

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1268

By: Rader

4
5
6 AS INTRODUCED

7 An Act relating to child pornography; amending 10
8 O.S. 2021, Sections 7505-5.1 and 7505-6.3, which
9 relate to adoption proceedings; modifying term;
10 amending 10A O.S. 2021, Section 1-4-705, which
11 relates to child custody; modifying term; amending
12 10A O.S. 2021, Section 2-8-221, which relates to
13 transmission of obscenity and child pornography;
14 modifying term; amending 21 O.S. 2021, Section 13.1,
15 which relates to sentencing; modifying term; amending
16 21 O.S. 2021, Section 843.5, which relates to child
17 abuse; modifying term; amending 21 O.S. 2021,
18 Sections 1021, 1021.1, 1021.2, 1021.3, 1021.4, 1022,
19 and 1023, which relate to Oklahoma law on obscenity
20 and child pornography; modifying term; amending 21
21 O.S. 2021, Section 1024.1, which relates to
22 definitions; modifying term; modifying definition;
23 amending 21 O.S. 2021, Sections 1024.2, 1024.3,
24 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
43 O.S. 2021, Section 112.5, which relates to custody
or guardianship; modifying term; amending 57 O.S.

1 2021, Section 138, which relates to inmate credits;
2 modifying terms; amending 57 O.S. 2021, Section
3 332.16, which relates to recommendations for parole;
4 modifying term; amending 57 O.S. 2021, Section 571,
5 as amended by Section 2, Chapter 212, O.S.L. 2023 (57
6 O.S. Supp. 2023, Section 571), which relates to
7 definitions; modifying term; amending 57 O.S. 2021,
8 Section 582, which relates to sex offenders;
9 modifying term; amending 68 O.S. 2021, Section
10 2357.101, which relates to film tax credits;
11 modifying term; amending 68 O.S. 2021, Sections 3623
12 and 3632, as amended by Section 1, Chapter 347,
13 O.S.L. 2023 (68 O.S. Supp. 2023, Section 3623), which
14 relate to definitions; modifying term; amending
15 Section 1, Chapter 280, O.S.L. 2022, as amended by
16 Section 1, Chapter 373, O.S.L. 2023 (70 O.S. Supp.
17 2023, Section 11-202), which relates to digital or
18 online library database resources; modifying term;
19 amending 70 O.S. 2021, Section 1210.163, which
20 relates to duty for school employees to report
21 potential student abuse or neglect; modifying term;
22 amending 74 O.S. 2021, Section 151.1, which relates
23 to internet crimes against children; modifying term;
24 updating statutory language and references; making
language gender neutral; and providing an effective
date.

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

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

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

1 completed or brought current within twelve (12) months next
2 preceding a placement of a minor with the person for adoption.

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

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

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

17 2. Child abuse or neglect;

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

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

23 D. 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 2. AMENDATORY 10 O.S. 2021, Section 7505-6.3, is
5 amended to read as follows:

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

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

18 C. Notice of the time and date of the hearing shall be served
19 at least ten (10) days prior to the hearing upon any parent whose
20 parental rights have not been terminated, unless that parent has
21 properly executed a consent to the adoption or a permanent
22 relinquishment pursuant to Sections 7503-2.3, 7503-2.4 and 7503-2.6
23 of this title or has waived the right to notice pursuant to Section
24 7503-3.1 of this title. Notice of the hearing shall also be served

1 on the child-placing agency or the Department of Human Services in
2 those cases where the child-placing agency or Department has
3 original custody, or performed a home study.

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

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

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

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

19 1. Except as otherwise provided by this subsection, a
20 prospective adoptive parent shall not be approved for placement of a
21 child if the petitioners or any other person residing in the home of
22 the petitioners has been convicted of any of the following felony
23 offenses:

24

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

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

21 H. Under no circumstances shall a child be placed in the
22 custody of an individual subject to the ~~Oklahoma~~ Sex Offenders
23 Registration Act or an individual who is married to or living with
24

1 an individual subject to the ~~Oklahoma~~ Sex Offenders Registration
2 Act.

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

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

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

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

23 1. Within the five-year period preceding the application date,
24 a physical assault, battery, or a drug-related offense;

- 1 2. Child abuse or neglect;
- 2 3. Domestic abuse;
- 3 4. A crime against a child, including, but not limited to,
- 4 child ~~pornography~~ sexual abuse material; or
- 5 5. A crime involving violence, including, but not limited to,
- 6 rape, sexual assault or homicide, but excluding those crimes
- 7 specified in paragraph 1 of this subsection.

8 D. 1. Under no circumstances shall a child be placed with or
9 in the custody of an individual subject to the ~~Oklahoma~~ Sex
10 Offenders Registration Act or an individual who is married to or
11 living with an individual subject to the ~~Oklahoma~~ Sex Offenders
12 Registration Act.

13 2. In addition, prior to the court placing a child in the
14 custody of an individual, the court shall inquire as to whether the
15 individual has been previously convicted of any felony or relevant
16 misdemeanor or has any felony or misdemeanor charges pending.

17 3. Prior to the custody order being entered, the individual
18 seeking custody shall provide an Oklahoma criminal history record
19 obtained pursuant to Section 150.9 of Title 74 of the Oklahoma
20 Statutes to the court.

21 4. For purposes of this subsection the terms:

- 22 a. "relevant misdemeanor" may include assault and
23 battery, alcohol- or drug-related offenses, domestic
24 violence or other offenses involving the use of

1 physical force or violence against the person or
2 property of another, and

3 b. "individual" shall not include a parent or legal
4 guardian of the child.

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

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

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

20 Provided that if the conditions of subsection B of this section are
21 present, then it shall be at the discretion of the district attorney
22 whether the action instituted is a juvenile offense as defined in
23 subsection B of this section or whether the action instituted is a
24

1 felony for a violation of Section 1040.13a of Title 21 of the
2 Oklahoma Statutes.

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

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

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

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

23 a. a fine not to exceed Five Hundred Dollars (\$500.00)
24 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,
- d. a referral to a juvenile bureau to propose a probation plan which shall be adopted through disposition, and

1 e. attendance and successful completion of an educational
2 program or a delinquency prevention and diversion
3 program as provided in Section 24-100.4 of Title 70 of
4 the Oklahoma Statutes. The court shall have the
5 discretion to order the parent or legal guardian of
6 the juvenile to attend and successfully complete the
7 educational program; and

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

- 13 a. a fine not to exceed Nine Hundred Dollars (\$900.00)
14 for the first offense,
- 15 b. a fine not to exceed One Thousand Eight Hundred
16 Dollars (\$1,800.00) for a second or subsequent
17 offense,
- 18 c. up to eighty (80) hours of community service,
- 19 d. a referral to a juvenile bureau to propose a probation
20 plan which may be adopted through disposition, and
- 21 e. attendance and successful completion of an educational
22 program or a delinquency prevention and diversion
23 program as provided in Section 24-100.4 of Title 70 of
24 the Oklahoma Statutes. The court shall have the

1 discretion to order the parent or legal guardian of
2 the juvenile to attend and successfully complete the
3 educational program.

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

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

11 1. Has not solicited the visual depiction; and

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

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

18 Section 13.1. Persons convicted of:

19 1. First degree murder as defined in Section 701.7 of this
20 title;

21 2. Second degree murder as defined by Section 701.8 of this
22 title;

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

- 1 4. Poisoning with intent to kill as defined by Section 651 of
2 this title;
- 3 5. Shooting with intent to kill, use of a vehicle to facilitate
4 use of a firearm, crossbow or other weapon, assault, battery, or
5 assault and battery with a deadly weapon or by other means likely to
6 produce death or great bodily harm, as provided for in Section 652
7 of this title;
- 8 6. Assault with intent to kill as provided for in Section 653
9 of this title;
- 10 7. Conjoint robbery as defined by Section 800 of this title;
- 11 8. Robbery with a dangerous weapon as defined in Section 801 of
12 this title;
- 13 9. First degree robbery as defined in Section 797 of this
14 title;
- 15 10. First degree rape as provided for in Section 1111, 1114 or
16 1115 of this title;
- 17 11. First degree arson as defined in Section 1401 of this
18 title;
- 19 12. First degree burglary as provided for in Section 1436 of
20 this title;
- 21 13. Bombing as defined in Section 1767.1 of this title;
- 22 14. Any crime against a child provided for in Section 843.5 of
23 this title;
- 24 15. Forcible sodomy as defined in Section 888 of this title;

1 16. Child ~~pornography~~ sexual abuse material or aggravated child
2 ~~pornography~~ sexual abuse material as defined in Section 1021.2,
3 1021.3, 1024.1, 1024.2 or 1040.12a of this title;

4 17. Child prostitution as defined in Section 1030 of this
5 title;

6 18. Lewd molestation of a child as defined in Section 1123 of
7 this title;

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

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

12 21. Aggravated assault and battery upon any person defending
13 another person from assault and battery; or

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

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

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

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

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

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

8 E. Any person responsible for the health, safety or welfare of
9 a child who shall willfully or maliciously engage in child sexual
10 abuse, as defined in this section, shall, upon conviction, be
11 punished by imprisonment in the custody of the Department of
12 Corrections not exceeding life imprisonment, or by imprisonment in a
13 county jail not exceeding one (1) year, or by a fine ~~of~~ not less
14 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
15 Dollars (\$5,000.00), or both such fine and imprisonment, except as
16 provided in Section 51.1a of this title or as otherwise provided in
17 subsection F of this section for a child victim under twelve (12)
18 years of age. Except for persons sentenced to life or life without
19 parole, any person sentenced to imprisonment for two (2) years or
20 more for a violation of this subsection shall be required to serve a
21 term of post-imprisonment supervision pursuant to subparagraph f of
22 paragraph 1 of subsection A of Section 991a of Title 22 of the
23 Oklahoma Statutes under conditions determined by the Department of
24 Corrections. The jury shall be advised that the mandatory post-

1 imprisonment supervision shall be in addition to the actual
2 imprisonment.

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

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

19 H. Any person who shall willfully or maliciously engage in
20 child sexual exploitation, as defined in this section, shall, upon
21 conviction, be punished by imprisonment in the custody of the
22 Department of Corrections not exceeding life imprisonment, or by
23 imprisonment in a county jail not exceeding one (1) year, or by a
24 fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than

1 Five Thousand Dollars (\$5,000.00), or both such fine and
2 imprisonment except as provided in subsection I of this section for
3 a child victim under twelve (12) years of age. Except for persons
4 sentenced to life or life without parole, any person sentenced to
5 imprisonment for two (2) years or more for a violation of this
6 subsection shall be required to serve a term of post-imprisonment
7 supervision pursuant to subparagraph f of paragraph 1 of subsection
8 A of Section 991a of Title 22 of the Oklahoma Statutes under
9 conditions determined by the Department of Corrections. The jury
10 shall be advised that the mandatory post-imprisonment supervision
11 shall be in addition to the actual imprisonment.

