it is  
19 obscene material or child ~~pornography~~ sexual abuse material, the  
20 court shall immediately issue an order or rule to show cause why it  
21 should not be adjudicated to be obscene material or child  
22 ~~pornography~~ sexual abuse material.

23       ~~(d)~~ D. The order or rule to show cause shall be:

24       ~~(1) directed~~ 1. Directed against it by name or description;

1       ~~(2) if~~ 2. If their names and addresses are known, served  
2 personally in the manner provided in ~~this act~~ Section 1040.11 et  
3 seq. of this title for the service of process or in any manner now  
4 or hereafter provided by law, upon its author, publisher, and any  
5 other person interested in sending or causing it to be sent,  
6 bringing or causing it to be brought, into this state for sale or  
7 commercial distribution, and on any person in this state preparing,  
8 selling, exhibiting or commercially distributing it or giving away  
9 or offering to give it away, or possessing it with intent to sell or  
10 commercially distribute or exhibit or give away or offer to give it  
11 away; and

12       ~~(3) returnable~~ 3. Returnable six (6) days after its service.

13       SECTION 25.       AMENDATORY       21 O.S. 2021, Section 1040.17, is  
14 amended to read as follows:

15       Section 1040.17. ~~(a)~~ A. On or before the return date specified  
16 in the order or rule to show cause, the author, publisher, or any  
17 person interested in sending or causing to be sent, bringing or  
18 causing to be brought, into this state for sale or commercial  
19 distribution, or any person in this state preparing, selling,  
20 exhibiting or commercially distributing, or giving away or offering  
21 to give away, or possessing with intent to sell or commercially  
22 distribute or exhibit or give away or offer to give away, the matter  
23 may appear and file an answer.

24

1       ~~(b)~~ B. The court may, by order, permit any other person to  
2 appear and file an answer as amicus curiae. A person granted  
3 permission and appearing and filing an answer has all the rights of  
4 a party to the proceeding.

5       ~~(c)~~ C. If no person appears and files an answer on or before  
6 the return date specified in the order or rule to show cause, the  
7 court shall enter judgment either:

8       ~~(1)~~ adjudicating 1. Adjudicating the matter not to be obscene  
9 material or child ~~pornography~~ sexual abuse material, if the court so  
10 finds; or

11       ~~(2)~~ adjudicating 2. Adjudicating it to be obscene material or  
12 child ~~pornography~~ sexual abuse material, if the court so finds.

13       ~~(d)~~ D. Every person appearing and answering shall be entitled,  
14 upon request, to a trial of the issues before the court not less  
15 than three (3) days after a joinder of issue.

16       SECTION 26.        AMENDATORY        21 O.S. 2021, Section 1040.20, is  
17 amended to read as follows:

18       Section 1040.20. In the event that a judgment is entered  
19 adjudicating the matter to be obscene material or child ~~pornography~~  
20 sexual abuse material, the court shall further:

21       ~~(a)~~ order 1. Order the person or persons having possession of  
22 it to surrender it to the sheriff for destruction and, in the event  
23 that person refuses, order the sheriff in the county in which the  
24 action was brought to seize and destroy it; and

1        ~~(b) enter~~ 2. Enter a permanent injunction against any person  
2 sending or causing it to be sent, bringing or causing it to be  
3 brought, into this state for sale or commercial distribution, and  
4 against any person in this state preparing, selling, exhibiting or  
5 commercially distributing it, giving it away or offering to give it  
6 away, or having it in his or her possession with intent to sell or  
7 commercially distribute or exhibit or give it away or offer to give  
8 it away.

9            SECTION 27.            AMENDATORY            21 O.S. 2021, Section 1040.21, is  
10 amended to read as follows:

11            Section 1040.21. Any matter which, following the entry of a  
12 judgment that it is obscene material or child ~~pornography~~ sexual  
13 abuse material, is sent or caused to be sent, brought or caused to  
14 be brought, into this state for sale or commercially distributed,  
15 given away or offered to be given away, by any person with knowledge  
16 of the judgment, or is in the possession of any such person with  
17 intent to sell or commercially distribute or exhibit or give away or  
18 offer to give away, is subject to the provisions of Section 1040.13  
19 of this title.

20            SECTION 28.            AMENDATORY            21 O.S. 2021, Section 1040.22, is  
21 amended to read as follows:

22            Section 1040.22. After the entry of a judgment that the matter  
23 is obscene material or child ~~pornography~~ sexual abuse material, any  
24 person who, with knowledge of the judgment or of the order or rule

1 to show cause, sends or causes to be sent, brings or causes to be  
2 brought, into this state for sale or commercial distribution, the  
3 matter, or who in this state sells, exhibits or commercially  
4 distributes it, gives away or offers to give it away, or has it in  
5 his or her possession with intent to sell or commercially distribute  
6 or exhibit or give away or offer to give it away, shall be guilty of  
7 contempt of court and upon conviction after notice and hearing shall  
8 be imprisoned in the county jail for not more than one (1) year or  
9 fined not more than One Thousand Dollars (\$1,000.00), or be so  
10 imprisoned or fined.

11 SECTION 29. AMENDATORY 21 O.S. 2021, Section 1040.24, is  
12 amended to read as follows:

13 Section 1040.24. The possession of two or more of any single  
14 article that is obscene material or child ~~pornography~~ sexual abuse  
15 material, or the possession of a combined total of any five articles  
16 that are obscene material or child ~~pornography~~ sexual abuse material  
17 (except the possession of them for the purpose of return to the  
18 person from whom received) shall create a presumption that they are  
19 intended for sale or commercial distribution, exhibition or gift,  
20 but such presumption shall be rebuttable. The burden of proof that  
21 their possession is for the purpose of return to the person from  
22 whom received shall be on the possessor.

23 SECTION 30. AMENDATORY 21 O.S. 2021, Section 1040.54, is  
24 amended to read as follows:

1 Section 1040.54. A. Any peace officer of this state is  
2 authorized to seize any equipment which is used, or intended for use  
3 in the preparing, photographing, printing, selling, exhibiting,  
4 publishing, distributing, displaying, advertising, filming, copying,  
5 recording, or mailing of obscene material, as defined in paragraph 1  
6 of subsection B of Section 1024.1 of this title or child ~~pornography~~  
7 sexual abuse material, as defined in subsection A of Section 1024.1  
8 of this title. ~~Said~~ Such equipment may be held as evidence until a  
9 forfeiture has been declared or a release ordered. Forfeiture  
10 actions under this section may be brought by the district attorney  
11 in the proper county of venue as petitioner; provided, in the event  
12 the district attorney elects not to file such an action, or fails to  
13 file such action within ninety (90) days of the date of the seizure  
14 of such equipment, a forfeiture action may be brought by the entity  
15 seizing such equipment as petitioner.

16 B. Notice of seizure and intended forfeiture proceeding shall  
17 be given to all owners and parties in interest by the party seeking  
18 forfeiture as follows:

19 1. Upon each owner or party in interest whose name and address  
20 is known, by mailing a copy of the notice by registered mail to the  
21 last-known address; and

22 2. Upon all other owners or parties in interest, whose  
23 addresses are unknown, by one publication in a newspaper of general  
24 circulation in the county where the seizure was made.

1 C. Within sixty (60) days after the mailing or publication of  
2 the notice, the owner of the equipment and any other party in  
3 interest may file a verified answer and claim to the equipment  
4 described in the notice of seizure and of the intended forfeiture  
5 proceeding.

6 D. If at the end of sixty (60) days after the notice has been  
7 mailed or published there is no verified answer on file, the court  
8 shall hear evidence upon the fact of the unlawful use and may order  
9 the equipment forfeited to the state, if such fact is proven.

10 E. If a verified answer is filed, the forfeiture proceeding  
11 shall be set for hearing.

12 F. At the hearing the party seeking the forfeiture shall prove  
13 by clear and convincing evidence that the equipment was used in the  
14 preparing, photographing, printing, selling, exhibiting, publishing,  
15 distributing, displaying, advertising, filming, copying, recording,  
16 or mailing of obscene material, as defined in paragraph 1 of  
17 subsection B of Section 1024.1 of this title or child ~~pornography~~  
18 sexual abuse material, as defined in ~~paragraph 1~~ of subsection A of  
19 Section 1024.1 of this title, with knowledge by the owner of the  
20 equipment.

21 G. The owner or party in interest may prove that the right or  
22 interest in the equipment was created without any knowledge or  
23 reason to believe that the equipment was being, or was to be, used  
24 for the purpose charged.

1 H. In the event of such proof, the court may order the  
2 equipment released to the bona fide or innocent owner or party in  
3 interest if the amount due the person is equal to, or in excess of,  
4 the value of the equipment as of the date of the seizure.

5 I. If the amount due to such person is less than the value of  
6 the equipment, or if no bona fide claim is established, the  
7 equipment shall be forfeited to the state and shall be sold pursuant  
8 to the judgment of the court.

9 J. Equipment taken or detained pursuant to this section shall  
10 not be repleviable, but shall be deemed to be in the custody of the  
11 office of the district attorney of the county where the equipment  
12 was seized or in the custody of the party seeking the forfeiture.  
13 The district attorney or the party seeking the equipment may release  
14 ~~said~~ the equipment to the owner of the equipment if it is determined  
15 that the owner had no knowledge of the illegal use of the equipment  
16 or if there is insufficient evidence to sustain the burden of  
17 showing illegal use of the equipment. Equipment which has not been  
18 released by the district attorney or the party seizing the equipment  
19 shall be subject to the orders and decrees of the court or the  
20 official having jurisdiction thereof.

21 K. The district attorney or the party seizing such equipment  
22 shall not be held civilly liable for having custody of the seized  
23 equipment or proceeding with a forfeiture action as provided for in  
24 this section.

1 L. The proceeds of the sale of any equipment not taken or  
2 detained by the Oklahoma State Bureau of Narcotics and Dangerous  
3 Drugs Control, the Department of Public Safety, the Oklahoma State  
4 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
5 Commission, the Department of Corrections or the Office of the  
6 Attorney General shall be distributed as follows, in the order  
7 indicated:

8 1. To the bona fide or innocent purchaser or conditional sales  
9 vendor of the equipment, if any, up to the amount of the person's  
10 interest in the equipment, when the court declaring the forfeiture  
11 orders a distribution to such person;

12 2. To the payment of the actual expenses of preserving the  
13 equipment; and

14 3. The balance to a revolving fund in the office of the county  
15 treasurer of the county where the equipment was seized, ~~said~~ such  
16 fund to be used and maintained as a revolving fund for any purpose  
17 by the department that made the seizure with a yearly accounting to  
18 the board of county commissioners in whose county the fund is  
19 established. Monies from ~~said~~ such fund may be used to pay costs  
20 for the storage of such equipment if such equipment is ordered  
21 released to a bona fide or innocent owner, purchaser, or conditional  
22 sales vendor and if such monies are available in ~~said~~ the fund.

23 M. The proceeds of the sale of any equipment seized, taken or  
24 detained by the Oklahoma State Bureau of Narcotics and Dangerous

1 Drugs Control, the Department of Public Safety, the Oklahoma State  
2 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
3 Commission, the Department of Corrections or the Office of the  
4 Attorney General shall be distributed as follows, in the order  
5 indicated:

6 1. To the bona fide or innocent purchaser or conditional sales  
7 vendor of the equipment, if any, up to the amount of the person's  
8 interest in the equipment, when the court declaring the forfeiture  
9 orders a distribution to such person;

10 2. To the payment of the actual expenses of preserving the  
11 equipment; and

12 3. The balance to a revolving fund of the agency seizing ~~said~~  
13 such equipment to be used and maintained as a revolving fund for law  
14 enforcement purposes by the agency seizing ~~said~~ the equipment.  
15 Monies from ~~said~~ such fund may be used to pay costs for the storage  
16 of such equipment if such equipment is ordered released to a bona  
17 fide or innocent owner, purchaser, or conditional sales vendor.

18 N. When any equipment is forfeited pursuant to this section,  
19 the district court of jurisdiction may order that the equipment  
20 seized may be retained by the state, county, or municipal law  
21 enforcement agency which seized the equipment for its official use.

22 O. If the court finds that the equipment was not used in the  
23 preparing, photographing, printing, selling, exhibiting, publishing,  
24 distributing, displaying, advertising, filming, copying, recording,

1 or mailing of obscene material, as defined in paragraph 1 of  
2 subsection B of Section 1024.1 of this title or child ~~pornography~~  
3 sexual abuse material as defined in ~~paragraph 1~~ of subsection A of  
4 Section 1024.1 of this title, the court shall order the equipment  
5 released to the owner.

6 P. No equipment shall be forfeited pursuant to the provisions  
7 of this section by reason of any act or omission established by the  
8 owner thereof to have been committed or omitted without the  
9 knowledge or consent of such owner, or by any person other than such  
10 owner while such equipment was unlawfully in the possession of a  
11 person other than the owner in violation of the criminal laws of the  
12 United States or of any state.

13 SECTION 31. AMENDATORY 21 O.S. 2021, Section 1040.56, is  
14 amended to read as follows:

15 Section 1040.56. A. Any person who, while under the age of  
16 eighteen (18), was a victim of an offense provided for in Section  
17 681, 741, 843.5, 852.1, 867, 885, 886, 888, 891, 1021, 1021.2,  
18 1021.3, 1024.2, 1040.8, 1040.12a, 1040.13, 1040.13a, 1087, 1088,  
19 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes, where  
20 such offense resulted in a conviction and any portion of such  
21 offense was used in the production of child ~~pornography~~ sexual abuse  
22 material, and who suffers personal or psychological injury as a  
23 result of the production, promotion, or possession of such child  
24 ~~pornography~~ sexual abuse material, may bring a civil action against

1 the producer, promoter, or intentional possessor of such child  
2 ~~pornography~~ sexual abuse material, regardless of whether the victim  
3 is now an adult.

4 B. In any civil action brought under this section, the  
5 prevailing plaintiff shall recover the actual, special and punitive  
6 damages such person sustained and the cost of the suit, including  
7 reasonable attorney fees.