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

19 J. Any person responsible for the health, safety or welfare of
20 a child who shall willfully or maliciously engage in enabling child
21 sexual exploitation, as defined in this section, shall, upon
22 conviction, be punished by imprisonment in the custody of the
23 Department of Corrections not exceeding life imprisonment, or by
24 imprisonment in a county jail not exceeding one (1) year, or by a

1 fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than
2 Five Thousand Dollars (\$5,000.00), or both such fine and
3 imprisonment.

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

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

14 M. Consent shall not be a defense for any violation provided
15 for in this section.

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

19 O. As used in this section:

20 1. "Child abuse" means:

21 a. the willful or malicious harm or threatened harm or
22 failure to protect from harm or threatened harm to the
23 health, safety or welfare of a child under eighteen
24

1 (18) years of age by a person responsible for a
2 child's health, safety or welfare, or

3 b. the act of willfully or maliciously injuring,
4 torturing or maiming a child under eighteen (18) years
5 of age by any person;

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

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

14 a. sexual intercourse,

15 b. penetration of the vagina or anus, however slight, by
16 an inanimate object or any part of the human body not
17 amounting to sexual intercourse,

18 c. sodomy,

19 d. incest, or

20 e. a lewd act or proposal, as defined in this section;

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

- 1 a. human trafficking, as provided for in Section 748 of
2 this title, if the offense involved child trafficking
3 for commercial sex,
- 4 b. trafficking in children, as provided for in Section
5 866 of this title, if the offense was committed for
6 the sexual gratification of any person,
- 7 c. procuring or causing the participation of a minor in
8 child ~~pornography~~ sexual abuse material, as provided
9 for in Section 1021.2 of this title,
- 10 d. purchase, procurement or possession of child
11 ~~pornography~~ sexual abuse material, as provided for in
12 Section 1024.2 of this title,
- 13 e. engaging in or soliciting prostitution, as provided
14 for in Section 1029 of this title, if the offense
15 involved child prostitution,
- 16 f. publication, distribution or participation in the
17 preparation of obscene material, as provided for in
18 Section 1040.8 of this title, if the offense involved
19 child ~~pornography~~ sexual abuse material,
- 20 g. aggravated possession of child ~~pornography~~ sexual
21 abuse material, as provided for in Section 1040.12a of
22 this title,
- 23 h. sale or distribution of obscene material, as provided
24 for in Section 1040.13 of this title,

- 1 i. soliciting sexual conduct or communication with a
2 minor by use of technology, as provided for in Section
3 ~~1043.13a~~ 1040.13a of this title,
4 j. offering or transporting a child for purposes of
5 prostitution, as provided for in Section 1087 of this
6 title, and
7 k. child prostitution, as provided for in Section 1088 of
8 this title;

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

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

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

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

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

24 10. "Lewd act or proposal" means:

- 1 a. making any oral, written or electronic or computer-
2 generated lewd or indecent proposal to a child for the
3 child to have unlawful sexual relations or sexual
4 intercourse with any person,
- 5 b. looking upon, touching, mauling or feeling the body or
6 private parts of a child in a lewd or lascivious
7 manner or for the purpose of sexual gratification,
- 8 c. asking, inviting, enticing or persuading any child to
9 go alone with any person to a secluded, remote or
10 secret place for a lewd or lascivious purpose,
- 11 d. urinating or defecating upon a child or causing,
12 forcing or requiring a child to defecate or urinate
13 upon the body or private parts of another person for
14 the purpose of sexual gratification,
- 15 e. ejaculating upon or in the presence of a child,
- 16 f. causing, exposing, forcing or requiring a child to
17 look upon the body or private parts of another person
18 for the purpose of sexual gratification,
- 19 g. causing, forcing or requiring any child to view any
20 obscene materials, child ~~pornography~~ sexual abuse
21 material or materials deemed harmful to minors as such
22 terms are defined in Sections 1024.1 and 1040.75 of
23 this title,
24

- 1 h. causing, exposing, forcing or requiring a child to
2 look upon sexual acts performed in the presence of the
3 child for the purpose of sexual gratification, or
4 i. causing, forcing or requiring a child to touch or feel
5 the body or private parts of the child or another
6 person for the purpose of sexual gratification;

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

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

- 14 a. the parent of the child,
15 b. the legal guardian of the child,
16 c. the custodian of the child,
17 d. the foster parent of the child,
18 e. a person eighteen (18) years of age or older with whom
19 the parent of the child cohabitates, who is at least
20 three (3) years older than the child,
21 f. any other person eighteen (18) years of age or older
22 residing in the home of the child, who is at least
23 three (3) years older than the child,
24

- 1 g. an owner, operator, agent, employee or volunteer of a
2 public or private residential home, institution,
3 facility or day treatment program, as defined in
4 Section 175.20 of Title 10 of the Oklahoma Statutes,
5 that the child attended,
- 6 h. an owner, operator, agent, employee or volunteer of a
7 child care facility, as defined in Section 402 of
8 Title 10 of the Oklahoma Statutes, that the child
9 attended,
- 10 i. an intimate partner of the parent of the child, as
11 defined in Section 60.1 of Title 22 of the Oklahoma
12 Statutes, or
- 13 j. a person who has voluntarily accepted responsibility
14 for the care or supervision of a child;

15 13. "Sexual intercourse" means the actual penetration, however
16 slight, of the vagina or anus by the penis; and

17 14. "Sodomy" means:

- 18 a. penetration, however slight, of the mouth of the child
19 by a penis,
- 20 b. penetration, however slight, of the vagina of a person
21 responsible for a child's health, safety or welfare,
22 by the mouth of a child,
- 23
24

1 c. penetration, however slight, of the mouth of the
2 person responsible for a child's health, safety or
3 welfare by the penis of the child, or

4 d. penetration, however slight, of the vagina of the
5 child by the mouth of the person responsible for a
6 child's health, safety or welfare.

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

9 Section 1021. A. Every person who willfully and knowingly
10 either:

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

19 2. Procures, counsels, or assists any person to expose such
20 person, or to make any other exhibition of such person to public
21 view or to the view of any number of persons, for the purpose of
22 sexual stimulation of the viewer;

23 3. Writes, composes, stereotypes, prints, photographs, designs,
24 copies, draws, engraves, paints, molds, cuts, or otherwise prepares,

1 publishes, sells, distributes, keeps for sale, knowingly downloads
2 on a computer, or exhibits any obscene material or child ~~pornography~~
3 sexual abuse material; or

4 4. Makes, prepares, cuts, sells, gives, loans, distributes,
5 keeps for sale, or exhibits any disc record, metal, plastic, or wax,
6 wire or tape recording, or any type of obscene material or child
7 ~~pornography~~ sexual abuse material,

8 shall be guilty, upon conviction, of a felony and shall be punished
9 by the imposition of a fine ~~of~~ not less than Five Hundred Dollars
10 (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or by
11 imprisonment for not less than thirty (30) days nor more than ten
12 (10) years, or by both such fine and imprisonment.

13 B. Every person who:

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

15 2. Shows, exhibits, loans, or distributes to a minor child any
16 obscene material or child ~~pornography~~ sexual abuse material for the
17 purpose of inducing ~~said~~ the minor to participate in,

18 any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this
19 section shall be guilty of a felony, upon conviction, and shall be
20 punished by imprisonment in the custody of the Department of
21 Corrections for not less than ten (10) years nor more than thirty
22 (30) years, except when the minor child is under twelve (12) years
23 of age at the time the offense is committed, and in such case the
24 person shall, upon conviction, be punished by imprisonment in the

1 custody of the Department of Corrections for not less than twenty-
2 five (25) years.

3 C. Persons convicted under this section shall not be eligible
4 for a deferred sentence.

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

13 E. For purposes of this section, "downloading on a computer"
14 means electronically transferring an electronic file from one
15 computer or electronic media to another computer or electronic
16 media.

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

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

1 B. The criminal provisions of this title shall not prohibit the
2 district attorney from seeking civil or injunctive relief to enjoin
3 the production, publication, dissemination, distribution, sale of or
4 participation in any obscene material or child ~~pornography~~ sexual
5 abuse material, or the dissemination to minors of material harmful
6 to minors, or the possession of child ~~pornography~~ sexual abuse
7 material.

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

10 Section 1021.2. A. Any person who shall procure or cause the
11 participation of any minor under the age of eighteen (18) years in
12 any child ~~pornography~~ sexual abuse material or who knowingly
13 possesses, procures, or manufactures, or causes to be sold or
14 distributed any child ~~pornography~~ sexual abuse material shall be
15 guilty, upon conviction, of a felony and shall be punished by
16 imprisonment for not more than twenty (20) years or by the
17 imposition of a fine ~~of~~ not more than Twenty-five Thousand Dollars
18 (\$25,000.00) or by both ~~said~~ such fine and imprisonment. Persons
19 convicted under this section shall not be eligible for a deferred
20 sentence. Except for persons sentenced to life or life without
21 parole, any person sentenced to imprisonment for two (2) years or
22 more for a violation of this subsection shall be required to serve a
23 term of post-imprisonment supervision pursuant to subparagraph f of
24 paragraph 1 of subsection A of Section 991a of Title 22 of the

1 Oklahoma Statutes under conditions determined by the Department of
2 Corrections. The jury shall be advised that the mandatory post-
3 imprisonment supervision shall be in addition to the actual
4 imprisonment.

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

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

10 Section 1021.3. A. Any parent, guardian or individual having
11 custody of a minor under the age of eighteen (18) years who
12 knowingly permits or consents to the participation of a minor in any
13 child ~~pornography~~ sexual abuse material shall be guilty of a felony
14 and, upon conviction, shall be imprisoned in the custody of the
15 Department of Corrections for a period ~~of~~ not more than twenty (20)
16 years or a fine ~~of~~ not more than Twenty-five Thousand Dollars
17 (\$25,000.00) or by both such fine and imprisonment. Persons
18 convicted under this section shall not be eligible for a deferred
19 sentence. Except for persons sentenced to life or life without
20 parole, any person sentenced to imprisonment for two (2) years or
21 more for a violation of this subsection shall be required to serve a
22 term of post-imprisonment supervision pursuant to subparagraph f of
23 paragraph 1 of subsection A of Section 991a of Title 22 of the
24 Oklahoma Statutes under conditions determined by the Department of

1 Corrections. The jury shall be advised that the mandatory post-
2 imprisonment supervision shall be in addition to the actual
3 imprisonment.

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

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

8 Section 1021.4. A. Any commercial film and photographic print
9 processor or commercial computer technician who has knowledge of or
10 observes, within the scope of such person's professional capacity or
11 employment, any film, photograph, video tape, negative, or slide, or
12 any computer file, recording, CD-Rom, magnetic disk memory, magnetic
13 tape memory, picture, graphic or image that is intentionally saved,
14 transmitted or organized on hardware or any other media including,
15 but not limited to, CDs, DVDs and thumbdrives, whether digital,
16 analog or other means and whether directly viewable, compressed or
17 encoded depicting a child under the age of eighteen (18) years
18 engaged in an act of sexual conduct as defined in Section 1024.1 of
19 this title shall immediately or as soon as possible report by
20 telephone such instance of suspected child abuse or child
21 ~~pornography~~ sexual abuse material to the law enforcement agency
22 having jurisdiction over the case and shall prepare and send a
23 written report of the incident with an attached copy of such
24

1 material, within thirty-six (36) hours after receiving the
2 information concerning the incident.

3 For the purposes of this section:

4 1. "Commercial film and photographic print processor" means any
5 person who develops exposed photographic film into negatives,
6 slides, or prints, or who makes prints from negatives or slides, for
7 compensation. The term shall also include any employee of such a
8 person but shall not include a person who develops film or makes
9 prints for a public agency; and

10 2. "Commercial computer technician" means any person who
11 repairs, installs, or otherwise services any computer including, but
12 not limited to, any component part, device, memory storage or
13 recording mechanism, auxiliary storage, recording or memory
14 capacity, or any other materials relating to operation and
15 maintenance of a computer or computer network or system, for
16 compensation. The term shall also include any employee of such
17 person.

18 B. Any person who violates the provisions of this section, upon
19 conviction, shall be guilty of a misdemeanor and shall be punished
20 by the imposition of a fine not to exceed Five Hundred Dollars
21 (\$500.00) or by imprisonment in the county jail not to exceed one
22 (1) year, or both such fine and imprisonment.

23 C. Nothing in this section shall be construed to require or
24 authorize any person to act outside the scope of such person's

1 professional capacity or employment by searching for prohibited
2 materials or media.

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

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

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

15 Section 1023. The magistrate to whom any child ~~pornography~~
16 sexual abuse material, or any obscene material, is delivered
17 pursuant to Section 1022 of this title, shall, upon the examination
18 of the accused, or if the examination is delayed or prevented,
19 without awaiting such examination, determine the character of such
20 child ~~pornography~~ sexual abuse material or obscene material, and if
21 the magistrate finds it to be obscene material or child ~~pornography~~
22 sexual abuse material, the magistrate shall cause the same to be
23 delivered to the district attorney of the county in which the
24 accused is liable to indictment or trial. The magistrate shall

1 issue in writing the factual and legal basis for the determination
2 by the magistrate of the character of the child ~~pornography~~ sexual
3 abuse material or obscene material.

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

6 Section 1024.1. A. As used in Sections 1021, 1021.1 through
7 1021.4, Sections 1022 through ~~1024~~ 1031, and Sections 1040.8 through
8 1040.24 of this title, "child ~~pornography~~ sexual abuse material"
9 means and includes any visual depiction or individual image stored
10 or contained in any format on any medium including, but not limited
11 to, ~~film, motion:~~

12 1. Film;

13 2. Motion picture, videotape, photograph, negative,
14 undeveloped;

15 3. Videotape;

16 4. Photograph;

17 5. Negative;

18 6. Undeveloped film, slide, photographic;

19 7. Slide;

20 8. Photographic product, reproduction;

21 9. Reproduction of a photographic product, play;

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

24

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

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

23 1. "Obscene material" means and includes any representation,
24 performance, depiction or description of sexual conduct, whether in

1 any form or on any medium including still photographs, undeveloped
2 photographs, motion pictures, undeveloped film, videotape, optical,
3 magnetic or solid-state storage, CD or DVD, or a purely photographic
4 product or a reproduction of such product in any book, pamphlet,
5 magazine, or other publication or electronic or photo-optical
6 format, if ~~said~~ such items contain the following elements:

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

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

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

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

- 22 a. acts of sexual intercourse including any intercourse
23 which is normal or perverted, actual or simulated,

24

1 b. acts of deviate sexual conduct, including oral and
2 anal sodomy,

3 c. acts of masturbation,

4 d. acts of sadomasochistic abuse including but not
5 limited to:

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

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

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

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

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

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

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

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

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

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

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

21 Section 1024.4. Upon final conviction of the accused and any
22 codefendant, the magistrate or law enforcement agency shall, with
23 the consent of the district attorney, cause any obscene material or
24 child ~~pornography~~ sexual abuse material, in respect whereof the

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

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

12 Section 1040.8. A. No person shall knowingly photograph, act
13 in, pose for, model for, print, sell, offer for sale, give away,
14 exhibit, publish, offer to publish, or otherwise distribute,
15 display, or exhibit any book, magazine, story, pamphlet, paper,
16 writing, card, advertisement, circular, print, picture, photograph,
17 motion picture film, electronic video game or recording, image,
18 cast, slide, figure, instrument, statue, drawing, presentation, or
19 other article which is obscene material or child ~~pornography~~ sexual
20 abuse material, as defined in Section 1024.1 of this title. In the
21 case of any unsolicited mailing of any of the material listed in
22 this section, the offense is deemed complete from the time such
23 material is deposited in any post office or delivered to any person
24 with intent that it shall be forwarded. Also, unless preempted by

1 federal law, no unsolicited mail which is harmful to minors pursuant
2 to Section 1040.75 of this title shall be mailed to any person. The
3 party mailing the materials specified in this section may be
4 indicted and tried in any county wherein such material is deposited
5 or delivered, or in which it is received by the person to whom it is
6 addressed.

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

12 C. Any person who violates any provision of this section
13 involving child ~~pornography~~ sexual abuse material, upon conviction,
14 shall be guilty of a felony and shall be punished by imprisonment in
15 the custody of the Department of Corrections for not less than three
16 (3) years and not more than twenty (20) years, or by a fine ~~of~~ not
17 less than Ten Thousand Dollars (\$10,000.00), or by both such fine
18 and imprisonment. Any person convicted of a second or subsequent
19 violation shall, upon conviction, be punished by imprisonment in the
20 custody of the Department of Corrections for not less than ten (10)
21 years and not more than thirty (30) years, or by a fine ~~of~~ not less
22 than Twenty Thousand Dollars (\$20,000.00), or by both such fine and
23 imprisonment. The violator, upon conviction, shall be required to
24 register as a sex offender under the Sex Offenders Registration Act.

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

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

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

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

19 B. For purposes of this section:

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

22 2. The term "material" means the same definition provided by
23 Section 1040.75 of ~~Title 21 of the Oklahoma Statutes~~ this title and,
24

1 in addition, includes all digital and computerized images and
2 depictions; and

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

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

12 Section 1040.13. Every person who, with knowledge of its
13 contents, sends, brings, or causes to be sent or brought into this
14 state for sale or commercial distribution, or in this state
15 prepares, sells, exhibits, commercially distributes, gives away,
16 offers to give away, or has in his possession with intent to sell,
17 to commercially distribute, to exhibit, to give away, or to offer to
18 give away any obscene material or child ~~pornography~~ sexual abuse
19 material or gives information stating when, where, how, or from
20 whom, or by what means obscene material or child ~~pornography~~ sexual
21 abuse material can be purchased or obtained, upon conviction, is
22 guilty of a felony and shall be punished by imprisonment for not
23 more than ten (10) years in prison or by a fine ~~of~~ not more than Ten
24

1 Thousand Dollars (\$10,000.00), or by both such imprisonment and
2 fine.

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

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

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

24

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

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

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

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

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

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

20 ~~(e) seeking~~ 5. Seeking a permanent injunction against any
21 person sending or causing it to be sent, bringing or causing it to
22 be brought, into this state for sale or commercial distribution, or
23 in this state preparing, selling, exhibiting or commercially
24 distributing it, giving away or offering to give it away, or

1 possessing it with intent to sell or commercially distribute or
2 exhibit or give away or offer to give it away; and

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

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

6 Section 1040.16. ~~(a)~~ A. Upon the filing of the petition
7 described in Section 1040.15 of this title, the court shall
8 summarily examine the obscene material or child ~~pornography~~ sexual
9 abuse material.

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

13 ~~(c)~~ C. If the court finds probable cause to believe it is
14 obscene material or child ~~pornography~~ sexual abuse material, the
15 court shall immediately issue an order or rule to show cause why it
16 should not be adjudicated to be obscene material or child
17 ~~pornography~~ sexual abuse material.

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

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

20 ~~(2) if~~ 2. If their names and addresses are known, served
21 personally in the manner provided in ~~this act~~ Section 1040.11 et
22 seq. of this title for the service of process or in any manner now
23 or hereafter provided by law, upon its author, publisher, and any
24 other person interested in sending or causing it to be sent,

1 bringing or causing it to be brought, into this state for sale or
2 commercial distribution, and on any person in this state preparing,
3 selling, exhibiting or commercially distributing it or giving away
4 or offering to give it away, or possessing it with intent to sell or
5 commercially distribute or exhibit or give away or offer to give it
6 away; and

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

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

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

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

23

24

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

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

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

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

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

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

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

21 ~~(b)~~ enter 2. Enter a permanent injunction against any person
22 sending or causing it to be sent, bringing or causing it to be
23 brought, into this state for sale or commercial distribution, and
24 against any person in this state preparing, selling, exhibiting or

1 commercially distributing it, giving it away or offering to give it
2 away, or having it in his or her possession with intent to sell or
3 commercially distribute or exhibit or give it away or offer to give
4 it away.

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

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

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

18 Section 1040.22. After the entry of a judgment that the matter
19 is obscene material or child ~~pornography~~ sexual abuse material, any
20 person who, with knowledge of the judgment or of the order or rule
21 to show cause, sends or causes to be sent, brings or causes to be
22 brought, into this state for sale or commercial distribution, the
23 matter, or who in this state sells, exhibits or commercially
24 distributes it, gives away or offers to give it away, or has it in

1 his or her possession with intent to sell or commercially distribute
2 or exhibit or give away or offer to give it away, shall be guilty of
3 contempt of court and upon conviction after notice and hearing shall
4 be imprisoned in the county jail for not more than one (1) year or
5 fined not more than One Thousand Dollars (\$1,000.00), or be so
6 imprisoned or fined.

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

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

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

21 Section 1040.54. A. Any peace officer of this state is
22 authorized to seize any equipment which is used, or intended for use
23 in the preparing, photographing, printing, selling, exhibiting,
24 publishing, distributing, displaying, advertising, filming, copying,

1 recording, or mailing of obscene material, as defined in paragraph 1
2 of subsection B of Section 1024.1 of this title or child pornography
3 sexual abuse material, as defined in subsection A of Section 1024.1
4 of this title. ~~Said~~ Such equipment may be held as evidence until a
5 forfeiture has been declared or a release ordered. Forfeiture
6 actions under this section may be brought by the district attorney
7 in the proper county of venue as petitioner; provided, in the event
8 the district attorney elects not to file such an action, or fails to
9 file such action within ninety (90) days of the date of the seizure
10 of such equipment, a forfeiture action may be brought by the entity
11 seizing such equipment as petitioner.

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

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

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

21 C. Within sixty (60) days after the mailing or publication of
22 the notice, the owner of the equipment and any other party in
23 interest may file a verified answer and claim to the equipment
24

1 described in the notice of seizure and of the intended forfeiture
2 proceeding.