8 C. Notwithstanding any other provision of law, any civil action  
9 commenced pursuant to this section shall be filed within three (3)  
10 years after the later of:

11 1. The conclusion of the related criminal case;

12 2. The notification to the victim by a law enforcement agency  
13 of the creation, possession, distribution or promotion of child  
14 ~~pornography~~ sexual abuse material; or

15 3. In the case of a victim younger than eighteen (18) years of  
16 age, within three (3) years after the person reaches the age of  
17 eighteen (18).

18 D. It is not a defense to a civil cause of action under this  
19 section that the respondent did not know the victim or commit the  
20 abuse depicted in the child ~~pornography~~ sexual abuse material.

21 E. As used in this section, "child ~~pornography~~ sexual abuse  
22 material" shall have the same meaning as such term is defined in  
23 Section 1024.1 of ~~Title 21 of the Oklahoma Statutes~~ this title.

24

1 F. The provisions of this section shall not apply to any acts  
2 performed in the scope and course of employment by any:

- 3 1. Law enforcement officer;
- 4 2. Forensic examiner;
- 5 3. Prosecuting attorney; or
- 6 4. Employee of a child advocacy organization.

7 SECTION 32. AMENDATORY 21 O.S. 2021, Section 1040.80, is  
8 amended to read as follows:

9 Section 1040.80. A. As used in this section, the term:

10 1. "Interactive computer service provider" means any provider  
11 to the public of computer access via the Internet to a computer  
12 server or similar device used for the storage of graphic, video or  
13 images;

14 2. "Internet" means the international computer network of both  
15 federal and nonfederal interoperable packet-switched data networks;

16 3. "Controlled or owned by" with respect to a server or other  
17 storage device means a server or other such device that is entirely  
18 owned by the interactive computer service provider or is subject to  
19 exclusive management by the interactive computer service provider by  
20 agreement or otherwise; and

21 4. "Child ~~pornography~~ sexual abuse material" means explicit  
22 child ~~pornography~~ sexual abuse material as defined in Section 1024.1  
23 of ~~Title 21 of the Oklahoma Statutes~~ this title.

1 B. The Attorney General or a law enforcement officer who  
2 receives information that an item of alleged child ~~pornography~~  
3 sexual abuse material resides on a server or other storage device  
4 controlled or owned by an interactive computer service provider  
5 shall:

6 1. Contact the interactive computer service provider that  
7 controls or owns the server or other storage device where the item  
8 of alleged child ~~pornography~~ sexual abuse material is located;

9 2. Inform the interactive computer service provider of the  
10 provisions of this section; and

11 3. Request that the interactive computer service provider  
12 voluntarily comply with this section and remove the item of alleged  
13 child ~~pornography~~ sexual abuse material from its server or other  
14 storage device expeditiously.

15 C. 1. If an interactive computer service provider does not  
16 voluntarily remove the item of alleged child ~~pornography~~ sexual  
17 abuse material in a timely manner, the Attorney General or law  
18 enforcement officer shall apply for a court order of authorization  
19 to remove the item of alleged child ~~pornography~~ sexual abuse  
20 material under this section. The obligation to remove the item of  
21 alleged child ~~pornography~~ sexual abuse material shall not apply to  
22 the transmitting or routing of, or the intermediate, temporary  
23 storage or caching of an image, information or data that is  
24 otherwise subject to this section.

1       2. The application for a court order shall include:

2           a. the authority of the applicant to make such an  
3           application,

4           b. the identity and qualifications of the investigative  
5           or law enforcement officer or agency that, in the  
6           official scope of that officer's duties or agency's  
7           authority, discovered the images, information, or  
8           data,

9           c. a particular statement of the facts relied upon by the  
10          applicant, including:

11           (1) the identity of the interactive computer service  
12           provider,

13           (2) identification of the item of alleged child  
14           ~~pornography~~ sexual abuse material discovered on  
15           the server or other storage device controlled or  
16           owned by an interactive computer service  
17           provider,

18           (3) the particular images, information, or data to be  
19           removed or to which access is to be disabled  
20           identified by uniform resource locator (URL) or  
21           Internet protocol (IP) address, a statement  
22           certifying that such content resides on a server  
23           or storage device controlled or owned by such  
24           interactive computer service provider, and

1 (4) the steps taken to obtain voluntary compliance by  
2 such interactive computer service provider with  
3 the requirements of ~~this act~~ Section 1040.75 et  
4 seq. of this title prior to filing the  
5 application,

6 d. such additional testimony and documentary evidence in  
7 support of the application as the judge may require,  
8 and

9 e. a showing that there is probable cause to believe that  
10 the item of child pornography items sexual abuse  
11 material constitutes a violation of this section.

12 D. The Attorney General shall notify the interactive computer  
13 service provider which is identified in the court's order in  
14 accordance with the provisions of this section. The Attorney  
15 General shall notify an interactive computer service provider upon  
16 the issuance of an order authorizing the removal of the ~~items~~  
17 alleged item of alleged child pornography sexual abuse material.

18 1. The notice by the Attorney General shall include:

19 a. a copy of the application made pursuant to subsection  
20 C of this section,

21 b. a copy of the court order issued pursuant to  
22 subsection K of this section,

23 c. notification that the interactive computer service  
24 provider shall remove the item of alleged child

1 ~~pornography~~ sexual abuse material contained in the  
2 order which resides on a server or other storage  
3 device controlled or owned by such interactive  
4 computer service provider and which are accessible to  
5 persons located within this state expeditiously after  
6 receipt of the notification,

7 d. notification of the criminal penalties for failure to  
8 remove the item of child ~~pornography~~ sexual abuse  
9 material,

10 e. notification of the right to appeal the court's order,  
11 and

12 f. contact information for the Attorney General's ~~Office~~  
13 office.

14 2. An interactive computer service provider may designate an  
15 agent within the state to receive notification pursuant to this  
16 section.

17 E. The interactive computer service provider has the right to  
18 request a hearing before the court imposes any penalty under this  
19 section.

20 F. Nothing in this section may be construed as imposing a duty  
21 on an interactive computer service provider to actively monitor its  
22 service or affirmatively seek evidence of illegal activity on its  
23 service.

1 G. Notwithstanding any other provision of law to the contrary,  
2 any interactive computer service provider that intentionally  
3 violates subsection L of this section commits:

4 1. A misdemeanor for a first offense punishable by a fine of  
5 One Thousand Dollars (\$1,000.00);

6 2. A misdemeanor of a high and aggravated nature for a second  
7 offense punishable by a fine of Five Thousand Dollars (\$5,000.00);  
8 and

9 3. A felony for a third or subsequent offense punishable by a  
10 fine of Thirty Thousand Dollars (\$30,000.00) and imprisonment for a  
11 maximum of five (5) years.

12 H. The Attorney General shall have concurrent prosecutorial  
13 jurisdiction with a district attorney for violation of this section.

14 I. The removal of the alleged item of child ~~pornography~~ sexual  
15 abuse material which resides on a server or other storage device,  
16 shall not, to the extent possible, interfere with any request of a  
17 law enforcement agency to preserve records or other evidence, which  
18 may be kept by the interactive computer service provider in the  
19 normal course of business.

20 J. Upon consideration of an application for authorization to  
21 remove the item of alleged child ~~pornography~~ sexual abuse material  
22 that resides on a server or other storage device controlled or owned  
23 by an interactive computer service provider as set forth in  
24 subsection C of this section, the judge may enter an ex parte order,

1 as requested or as modified, authorizing the removal of the item of  
2 alleged child ~~pornography~~ sexual abuse material, if the court  
3 determines on the basis of the facts submitted by the applicant that  
4 there is or was probable cause for belief that:

5 1. The item of alleged child ~~pornography~~ sexual abuse material  
6 constitutes evidence of an act in violation of this section;

7 2. The investigative or law enforcement officer or agency acted  
8 within the official scope of that officer's duties or agency's  
9 authority, in discovering the images, information, or data and has  
10 complied with the requirements of subsection I and subsection K of  
11 this section;

12 3. An item of alleged child ~~pornography~~ sexual abuse material  
13 resides on the server or other storage device controlled or owned by  
14 the interactive computer service provider and is accessible to  
15 persons located in the state; and

16 4. In the case of an application, other than a renewal or  
17 extension, for an order removing the item of alleged child  
18 ~~pornography~~ sexual abuse material which was the subject of a  
19 previous order authorizing the removal or disabling of access, the  
20 application is based upon new evidence or information different from  
21 and in addition to the evidence or information offered to support  
22 the prior order.

23

24

1 K. Each order authorizing the removal or disabling of access to  
2 an alleged item of child ~~pornography~~ sexual abuse material shall  
3 contain:

4 1. The name of the judge authorized to issue the order;

5 2. A particular description of the images, information, or data  
6 to be removed or access to such disabled, identified by a URL or IP  
7 address, and a statement of the particular violation of the section  
8 to which the images, information, or data relate;

9 3. The identity of the investigative or law enforcement officer  
10 or agency who discovered the images, information, or data and the  
11 identity of whoever authorized the application; and

12 4. Such additional information or instruction as the court  
13 deems necessary to execute the order.

14 L. The court shall review the application and testimony, if  
15 offered, and, upon a finding of probable cause, issue an order that:

16 1. An item of child ~~pornography~~ sexual abuse material resides  
17 on a server or other storage device controlled by the interactive  
18 computer service provider and is accessible to persons located in  
19 the state;

20 2. The interactive computer service provider shall remove the  
21 item residing on a server or other storage device controlled or  
22 owned by the interactive computer service provider expeditiously  
23 after receiving the order, if practical;

24

1           3. The order shall specify that removal of any item covered by  
2 the order shall be accomplished in a fashion that prevents or  
3 minimizes the removal of, or restriction of access to, images,  
4 information, or data that ~~are~~ is not subject to the order;

5           4. Failure of the interactive computer service provider to  
6 comply with the court's order is a violation of this section;

7           5. The removal of the item on the server or other storage  
8 device controlled or owned by the interactive computer service  
9 provider may not unreasonably interfere with a request by a law  
10 enforcement agency to preserve records for a reasonable period and  
11 in accordance with law; and

12           6. Provides the interactive computer service provider notice  
13 and opportunity for a hearing before the court imposes any penalty  
14 under this subsection.

15           M. An interactive computer service provider who is served with  
16 a court order under subsection L of this section shall remove the  
17 item of child ~~pornography~~ sexual abuse material that is the subject  
18 of the order expeditiously after receiving the court order, if  
19 practicable.

20           N. 1. An interactive service provider may petition the court  
21 for relief for cause from an order issued under subsection L of this  
22 section.

23           2. The petition may be based on considerations of:  
24

- 1           a.    the cost or technical feasibility of compliance with  
2                    the order, or
- 3           b.    the inability of the interactive computer service  
4                    provider to comply with the order without also  
5                    removing data, images or information that ~~are~~ is not  
6                    subject to this section.

7           SECTION 33.        AMENDATORY        21 O.S. 2021, Section 1123, as  
8 amended by Section 4, Chapter 260, O.S.L. 2022 (21 O.S. Supp. 2023,  
9 Section 1123), is amended to read as follows:

10          Section 1123. A. It is a felony for any person to knowingly  
11 and intentionally:

12           1. Make any oral, written or electronically or computer-  
13 generated lewd or indecent proposal to any child under sixteen (16)  
14 years of age, or other individual the person believes to be a child  
15 under sixteen (16) years of age, for the child to have unlawful  
16 sexual relations or sexual intercourse with any person;

17           2. Look upon, touch, maul, or feel the body or private parts of  
18 any child under sixteen (16) years of age in any lewd or lascivious  
19 manner by any acts against public decency and morality, as defined  
20 by law;

21           3. Ask, invite, entice, or persuade any child under sixteen  
22 (16) years of age, or other individual the person believes to be a  
23 child under sixteen (16) years of age, to go alone with any person  
24 to a secluded, remote, or secret place, with the unlawful and

1 willful intent and purpose then and there to commit any crime  
2 against public decency and morality, as defined by law, with the  
3 child;

4 4. In any manner lewdly or lasciviously look upon, touch, maul,  
5 or feel the body or private parts of any child under sixteen (16)  
6 years of age in any indecent manner or in any manner relating to  
7 sexual matters or sexual interest; or

8 5. In a lewd and lascivious manner and for the purpose of  
9 sexual gratification:

- 10 a. urinate or defecate upon a child under sixteen (16)  
11 years of age, or force or require a child to defecate  
12 or urinate upon the body or private parts of another,  
13 ~~or for the purpose of sexual gratification,~~
- 14 b. ejaculate upon or in the presence of a child,
- 15 c. cause, expose, force or require a child to look upon  
16 the body or private parts of another person,
- 17 d. force or require any child under sixteen (16) years of  
18 age or other individual the person believes to be a  
19 child under sixteen (16) years of age, to view any  
20 obscene materials, child ~~pornography~~ sexual abuse  
21 material or materials deemed harmful to minors as such  
22 terms are defined by Sections 1024.1 and 1040.75 of  
23 this title,  
24

- 1 e. cause, expose, force or require a child to look upon  
2 sexual acts performed in the presence of the child, or  
3 f. force or require a child to touch or feel the body or  
4 private parts of the child or another person.

5 Any person convicted of any violation of this subsection shall  
6 be punished by imprisonment in the custody of the Department of  
7 Corrections for not less than three (3) years nor more than twenty  
8 (20) years, except when the child is under twelve (12) years of age  
9 at the time the offense is committed, and in such case the person  
10 shall, upon conviction, be punished by imprisonment in the custody  
11 of the Department of Corrections for not less than twenty-five (25)  
12 years. The provisions of this subsection shall not apply unless the  
13 accused is at least three (3) years older than the victim, except  
14 when accomplished by the use of force or fear. Except as provided  
15 in Section 51.1a of this title, any person convicted of a second or  
16 subsequent violation of this subsection shall be guilty of a felony  
17 punishable as provided in this subsection and shall not be eligible  
18 for probation, or a suspended or deferred sentence. Except as  
19 provided in Section 51.1a of this title, any person convicted of a  
20 third or subsequent violation of this subsection shall be guilty of  
21 a felony punishable by imprisonment in the custody of the Department  
22 of Corrections for a term of life or life without parole, in the  
23 discretion of the jury, or in case the jury fails or refuses to fix  
24 punishment then the same shall be pronounced by the court. Any

1 person convicted of a violation of this subsection after having been  
2 twice convicted of a violation of subsection A of Section 1114 of  
3 this title, Section 888 of this title, sexual abuse of a child  
4 pursuant to Section 843.5 of this title, or of any attempt to commit  
5 any of these offenses or any combination of convictions pursuant to  
6 these sections shall be punished by imprisonment in the custody of  
7 the Department of Corrections for a term of life or life without  
8 parole.