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

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

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

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

22 H. In the event of such proof, the court may order the
23 equipment released to the bona fide or innocent owner or party in
24

1 interest if the amount due the person is equal to, or in excess of,
2 the value of the equipment as of the date of the seizure.

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

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

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

23 L. The proceeds of the sale of any equipment not 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 in the office of the county
13 treasurer of the county where the equipment was seized, ~~said~~ such
14 fund to be used and maintained as a revolving fund for any purpose
15 by the department that made the seizure with a yearly accounting to
16 the board of county commissioners in whose county the fund is
17 established. Monies from ~~said~~ such fund may be used to pay costs
18 for the storage of such equipment if such equipment is ordered
19 released to a bona fide or innocent owner, purchaser, or conditional
20 sales vendor and if such monies are available in ~~said~~ the fund.

21 M. The proceeds of the sale of any equipment seized, taken or
22 detained by the Oklahoma State Bureau of Narcotics and Dangerous
23 Drugs Control, the Department of Public Safety, the Oklahoma State
24 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement

1 Commission, the Department of Corrections or the Office of the
2 Attorney General shall be distributed as follows, in the order
3 indicated:

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

8 2. To the payment of the actual expenses of preserving the
9 equipment; and

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

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

20 O. If the court finds that the equipment was not used in the
21 preparing, photographing, printing, selling, exhibiting, publishing,
22 distributing, displaying, advertising, filming, copying, recording,
23 or mailing of obscene material, as defined in paragraph 1 of
24 subsection B of Section 1024.1 of this title or child pornography

1 sexual abuse material as defined in ~~paragraph 1~~ of subsection A of
2 Section 1024.1 of this title, the court shall order the equipment
3 released to the owner.

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

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

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

1 ~~pornography~~ sexual abuse material, regardless of whether the victim
2 is now an adult.

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

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

10 1. The conclusion of the related criminal case;

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

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

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

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

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

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

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

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

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

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

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

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

22 B. The Attorney General or a law enforcement officer who
23 receives information that an item of alleged child ~~pornography~~
24 sexual abuse material resides on a server or other storage device

1 controlled or owned by an interactive computer service provider
2 shall:

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

6 2. Inform the interactive computer service provider of the
7 provisions of this section; and

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

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

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

23 a. the authority of the applicant to make such an
24 application,

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

6 c. a particular statement of the facts relied upon by the
7 applicant, including:

8 (1) the identity of the interactive computer service
9 provider,

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

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

22 (4) the steps taken to obtain voluntary compliance by
23 such interactive computer service provider with
24 the requirements of ~~this act~~ Section 1040.75 et

1 seq. of this title prior to filing the
2 application,

3 d. such additional testimony and documentary evidence in
4 support of the application as the judge may require,
5 and

6 e. a showing that there is probable cause to believe that
7 the item of child ~~pornography items~~ sexual abuse
8 material constitutes a violation of this section.

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

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

16 a. a copy of the application made pursuant to subsection
17 C of this section,

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

20 c. notification that the interactive computer service
21 provider shall remove the item of alleged child
22 ~~pornography~~ sexual abuse material contained in the
23 order which resides on a server or other storage
24 device controlled or owned by such interactive

1 computer service provider and which are accessible to
2 persons located within this state expeditiously after
3 receipt of the notification,

4 d. notification of the criminal penalties for failure to
5 remove the item of child ~~pornography~~ sexual abuse
6 material,

7 e. notification of the right to appeal the court's order,
8 and

9 f. contact information for the Attorney General's ~~Office~~
10 office.

11 2. An interactive computer service provider may designate an
12 agent within the state to receive notification pursuant to this
13 section.

14 E. The interactive computer service provider has the right to
15 request a hearing before the court imposes any penalty under this
16 section.

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

21 G. Notwithstanding any other provision of law to the contrary,
22 any interactive computer service provider that intentionally
23 violates subsection L of this section commits:
24

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

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

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

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

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

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

1 determines on the basis of the facts submitted by the applicant that
2 there is or was probable cause for belief that:

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

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

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

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

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

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

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

5 3. The identity of the investigative or law enforcement officer
6 or agency who discovered the images, information, or data and the
7 identity of whoever authorized the application; and

8 4. Such additional information or instruction as the court
9 deems necessary to execute the order.

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

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

16 2. The interactive computer service provider shall remove the
17 item residing on a server or other storage device controlled or
18 owned by the interactive computer service provider expeditiously
19 after receiving the order, if practical;

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

24

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

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

8 6. Provides the interactive computer service provider notice
9 and opportunity for a hearing before the court imposes any penalty
10 under this subsection.

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

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

19 2. The petition may be based on considerations of:

20 a. the cost or technical feasibility of compliance with
21 the order, or

22 b. the inability of the interactive computer service
23 provider to comply with the order without also
24

1 removing data, images or information that ~~are~~ is not
2 subject to this section.

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

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

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

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

17 3. Ask, invite, entice, or persuade any child under sixteen
18 (16) years of age, or other individual the person believes to be a
19 child under sixteen (16) years of age, to go alone with any person
20 to a secluded, remote, or secret place, with the unlawful and
21 willful intent and purpose then and there to commit any crime
22 against public decency and morality, as defined by law, with the
23 child;

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

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

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

1 Any person convicted of any violation of this subsection shall
2 be punished by imprisonment in the custody of the Department of
3 Corrections for not less than three (3) years nor more than twenty
4 (20) years, except when the child is under twelve (12) years of age
5 at the time the offense is committed, and in such case the person
6 shall, upon conviction, be punished by imprisonment in the custody
7 of the Department of Corrections for not less than twenty-five (25)
8 years. The provisions of this subsection shall not apply unless the
9 accused is at least three (3) years older than the victim, except
10 when accomplished by the use of force or fear. Except as provided
11 in Section 51.1a of this title, any person convicted of a second or
12 subsequent violation of this subsection shall be guilty of a felony
13 punishable as provided in this subsection and shall not be eligible
14 for probation, or a suspended or deferred sentence. Except as
15 provided in Section 51.1a of this title, any person convicted of a
16 third or subsequent violation of this subsection shall be guilty of
17 a felony punishable by imprisonment in the custody of the Department
18 of Corrections for a term of life or life without parole, in the
19 discretion of the jury, or in case the jury fails or refuses to fix
20 punishment then the same shall be pronounced by the court. Any
21 person convicted of a violation of this subsection after having been
22 twice convicted of a violation of subsection A of Section 1114 of
23 this title, Section 888 of this title, sexual abuse of a child
24 pursuant to Section 843.5 of this title, or of any attempt to commit

1 any of these offenses or any combination of convictions pursuant to
2 these sections shall be punished by imprisonment in the custody of
3 the Department of Corrections for a term of life or life without
4 parole.

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

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

9 1. Without the consent of that person;

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

19 3. When committed upon a person who is at least sixteen (16)
20 years of age and is less than twenty (20) years of age and is a
21 student, or in the legal custody or supervision of any public or
22 private elementary or secondary school, or technology center school,
23 by a person who is eighteen (18) years of age or older and is an
24 employee of a school system;

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

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

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

19 As used in this subsection, "employee of a school system" means
20 a teacher, principal or other duly appointed person employed by a
21 school system or an employee of a firm contracting with a school
22 system.

23 C. No person shall in any manner lewdly or lasciviously:
24

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

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

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

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

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

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

23 Section 40. As used in Sections 40 through ~~40.3~~ 40.3a of this
24 title:

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

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

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

13 4. "Member of the immediate family" means the spouse, a child
14 by birth or adoption, a stepchild, a parent by birth or adoption, a
15 stepparent, a grandparent, a grandchild, a sibling or a stepsibling
16 of a victim of first-degree murder;

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

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

- 21 a. sexual assault as provided in Section 681 of Title 21
22 of the Oklahoma Statutes,
- 23 b. human trafficking for commercial sex as provided in
24 Section 748 of Title 21 of the Oklahoma Statutes,

- 1 c. sexual abuse or sexual exploitation by a caretaker as
2 provided in Section 843.1 of Title 21 of the Oklahoma
3 Statutes,
- 4 d. child sexual abuse or child sexual exploitation as
5 provided in Section 843.5 of Title 21 of the Oklahoma
6 Statutes,
- 7 e. permitting sexual abuse of a child as provided in
8 Section 852.1 of Title 21 of the Oklahoma Statutes,
- 9 f. incest as provided in Section 885 of Title 21 of the
10 Oklahoma Statutes,
- 11 g. forcible sodomy as provided in Section 888 of Title 21
12 of the Oklahoma Statutes,
- 13 h. child stealing for purposes of sexual abuse or sexual
14 exploitation as provided in Section 891 of Title 21 of
15 the Oklahoma Statutes,
- 16 i. indecent exposure or solicitation of minors as
17 provided in Section 1021 of Title 21 of the Oklahoma
18 Statutes,
- 19 j. procuring, producing, distributing or possessing child
20 ~~pornography~~ sexual abuse material as provided in
21 Sections 1021.2 and 1024.2 of Title 21 of the Oklahoma
22 Statutes,
- 23
24

- 1 k. parental consent to child ~~pornography~~ sexual abuse
2 material as provided in Section 1021.3 of Title 21 of
3 the Oklahoma Statutes,
- 4 l. aggravated possession of child ~~pornography~~ sexual
5 abuse material as provided in Section 1040.12a of
6 Title 21 of the Oklahoma Statutes,
- 7 m. distributing obscene material or child ~~pornography~~
8 sexual abuse material as provided in Section 1040.13
9 of Title 21 of the Oklahoma Statutes,
- 10 n. offering or soliciting sexual conduct with a child as
11 provided in Section 1040.13a of Title 21 of the
12 Oklahoma Statutes,
- 13 o. procuring a child for prostitution or other lewd acts
14 as provided in Section 1087 of Title 21 of the
15 Oklahoma Statutes,
- 16 p. inducing a child to engage in prostitution as provided
17 in Section 1088 of Title 21 of the Oklahoma Statutes,
18 and
- 19 q. lewd or indecent proposals or acts to a child or
20 sexual battery as provided in Section 1123 of Title 21
21 of the Oklahoma Statutes.

22 SECTION 35. AMENDATORY 22 O.S. 2021, Section 991h, is
23 amended to read as follows:
24

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

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

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

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

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

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

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

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

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

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

3 10. Section 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1,
4 1114 or 1123 of Title 21 of the Oklahoma Statutes,
5 the court shall issue an order that the defendant shall have no
6 contact directly or indirectly with the victim or the family of the
7 victim during the full term of the confinement of the defendant,
8 term of probation, period of deferment or term of confinement and
9 probation of the defendant.

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

12 Section 996.1. As used in the Delayed Sentencing Program for
13 Young Adults:

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

21 1. Assault, battery, or assault and battery with a dangerous or
22 deadly weapon as defined by ~~Sections~~ Section 645 and subsection C of
23 Section 652 of Title 21 of the Oklahoma Statutes, or Section 2-219
24 of Title 43A of the Oklahoma Statutes;

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

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

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

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

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

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

18 8. Assault with intent to commit a felony as defined by Section
19 681 of Title 21 of the Oklahoma Statutes;

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

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

24

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 ~~Sections~~
4 Section 711, or 712 ~~or 714~~ of Title 21 of the Oklahoma Statutes;

5 13. Manslaughter in the second degree as defined by ~~Sections~~
6 Section 716 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. Kidnapping for extortion as defined by Section 745 of Title
12 21 of the Oklahoma Statutes;

13 17. Maiming as defined by Section 751 of Title 21 of the
14 Oklahoma Statutes;

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

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

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

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

23 22. Robbery by two (2) or more persons as defined by Section
24 800 of Title 21 of the Oklahoma Statutes;

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

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

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

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

10 27. Rape in the first degree as defined by Sections 1111 and
11 1114 of Title 21 of the Oklahoma Statutes;

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

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

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

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

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

24

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

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

5 35. Endangering human life during arson as defined by Section
6 1405 of Title 21 of the Oklahoma Statutes;

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

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

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

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

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

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

1 Section 112.5. A. Custody or guardianship of a child may be
2 awarded to:

3 1. A parent or to both parents jointly;

4 2. A grandparent;

5 3. A person who was indicated by the wishes of a deceased
6 parent;

7 4. A relative of either parent;

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

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

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

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

20 a. in substantial compliance with a support provision or
21 an order entered by a court of competent jurisdiction
22 adjudicating the duty, amount, and manner of support,
23 or

24

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

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

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

14 b. the parent or parents have not maintained regular
15 visitation or communication with the child.

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

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

- 1 1. Is or has been subject to the registration requirements of
2 the ~~Oklahoma~~ Sex Offenders Registration Act or any similar act in
3 any other state, except as provided in subsection D of this section;
- 4 2. Has been convicted of a crime listed in Section 582 of Title
5 57 of the Oklahoma Statutes;
- 6 3. Is an alcohol-dependent person or a drug-dependent person as
7 established by clear and convincing evidence and who can be expected
8 in the near future to inflict or attempt to inflict serious bodily
9 harm to himself or herself or another person as a result of such
10 dependency;
- 11 4. Has been convicted of domestic abuse within the past five
12 (5) years;
- 13 5. Is residing with a person who is or has been subject to the
14 registration requirements of the ~~Oklahoma~~ Sex Offenders Registration
15 Act or any similar act in any other state;
- 16 6. Is residing with a person who has been convicted of a crime
17 listed in Section 843.5 of Title 21 or in Section 582 of Title 57 of
18 the Oklahoma Statutes; or
- 19 7. Is residing with a person who has been convicted of domestic
20 abuse within the past five (5) years.
- 21 D. In applying subsection A of this section, a court shall not
22 award custody or guardianship of a child to any person who has been
23 convicted, whether upon a verdict or plea of guilty or upon a plea
24 of nolo contendere, or received a suspended sentence or any

1 probationary term, or is currently serving a sentence or any form of
2 probation or parole in a court in any state of any of the following
3 crimes:

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

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

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

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

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

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

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

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

1 9. Facilitating, encouraging, offering or soliciting sexual
2 conduct with a minor by use of technology, as provided in Section
3 1040.13a of Title 21 of the Oklahoma Statutes;

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

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

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

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

15 14. Inducing, keeping, detaining or restraining a child under
16 eighteen (18) years of age for prostitution, as provided in Section
17 1088 of Title 21 of the Oklahoma Statutes;

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

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

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

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

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

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

11 F. If the custody determination made in accordance with
12 subsections B and C of this section indicates that custody is
13 temporary, the determination may be modified upon a showing that the
14 conditions which led to the custody or guardianship determination no
15 longer exist.

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

18 Section 138. A. Except as otherwise provided by law, every
19 inmate of a state correctional institution shall have their term of
20 imprisonment reduced monthly, based upon the class level to which
21 they are assigned. Earned credits may be subtracted from the total
22 credits accumulated by an inmate, upon recommendation of the
23 institution's disciplinary committee, following due process, and
24 upon approval of the warden or superintendent. Each earned credit

1 is equivalent to one (1) day of incarceration. Lost credits may be
2 restored by the warden or superintendent upon approval of the
3 classification committee. If a maximum and minimum term of
4 imprisonment is imposed, the provisions of this subsection shall
5 apply only to the maximum term. No deductions shall be credited to
6 any inmate serving a sentence of life imprisonment; however, a
7 complete record of the inmate's participation in work, school,
8 vocational training, or other approved program shall be maintained
9 by the Department of Corrections for consideration by the paroling
10 authority. No earned credit deductions shall be credited or
11 recorded for any inmate serving any sentence for a criminal act
12 which resulted in the death of a police officer, a law enforcement
13 officer, an employee of the Department of Corrections, or an
14 employee of a private prison contractor and the death occurred while
15 the police officer, law enforcement officer, employee of the
16 Department of Corrections, or employee of a private prison
17 contractor was acting within the scope of their employment. No
18 earned credit deductions shall be credited or recorded for any
19 person who is referred to an intermediate revocation facility for
20 violating any of the terms and conditions of probation.

21 B. The Department of Corrections is directed to develop a
22 written policy and procedure whereby inmates shall be assigned to
23 one of four class levels determined by an adjustment review
24 committee of the facility to which the inmate is assigned. The

1 policies and procedures developed by the Department shall include,
2 but not be limited to, written guidelines pertaining to awarding
3 credits for rehabilitation, obtaining job skills and educational
4 enhancement, participation in and completion of alcohol/chemical
5 abuse programs, incentives for inmates to accept work assignments
6 and jobs, work attendance and productivity, conduct record,
7 participation in programs, cooperative general behavior, and
8 appearance. When assigning inmates to a class level the adjustment
9 review committee shall consider all aspects of the policy and
10 procedure developed by the Department including but not limited to
11 the criteria for awarding credits required by this subsection.

12 C. If an inmate is subject to misconduct, nonperformance or
13 disciplinary action, earned credits may be removed according to the
14 policies and procedures developed by the Department. Earned credits
15 removed for misconduct, nonperformance or disciplinary action may be
16 restored as provided by Department policy, if any.

17 D. 1. Class levels shall be as follows:

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

22 b. Class level 2 shall include an inmate who has been
23 given a work, education, or program assignment, has
24 received a good evaluation for participation in the

1 work, education, or program assignment, and has
2 received a good evaluation for personal hygiene and
3 maintenance of living area.

4 c. Class level 3 shall include an inmate who has been
5 incarcerated at least three (3) months, has received
6 an excellent work, education, or program evaluation,
7 and has received an excellent evaluation for personal
8 hygiene and maintenance of living area.

9 d. Class level 4 shall include an inmate who has been
10 incarcerated at least eight (8) months, has received
11 an outstanding work, education, or program evaluation,
12 and has received an outstanding evaluation for
13 personal hygiene and maintenance of living area.

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

16 Class 1 - 0 Credits per month;

17 Class 2 - 22 Credits per month;

18 Class 3 - 33 Credits per month;

19 Class 4 - 44 Credits per month.

20 b. Class level corresponding credits beginning November
21 1, 2001, for inmates who have ever been convicted as
22 an adult or a youthful offender or adjudicated
23 delinquent as a juvenile for a felony offense
24

1 enumerated in subsection E of this section are as
2 follows:

3 Class 1 - 0 Credits per month;

4 Class 2 - 22 Credits per month;

5 Class 3 - 33 Credits per month;

6 Class 4 - 44 Credits per month.

7 c. Class level corresponding credits beginning November
8 1, 2001, for inmates who have never been convicted as
9 an adult or a youthful offender or adjudicated
10 delinquent as a juvenile for a felony offense
11 enumerated in subsection E of this section are as
12 follows:

13 Class 1 - 0 Credits per month;

14 Class 2 - 22 Credits per month;

15 Class 3 - 45 Credits per month;

16 Class 4 - 60 Credits per month.

17 Each inmate shall receive the above specified monthly credits
18 for the class to which he or she is assigned. In determining the
19 prior criminal history of the inmate, the Department of Corrections
20 shall review criminal history records available through the Oklahoma
21 State Bureau of Investigation, Federal Bureau of Investigation, and
22 National Crime Information Center to determine the reported felony
23 convictions of all inmates. The Department of Corrections shall
24 also review the Office of Juvenile Affairs Juvenile ~~On-line~~ Online

1 Tracking System for inmates who were adjudicated delinquent or
2 convicted as a youthful offender for a crime that would be an
3 offense enumerated in subsection E of this section.

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

- 7 a. satisfactory participation in the work, education, or
8 program assignment at the standard required for the
9 particular class level,
- 10 b. maintenance of a clean and orderly living area and
11 personal hygiene at the standard required for the
12 particular class level,
- 13 c. cooperative behavior toward facility staff and other
14 inmates, and
- 15 d. satisfactory participation in the requirements of the
16 previous class level.

17 4. The evaluation scale for assessing performance shall be as
18 follows:

- 19 a. Outstanding - For inmates who display consistently
20 exceptional initiative, motivation, and work habits.
- 21 b. Excellent - For inmates who display above-average work
22 habits with only minor errors and rarely perform below
23 expectations.

24

1 c. Good - For inmates who perform in a satisfactory
2 manner and complete tasks as required, doing what is
3 expected, with only occasional performance above or
4 below expectations.

5 d. Fair - For inmates who may perform satisfactorily for
6 some periods of time, but whose performance is marked
7 by obviously deficient and weak areas and could be
8 improved.

9 e. Poor - For inmates whose performance is unsatisfactory
10 and falls below expected and acceptable standards.