9 B. No person shall commit sexual battery on any other person.

10 "Sexual battery" shall mean the intentional touching, mauling or  
11 feeling of the body or private parts of any person sixteen (16)  
12 years of age or older, in a lewd and lascivious manner:

13 1. Without the consent of that person;

14 2. When committed by a state, county, municipal or political  
15 subdivision employee or a contractor or an employee of a contractor  
16 of the state, a county, a municipality or political subdivision of  
17 this state upon a person who is under the legal custody, supervision  
18 or authority of a state agency, a county, a municipality or a  
19 political subdivision of this state, or the subcontractor or  
20 employee of a subcontractor of the contractor of the state or  
21 federal government, a county, a municipality or a political  
22 subdivision of this state;

23 3. When committed upon a person who is at least sixteen (16)  
24 years of age and is less than twenty (20) years of age and is a

1 student, or in the legal custody or supervision of any public or  
2 private elementary or secondary school, or technology center school,  
3 by a person who is eighteen (18) years of age or older and is an  
4 employee of a school system;

5 4. When committed upon a person who is nineteen (19) years of  
6 age or younger and is in the legal custody of a state agency,  
7 federal agency or a tribal court, by a foster parent or foster  
8 parent applicant; or

9 5. When the victim is a student at a secondary school, is  
10 concurrently enrolled at an institution of higher education, and  
11 engages in acts pursuant to this subsection with a perpetrator who  
12 is an employee of the institution of higher education of which the  
13 student is enrolled.

14 As used in this subsection, "employee of an institution of  
15 higher education" means faculty, adjunct faculty, instructors,  
16 volunteers, or an employee of a business contracting with an  
17 institution of higher education who may exercise, at any time,  
18 institutional authority over the victim. Employee of an institution  
19 of higher education shall not include an enrolled student who is not  
20 more than three (3) years of age or older than the concurrently  
21 enrolled student and who is employed or volunteering, in any  
22 capacity, for the institution of higher education.

23 As used in this subsection, "employee of a school system" means  
24 a teacher, principal or other duly appointed person employed by a

1 school system or an employee of a firm contracting with a school  
2 system.

3 C. No person shall in any manner lewdly or lasciviously:

4 1. Look upon, touch, maul, or feel the body or private parts of  
5 any human corpse in any indecent manner relating to sexual matters  
6 or sexual interest; or

7 2. Urinate, defecate or ejaculate upon any human corpse.

8 D. Any person convicted of a violation of subsection B or C of  
9 this section shall be deemed guilty of a felony and shall be  
10 punished by imprisonment in the custody of the Department of  
11 Corrections for not more than ten (10) years.

12 E. The fact that an undercover operative or law enforcement  
13 officer was involved in the detection and investigation of an  
14 offense pursuant to this section shall not constitute a defense to a  
15 prosecution under this section.

16 F. Except for persons sentenced to life or life without parole,  
17 any person sentenced to imprisonment for two (2) years or more for a  
18 violation of this section shall be required to serve a term of post-  
19 imprisonment supervision pursuant to subparagraph f of paragraph 1  
20 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes  
21 under conditions determined by the Department of Corrections. The  
22 jury shall be advised that the mandatory post-imprisonment  
23 supervision shall be in addition to the actual imprisonment.

24

1 SECTION 34. AMENDATORY 22 O.S. 2021, Section 40, is  
2 amended to read as follows:

3 Section 40. As used in Sections 40 through ~~40.3~~ 40.3a of this  
4 title:

5 1. "Assault and battery with a deadly weapon" means assault and  
6 battery with a deadly weapon or other means likely to produce death  
7 or great bodily harm as provided in Section 652 of Title 21 of the  
8 Oklahoma Statutes;

9 2. "Forcible sodomy" means the act of forcing another person to  
10 engage in the detestable and abominable crime against nature  
11 pursuant to Sections 886 and 887 of Title 21 of the Oklahoma  
12 Statutes that is punishable under Section 888 of Title 21 of the  
13 Oklahoma Statutes;

14 3. "Kidnapping" means kidnapping or kidnapping for purposes of  
15 extortion as provided in Sections 741 and 745 of Title 21 of the  
16 Oklahoma Statutes;

17 4. "Member of the immediate family" means the spouse, a child  
18 by birth or adoption, a stepchild, a parent by birth or adoption, a  
19 stepparent, a grandparent, a grandchild, a sibling or a stepsibling  
20 of a victim of first-degree murder;

21 5. "Rape" means an act of sexual intercourse accomplished with  
22 a person pursuant to Sections 1111, 1111.1 and 1114 of Title 21 of  
23 the Oklahoma Statutes; and

24 6. "Sex offense" means the following crimes:

- 1 a. sexual assault as provided in Section 681 of Title 21  
2 of the Oklahoma Statutes,
- 3 b. human trafficking for commercial sex as provided in  
4 Section 748 of Title 21 of the Oklahoma Statutes,
- 5 c. sexual abuse or sexual exploitation by a caretaker as  
6 provided in Section 843.1 of Title 21 of the Oklahoma  
7 Statutes,
- 8 d. child sexual abuse or child sexual exploitation as  
9 provided in Section 843.5 of Title 21 of the Oklahoma  
10 Statutes,
- 11 e. permitting sexual abuse of a child as provided in  
12 Section 852.1 of Title 21 of the Oklahoma Statutes,
- 13 f. incest as provided in Section 885 of Title 21 of the  
14 Oklahoma Statutes,
- 15 g. forcible sodomy as provided in Section 888 of Title 21  
16 of the Oklahoma Statutes,
- 17 h. child stealing for purposes of sexual abuse or sexual  
18 exploitation as provided in Section 891 of Title 21 of  
19 the Oklahoma Statutes,
- 20 i. indecent exposure or solicitation of minors as  
21 provided in Section 1021 of Title 21 of the Oklahoma  
22 Statutes,
- 23 j. procuring, producing, distributing or possessing child  
24 ~~pornography~~ sexual abuse material as provided in

1 Sections 1021.2 and 1024.2 of Title 21 of the Oklahoma  
2 Statutes,

3 k. parental consent to child ~~pornography~~ sexual abuse  
4 material as provided in Section 1021.3 of Title 21 of  
5 the Oklahoma Statutes,

6 l. aggravated possession of child ~~pornography~~ sexual  
7 abuse material as provided in Section 1040.12a of  
8 Title 21 of the Oklahoma Statutes,

9 m. distributing obscene material or child ~~pornography~~  
10 sexual abuse material as provided in Section 1040.13  
11 of Title 21 of the Oklahoma Statutes,

12 n. offering or soliciting sexual conduct with a child as  
13 provided in Section 1040.13a of Title 21 of the  
14 Oklahoma Statutes,

15 o. procuring a child for prostitution or other lewd acts  
16 as provided in Section 1087 of Title 21 of the  
17 Oklahoma Statutes,

18 p. inducing a child to engage in prostitution as provided  
19 in Section 1088 of Title 21 of the Oklahoma Statutes,  
20 and

21 q. lewd or indecent proposals or acts to a child or  
22 sexual battery as provided in Section 1123 of Title 21  
23 of the Oklahoma Statutes.  
24

1 SECTION 35. AMENDATORY 22 O.S. 2021, Section 991h, is  
2 amended to read as follows:

3 Section 991h. In addition to the other sentencing powers of the  
4 court, when sentencing a person who has been convicted, whether upon  
5 a verdict or plea of guilty or nolo contendere, or who has received  
6 a suspended sentence or any probationary term for a crime or an  
7 attempt to commit a crime provided for in:

8 1. Section 843.5 of Title 21 of the Oklahoma Statutes, if the  
9 offense involved sexual abuse or sexual exploitation, as those terms  
10 are defined in Section 1-1-105 of Title 10A of the Oklahoma  
11 Statutes;

12 2. Section 681 of Title 21 of the Oklahoma Statutes, if the  
13 offense involved sexual assault;

14 3. Section 741 of Title 21 of the Oklahoma Statutes, if the  
15 offense involved sexual abuse or sexual exploitation;

16 4. Section 748 of Title 21 of the Oklahoma Statutes, if the  
17 offense involved human trafficking for commercial sex;

18 5. Section 843.1 of Title 21 of the Oklahoma Statutes, if the  
19 offense involved sexual abuse or sexual exploitation;

20 6. Section 852.1 of Title 21 of the Oklahoma Statutes, if the  
21 offense involved sexual abuse of a child;

22 7. Section 866, 885, 886, 888 or 891 of Title 21 of the  
23 Oklahoma Statutes, if the offense involved sexual abuse or sexual  
24 exploitation;

1 8. Section 1021, 1021.2, 1021.3, 1024.2 or 1029 of Title 21 of  
2 the Oklahoma Statutes, if the offense involved child prostitution;

3 9. Section 1040.8 of Title 21 of the Oklahoma Statutes, if the  
4 offense involved child ~~pornography~~ sexual abuse material; or

5 10. Section 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1,  
6 1114 or 1123 of Title 21 of the Oklahoma Statutes,  
7 the court shall issue an order that the defendant shall have no  
8 contact directly or indirectly with the victim or the family of the  
9 victim during the full term of the confinement of the defendant,  
10 term of probation, period of deferment or term of confinement and  
11 probation of the defendant.

12 SECTION 36. AMENDATORY 22 O.S. 2021, Section 996.1, is  
13 amended to read as follows:

14 Section 996.1. As used in the Delayed Sentencing Program for  
15 Young Adults:

16 "Offender" means any adult eighteen (18) through twenty-five  
17 (25) years of age as of the date of a verdict of guilty or a plea of  
18 guilty or nolo contendere for a nonviolent felony offense or a  
19 juvenile who has been certified to stand trial as an adult for a  
20 nonviolent felony offense, who has no charges pending for a violent  
21 offense and who has not been sentenced, or adjudicated as a juvenile  
22 delinquent or youthful offender, of:

23 1. Assault, battery, or assault and battery with a dangerous or  
24 deadly weapon as defined by ~~Sections~~ Section 645 and subsection C of

1 Section 652 of Title 21 of the Oklahoma Statutes, or Section 2-219  
2 of Title 43A of the Oklahoma Statutes;

3 2. Aggravated assault and battery on a police officer, sheriff,  
4 highway patrolman, or any other officer of the law as defined by  
5 ~~Sections~~ Section 650, subsection C of Section 650.2, Section 650.5,  
6 subsection B of Section 650.6, or subsection C of Section 650.7 of  
7 Title 21 of the Oklahoma Statutes;

8 3. Poisoning with intent to kill as defined by Section 651 of  
9 Title 21 of the Oklahoma Statutes;

10 4. Shooting with intent to kill as defined by Section 652 of  
11 Title 21 of the Oklahoma Statutes;

12 5. Assault with intent to kill as defined by Section 653 of  
13 Title 21 of the Oklahoma Statutes;

14 6. Using a vehicle to facilitate the intentional discharge of  
15 any kind of firearm in violation of Section 652 of Title 21 of the  
16 Oklahoma Statutes;

17 7. Discharging any firearm or other deadly weapon at or into  
18 any dwelling as defined in Section 1289.17A of Title 21 of the  
19 Oklahoma Statutes;

20 8. Assault with intent to commit a felony as defined by Section  
21 681 of Title 21 of the Oklahoma Statutes;

22 9. Assaults while masked or disguised as defined by Section  
23 1303 of Title 21 of the Oklahoma Statutes;

24

1 10. Murder in the first degree as defined by Section 701.7 of  
2 Title 21 of the Oklahoma Statutes;

3 11. Murder in the second degree as defined by Section 701.8 of  
4 Title 21 of the Oklahoma Statutes;

5 12. Manslaughter in the first degree as defined by ~~Sections~~  
6 Section 711, or 712 ~~or 714~~ of Title 21 of the Oklahoma Statutes;

7 13. Manslaughter in the second degree as defined by ~~Sections~~  
8 Section 716 or 717 of Title 21 of the Oklahoma Statutes;

9 14. Kidnapping as defined by Section 741 of Title 21 of the  
10 Oklahoma Statutes;

11 15. Burglary in the first degree as defined by Section 1431 of  
12 Title 21 of the Oklahoma Statutes;

13 16. Kidnapping for extortion as defined by Section 745 of Title  
14 21 of the Oklahoma Statutes;

15 17. Maiming as defined by Section 751 of Title 21 of the  
16 Oklahoma Statutes;

17 18. Robbery as defined by Section 791 of Title 21 of the  
18 Oklahoma Statutes;

19 19. Robbery in the first degree as defined by Section 797 of  
20 Title 21 of the Oklahoma Statutes;

21 20. Robbery in the second degree as defined by Section 797 of  
22 Title 21 of the Oklahoma Statutes;

23 21. Armed robbery as defined by Section 801 of Title 21 of the  
24 Oklahoma Statutes;

1           22. Robbery by two (2) or more persons as defined by Section  
2 800 of Title 21 of the Oklahoma Statutes;

3           23. Robbery with dangerous weapon or imitation firearm as  
4 defined by Section 801 of Title 21 of the Oklahoma Statutes;

5           24. Any crime against a child provided for in Section 843.5 of  
6 Title 21 of the Oklahoma Statutes;

7           25. Wiring ~~equipment,~~ or equipping vehicle or structure with  
8 explosives as defined by Section 849 of Title 21 of the Oklahoma  
9 Statutes;

10          26. Forcible sodomy as defined by Section 888 of Title 21 of  
11 the Oklahoma Statutes;

12          27. Rape in the first degree as defined by Sections 1111 and  
13 1114 of Title 21 of the Oklahoma Statutes;

14          28. Rape by instrumentation as defined by Section 1111.1 of  
15 Title 21 of the Oklahoma Statutes;

16          29. Lewd or indecent proposition or lewd or indecent act with a  
17 child as defined by Section 1123 of Title 21 of the Oklahoma  
18 Statutes;

19          30. Use of a firearm or offensive weapon to commit or attempt  
20 to commit a felony as defined by Section 1287 of Title 21 of the  
21 Oklahoma Statutes;

22          31. Pointing firearms as defined by Section 1289.16 of Title 21  
23 of the Oklahoma Statutes;

24

1           32. Rioting as defined by ~~Sections~~ Section 1311 or 1321.8 of  
2 Title 21 of the Oklahoma Statutes;

3           33. Inciting to riot as defined by Section 1320.2 of Title 21  
4 of the Oklahoma Statutes;

5           34. Arson in the first degree as defined by Section 1401 of  
6 Title 21 of the Oklahoma Statutes;

7           35. Endangering human life during arson as defined by Section  
8 1405 of Title 21 of the Oklahoma Statutes;

9           36. Procure, produce, distribute, or possess ~~juvenile~~  
10 ~~pornography~~ child sexual abuse material as defined by Section 1021.2  
11 of Title 21 of the Oklahoma Statutes;

12           37. Parental consent to ~~juvenile pornography~~ child sexual abuse  
13 material as defined by Section 1021.3 of Title 21 of the Oklahoma  
14 Statutes;

15           38. Distributing obscene material or child ~~pornography~~ sexual  
16 abuse material as defined by Section 1040.13 of Title 21 of the  
17 Oklahoma Statutes;

18           39. Unlawful manufacturing, attempting to unlawfully  
19 manufacture or aggravated manufacturing of any controlled dangerous  
20 substance as defined by subsection G of Section 2-401 and paragraph  
21 3 of subsection G of Section 2-401 of Title 63 of the Oklahoma  
22 Statutes; or

23           40. Any violation of the Trafficking in Illegal Drugs Act as  
24 defined by Section 2-415 of Title 63 of the Oklahoma Statutes.