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

18 1. Assault, battery, or assault and battery with a dangerous
19 weapon as defined by Section 645, or subsection C of Section 652 of
20 Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

21 2. Aggravated assault and battery on a police officer, sheriff,
22 highway patrolman, or any other officer of the law as defined by
23 Section 650, subsection C of Section 650.2, Section 650.5,
24

1 subsection B of Section 650.6, or subsection C of Section 650.7 of
2 Title 21 of the Oklahoma Statutes;

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

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

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

9 6. Assault with intent to commit a felony as defined by Section
10 681 of Title 21 of the Oklahoma Statutes;

11 7. Assaults while masked or disguised as defined by Section
12 1303 of Title 21 of the Oklahoma Statutes;

13 8. Entering premises of another while masked as defined by
14 Section 1302 of Title 21 of the Oklahoma Statutes;

15 9. Murder in the first degree as defined by Section 701.7 of
16 Title 21 of the Oklahoma Statutes;

17 10. Solicitation for ~~Murder~~ murder in the first degree as
18 defined by Section 701.16 of Title 21 of the Oklahoma Statutes;

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

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

23 13. Manslaughter in the second degree as defined by Section 716
24 or 717 of Title 21 of the Oklahoma Statutes;

1 14. Kidnapping as defined by Section 741 of Title 21 of the
2 Oklahoma Statutes;

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

5 16. Burglary with explosives as defined by Section 1441 of
6 Title 21 of the Oklahoma Statutes;

7 17. Kidnapping for extortion as defined by Section 745 of Title
8 21 of the Oklahoma Statutes;

9 18. Maiming as defined by Section 751 of Title 21 of the
10 Oklahoma Statutes;

11 19. Robbery as defined by Section 791 of Title 21 of the
12 Oklahoma Statutes;

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

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

17 22. Armed robbery as defined by Section 801 of Title 21 of the
18 Oklahoma Statutes;

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

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

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

- 1 26. Wiring ~~any equipment,~~ or equipping any vehicle or structure
2 with explosives as defined by Section 849 of Title 21 of the
3 Oklahoma Statutes;
- 4 27. Forcible sodomy as defined by Section 888 of Title 21 of
5 the Oklahoma Statutes;
- 6 28. Rape in the first degree as defined by Sections 1111 and
7 1114 of Title 21 of the Oklahoma Statutes;
- 8 29. Rape in the second degree as defined by Sections 1111 and
9 1114 of Title 21 of the Oklahoma Statutes;
- 10 30. Rape by instrumentation as defined by Section 1111.1 of
11 Title 21 of the Oklahoma Statutes;
- 12 31. Lewd or indecent proposition or lewd or indecent act with a
13 child as defined by Section 1123 of Title 21 of the Oklahoma
14 Statutes;
- 15 32. Sexual battery of a person over 16 as defined by Section
16 1123 of Title 21 of the Oklahoma Statutes;
- 17 33. Use of a firearm or offensive weapon to commit or attempt
18 to commit a felony as defined by Section 1287 of Title 21 of the
19 Oklahoma Statutes;
- 20 34. Pointing firearms as defined by Section 1289.16 of Title 21
21 of the Oklahoma Statutes;
- 22 35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of
23 the Oklahoma Statutes;
- 24

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

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

5 38. Endangering human life during arson as defined by Section
6 1405 of Title 21 of the Oklahoma Statutes;

7 39. Injuring or burning public buildings as defined by Section
8 349 of Title 21 of the Oklahoma Statutes;

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

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

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

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

17 44. Mistreatment of a vulnerable adult as defined by Section
18 843.1 of Title 21 of the Oklahoma Statutes;

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

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

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

- 1 48. Poisoning food or water supply as defined by Section 832 of
2 Title 21 of the Oklahoma Statutes;
- 3 49. Trafficking in children as defined by Section 866 of Title
4 21 of the Oklahoma Statutes;
- 5 50. Incest as defined by Section 885 of Title 21 of the
6 Oklahoma Statutes;
- 7 51. Procure, produce, distribute, or possess ~~juvenile~~
8 ~~pornography~~ child sexual abuse material as defined by Section 1021.2
9 of Title 21 of the Oklahoma Statutes;
- 10 52. Parental consent to ~~juvenile pornography~~ child sexual abuse
11 material as defined by Section 1021.3 of Title 21 of the Oklahoma
12 Statutes;
- 13 53. Soliciting minor for indecent exposure as defined by
14 Section 1021 of Title 21 of the Oklahoma Statutes;
- 15 54. 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 55. Child prostitution as defined by Section 1030 of Title 21
19 of the Oklahoma Statutes;
- 20 56. Procuring a minor for prostitution or other lewd acts as
21 defined by Section 1087 of Title 21 of the Oklahoma Statutes;
- 22 57. Transporting a child under 18 for purposes of prostitution
23 as defined by Section 1087 of Title 21 of the Oklahoma Statutes;
24

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

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

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

7 61. Advocate overthrow of government by force, commit or
8 attempt to commit acts to overthrow the government, organize or
9 provide assistance to groups to overthrow the government as defined
10 by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma
11 Statutes;

12 62. Feloniously discharging a firearm as defined by Section
13 1289.17A of Title 21 of the Oklahoma Statutes;

14 63. Possession, use, manufacture, or threat of incendiary
15 device as defined by Section 1767.1 of Title 21 of the Oklahoma
16 Statutes;

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

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

23 F. The policy and procedure developed by the Department of
24 Corrections shall include provisions for adjustment review

1 committees of not less than three members for each such committee.
2 Each committee shall consist of a classification team supervisor who
3 shall act as chairman, the case manager for the inmate being
4 reviewed or classified, a correctional officer or inmate counselor,
5 and not more than two other members, if deemed necessary, determined
6 pursuant to policy and procedure to be appropriate for the specific
7 adjustment review committee or committees to which they are
8 assigned. At least once every four (4) months the adjustment review
9 committee for each inmate shall evaluate the class level status and
10 performance of the inmate and determine whether or not the class
11 level for the inmate should be changed.

12 Any inmate who feels aggrieved by a decision made by an
13 adjustment review committee may utilize normal grievance procedures
14 in effect with the Department of Corrections and in effect at the
15 facility in which the inmate is incarcerated.

16 G. Inmates granted medical leaves for treatment that cannot be
17 furnished at the penal institution where incarcerated shall be
18 allowed the time spent on medical leave as time served. Any inmate
19 placed into administrative segregation for nondisciplinary reasons
20 by the institution's administration may be placed in Class level 2.
21 The length of any jail term served by an inmate before being
22 transported to a state correctional institution pursuant to a
23 judgment and sentence of incarceration shall be deducted from the
24 term of imprisonment at the state correctional institution. Inmates

1 sentenced to the Department of Corrections and detained in a county
2 jail as a result of the Department's reception scheduling procedure
3 shall be awarded earned credits as provided for in subparagraph b of
4 paragraph 1 of subsection D of this section, beginning on the date
5 of the judgment and sentence, unless the inmate is convicted of a
6 misdemeanor or felony committed in the jail while the inmate is
7 awaiting transport to the Lexington Assessment and Reception Center
8 or other assessment and reception location determined by the
9 Director of the Department of Corrections.

10 H. Additional achievement earned credits for successful
11 completion of departmentally approved programs or for attaining
12 goals or standards set by the Department shall be awarded as
13 follows:

- 14 Bachelor's degree.....200 credits;
- 15 Associate's degree.....100 credits;
- 16 High School Diploma or High School
17 Equivalency Diploma.....90 credits;
- 18 Certification of Completion of
19 Vocational Training.....80 credits;
- 20 Successful completion of
21 Alcohol/Chemical Abuse Treatment
22 Program of not less than four (4)
23 months continuous participation.....70 credits;

24

1 Successful completion of other
2 Educational Accomplishments or
3 other programs not specified in
4 this subsection.....10-30 credits;

5 Achievement earned credits are subject to loss and restoration in
6 the same manner as earned credits.

7 I. The accumulated time of every inmate shall be tallied
8 monthly and maintained by the institution where the term of
9 imprisonment is being served. A record of ~~said~~ such accumulated
10 time shall be:

- 11 1. Sent to the administrative office of the Department of
12 Corrections on a quarterly basis; and
- 13 2. Provided to the inmate.

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

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

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

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

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

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

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

15 5. Assault with intent to kill as provided in Section 653 of
16 Title 21 of the Oklahoma Statutes;

17 6. Assault with intent to commit a felony as provided in
18 Section 681 of Title 21 of the Oklahoma Statutes;

19 7. Assaults while masked or disguised as provided in Section
20 1303 of Title 21 of the Oklahoma Statutes;

21 8. Murder in the first degree as provided in Section 701.7 of
22 Title 21 of the Oklahoma Statutes;

23 9. Murder in the second degree as provided in Section 701.8 of
24 Title 21 of the Oklahoma Statutes;

1 10. Manslaughter in the first degree as provided in Sections
2 711, and 712 ~~and 714~~ of Title 21 of the Oklahoma Statutes;

3 11. Manslaughter in the second degree as provided in Sections
4 716 and 717 of Title 21 of the Oklahoma Statutes;

5 12. Kidnapping as provided in Section 741 of Title 21 of the
6 Oklahoma Statutes;

7 13. Burglary in the first degree as provided in Section 1431 of
8 Title 21 of the Oklahoma Statutes;

9 14. Burglary with explosives as provided in Section 1441 of
10 Title 21 of the Oklahoma Statutes;

11 15. Kidnapping for extortion as provided in Section 745 of
12 Title 21 of the Oklahoma Statutes;

13 16. Maiming as provided in Section 751 of Title 21 of the
14 Oklahoma Statutes;

15 17. Robbery as provided in Section 791 of Title 21 of the
16 Oklahoma Statutes;

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

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

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

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

- 1 22. Child abuse as provided in Section 843.5 of Title 21 of the
2 Oklahoma Statutes;
- 3 23. Wiring ~~any equipment~~, or equipping any vehicle or structure
4 with explosives as provided in Section 849 of Title 21 of the
5 Oklahoma Statutes;
- 6 24. Forcible sodomy as provided in Section 888 of Title 21 of
7 the Oklahoma Statutes;
- 8 25. Rape in the first degree as provided in Sections 1111 and
9 1114 of Title 21 of the Oklahoma Statutes;
- 10 26. Rape in the second degree as provided in Sections 1111 and
11 1114 of Title 21 of the Oklahoma Statutes;
- 12 27. Rape by instrumentation as provided in Section 1111.1 of
13 Title 21 of the Oklahoma Statutes;
- 14 28. Lewd or indecent proposition or lewd or indecent act with a
15 child as provided in Section 1123 of Title 21 of the Oklahoma
16 Statutes;
- 17 29. Use of a firearm or offensive weapon to commit or attempt
18 to commit a felony as provided in Section 1287 of Title 21 of the
19 Oklahoma Statutes;
- 20 30. Pointing firearms as provided in Section 1289.16 of Title
21 21 of the Oklahoma Statutes;
- 22 31. Rioting as provided in Sections 1311 and 1321.8 of Title 21
23 of the Oklahoma Statutes;
- 24

1 32. Inciting to riot as provided in Section 1320.2 of Title 21
2 of the Oklahoma Statutes;

3 33. Arson in the first degree as provided in Section 1401 of
4 Title 21 of the Oklahoma Statutes;

5 34. Injuring or burning public buildings as provided in Section
6 349 of Title 21 of the Oklahoma Statutes;

7 35. Sabotage as provided in Sections 1262, 1265.4 and 1265.5 of
8 Title 21 of the Oklahoma Statutes;

9 36. Criminal syndicalism as provided in Section 1261 of Title
10 21 of the Oklahoma Statutes;

11 37. Extortion as provided in Sections 1481 and 1486 of Title 21
12 of the Oklahoma Statutes;

13 38. Obtaining signature by extortion as provided in Section
14 1485 of Title 21 of the Oklahoma Statutes;

15 39. Seizure of a bus, discharging firearm or hurling missile at
16 bus as provided in Section 1903 of Title 21 of the Oklahoma
17 Statutes;

18 40. Mistreatment of a ~~mental patient~~ vulnerable adult as
19 provided in Section 843.1 of Title 21 of the Oklahoma Statutes;

20 41. Using a vehicle to facilitate the discharge of a weapon as
21 provided in Section 652 of Title 21 of the Oklahoma Statutes;

22 42. Aggravated drug trafficking as provided in Section 2-415 of
23 Title 63 of the Oklahoma Statutes;

24

- 1 43. Racketeering as provided in Section 1403 of Title 22 of the
2 Oklahoma Statutes;
- 3 44. Offenses of public corruption such as bribery of public
4 officials as provided in Section 381 or 382 of Title 21 of the
5 Oklahoma Statutes;
- 6 45. Embezzlement of public money as provided in Section 1451 et
7 seq. of Title 21 or Section 641 of Title 19 of the Oklahoma
8 Statutes;
- 9 46. Failure to pay and collect tax as provided in Section 1361
10 or 2385.3 of Title 68 of the Oklahoma Statutes;
- 11 47. Conspiracy to defraud the state as provided in Section 424
12 of Title 21 of the Oklahoma Statutes;
- 13 48. Child ~~pornography~~ sexual abuse material as provided in
14 Section 1021.2 or 1021.3 or defined in Section 1024.1 of Title 21 of
15 the Oklahoma Statutes;
- 16 49. Child prostitution as defined by Section 1030 of Title 21
17 of the Oklahoma Statutes;
- 18 50. Abuse of a vulnerable adult as defined in Section 10-103 of
19 Title 43A of the Oklahoma Statutes;
- 20 51. Terrorism crimes, including biochemical assault as provided
21 in Section 1268 et seq. of Title 21 of the Oklahoma Statutes;
- 22 52. Trafficking of children as provided in Section 865 et seq.
23 of Title 21 of the Oklahoma Statutes; or
24

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

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

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

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

14 1. "Capacity" means the actual available bedspace as certified
15 by the State Board of Corrections subject to applicable federal and
16 state laws and the rules and regulations promulgated under such
17 laws; and

18 2. "Violent crime" means any of the following felony offenses
19 and any attempts to commit or conspiracy or solicitation to commit
20 the following crimes:

21 a. assault, battery, or assault and battery with a
22 dangerous or deadly weapon, as provided for in
23 Sections 645 and 652 of Title 21 of the Oklahoma
24 Statutes,

- 1 b. assault, battery, or assault and battery with a deadly
2 weapon or by other means likely to produce death or
3 great bodily harm, as provided for in Section 652 of
4 Title 21 of the Oklahoma Statutes,
- 5 c. aggravated assault and battery on a police officer,
6 sheriff, highway patrolman, or any other officer of
7 the law, as provided for in Section 650 of Title 21 of
8 the Oklahoma Statutes,
- 9 d. poisoning with intent to kill, as provided for in
10 Section 651 of Title 21 of the Oklahoma Statutes,
- 11 e. shooting with intent to kill, as provided for in
12 Section 652 of Title 21 of the Oklahoma Statutes,
- 13 f. assault with intent to kill, as provided for in
14 Section 653 of Title 21 of the Oklahoma Statutes,
- 15 g. assault with intent to commit a felony, as provided
16 for in Section 681 of Title 21 of the Oklahoma
17 Statutes,
- 18 h. assaults with a dangerous weapon while masked or
19 disguised, as provided for in Section 1303 of Title 21
20 of the Oklahoma Statutes,
- 21 i. murder in the first degree, as provided for in Section
22 701.7 of Title 21 of the Oklahoma Statutes,
- 23 j. murder in the second degree, as provided for in
24 Section 701.8 of Title 21 of the Oklahoma Statutes,

- 1 k. manslaughter in the first degree, as provided for in
2 Section 711 of Title 21 of the Oklahoma Statutes,
3 l. manslaughter in the second degree, as provided for in
4 Section 716 of Title 21 of the Oklahoma Statutes,
5 m. kidnapping, as provided for in Section 741 of Title 21
6 of the Oklahoma Statutes,
7 n. burglary in the first degree, as provided for in
8 Section 1431 of Title 21 of the Oklahoma Statutes,
9 o. burglary with explosives, as provided for in Section
10 1441 of Title 21 of the Oklahoma Statutes,
11 p. kidnapping for extortion, as provided for in Section
12 745 of Title 21 of the Oklahoma Statutes,
13 q. maiming, as provided for in Section 751 of Title 21 of
14 the Oklahoma Statutes,
15 r. robbery, as provided for in Section 791 of Title 21 of
16 the Oklahoma Statutes,
17 s. robbery in the first degree, as provided for in
18 Section 797 et seq. of Title 21 of the Oklahoma
19 Statutes,
20 t. robbery in the second degree, as provided for in
21 Section 797 et seq. of Title 21 of the Oklahoma
22 Statutes,
23 u. armed robbery, as provided for in Section 801 of Title
24 21 of the Oklahoma Statutes,

- 1 v. robbery by two or more persons, as provided for in
2 Section 800 of Title 21 of the Oklahoma Statutes,
3 w. robbery with dangerous weapon or imitation firearm, as
4 provided for in Section 801 of Title 21 of the
5 Oklahoma Statutes,
6 x. child abuse, as provided for in Section 843.5 of Title
7 21 of the Oklahoma Statutes,
8 y. wiring ~~any equipment,~~ or equipping any vehicle or
9 structure with explosives, as provided for in Section
10 849 of Title 21 of the Oklahoma Statutes,
11 z. forcible sodomy, as provided for in Section 888 of
12 Title 21 of the Oklahoma Statutes,
13 aa. rape in the first degree, as provided for in Section
14 1114 of Title 21 of the Oklahoma Statutes,
15 bb. rape in the second degree, as provided for in Section
16 1114 of Title 21 of the Oklahoma Statutes,
17 cc. rape by instrumentation, as provided for in Section
18 1111.1 of Title 21 of the Oklahoma Statutes,
19 dd. lewd or indecent proposition or lewd or indecent act
20 with a child under sixteen (16) years of age, as
21 provided for in Section 1123 of Title 21 of the
22 Oklahoma Statutes,
23
24

- 1 ee. use of a firearm or offensive weapon to commit or
2 attempt to commit a felony, as provided for in Section
3 1287 of Title 21 of the Oklahoma Statutes,
4 ff. pointing firearms, as provided for in Section 1289.16
5 of Title 21 of the Oklahoma Statutes,
6 gg. rioting, as provided for in Section 1311 of Title 21
7 of the Oklahoma Statutes,
8 hh. inciting to riot, as provided for in Section 1320.2 of
9 Title 21 of the Oklahoma Statutes,
10 ii. arson in the first degree, as provided for in Section
11 1401 of Title 21 of the Oklahoma Statutes,
12 jj. injuring or burning public buildings, as provided for
13 in Section 349 of Title 21 of the Oklahoma Statutes,
14 kk. sabotage, as provided for in Section 1262 of Title 21
15 of the Oklahoma Statutes,
16 ll. criminal syndicalism, as provided for in Section 1261
17 of Title 21 of the Oklahoma Statutes,
18 mm. extortion, as provided for in Section 1481 of Title 21
19 of the Oklahoma Statutes,
20 nn. obtaining signature by extortion, as provided for in
21 Section 1485 of Title 21 of the Oklahoma Statutes,
22 oo. seizure of a bus, discharging firearm or hurling
23 missile at bus, as provided for in Section 1903 of
24 Title 21 of the Oklahoma Statutes,

- 1 pp. mistreatment of a ~~mental patient~~ vulnerable adult, as
2 provided for in Section 843.1 of Title 21 of the
3 Oklahoma Statutes,
- 4 qq. using a vehicle to facilitate the discharge of a
5 weapon pursuant to Section 652 of Title 21 of the
6 Oklahoma Statutes,
- 7 rr. bombing offenses as defined in Section 1767.1 of Title
8 21 of the Oklahoma Statutes,
- 9 ss. child ~~pornography~~ sexual abuse material or aggravated
10 child ~~pornography~~ sexual abuse material as defined in
11 Section 1021.2, 1021.3, 1024.1 or 1040.12a of Title 21
12 of the Oklahoma Statutes,
- 13 tt. child prostitution as defined in Section 1030 of Title
14 21 of the Oklahoma Statutes,
- 15 uu. abuse of a vulnerable adult as defined in Section 10-
16 103 of Title 43A of the Oklahoma Statutes,
- 17 vv. aggravated trafficking as provided for in subsection C
18 of Section 2-415 of Title 63 of the Oklahoma Statutes,
- 19 ww. aggravated assault and battery upon any person
20 defending another person from assault and battery, as
21 provided for in Section 646 of Title 21 of the
22 Oklahoma Statutes,
- 23 xx. human trafficking, as provided for in Section 748 of
24 Title 21 of the Oklahoma Statutes,

1 yy. terrorism crimes as provided in Section 1268 et seq.
2 of Title 21 of the Oklahoma Statutes,

3 zz. eluding a peace officer, as provided for in subsection
4 B or C of Section 540A of Title 21 of the Oklahoma
5 Statutes, or

6 aaa. domestic abuse by strangulation, domestic assault with
7 a dangerous weapon, domestic assault and battery with
8 a dangerous weapon, domestic assault and battery
9 resulting in great bodily injury, or domestic assault
10 and battery with a deadly weapon, as provided for in
11 Section 644 of Title 21 of the Oklahoma Statutes.

12 Such offenses shall constitute exceptions to nonviolent offenses
13 pursuant to Article VI, Section 10 of the Oklahoma Constitution.

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

16 Section 582. A. The provisions of the Sex Offenders
17 Registration Act shall apply to any person residing, working or
18 attending school within ~~the State of Oklahoma~~ this state who, after
19 November 1, 1989, has been convicted, whether upon a verdict or plea
20 of guilty or upon a plea of nolo contendere, or received a suspended
21 sentence or any probationary term, or is currently serving a
22 sentence or any form of probation or parole for a crime or an
23 attempt to commit a crime provided for in Section 843.5 of Title 21
24 of the Oklahoma Statutes if the offense involved sexual abuse or

1 sexual exploitation as those terms are defined in Section 1-1-105 of
2 Title 10A of the Oklahoma Statutes, Section 681, if the offense
3 involved sexual assault, 741, if the offense involved sexual abuse
4 or sexual exploitation, Section 748, if the offense involved human
5 trafficking for commercial sex, Section 843.1, if the offense
6 involved sexual abuse or sexual exploitation, Section 852.1, if the
7 offense involved sexual abuse of a child, 856, if the offense
8 involved child prostitution or human trafficking for commercial sex,
9 865 et seq., 885, 886, 888, 891, if the offense involved sexual
10 abuse or sexual exploitation, 1021, 1021.2, 1021.3, 1024.2, 1029, if
11 the offense involved child prostitution, 1040.8, if the offense
12 involved child ~~pornography~~ sexual abuse material, 1040.12a, 1040.13,
13 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the
14 Oklahoma Statutes.

15 B. The provisions of the Sex Offenders Registration Act shall
16 apply to any person who after November 1, 1989, resides, works or
17 attends school within ~~the State of Oklahoma~~ this state and who has
18 been convicted or received a suspended sentence at any time in any
19 court of another state, the District of Columbia, Puerto Rico, Guam,
20 American Samoa, the Northern Mariana Islands and the United States
21 Virgin Islands, a federal court, an Indian tribal court, a military
22 court, or a court of a foreign country for a crime, attempted crime
23 or a conspiracy to commit a crime which, if committed or attempted
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 any of the laws listed
2 in subsection A of this section.