1 SECTION 37. AMENDATORY 43 O.S. 2021, Section 112.5, is  
2 amended to read as follows:

3 Section 112.5. A. Custody or guardianship of a child may be  
4 awarded to:

5 1. A parent or to both parents jointly;

6 2. A grandparent;

7 3. A person who was indicated by the wishes of a deceased  
8 parent;

9 4. A relative of either parent;

10 5. The person in whose home the child has been living in a  
11 wholesome and stable environment including but not limited to a  
12 foster parent; or

13 6. Any other person deemed by the court to be suitable and able  
14 to provide adequate and proper care and guidance for the child.

15 B. In applying subsection A of this section, a court shall  
16 award custody or guardianship of a child to a parent, unless a  
17 nonparent proves by clear and convincing evidence that:

18 1. For a period of at least twelve (12) months out of the last  
19 fourteen (14) months immediately preceding the commencement of the  
20 custody or guardianship proceeding, the parent has willfully failed,  
21 refused, or neglected to contribute to the support of the child:

22 a. in substantial compliance with a support provision or  
23 an order entered by a court of competent jurisdiction

24

1 adjudicating the duty, amount, and manner of support,  
2 or

3 b. according to the financial ability of the parent to  
4 contribute to the support of the child if no provision  
5 for support is entered by a court of competent  
6 jurisdiction, or an order of modification subsequent  
7 thereto.

8 For purposes of this paragraph, incidental or token financial  
9 contributions shall not be considered in establishing whether a  
10 parent has satisfied his or her obligation under subparagraphs a and  
11 b of this paragraph; or

12 2. a. the child has been left in the physical custody of a  
13 nonparent by a parent or parents of the child for one  
14 (1) year or more, excluding parents on active duty in  
15 the military, and

16 b. the parent or parents have not maintained regular  
17 visitation or communication with the child.

18 For purposes of this paragraph, incidental or token visits or  
19 communications shall not be considered in determining whether a  
20 parent or parents have regularly maintained visitation or  
21 communication.

22 C. In applying subsection A of this section, a court shall  
23 award custody or guardianship of a child to a parent, unless the  
24 court finds that the parent is affirmatively unfit. There shall be

1 a rebuttable presumption that a parent is affirmatively unfit if the  
2 parent:

3 1. Is or has been subject to the registration requirements of  
4 the ~~Oklahoma~~ Sex Offenders Registration Act or any similar act in  
5 any other state, except as provided in subsection D of this section;

6 2. Has been convicted of a crime listed in Section 582 of Title  
7 57 of the Oklahoma Statutes;

8 3. Is an alcohol-dependent person or a drug-dependent person as  
9 established by clear and convincing evidence and who can be expected  
10 in the near future to inflict or attempt to inflict serious bodily  
11 harm to himself or herself or another person as a result of such  
12 dependency;

13 4. Has been convicted of domestic abuse within the past five  
14 (5) years;

15 5. Is residing with a person who is or has been subject to the  
16 registration requirements of the ~~Oklahoma~~ Sex Offenders Registration  
17 Act or any similar act in any other state;

18 6. Is residing with a person who has been convicted of a crime  
19 listed in Section 843.5 of Title 21 or in Section 582 of Title 57 of  
20 the Oklahoma Statutes; or

21 7. Is residing with a person who has been convicted of domestic  
22 abuse within the past five (5) years.

23 D. In applying subsection A of this section, a court shall not  
24 award custody or guardianship of a child to any person who has been

1 convicted, whether upon a verdict or plea of guilty or upon a plea  
2 of nolo contendere, or received a suspended sentence or any  
3 probationary term, or is currently serving a sentence or any form of  
4 probation or parole in a court in any state of any of the following  
5 crimes:

6 1. Sexual abuse or sexual exploitation of a child, as defined  
7 in Section 843.5 of Title 21 of the Oklahoma Statutes;

8 2. Child endangerment, if the offense involved sexual abuse of  
9 a child, as provided in Section 852.1 of Title 21 of the Oklahoma  
10 Statutes;

11 3. Kidnapping, if the offense involved sexual abuse or sexual  
12 exploitation of a child, as provided in Section 741 of Title 21 of  
13 the Oklahoma Statutes;

14 4. Incest, as provided in Section 885 of Title 21 of the  
15 Oklahoma Statutes;

16 5. Forcible sodomy of a child, as provided in Section 888 of  
17 Title 21 of the Oklahoma Statutes;

18 6. Child stealing, if the offense involved sexual abuse or  
19 sexual exploitation, as provided in Section 891 of Title 21 of the  
20 Oklahoma Statutes;

21 7. Procuring minors for participation in child ~~pornography~~  
22 sexual abuse material, as provided in Section 1021.2 of Title 21 of  
23 the Oklahoma Statutes;

24

1 8. Consent to participation of minors in child ~~pornography~~  
2 sexual abuse material, as provided in Section 1021.3 of Title 21 of  
3 the Oklahoma Statutes;

4 9. Facilitating, encouraging, offering or soliciting sexual  
5 conduct with a minor by use of technology, as provided in Section  
6 1040.13a of Title 21 of the Oklahoma Statutes;

7 10. Distributing child ~~pornography~~ sexual abuse material, as  
8 provided in Section 1040.13 of Title 21 of the Oklahoma Statutes;

9 11. Possession, purchase or procurement of child ~~pornography~~  
10 sexual abuse material, as provided in Section 1024.2 of Title 21 of  
11 the Oklahoma Statutes;

12 12. Aggravated possession of child ~~pornography~~ sexual abuse  
13 material, as provided in Section 1040.12a of Title 21 of the  
14 Oklahoma Statutes;

15 13. Procuring a child under eighteen (18) years of age for  
16 prostitution, as provided in Section 1087 of Title 21 of the  
17 Oklahoma Statutes;

18 14. Inducing, keeping, detaining or restraining a child under  
19 eighteen (18) years of age for prostitution, as provided in Section  
20 1088 of Title 21 of the Oklahoma Statutes;

21 15. First degree rape, as provided in Section 1114 of Title 21  
22 of the Oklahoma Statutes;

23

24

1 16. Lewd or indecent proposals or acts to a child under sixteen  
2 (16) years of age, as provided in Section 1123 of Title 21 of the  
3 Oklahoma Statutes; or

4 17. Solicitation of minors in any crime provided in subsection  
5 B of Section 1021 of Title 21 of the Oklahoma Statutes.

6 E. Subject to subsection F of this section, a custody  
7 determination made in accordance with subsections B and C of this  
8 section shall not be modified unless the person seeking the  
9 modification proves that:

10 1. Since the making of the order sought to be modified, there  
11 has been a permanent, material, and substantial change of conditions  
12 that directly affects the best interests of the child; and

13 2. That as a result of such change of circumstances, the child  
14 would be substantially better off with regard to its temporal,  
15 mental, and moral welfare if custody were modified.

16 F. If the custody determination made in accordance with  
17 subsections B and C of this section indicates that custody is  
18 temporary, the determination may be modified upon a showing that the  
19 conditions which led to the custody or guardianship determination no  
20 longer exist.

21 SECTION 38. AMENDATORY 57 O.S. 2021, Section 138, is  
22 amended to read as follows:

23 Section 138. A. Except as otherwise provided by law, every  
24 inmate of a state correctional institution shall have their term of

1 imprisonment reduced monthly, based upon the class level to which  
2 they are assigned. Earned credits may be subtracted from the total  
3 credits accumulated by an inmate, upon recommendation of the  
4 institution's disciplinary committee, following due process, and  
5 upon approval of the warden or superintendent. Each earned credit  
6 is equivalent to one (1) day of incarceration. Lost credits may be  
7 restored by the warden or superintendent upon approval of the  
8 classification committee. If a maximum and minimum term of  
9 imprisonment is imposed, the provisions of this subsection shall  
10 apply only to the maximum term. No deductions shall be credited to  
11 any inmate serving a sentence of life imprisonment; however, a  
12 complete record of the inmate's participation in work, school,  
13 vocational training, or other approved program shall be maintained  
14 by the Department of Corrections for consideration by the paroling  
15 authority. No earned credit deductions shall be credited or  
16 recorded for any inmate serving any sentence for a criminal act  
17 which resulted in the death of a police officer, a law enforcement  
18 officer, an employee of the Department of Corrections, or an  
19 employee of a private prison contractor and the death occurred while  
20 the police officer, law enforcement officer, employee of the  
21 Department of Corrections, or employee of a private prison  
22 contractor was acting within the scope of their employment. No  
23 earned credit deductions shall be credited or recorded for any

24

1 person who is referred to an intermediate revocation facility for  
2 violating any of the terms and conditions of probation.

3 B. The Department of Corrections is directed to develop a  
4 written policy and procedure whereby inmates shall be assigned to  
5 one of four class levels determined by an adjustment review  
6 committee of the facility to which the inmate is assigned. The  
7 policies and procedures developed by the Department shall include,  
8 but not be limited to, written guidelines pertaining to awarding  
9 credits for rehabilitation, obtaining job skills and educational  
10 enhancement, participation in and completion of alcohol/chemical  
11 abuse programs, incentives for inmates to accept work assignments  
12 and jobs, work attendance and productivity, conduct record,  
13 participation in programs, cooperative general behavior, and  
14 appearance. When assigning inmates to a class level the adjustment  
15 review committee shall consider all aspects of the policy and  
16 procedure developed by the Department including but not limited to  
17 the criteria for awarding credits required by this subsection.

18 C. If an inmate is subject to misconduct, nonperformance or  
19 disciplinary action, earned credits may be removed according to the  
20 policies and procedures developed by the Department. Earned credits  
21 removed for misconduct, nonperformance or disciplinary action may be  
22 restored as provided by Department policy, if any.

23 D. 1. Class levels shall be as follows:  
24

1 a. Class level 1 shall include inmates not eligible to  
2 participate in class levels 2 through 4, and shall  
3 include, but not be limited to, inmates on escape  
4 status.

5 b. Class level 2 shall include an inmate who has been  
6 given a work, education, or program assignment, has  
7 received a good evaluation for participation in the  
8 work, education, or program assignment, and has  
9 received a good evaluation for personal hygiene and  
10 maintenance of living area.

11 c. Class level 3 shall include an inmate who has been  
12 incarcerated at least three (3) months, has received  
13 an excellent work, education, or program evaluation,  
14 and has received an excellent evaluation for personal  
15 hygiene and maintenance of living area.

16 d. Class level 4 shall include an inmate who has been  
17 incarcerated at least eight (8) months, has received  
18 an outstanding work, education, or program evaluation,  
19 and has received an outstanding evaluation for  
20 personal hygiene and maintenance of living area.

21 2. a. Until November 1, 2001, class level corresponding  
22 credits are as follows:

23 Class 1 - 0 Credits per month;

24 Class 2 - 22 Credits per month;

1                   Class 3 - 33 Credits per month;

2                   Class 4 - 44 Credits per month.

3           b.   Class level corresponding credits beginning November  
4           1, 2001, for inmates who have ever been convicted as  
5           an adult or a youthful offender or adjudicated  
6           delinquent as a juvenile for a felony offense  
7           enumerated in subsection E of this section are as  
8           follows:

9                   Class 1 - 0 Credits per month;

10                  Class 2 - 22 Credits per month;

11                  Class 3 - 33 Credits per month;

12                  Class 4 - 44 Credits per month.

13           c.   Class level corresponding credits beginning November  
14           1, 2001, for inmates who have never been convicted as  
15           an adult or a youthful offender or adjudicated  
16           delinquent as a juvenile for a felony offense  
17           enumerated in subsection E of this section are as  
18           follows:

19                   Class 1 - 0 Credits per month;

20                  Class 2 - 22 Credits per month;

21                  Class 3 - 45 Credits per month;

22                  Class 4 - 60 Credits per month.

23           Each inmate shall receive the above specified monthly credits  
24           for the class to which he or she is assigned.   In determining the

1 prior criminal history of the inmate, the Department of Corrections  
2 shall review criminal history records available through the Oklahoma  
3 State Bureau of Investigation, Federal Bureau of Investigation, and  
4 National Crime Information Center to determine the reported felony  
5 convictions of all inmates. The Department of Corrections shall  
6 also review the Office of Juvenile Affairs Juvenile ~~On-line~~ Online  
7 Tracking System for inmates who were adjudicated delinquent or  
8 convicted as a youthful offender for a crime that would be an  
9 offense enumerated in subsection E of this section.

10 3. In addition to the criteria established for each class in  
11 paragraph 1 of this subsection, the following requirements shall  
12 apply to each of levels 2 through 4:

- 13 a. satisfactory participation in the work, education, or  
14 program assignment at the standard required for the  
15 particular class level,
- 16 b. maintenance of a clean and orderly living area and  
17 personal hygiene at the standard required for the  
18 particular class level,
- 19 c. cooperative behavior toward facility staff and other  
20 inmates, and
- 21 d. satisfactory participation in the requirements of the  
22 previous class level.

23 4. The evaluation scale for assessing performance shall be as  
24 follows:

- 1 a. Outstanding - For inmates who display consistently  
2 exceptional initiative, motivation, and work habits.
- 3 b. Excellent - For inmates who display above-average work  
4 habits with only minor errors and rarely perform below  
5 expectations.
- 6 c. Good - For inmates who perform in a satisfactory  
7 manner and complete tasks as required, doing what is  
8 expected, with only occasional performance above or  
9 below expectations.
- 10 d. Fair - For inmates who may perform satisfactorily for  
11 some periods of time, but whose performance is marked  
12 by obviously deficient and weak areas and could be  
13 improved.
- 14 e. Poor - For inmates whose performance is unsatisfactory  
15 and falls below expected and acceptable standards.

16 E. No person ever convicted as an adult or a youthful offender  
17 or adjudicated delinquent as a juvenile in this state for any felony  
18 offense enumerated in this subsection or a similar felony offense  
19 pursuant to the provisions of another state, the United States, or a  
20 military court shall be eligible for the credits provided by the  
21 provisions of subparagraph c of paragraph 2 of subsection D of this  
22 section. Such enumerated offenses include:

23

24

- 1        1. Assault, battery, or assault and battery with a dangerous  
2 weapon as defined by Section 645, or subsection C of Section 652 of  
3 Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;
- 4        2. Aggravated assault and battery on a police officer, sheriff,  
5 highway patrolman, or any other officer of the law as defined by  
6 Section 650, subsection C of Section 650.2, Section 650.5,  
7 subsection B of Section 650.6, or subsection C of Section 650.7 of  
8 Title 21 of the Oklahoma Statutes;
- 9        3. Poisoning with intent to kill as defined by Section 651 of  
10 Title 21 of the Oklahoma Statutes;
- 11       4. Shooting with intent to kill as defined by Section 652 of  
12 Title 21 of the Oklahoma Statutes;
- 13       5. Assault with intent to kill as defined by Section 653 of  
14 Title 21 of the Oklahoma Statutes;
- 15       6. Assault with intent to commit a felony as defined by Section  
16 681 of Title 21 of the Oklahoma Statutes;
- 17       7. Assaults while masked or disguised as defined by Section  
18 1303 of Title 21 of the Oklahoma Statutes;
- 19       8. Entering premises of another while masked as defined by  
20 Section 1302 of Title 21 of the Oklahoma Statutes;
- 21       9. Murder in the first degree as defined by Section 701.7 of  
22 Title 21 of the Oklahoma Statutes;
- 23       10. Solicitation for ~~Murder~~ murder in the first degree as  
24 defined by Section 701.16 of Title 21 of the Oklahoma Statutes;

- 1 11. Murder in the second degree as defined by Section 701.8 of  
2 Title 21 of the Oklahoma Statutes;
- 3 12. Manslaughter in the first degree as defined by Section 711~~7~~  
4 or 712 ~~or 714~~ of Title 21 of the Oklahoma Statutes;
- 5 13. Manslaughter in the second degree as defined by Section 716  
6 or 717 of Title 21 of the Oklahoma Statutes;
- 7 14. Kidnapping as defined by Section 741 of Title 21 of the  
8 Oklahoma Statutes;
- 9 15. Burglary in the first degree as defined by Section 1431 of  
10 Title 21 of the Oklahoma Statutes;
- 11 16. Burglary with explosives as defined by Section 1441 of  
12 Title 21 of the Oklahoma Statutes;
- 13 17. Kidnapping for extortion as defined by Section 745 of Title  
14 21 of the Oklahoma Statutes;
- 15 18. Maiming as defined by Section 751 of Title 21 of the  
16 Oklahoma Statutes;
- 17 19. Robbery as defined by Section 791 of Title 21 of the  
18 Oklahoma Statutes;
- 19 20. Robbery in the first degree as defined by Section 797 of  
20 Title 21 of the Oklahoma Statutes;
- 21 21. Robbery in the second degree as defined by Section 797 of  
22 Title 21 of the Oklahoma Statutes;
- 23 22. Armed robbery as defined by Section 801 of Title 21 of the  
24 Oklahoma Statutes;

1 23. Robbery by two or more persons as defined by Section 800 of  
2 Title 21 of the Oklahoma Statutes;

3 24. Robbery with dangerous weapon or imitation firearm as  
4 defined by Section 801 of Title 21 of the Oklahoma Statutes;

5 25. Any crime against a child provided for in Section 843.5 of  
6 Title 21 of the Oklahoma Statutes;

7 26. Wiring ~~any equipment,~~ or equipping any vehicle or structure  
8 with explosives as defined by Section 849 of Title 21 of the  
9 Oklahoma Statutes;

10 27. Forcible sodomy as defined by Section 888 of Title 21 of  
11 the Oklahoma Statutes;

12 28. Rape in the first degree as defined by Sections 1111 and  
13 1114 of Title 21 of the Oklahoma Statutes;

14 29. Rape in the second degree as defined by Sections 1111 and  
15 1114 of Title 21 of the Oklahoma Statutes;

16 30. Rape by instrumentation as defined by Section 1111.1 of  
17 Title 21 of the Oklahoma Statutes;

18 31. Lewd or indecent proposition or lewd or indecent act with a  
19 child as defined by Section 1123 of Title 21 of the Oklahoma  
20 Statutes;

21 32. Sexual battery of a person over 16 as defined by Section  
22 1123 of Title 21 of the Oklahoma Statutes;

23

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1           33. Use of a firearm or offensive weapon to commit or attempt  
2 to commit a felony as defined by Section 1287 of Title 21 of the  
3 Oklahoma Statutes;

4           34. Pointing firearms as defined by Section 1289.16 of Title 21  
5 of the Oklahoma Statutes;

6           35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of  
7 the Oklahoma Statutes;

8           36. Inciting to riot as defined by Section 1320.2 of Title 21  
9 of the Oklahoma Statutes;

10          37. Arson in the first degree as defined by Section 1401 of  
11 Title 21 of the Oklahoma Statutes;

12          38. Endangering human life during arson as defined by Section  
13 1405 of Title 21 of the Oklahoma Statutes;

14          39. Injuring or burning public buildings as defined by Section  
15 349 of Title 21 of the Oklahoma Statutes;

16          40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of  
17 Title 21 of the Oklahoma Statutes;

18          41. Extortion as defined by Section 1481 or 1486 of Title 21 of  
19 the Oklahoma Statutes;

20          42. Obtaining signature by extortion as defined by Section 1485  
21 of Title 21 of the Oklahoma Statutes;

22          43. Seizure of a bus, discharging firearm or hurling missile at  
23 bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;

24

1 44. Mistreatment of a vulnerable adult as defined by Section  
2 843.1 of Title 21 of the Oklahoma Statutes;

3 45. Sex offender providing services to a child as defined by  
4 Section 404.1 of Title 10 of the Oklahoma Statutes;

5 46. A felony offense of domestic abuse as defined by subsection  
6 C of Section 644 of Title 21 of the Oklahoma Statutes;

7 47. Prisoner placing body fluid on government employee as  
8 defined by Section 650.9 of Title 21 of the Oklahoma Statutes;

9 48. Poisoning food or water supply as defined by Section 832 of  
10 Title 21 of the Oklahoma Statutes;

11 49. Trafficking in children as defined by Section 866 of Title  
12 21 of the Oklahoma Statutes;

13 50. Incest as defined by Section 885 of Title 21 of the  
14 Oklahoma Statutes;

15 51. Procure, produce, distribute, or possess ~~juvenile~~  
16 ~~pornography~~ child sexual abuse material as defined by Section 1021.2  
17 of Title 21 of the Oklahoma Statutes;

18 52. Parental consent to ~~juvenile pornography~~ child sexual abuse  
19 material as defined by Section 1021.3 of Title 21 of the Oklahoma  
20 Statutes;

21 53. Soliciting minor for indecent exposure as defined by  
22 Section 1021 of Title 21 of the Oklahoma Statutes;

23

24

1        54. Distributing obscene material or child ~~pornography~~ sexual  
2 abuse material as defined by Section 1040.13 of Title 21 of the  
3 Oklahoma Statutes;

4        55. Child prostitution as defined by Section 1030 of Title 21  
5 of the Oklahoma Statutes;

6        56. Procuring a minor for prostitution or other lewd acts as  
7 defined by Section 1087 of Title 21 of the Oklahoma Statutes;

8        57. Transporting a child under 18 for purposes of prostitution  
9 as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

10       58. Inducing a minor to engage in prostitution as defined by  
11 Section 1088 of Title 21 of the Oklahoma Statutes;

12       59. A felony offense of stalking as defined by subsection D of  
13 Section 1173 of Title 21 of the Oklahoma Statutes;

14       60. Spread of infectious diseases as defined by Section 1192 of  
15 Title 21 of the Oklahoma Statutes;

16       61. Advocate overthrow of government by force, commit or  
17 attempt to commit acts to overthrow the government, organize or  
18 provide assistance to groups to overthrow the government as defined  
19 by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma  
20 Statutes;

21       62. Feloniously discharging a firearm as defined by Section  
22 1289.17A of Title 21 of the Oklahoma Statutes;

23

24

1       63. Possession, use, manufacture, or threat of incendiary  
2 device as defined by Section 1767.1 of Title 21 of the Oklahoma  
3 Statutes;

4       64. Causing a personal injury accident while driving under the  
5 influence as defined by Section 11-904 of Title 47 of the Oklahoma  
6 Statutes; or

7       65. Using a motor vehicle to facilitate the discharge of a  
8 firearm as defined by Section 652 of Title 21 of the Oklahoma  
9 Statutes.

10       F. The policy and procedure developed by the Department of  
11 Corrections shall include provisions for adjustment review  
12 committees of not less than three members for each such committee.  
13 Each committee shall consist of a classification team supervisor who  
14 shall act as chairman, the case manager for the inmate being  
15 reviewed or classified, a correctional officer or inmate counselor,  
16 and not more than two other members, if deemed necessary, determined  
17 pursuant to policy and procedure to be appropriate for the specific  
18 adjustment review committee or committees to which they are  
19 assigned. At least once every four (4) months the adjustment review  
20 committee for each inmate shall evaluate the class level status and  
21 performance of the inmate and determine whether or not the class  
22 level for the inmate should be changed.

23       Any inmate who feels aggrieved by a decision made by an  
24 adjustment review committee may utilize normal grievance procedures

1 in effect with the Department of Corrections and in effect at the  
2 facility in which the inmate is incarcerated.

3 G. Inmates granted medical leaves for treatment that cannot be  
4 furnished at the penal institution where incarcerated shall be  
5 allowed the time spent on medical leave as time served. Any inmate  
6 placed into administrative segregation for nondisciplinary reasons  
7 by the institution's administration may be placed in Class level 2.  
8 The length of any jail term served by an inmate before being  
9 transported to a state correctional institution pursuant to a  
10 judgment and sentence of incarceration shall be deducted from the  
11 term of imprisonment at the state correctional institution. Inmates  
12 sentenced to the Department of Corrections and detained in a county  
13 jail as a result of the Department's reception scheduling procedure  
14 shall be awarded earned credits as provided for in subparagraph b of  
15 paragraph 1 of subsection D of this section, beginning on the date  
16 of the judgment and sentence, unless the inmate is convicted of a  
17 misdemeanor or felony committed in the jail while the inmate is  
18 awaiting transport to the Lexington Assessment and Reception Center  
19 or other assessment and reception location determined by the  
20 Director of the Department of Corrections.

21 H. Additional achievement earned credits for successful  
22 completion of departmentally approved programs or for attaining  
23 goals or standards set by the Department shall be awarded as  
24 follows:

1 Bachelor's degree.....200 credits;  
 2 Associate's degree.....100 credits;  
 3 High School Diploma or High School  
 4 Equivalency Diploma.....90 credits;  
 5 Certification of Completion of  
 6 Vocational Training.....80 credits;  
 7 Successful completion of  
 8 Alcohol/Chemical Abuse Treatment  
 9 Program of not less than four (4)  
 10 months continuous participation.....70 credits;  
 11 Successful completion of other  
 12 Educational Accomplishments or  
 13 other programs not specified in  
 14 this subsection.....10-30 credits;

15 Achievement earned credits are subject to loss and restoration in  
 16 the same manner as earned credits.

17 I. The accumulated time of every inmate shall be tallied  
 18 monthly and maintained by the institution where the term of  
 19 imprisonment is being served. A record of ~~said~~ such accumulated  
 20 time shall be:

- 21 1. Sent to the administrative office of the Department of  
 22 Corrections on a quarterly basis; and
- 23 2. Provided to the inmate.

24

1 SECTION 39. AMENDATORY 57 O.S. 2021, Section 332.16, is  
2 amended to read as follows:

3 Section 332.16. A. No recommendation to the Governor for  
4 parole shall remain under consideration and in the possession of  
5 that office for a time longer than thirty (30) consecutive calendar  
6 days. Except as provided for in subsection B of this section, if  
7 upon expiration of the thirty-day time period no action is taken by  
8 the Governor to grant or deny parole, the recommendation for parole  
9 shall be deemed granted.

10 B. The Governor shall be required to review each parole  
11 recommendation and shall grant or deny parole for persons convicted  
12 of the following crimes:

13 1. Assault, battery, or assault and battery with a dangerous or  
14 deadly weapon as provided in Sections 645 and 652 of Title 21 of the  
15 Oklahoma Statutes;

16 2. Aggravated assault and battery on a police officer, sheriff,  
17 highway patrolman, or any other officer of the law as provided in  
18 Sections 650, 650.2, 650.5, 650.6 and 650.7 of Title 21 of the  
19 Oklahoma Statutes;

20 3. Poisoning with intent to kill as provided in Section 651 of  
21 Title 21 of the Oklahoma Statutes;

22 4. Shooting with intent to kill as provided in Section 652 of  
23 Title 21 of the Oklahoma Statutes;

24

- 1        5. Assault with intent to kill as provided in Section 653 of  
2 Title 21 of the Oklahoma Statutes;
- 3        6. Assault with intent to commit a felony as provided in  
4 Section 681 of Title 21 of the Oklahoma Statutes;
- 5        7. Assaults while masked or disguised as provided in Section  
6 1303 of Title 21 of the Oklahoma Statutes;
- 7        8. Murder in the first degree as provided in Section 701.7 of  
8 Title 21 of the Oklahoma Statutes;
- 9        9. Murder in the second degree as provided in Section 701.8 of  
10 Title 21 of the Oklahoma Statutes;
- 11       10. Manslaughter in the first degree as provided in Sections  
12 711~~7~~, and 712 ~~and~~ ~~714~~ of Title 21 of the Oklahoma Statutes;
- 13       11. Manslaughter in the second degree as provided in Sections  
14 716 and 717 of Title 21 of the Oklahoma Statutes;
- 15       12. Kidnapping as provided in Section 741 of Title 21 of the  
16 Oklahoma Statutes;
- 17       13. Burglary in the first degree as provided in Section 1431 of  
18 Title 21 of the Oklahoma Statutes;
- 19       14. Burglary with explosives as provided in Section 1441 of  
20 Title 21 of the Oklahoma Statutes;
- 21       15. Kidnapping for extortion as provided in Section 745 of  
22 Title 21 of the Oklahoma Statutes;
- 23       16. Maiming as provided in Section 751 of Title 21 of the  
24 Oklahoma Statutes;

1 17. Robbery as provided in Section 791 of Title 21 of the  
2 Oklahoma Statutes;

3 18. Robbery in the first degree as provided in Section 797 of  
4 Title 21 of the Oklahoma Statutes;

5 19. Robbery in the second degree as provided in Section 797 of  
6 Title 21 of the Oklahoma Statutes;

7 20. Robbery by two or more persons as provided in Section 800  
8 of Title 21 of the Oklahoma Statutes;

9 21. Robbery with dangerous weapon or imitation firearm as  
10 provided in Section 801 of Title 21 of the Oklahoma Statutes;

11 22. Child abuse as provided in Section 843.5 of Title 21 of the  
12 Oklahoma Statutes;

13 23. Wiring ~~any equipment,~~ or equipping any vehicle or structure  
14 with explosives as provided in Section 849 of Title 21 of the  
15 Oklahoma Statutes;

16 24. Forcible sodomy as provided in Section 888 of Title 21 of  
17 the Oklahoma Statutes;

18 25. Rape in the first degree as provided in Sections 1111 and  
19 1114 of Title 21 of the Oklahoma Statutes;

20 26. Rape in the second degree as provided in Sections 1111 and  
21 1114 of Title 21 of the Oklahoma Statutes;

22 27. Rape by instrumentation as provided in Section 1111.1 of  
23 Title 21 of the Oklahoma Statutes;

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- 1        28. Lewd or indecent proposition or lewd or indecent act with a  
2 child as provided in Section 1123 of Title 21 of the Oklahoma  
3 Statutes;
- 4        29. Use of a firearm or offensive weapon to commit or attempt  
5 to commit a felony as provided in Section 1287 of Title 21 of the  
6 Oklahoma Statutes;
- 7        30. Pointing firearms as provided in Section 1289.16 of Title  
8 21 of the Oklahoma Statutes;
- 9        31. Rioting as provided in Sections 1311 and 1321.8 of Title 21  
10 of the Oklahoma Statutes;
- 11       32. Inciting to riot as provided in Section 1320.2 of Title 21  
12 of the Oklahoma Statutes;
- 13       33. Arson in the first degree as provided in Section 1401 of  
14 Title 21 of the Oklahoma Statutes;
- 15       34. Injuring or burning public buildings as provided in Section  
16 349 of Title 21 of the Oklahoma Statutes;
- 17       35. Sabotage as provided in Sections 1262, 1265.4 and 1265.5 of  
18 Title 21 of the Oklahoma Statutes;
- 19       36. Criminal syndicalism as provided in Section 1261 of Title  
20 21 of the Oklahoma Statutes;
- 21       37. Extortion as provided in Sections 1481 and 1486 of Title 21  
22 of the Oklahoma Statutes;
- 23       38. Obtaining signature by extortion as provided in Section  
24 1485 of Title 21 of the Oklahoma Statutes;

- 1        39. Seizure of a bus, discharging firearm or hurling missile at  
2 bus as provided in Section 1903 of Title 21 of the Oklahoma  
3 Statutes;
- 4        40. Mistreatment of a ~~mental patient~~ vulnerable adult as  
5 provided in Section 843.1 of Title 21 of the Oklahoma Statutes;
- 6        41. Using a vehicle to facilitate the discharge of a weapon as  
7 provided in Section 652 of Title 21 of the Oklahoma Statutes;
- 8        42. Aggravated drug trafficking as provided in Section 2-415 of  
9 Title 63 of the Oklahoma Statutes;
- 10       43. Racketeering as provided in Section 1403 of Title 22 of the  
11 Oklahoma Statutes;
- 12       44. Offenses of public corruption such as bribery of public  
13 officials as provided in Section 381 or 382 of Title 21 of the  
14 Oklahoma Statutes;
- 15       45. Embezzlement of public money as provided in Section 1451 et  
16 seq. of Title 21 or Section 641 of Title 19 of the Oklahoma  
17 Statutes;
- 18       46. Failure to pay and collect tax as provided in Section 1361  
19 or 2385.3 of Title 68 of the Oklahoma Statutes;
- 20       47. Conspiracy to defraud the state as provided in Section 424  
21 of Title 21 of the Oklahoma Statutes;
- 22       48. Child ~~pornography~~ sexual abuse material as provided in  
23 Section 1021.2 or 1021.3 or defined in Section 1024.1 of Title 21 of  
24 the Oklahoma Statutes;

1 49. Child prostitution as defined by Section 1030 of Title 21  
2 of the Oklahoma Statutes;

3 50. Abuse of a vulnerable adult as defined in Section 10-103 of  
4 Title 43A of the Oklahoma Statutes;

5 51. Terrorism crimes, including biochemical assault as provided  
6 in Section 1268 et seq. of Title 21 of the Oklahoma Statutes;

7 52. Trafficking of children as provided in Section 865 et seq.  
8 of Title 21 of the Oklahoma Statutes; or

9 53. Trafficking of humans as provided in Section 748 et seq. of  
10 Title 21 of the Oklahoma Statutes.

11 C. When the Pardon and Parole Board makes a recommendation for  
12 a compassionate parole pursuant to subsection B of Section 332.18 of  
13 this title, the Board shall forward all relevant documentation to  
14 the Governor within four (4) business days of the parole review of  
15 the inmate. Upon receipt, the Governor shall have four (4) business  
16 days to grant or deny the compassionate parole.

17 SECTION 40. AMENDATORY 57 O.S. 2021, Section 571, as  
18 amended by Section 2, Chapter 212, O.S.L. 2023 (57 O.S. Supp. 2023,  
19 Section 571), is amended to read as follows:

20 Section 571. As used in the Oklahoma Statutes, unless another  
21 definition is specified:

22 1. "Capacity" means the actual available bedspace as certified  
23 by the State Board of Corrections subject to applicable federal and  
24

1 state laws and the rules and regulations promulgated under such  
2 laws; and

3 2. "Violent crime" means any of the following felony offenses  
4 and any attempts to commit or conspiracy or solicitation to commit  
5 the following crimes:

6 a. assault, battery, or assault and battery with a  
7 dangerous or deadly weapon, as provided for in  
8 Sections 645 and 652 of Title 21 of the Oklahoma  
9 Statutes,

10 b. assault, battery, or assault and battery with a deadly  
11 weapon or by other means likely to produce death or  
12 great bodily harm, as provided for in Section 652 of  
13 Title 21 of the Oklahoma Statutes,

14 c. aggravated assault and battery on a police officer,  
15 sheriff, highway patrolman, or any other officer of  
16 the law, as provided for in Section 650 of Title 21 of  
17 the Oklahoma Statutes,

18 d. poisoning with intent to kill, as provided for in  
19 Section 651 of Title 21 of the Oklahoma Statutes,

20 e. shooting with intent to kill, as provided for in  
21 Section 652 of Title 21 of the Oklahoma Statutes,

22 f. assault with intent to kill, as provided for in  
23 Section 653 of Title 21 of the Oklahoma Statutes,  
24

- 1 g. assault with intent to commit a felony, as provided  
2 for in Section 681 of Title 21 of the Oklahoma  
3 Statutes,
- 4 h. assaults with a dangerous weapon while masked or  
5 disguised, as provided for in Section 1303 of Title 21  
6 of the Oklahoma Statutes,
- 7 i. murder in the first degree, as provided for in Section  
8 701.7 of Title 21 of the Oklahoma Statutes,
- 9 j. murder in the second degree, as provided for in  
10 Section 701.8 of Title 21 of the Oklahoma Statutes,
- 11 k. manslaughter in the first degree, as provided for in  
12 Section 711 of Title 21 of the Oklahoma Statutes,
- 13 l. manslaughter in the second degree, as provided for in  
14 Section 716 of Title 21 of the Oklahoma Statutes,
- 15 m. kidnapping, as provided for in Section 741 of Title 21  
16 of the Oklahoma Statutes,
- 17 n. burglary in the first degree, as provided for in  
18 Section 1431 of Title 21 of the Oklahoma Statutes,
- 19 o. burglary with explosives, as provided for in Section  
20 1441 of Title 21 of the Oklahoma Statutes,
- 21 p. kidnapping for extortion, as provided for in Section  
22 745 of Title 21 of the Oklahoma Statutes,
- 23 q. maiming, as provided for in Section 751 of Title 21 of  
24 the Oklahoma Statutes,

- 1 r. robbery, as provided for in Section 791 of Title 21 of  
2 the Oklahoma Statutes,
- 3 s. robbery in the first degree, as provided for in  
4 Section 797 et seq. of Title 21 of the Oklahoma  
5 Statutes,
- 6 t. robbery in the second degree, as provided for in  
7 Section 797 et seq. of Title 21 of the Oklahoma  
8 Statutes,
- 9 u. armed robbery, as provided for in Section 801 of Title  
10 21 of the Oklahoma Statutes,
- 11 v. robbery by two or more persons, as provided for in  
12 Section 800 of Title 21 of the Oklahoma Statutes,
- 13 w. robbery with dangerous weapon or imitation firearm, as  
14 provided for in Section 801 of Title 21 of the  
15 Oklahoma Statutes,
- 16 x. child abuse, as provided for in Section 843.5 of Title  
17 21 of the Oklahoma Statutes,
- 18 y. wiring ~~any equipment,~~ or equipping any vehicle or  
19 structure with explosives, as provided for in Section  
20 849 of Title 21 of the Oklahoma Statutes,
- 21 z. forcible sodomy, as provided for in Section 888 of  
22 Title 21 of the Oklahoma Statutes,
- 23 aa. rape in the first degree, as provided for in Section  
24 1114 of Title 21 of the Oklahoma Statutes,

- 1 bb. rape in the second degree, as provided for in Section  
2 1114 of Title 21 of the Oklahoma Statutes,  
3 cc. rape by instrumentation, as provided for in Section  
4 1111.1 of Title 21 of the Oklahoma Statutes,  
5 dd. lewd or indecent proposition or lewd or indecent act  
6 with a child under sixteen (16) years of age, as  
7 provided for in Section 1123 of Title 21 of the  
8 Oklahoma Statutes,  
9 ee. use of a firearm or offensive weapon to commit or  
10 attempt to commit a felony, as provided for in Section  
11 1287 of Title 21 of the Oklahoma Statutes,  
12 ff. pointing firearms, as provided for in Section 1289.16  
13 of Title 21 of the Oklahoma Statutes,  
14 gg. rioting, as provided for in Section 1311 of Title 21  
15 of the Oklahoma Statutes,  
16 hh. inciting to riot, as provided for in Section 1320.2 of  
17 Title 21 of the Oklahoma Statutes,  
18 ii. arson in the first degree, as provided for in Section  
19 1401 of Title 21 of the Oklahoma Statutes,  
20 jj. injuring or burning public buildings, as provided for  
21 in Section 349 of Title 21 of the Oklahoma Statutes,  
22 kk. sabotage, as provided for in Section 1262 of Title 21  
23 of the Oklahoma Statutes,  
24

- 1 ll. criminal syndicalism, as provided for in Section 1261  
2 of Title 21 of the Oklahoma Statutes,  
3 mm. extortion, as provided for in Section 1481 of Title 21  
4 of the Oklahoma Statutes,  
5 nn. obtaining signature by extortion, as provided for in  
6 Section 1485 of Title 21 of the Oklahoma Statutes,  
7 oo. seizure of a bus, discharging firearm or hurling  
8 missile at bus, as provided for in Section 1903 of  
9 Title 21 of the Oklahoma Statutes,  
10 pp. mistreatment of a ~~mental patient~~ vulnerable adult, as  
11 provided for in Section 843.1 of Title 21 of the  
12 Oklahoma Statutes,  
13 qq. using a vehicle to facilitate the discharge of a  
14 weapon pursuant to Section 652 of Title 21 of the  
15 Oklahoma Statutes,  
16 rr. bombing offenses as defined in Section 1767.1 of Title  
17 21 of the Oklahoma Statutes,  
18 ss. child ~~pornography~~ sexual abuse material or aggravated  
19 child ~~pornography~~ sexual abuse material as defined in  
20 Section 1021.2, 1021.3, 1024.1 or 1040.12a of Title 21  
21 of the Oklahoma Statutes,  
22 tt. child prostitution as defined in Section 1030 of Title  
23 21 of the Oklahoma Statutes,  
24

- 1 uu. abuse of a vulnerable adult as defined in Section 10-  
2 103 of Title 43A of the Oklahoma Statutes,  
3 vv. aggravated trafficking as provided for in subsection C  
4 of Section 2-415 of Title 63 of the Oklahoma Statutes,  
5 ww. aggravated assault and battery upon any person  
6 defending another person from assault and battery, as  
7 provided for in Section 646 of Title 21 of the  
8 Oklahoma Statutes,  
9 xx. human trafficking, as provided for in Section 748 of  
10 Title 21 of the Oklahoma Statutes,  
11 yy. terrorism crimes as provided in Section 1268 et seq.  
12 of Title 21 of the Oklahoma Statutes,  
13 zz. eluding a peace officer, as provided for in subsection  
14 B or C of Section 540A of Title 21 of the Oklahoma  
15 Statutes, or  
16 aaa. domestic abuse by strangulation, domestic assault with  
17 a dangerous weapon, domestic assault and battery with  
18 a dangerous weapon, domestic assault and battery  
19 resulting in great bodily injury, or domestic assault  
20 and battery with a deadly weapon, as provided for in  
21 Section 644 of Title 21 of the Oklahoma Statutes.

22 Such offenses shall constitute exceptions to nonviolent offenses  
23 pursuant to Article VI, Section 10 of the Oklahoma Constitution.  
24

1 SECTION 41. AMENDATORY 57 O.S. 2021, Section 582, is  
2 amended to read as follows:

3 Section 582. A. The provisions of the Sex Offenders  
4 Registration Act shall apply to any person residing, working or  
5 attending school within ~~the State of Oklahoma~~ this state who, after  
6 November 1, 1989, has been convicted, whether upon a verdict or plea  
7 of guilty or upon a plea of nolo contendere, or received a suspended  
8 sentence or any probationary term, or is currently serving a  
9 sentence or any form of probation or parole for a crime or an  
10 attempt to commit a crime provided for in Section 843.5 of Title 21  
11 of the Oklahoma Statutes if the offense involved sexual abuse or  
12 sexual exploitation as those terms are defined in Section 1-1-105 of  
13 Title 10A of the Oklahoma Statutes, Section 681, if the offense  
14 involved sexual assault, 741, if the offense involved sexual abuse  
15 or sexual exploitation, Section 748, if the offense involved human  
16 trafficking for commercial sex, Section 843.1, if the offense  
17 involved sexual abuse or sexual exploitation, Section 852.1, if the  
18 offense involved sexual abuse of a child, 856, if the offense  
19 involved child prostitution or human trafficking for commercial sex,  
20 865 et seq., 885, 886, 888, 891, if the offense involved sexual  
21 abuse or sexual exploitation, 1021, 1021.2, 1021.3, 1024.2, 1029, if  
22 the offense involved child prostitution, 1040.8, if the offense  
23 involved child ~~pornography~~ sexual abuse material, 1040.12a, 1040.13,

24

1 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the  
2 Oklahoma Statutes.

3 B. The provisions of the Sex Offenders Registration Act shall  
4 apply to any person who after November 1, 1989, resides, works or  
5 attends school within ~~the State of Oklahoma~~ this state and who has  
6 been convicted or received a suspended sentence at any time in any  
7 court of another state, the District of Columbia, Puerto Rico, Guam,  
8 American Samoa, the Northern Mariana Islands and the United States  
9 Virgin Islands, a federal court, an Indian tribal court, a military  
10 court, or a court of a foreign country for a crime, attempted crime  
11 or a conspiracy to commit a crime which, if committed or attempted  
12 in this state, would be a crime, an attempt to commit a crime or a  
13 conspiracy to commit a crime provided for in any of the laws listed  
14 in subsection A of this section.

15 C. The provisions of the Sex Offenders Registration Act shall  
16 apply to any person who resides, works or attends school within ~~the~~  
17 ~~State of Oklahoma~~ this state and who has received a deferred  
18 judgment at any time in any court of another state, the District of  
19 Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana  
20 Islands and the United States Virgin Islands, a federal court, an  
21 Indian tribal court, a military court, or a court of a foreign  
22 country for a crime, attempted crime or a conspiracy to commit a  
23 crime which, if committed or attempted or conspired to be committed  
24 in this state, would be a crime, an attempt to commit a crime or a

1 conspiracy to commit a crime provided for in Section 843.5 of Title  
2 21 of the Oklahoma Statutes if the offense involved sexual abuse or  
3 sexual exploitation as those terms are defined in Section 1-1-105 of  
4 Title 10A of the Oklahoma Statutes, Section 681, if the offense  
5 involved sexual assault, 741, if the offense involved sexual abuse  
6 or sexual exploitation, Section 748, if the offense involved human  
7 trafficking for commercial sex, Section 843.1, if the offense  
8 involved sexual abuse or sexual exploitation, Section 852.1, if the  
9 offense involved sexual abuse of a child, 856, if the offense  
10 involved child prostitution or human trafficking for commercial sex,  
11 865 et seq., 885, 886, 888, 891, if the offense involved sexual  
12 abuse or sexual exploitation, 1021, 1021.2, 1021.3, 1024.2, 1029, if  
13 the offense involved child prostitution, 1040.8, if the offense  
14 involved child ~~pornography~~ sexual abuse material, 1040.12a, 1040.13,  
15 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the  
16 Oklahoma Statutes. The provisions of the Sex Offenders Registration  
17 Act shall not apply to any such person while the person is  
18 incarcerated in a maximum or medium correctional institution of the  
19 Department of Corrections.

20 D. On November 1, 2002, any person registered as a sex offender  
21 for an offense committed pursuant to Section 741 of Title 21 of the  
22 Oklahoma Statutes shall be summarily removed from the ~~Sex Offender~~  
23 ~~Registry~~ sex offender registry by the Department of Corrections and  
24 all law enforcement agencies of any political subdivision of this

1 state, unless the offense involved sexual abuse or sexual  
2 exploitation.

3 E. The provisions of the Sex Offenders Registration Act shall  
4 not apply to any such person who has received a criminal history  
5 records expungement for a conviction in another state for a crime or  
6 attempted crime which, if committed or attempted in this state,  
7 would be a crime or an attempt to commit a crime provided for in any  
8 laws listed in subsection A of this section.

9 F. The provisions of the Sex Offenders Registration Act shall  
10 apply to any person residing, working or attending school within  
11 this state who, after ~~the effective date of this act~~ November 1,  
12 2020, has been convicted, whether upon a verdict or plea of guilty  
13 or upon a plea of nolo contendere, or received a suspended sentence  
14 or any probationary term, or is currently serving a sentence or any  
15 form of probation or parole for a crime or an attempt to commit a  
16 crime as provided for in subsection G of Section 1040.13b of Title  
17 21 of the Oklahoma Statutes.

18 G. The provisions of the Sex Offenders Registration Act shall  
19 apply to any person who resides, works or attends school within this  
20 state and who has received a deferred judgment at any time in any  
21 court of another state, the District of Columbia, Puerto Rico, Guam,  
22 American Samoa, the Northern Mariana Islands and the United States  
23 Virgin Islands, a federal court, an Indian tribal court, a military  
24 court, or a court of a foreign country for a crime, if committed in

1 this state, would be a crime, as provided for in subsection F of  
2 Section 1040.13b of Title 21 of the Oklahoma Statutes. The  
3 provisions of the Sex Offenders Registration Act shall not apply to  
4 any such person while the person is ~~incarcerated~~ in a maximum or  
5 medium correctional institution in the custody of the Department of  
6 Corrections.

7 SECTION 42. AMENDATORY 68 O.S. 2021, Section 2357.101,  
8 is amended to read as follows:

9 Section 2357.101. A. Except as otherwise provided in  
10 subsection E of this section, for taxable years beginning after  
11 December 31, 2004, and ending before January 1, 2015, there shall be  
12 allowed against the tax imposed by Section 2355 of this title, a  
13 credit equal to twenty-five percent (25%) of the amount of profit  
14 made by a taxpayer from investment in an existing Oklahoma film or  
15 music project with a production company to pay for production costs  
16 that is reinvested by the taxpayer with the production company to  
17 pay for the production cost of the production company for a new  
18 Oklahoma film or music project.

19 B. In no event shall the amount of the credit provided for in  
20 subsection A of this section for an eligible taxpayer exceed the tax  
21 liability of the taxpayer in a calendar year.

22 C. The Oklahoma Tax Commission shall have the authority to  
23 prescribe forms for purposes of claiming the credit authorized in  
24 subsection A of this section. The forms shall include, but not be

1 limited to, requests for information that prove who the investment  
2 was with, the amount of the original investment and the amount of  
3 the profit realized from the investment.

4 D. As used in this section:

5 1. "Film" means a professional single media, multimedia program  
6 or feature, which is not child ~~pornography~~ sexual abuse material as  
7 defined in subsection A of Section 1024.1 of Title 21 of the  
8 Oklahoma Statutes or obscene material as defined in paragraph 1 of  
9 subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes  
10 including, but not limited to, national advertising messages that  
11 are broadcast on a national affiliate or cable network, fixed on  
12 film or digital video, which can be viewed or reproduced and which  
13 is exhibited in theaters, licensed for exhibition by individual  
14 television stations, groups of stations, networks, cable television  
15 stations or other means or licensed for home viewing markets;

16 2. "Music project" means a professional recording released on a  
17 national or international level, whether via traditional  
18 manufacturing or distributing or electronic distribution, using  
19 technology currently in use or future technology including, but not  
20 limited to, music CDs, radio commercials, jingles, cues, or  
21 electronic device recordings;

22 3. "Production company" means a person who produces a film or  
23 music project for exhibition in theaters, on television or  
24 elsewhere;

- 1 4. "Total production cost" includes, but is not limited to:
- 2 a. wages or salaries of persons who have earned income
- 3 from working on a film or music project in this state,
- 4 including payments to personal services corporations
- 5 with respect to the services of qualified performing
- 6 artists, as determined under Section 62(a)(A) of the
- 7 Internal Revenue Code,
- 8 b. the cost of construction and operations, wardrobe,
- 9 accessories and related services,
- 10 c. the cost of photography, sound synchronization,
- 11 lighting and related services,
- 12 d. the cost of editing and related services,
- 13 e. rental of facilities and equipment, and
- 14 f. other direct costs of producing a film or music
- 15 project;

16 5. "Existing Oklahoma film or music project" means a film or

17 music project produced after July 1, 2005;

18 6. "Profit" means the amount made by the taxpayer to be

19 determined as follows:

- 20 a. the gross revenues less gross expenses, including
- 21 direct production, distribution and marketing costs
- 22 and an allocation of indirect overhead costs, of the
- 23 film or music project shall be multiplied by,
- 24

- 1           b. a ratio, the numerator of which is Oklahoma production  
2           costs, as defined in paragraph 7 of this subsection,  
3           and the denominator of which is total production  
4           costs, as defined in paragraph 4 of this subsection,  
5           which shall be multiplied by,
- 6           c. the percent of the taxpayer's taxable income allocated  
7           to Oklahoma in a taxable year, and
- 8           d. subtract from the result of the formula calculated  
9           pursuant to subparagraphs a through c of this  
10          paragraph the profit made by a taxpayer from  
11          investment in an existing Oklahoma film or music  
12          project in previous taxable years. Profit shall  
13          include either a net profit or net loss;

14          7. "Oklahoma production cost" means that portion of total  
15          production costs which are incurred with any qualified vendor;

- 16          8. a. "Qualified vendor" means an Oklahoma entity which  
17          provides goods or services to a production company and  
18          for which:
- 19               (1) fifty percent (50%) or more of its employees are  
20               Oklahoma residents, and
- 21               (2) fifty percent (50%) or more of gross wages, as  
22               reported on Internal Revenue Service Form W-2 or  
23               Form 1099, are paid to Oklahoma residents.

1           b. For purposes of this paragraph, an employee shall  
2           include a self-employed individual reporting income  
3           from a qualified vendor on Internal Revenue Service  
4           Form 1040.

5           c. The Oklahoma Tax Commission shall prescribe forms by  
6           which an entity may be certified to a production  
7           company as a qualified vendor for purposes of this  
8           section; and

9           9. "Investment" means costs associated with the original  
10          production company. Film or music projects acquired from an  
11          original production company do not qualify as investment under  
12          subsection A of this section.

13          E. No credit otherwise authorized by the provisions of this  
14          section may be claimed for any event, transaction, investment,  
15          expenditure or other act occurring on or after July 1, 2010, for  
16          which the credit would otherwise be allowable. The provisions of  
17          this subsection shall cease to be operative on July 1, 2012.  
18          Beginning July 1, 2012, the credit authorized by this section may be  
19          claimed for any event, transaction, investment, expenditure or other  
20          act occurring on or after July 1, 2012, according to the provisions  
21          of this section.

22          SECTION 43.           AMENDATORY           68 O.S. 2021, Section 3623, is  
23          amended to read as follows:

24          Section 3623. As used in the Compete with Canada Film Act:

1           1. "Crew" means any person who works on preproduction,  
2 principal photography, and postproduction, with the exception of  
3 producers, principal cast, screenwriters, and the director. The  
4 qualifying salary of producers, principal cast, screenwriters, and  
5 the director, also known as "above-the-line personnel", may be  
6 included as crew if the salaries are paid to loan-out corporations  
7 and limited liability companies registered to do business in ~~the~~  
8 ~~State of Oklahoma~~ this state or the salaries are paid to Oklahoma-  
9 based above-the-line personnel. The qualifying salary of above-the-  
10 line personnel shall not comprise more than twenty-five percent  
11 (25%) of total expenditures as defined in paragraph 2 of this  
12 section. For purposes of this paragraph, "Oklahoma-based" means a  
13 company or individual with an Oklahoma income tax requirement;

14           2. "Expenditure" or "production cost" includes but is not  
15 limited to:

- 16           a. wages or salaries of persons who are residents of this  
17               state and who have earned income from working on a  
18               film in this state including payments to personal  
19               services corporations with respect to the services of  
20               qualified performing artists, as determined under  
21               Section 62(a) (A) of the Internal Revenue Code,
- 22           b. the cost of construction and operations, wardrobe,  
23               accessories and related services,

24

- 1 c. the cost of photography, sound synchronization,  
2 lighting and related services,  
3 d. the cost of editing and related services,  
4 e. rental of facilities and equipment,  
5 f. other direct costs of producing a film, and  
6 g. the wages and salaries of persons who are defined and  
7 registered as an Oklahoma Expatriate by the Oklahoma  
8 Film and Music Office within the Oklahoma Department  
9 of Commerce;

10 3. "Film" means a professional single media, multimedia program  
11 or feature, which is not child ~~pornography~~ sexual abuse material as  
12 defined in subsection A of Section 1024.1 of Title 21 of the  
13 Oklahoma Statutes or obscene material as defined in paragraph 1 of  
14 subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes  
15 including, but not limited to, national advertising messages that  
16 are broadcast on a national affiliate or cable network, fixed on  
17 film or digital video, which can be viewed or reproduced and which  
18 is exhibited in theaters, licensed for exhibition by individual  
19 television stations, groups of stations, networks, cable television  
20 stations or other means or licensed for home viewing markets;

21 4. "High impact production" means a production for which total  
22 expenditures or production costs are equal to or greater than Fifty  
23 Million Dollars (\$50,000,000.00), with at least one-third (1/3) of  
24

1 total costs deemed Oklahoma expenditures by the Oklahoma Film and  
2 Music Office; and

3 5. "Production company" means a person or company who produces  
4 film for exhibition in theaters, on television or elsewhere.

5 SECTION 44. AMENDATORY 68 O.S. 2021, Section 3632, as  
6 amended by Section 1, Chapter 347, O.S.L. 2023 (68 O.S. Supp. 2023,  
7 Section 3632), is amended to read as follows:

8 Section 3632. As used in the Filmed in Oklahoma Act of 2021:

9 1. "Above-the-line personnel" means producers, principal cast,  
10 screenwriters, and directors who work on production of films or  
11 television series. The qualifying salary of above-the-line  
12 personnel may be included as crew, as defined in paragraph 3 of this  
13 section, if the salaries are paid to loan-out corporations and  
14 limited liability companies registered to do business in this state  
15 or the salaries are paid to Oklahoma-based above-the-line personnel.  
16 The qualifying salary of above-the-line personnel shall not comprise  
17 more than twenty-five percent (25%) of total expenditures as defined  
18 in paragraph 5 of this section. For purposes of this paragraph,  
19 "Oklahoma-based" means a company or individual with an Oklahoma  
20 income tax requirement;

21 2. "Apprentice" means a person who works for a skilled or  
22 qualified person in order to learn a trade or profession for an  
23 agreed-upon period of time. An apprentice may work in any of the  
24 trades recognized by the Oklahoma Department of Commerce as

1 necessary for a film production. An apprentice shall be required to  
2 complete safety training appropriate for the duties to be performed  
3 in connection with a qualified project and also to complete a course  
4 related to and with the objective of preventing workplace  
5 misbehavior, such as bullying and sexual harassment;

6 3. "Crew" means any person who works on preproduction,  
7 principal photography and post-production, with the exception of  
8 above-the-line personnel;

9 4. "Eligible television series" means a project if either  
10 seventy-five percent (75%) of the series season is filmed within the  
11 state or, for an episodic television pilot, if more than seventy-  
12 five percent (75%) of the pilot is filmed within the state;

13 5. "Expenditure" or "production cost" includes but is not  
14 limited to:

15 a. wages or salaries of persons who are residents of this  
16 state or who are enrolled as full-time students at a  
17 college or university located in the state offering an  
18 undergraduate degree program or who are on active  
19 military duty and stationed in Oklahoma or involved in  
20 a restorative workforce program and who have earned  
21 income from working on a film in this state including  
22 payments to personal services corporations with  
23 respect to the services of qualified performing  
24

1 artists, pursuant to the provisions of the Internal  
2 Revenue Code, 26 U.S.C., Section 62(a)(2),

3 b. the cost of construction and operations, wardrobe,  
4 accessories and related services,

5 c. the cost of photography, sound synchronization,  
6 lighting and related services,

7 d. the cost of editing and related services,

8 e. rental of facilities and equipment,

9 f. other direct costs of producing a film, and

10 g. the wages and salaries of persons who are defined and  
11 registered as an Oklahoma Expatriate by the Oklahoma  
12 Film and Music Office;

13 6. "Film" means a professional single media, multimedia program  
14 or feature, which is not child ~~pornography~~ sexual abuse material as  
15 defined in subsection A of Section 1024.1 of Title 21 of the  
16 Oklahoma Statutes or obscene material as defined in paragraph 1 of  
17 subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes  
18 including, but not limited to, national advertising messages that  
19 are broadcast on a national affiliate or cable network, fixed on  
20 film or digital video, which can be viewed or reproduced and which  
21 is exhibited in theaters, licensed for exhibition by individual  
22 television stations, groups of stations, networks, cable television  
23 stations or other means or licensed for home viewing markets. The  
24 term shall also include filming for interactive and video gaming

1 including, but not limited to, green screen, motion capture and  
2 similar production techniques;

3 7. "Multi-film deal" means a project in which a production  
4 company films at least seventy-five percent (75%) of main crew  
5 principal photography for three (3) or more films in this state  
6 within three (3) years or where the third film starts main crew  
7 principal photography within the three (3) year period;

8 8. "Nonresident crew member" means a person who is not an  
9 Oklahoma resident, hired for a qualifying production project  
10 occurring within the state and who is subject to the payment of  
11 Oklahoma employment taxes;

12 9. "Production company" means a person, producer or company who  
13 produces film for exhibition in theaters, on television or  
14 elsewhere;

15 10. "Qualified production expenditure amount" means an  
16 expenditure defined pursuant to paragraph 5 of this section; and

17 11. "Qualified soundstage facility" means a state certified  
18 industry standard soundstage facility having not less than seven  
19 thousand five hundred (7,500) square feet of combined soundstage  
20 space and with a total state rental cost to the production company  
21 equal to at least three percent (3%) of the qualifying Oklahoma  
22 expenditures with respect to a production.

23

24

1 SECTION 45. AMENDATORY Section 1, Chapter 280, O.S.L.  
2 2022, as amended by Section 1, Chapter 373, O.S.L. 2023 (70 O.S.  
3 Supp. 2023, Section 11-202), is amended to read as follows:

4 Section 11-202. A. A school district, charter school, virtual  
5 charter school, state agency, public library, or institution of  
6 higher education within The Oklahoma State System of Higher  
7 Education may offer digital or online library database resources to  
8 students in kindergarten through twelfth grade only if the vendor,  
9 person, or entity providing the resources verifies that all the  
10 resources comply with the provisions of subsection B of this  
11 section.

12 B. Digital or online library database resources offered by  
13 school districts, charter schools, virtual charter schools, state  
14 agencies, public libraries, or universities to students in  
15 kindergarten through twelfth grade shall have safety policies and  
16 technology protection measures that:

17 1. Prohibit and prevent a user of the resource from sending,  
18 receiving, viewing, or downloading materials that are child  
19 ~~pornography~~ sexual abuse material or obscene materials, as defined  
20 in Section 1024.1 of Title 21 of the Oklahoma Statutes, or materials  
21 that depict child sexual exploitation, as defined in Section 843.5  
22 of Title 21 of the Oklahoma Statutes; and

23 2. Filter or block access to child ~~pornography~~ sexual abuse  
24 material or obscene materials, as defined in Section 1024.1 of Title

1 21 of the Oklahoma Statutes, or materials that depict child sexual  
2 exploitation, as defined in Section 843.5 of Title 21 of the  
3 Oklahoma Statutes.

4 C. Notwithstanding any contract provision to the contrary, if a  
5 provider of digital or online library resources fails to comply with  
6 the requirements of subsection B of this section, the school  
7 district, public charter school, state agency, public library, or  
8 institution of higher education shall withhold further payments, if  
9 any, to the provider pending verification of compliance.

10 D. If a provider of digital or online library database  
11 resources fails to timely verify that the provider is in compliance  
12 with the safety policies and requirements of subsection B of this  
13 section, the school district, public charter school, state agency,  
14 public library, or institution of higher education shall consider  
15 the provider's act of noncompliance a breach of contract.

16 E. No later than December 1 of each year, libraries shall  
17 submit to the Speaker of the House of Representatives and President  
18 Pro Tempore of the Senate an aggregate written report on any issues  
19 related to provider compliance with technology protection measures  
20 required by subsection B of this section.

21 F. Employees of school districts, charter schools, virtual  
22 charter schools, state agencies, public libraries, and universities  
23 shall not be exempt from prosecution for willful violations of state  
24 law prohibiting indecent exposure to obscene material or child

1 ~~pornography~~ sexual abuse material as provided in Section 1021 of  
2 Title 21 of the Oklahoma Statutes.

3 G. Nothing in this ~~act~~ section shall be construed in a manner  
4 that applies to digital or online library database resources offered  
5 by institutions of higher education when the primary purpose of the  
6 resources is for education or research.

7 SECTION 46. AMENDATORY 70 O.S. 2021, Section 1210.163,  
8 is amended to read as follows:

9 Section 1210.163. A. Every school employee having reason to  
10 believe that a student under the age of eighteen (18) years is a  
11 victim of abuse or neglect shall report the matter immediately to  
12 the Department of Human Services and local law enforcement. Reports  
13 to the Department shall be made to the hotline provided for in  
14 Section 1-2-101 of Title 10A of the Oklahoma Statutes. Any  
15 allegation of abuse or neglect reported in any manner to a county  
16 office shall immediately be referred to the hotline by the  
17 Department.

18 B. Every school employee having reason to believe that a  
19 student age eighteen (18) years or older is a victim of abuse or  
20 neglect shall report the matter immediately to local law  
21 enforcement.

22 C. In reports required by subsection A or B of this section,  
23 local law enforcement shall keep confidential and redact any  
24 information identifying the reporting school employee unless

1 otherwise ordered by the court. A school employee with knowledge of  
2 a report required by subsection A or B of this section shall not  
3 disclose information identifying the reporting school employee  
4 unless otherwise ordered by the court or as part of an investigation  
5 by local law enforcement or the Department.

6 D. For the purposes of this section, "child abuse and neglect"  
7 shall include, but not be limited to:

8 1. Child abuse as defined in Section 843.5 of Title 21 of the  
9 Oklahoma Statutes;

10 2. Sexual abuse or sexual exploitation as defined in Section 1-  
11 1-105 of Title 10A of the Oklahoma Statutes;

12 3. Contributing to the delinquency of a minor as defined in  
13 Section 856 of Title 21 of the Oklahoma Statutes;

14 4. Trafficking in children, as defined in Section 866 of Title  
15 21 of the Oklahoma Statutes;

16 5. Incest as described in Section 885 of Title 21 of the  
17 Oklahoma Statutes;

18 6. Forcible sodomy, as described in Section 888 of Title 21 of  
19 the Oklahoma Statutes;

20 7. Maliciously, forcibly or fraudulently taking or enticing a  
21 child away, as described in Section 891 of Title 21 of the Oklahoma  
22 Statutes;

23 8. Soliciting or aiding a minor child to perform or showing,  
24 exhibiting, loaning or distributing obscene material or child

1 ~~pornography~~ sexual abuse material, as described in Section 1021 of  
2 Title 21 of the Oklahoma Statutes;

3 9. Procuring or causing the participation of any minor child in  
4 any child ~~pornography~~ sexual abuse material or knowingly possessing,  
5 procuring or manufacturing child ~~pornography~~ sexual abuse material,  
6 as described in Section 1021.2 of Title 21 of the Oklahoma Statutes;

7 10. Permitting or consenting to the participation of a minor  
8 child in any child ~~pornography~~ sexual abuse material, as described  
9 in Section 1021.3 of Title 21 of the Oklahoma Statutes;

10 11. Facilitating, encouraging, offering or soliciting sexual  
11 conduct with a minor, as described in Section 1040.13a of Title 21  
12 of the Oklahoma Statutes;

13 12. Offering or offering to secure a minor child for the  
14 purposes of prostitution or any other lewd or indecent act, as  
15 described in Section 1087 of Title 21 of the Oklahoma Statutes;

16 13. Causing, inducing, persuading or encouraging a minor child  
17 to engage or continue to engage in prostitution, as described in  
18 Section 1088 of Title 21 of the Oklahoma Statutes;

19 14. Rape or rape by instrumentation, as described in Sections  
20 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

21 15. Making any oral, written or electronically or computer-  
22 generated lewd or indecent proposals to a minor child under the age  
23 of sixteen (16) as described in Section 1123 of Title 21 of the  
24 Oklahoma Statutes.

1 SECTION 47. AMENDATORY 74 O.S. 2021, Section 151.1, is  
2 amended to read as follows:

3 Section 151.1. A. The Oklahoma State Bureau of Investigation  
4 shall establish an Internet Crimes Against Children (ICAC) unit for  
5 the primary purpose of investigating Internet crimes committed  
6 against children, including, but not limited to, offenses related to  
7 child ~~pornography~~ sexual abuse material and solicitation of minors  
8 for pornography, prostitution or sex-related offenses. The unit  
9 shall additionally promote safe Internet use among children and  
10 their parents by various media or printed-material campaigns or by  
11 offering educational programs to schools or communities throughout  
12 this state. The Bureau shall employ sufficient employees to  
13 investigate and implement the ICAC unit.

14 B. The Director of the Oklahoma State Bureau of Investigation  
15 is hereby authorized to enter into local cooperative agreements with  
16 local law enforcement agencies for the purpose of appointing ICAC  
17 Affiliate Task Force Agents to assist the ICAC unit of the Bureau.  
18 ICAC Affiliate Task Force Agents shall be employees and commissioned  
19 law enforcement officers of the local law enforcement agency  
20 entering into agreement with the Oklahoma State Bureau of  
21 Investigation and shall not be employees of the Bureau. ICAC  
22 Affiliate Task Force Agents shall have general peace officer powers  
23 and the authority to arrest persons throughout the state for the  
24 purpose of investigating Internet crimes committed against children

1 including, but not limited to, offenses related to child ~~pornography~~  
2 sexual abuse material, solicitation of minors for pornography,  
3 prostitution or sex-related offenses. ICAC Affiliate Task Force  
4 Agents shall promote safe Internet use among children and parents of  
5 children by various media or printed-material campaigns or by  
6 offering educational programs to schools or communities throughout  
7 Oklahoma. The Director of the Bureau may renew, suspend or revoke  
8 any agreement appointing an ICAC Affiliate Task Force Agent at any  
9 time. ICAC Affiliate Task Force Agents serve solely at the  
10 discretion and will of the Director of the Oklahoma State Bureau of  
11 Investigation.

12 SECTION 48. This act shall become effective November 1, 2024.

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
14 February 20, 2024 - DO PASS  
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