3 C. The provisions of the Sex Offenders Registration Act shall
4 apply to any person who resides, works or attends school within ~~the~~
5 ~~State of Oklahoma~~ this state and who has received a deferred
6 judgment at any time in any court of another state, the District of
7 Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana
8 Islands and the United States Virgin Islands, a federal court, an
9 Indian tribal court, a military court, or a court of a foreign
10 country for a crime, attempted crime or a conspiracy to commit a
11 crime which, if committed or attempted or conspired to be committed
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 Section 843.5 of Title
14 21 of the Oklahoma Statutes if the offense involved sexual abuse or
15 sexual exploitation as those terms are defined in Section 1-1-105 of
16 Title 10A of the Oklahoma Statutes, Section 681, if the offense
17 involved sexual assault, 741, if the offense involved sexual abuse
18 or sexual exploitation, Section 748, if the offense involved human
19 trafficking for commercial sex, Section 843.1, if the offense
20 involved sexual abuse or sexual exploitation, Section 852.1, if the
21 offense involved sexual abuse of a child, 856, if the offense
22 involved child prostitution or human trafficking for commercial sex,
23 865 et seq., 885, 886, 888, 891, if the offense involved sexual
24 abuse or sexual exploitation, 1021, 1021.2, 1021.3, 1024.2, 1029, if

1 the offense involved child prostitution, 1040.8, if the offense
2 involved child ~~pornography~~ sexual abuse material, 1040.12a, 1040.13,
3 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the
4 Oklahoma Statutes. The provisions of the Sex Offenders Registration
5 Act shall not apply to any such person while the person is
6 incarcerated in a maximum or medium correctional institution of the
7 Department of Corrections.

8 D. On November 1, 2002, any person registered as a sex offender
9 for an offense committed pursuant to Section 741 of Title 21 of the
10 Oklahoma Statutes shall be summarily removed from the ~~Sex Offender~~
11 ~~Registry~~ sex offender registry by the Department of Corrections and
12 all law enforcement agencies of any political subdivision of this
13 state, unless the offense involved sexual abuse or sexual
14 exploitation.

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

21 F. The provisions of the Sex Offenders Registration Act shall
22 apply to any person residing, working or attending school within
23 this state who, after ~~the effective date of this act~~ November 1,
24 2020, has been convicted, whether upon a verdict or plea of guilty

1 or upon a plea of nolo contendere, or received a suspended sentence
2 or any probationary term, or is currently serving a sentence or any
3 form of probation or parole for a crime or an attempt to commit a
4 crime as provided for in subsection G of Section 1040.13b of Title
5 21 of the Oklahoma Statutes.

6 G. The provisions of the Sex Offenders Registration Act shall
7 apply to any person who resides, works or attends school within this
8 state and who has received a deferred judgment at any time in any
9 court of another state, the District of Columbia, Puerto Rico, Guam,
10 American Samoa, the Northern Mariana Islands and the United States
11 Virgin Islands, a federal court, an Indian tribal court, a military
12 court, or a court of a foreign country for a crime, if committed in
13 this state, would be a crime, as provided for in subsection F of
14 Section 1040.13b of Title 21 of the Oklahoma Statutes. The
15 provisions of the Sex Offenders Registration Act shall not apply to
16 any such person while the person is ~~incarcerated~~ in a maximum or
17 medium correctional institution in the custody of the Department of
18 Corrections.

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

21 Section 2357.101. A. Except as otherwise provided in
22 subsection E of this section, for taxable years beginning after
23 December 31, 2004, and ending before January 1, 2015, there shall be
24 allowed against the tax imposed by Section 2355 of this title, a

1 credit equal to twenty-five percent (25%) of the amount of profit
2 made by a taxpayer from investment in an existing Oklahoma film or
3 music project with a production company to pay for production costs
4 that is reinvested by the taxpayer with the production company to
5 pay for the production cost of the production company for a new
6 Oklahoma film or music project.

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

10 C. The Oklahoma Tax Commission shall have the authority to
11 prescribe forms for purposes of claiming the credit authorized in
12 subsection A of this section. The forms shall include, but not be
13 limited to, requests for information that prove who the investment
14 was with, the amount of the original investment and the amount of
15 the profit realized from the investment.

16 D. As used in this section:

17 1. "Film" means a professional single media, multimedia program
18 or feature, which is not child ~~pornography~~ sexual abuse material as
19 defined in subsection A of Section 1024.1 of Title 21 of the
20 Oklahoma Statutes or obscene material as defined in paragraph 1 of
21 subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes
22 including, but not limited to, national advertising messages that
23 are broadcast on a national affiliate or cable network, fixed on
24 film or digital video, which can be viewed or reproduced and which

1 is exhibited in theaters, licensed for exhibition by individual
2 television stations, groups of stations, networks, cable television
3 stations or other means or licensed for home viewing markets;

4 2. "Music project" means a professional recording released on a
5 national or international level, whether via traditional
6 manufacturing or distributing or electronic distribution, using
7 technology currently in use or future technology including, but not
8 limited to, music CDs, radio commercials, jingles, cues, or
9 electronic device recordings;

10 3. "Production company" means a person who produces a film or
11 music project for exhibition in theaters, on television or
12 elsewhere;

13 4. "Total production cost" includes, but is not limited to:

14 a. wages or salaries of persons who have earned income
15 from working on a film or music project in this state,
16 including payments to personal services corporations
17 with respect to the services of qualified performing
18 artists, as determined under Section 62(a)(A) of the
19 Internal Revenue Code,

20 b. the cost of construction and operations, wardrobe,
21 accessories and related services,

22 c. the cost of photography, sound synchronization,
23 lighting and related services,

24 d. the cost of editing and related services,

- e. rental of facilities and equipment, and
- f. other direct costs of producing a film or music project;

5. "Existing Oklahoma film or music project" means a film or music project produced after July 1, 2005;

6. "Profit" means the amount made by the taxpayer to be determined as follows:

- a. the gross revenues less gross expenses, including direct production, distribution and marketing costs and an allocation of indirect overhead costs, of the film or music project shall be multiplied by,
- b. a ratio, the numerator of which is Oklahoma production costs, as defined in paragraph 7 of this subsection, and the denominator of which is total production costs, as defined in paragraph 4 of this subsection, which shall be multiplied by,
- c. the percent of the taxpayer's taxable income allocated to Oklahoma in a taxable year, and
- d. subtract from the result of the formula calculated pursuant to subparagraphs a through c of this paragraph the profit made by a taxpayer from investment in an existing Oklahoma film or music project in previous taxable years. Profit shall include either a net profit or net loss;

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

3 8. a. "Qualified vendor" means an Oklahoma entity which
4 provides goods or services to a production company and
5 for which:

6 (1) fifty percent (50%) or more of its employees are
7 Oklahoma residents, and

8 (2) fifty percent (50%) or more of gross wages, as
9 reported on Internal Revenue Service Form W-2 or
10 Form 1099, are paid to Oklahoma residents.

11 b. For purposes of this paragraph, an employee shall
12 include a self-employed individual reporting income
13 from a qualified vendor on Internal Revenue Service
14 Form 1040.

15 c. The Oklahoma Tax Commission shall prescribe forms by
16 which an entity may be certified to a production
17 company as a qualified vendor for purposes of this
18 section; and

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

23 E. No credit otherwise authorized by the provisions of this
24 section may be claimed for any event, transaction, investment,

1 expenditure or other act occurring on or after July 1, 2010, for
2 which the credit would otherwise be allowable. The provisions of
3 this subsection shall cease to be operative on July 1, 2012.
4 Beginning July 1, 2012, the credit authorized by this section may be
5 claimed for any event, transaction, investment, expenditure or other
6 act occurring on or after July 1, 2012, according to the provisions
7 of this section.

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

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

11 1. "Crew" means any person who works on preproduction,
12 principal photography, and postproduction, with the exception of
13 producers, principal cast, screenwriters, and the director. The
14 qualifying salary of producers, principal cast, screenwriters, and
15 the director, also known as "above-the-line personnel", may be
16 included as crew if the salaries are paid to loan-out corporations
17 and limited liability companies registered to do business in ~~the~~
18 ~~State of Oklahoma~~ this state or the salaries are paid to Oklahoma-
19 based above-the-line personnel. The qualifying salary of above-the-
20 line personnel shall not comprise more than twenty-five percent
21 (25%) of total expenditures as defined in paragraph 2 of this
22 section. For purposes of this paragraph, "Oklahoma-based" means a
23 company or individual with an Oklahoma income tax requirement;

24

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

- 3 a. wages or salaries of persons who are residents of this
4 state and who have earned income from working on a
5 film in this state including payments to personal
6 services corporations with respect to the services of
7 qualified performing artists, as determined under
8 Section 62(a)(A) of the Internal Revenue Code,
- 9 b. the cost of construction and operations, wardrobe,
10 accessories and related services,
- 11 c. the cost of photography, sound synchronization,
12 lighting and related services,
- 13 d. the cost of editing and related services,
- 14 e. rental of facilities and equipment,
- 15 f. other direct costs of producing a film, and
- 16 g. the wages and salaries of persons who are defined and
17 registered as an Oklahoma Expatriate by the Oklahoma
18 Film and Music Office within the Oklahoma Department
19 of Commerce;

20 3. "Film" means a professional single media, multimedia program
21 or feature, which is not child ~~pornography~~ sexual abuse material as
22 defined in subsection A of Section 1024.1 of Title 21 of the
23 Oklahoma Statutes or obscene material as defined in paragraph 1 of
24 subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes

1 including, but not limited to, national advertising messages that
2 are broadcast on a national affiliate or cable network, fixed on
3 film or digital video, which can be viewed or reproduced and which
4 is exhibited in theaters, licensed for exhibition by individual
5 television stations, groups of stations, networks, cable television
6 stations or other means or licensed for home viewing markets;

7 4. "High impact production" means a production for which total
8 expenditures or production costs are equal to or greater than Fifty
9 Million Dollars (\$50,000,000.00), with at least one-third (1/3) of
10 total costs deemed Oklahoma expenditures by the Oklahoma Film and
11 Music Office; and

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

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

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

18 1. "Above-the-line personnel" means producers, principal cast,
19 screenwriters, and directors who work on production of films or
20 television series. The qualifying salary of above-the-line
21 personnel may be included as crew, as defined in paragraph 3 of this
22 section, if the salaries are paid to loan-out corporations and
23 limited liability companies registered to do business in this state
24 or the salaries are paid to Oklahoma-based above-the-line personnel.

1 The qualifying salary of above-the-line personnel shall not comprise
2 more than twenty-five percent (25%) of total expenditures as defined
3 in paragraph 5 of this section. For purposes of this paragraph,
4 "Oklahoma-based" means a company or individual with an Oklahoma
5 income tax requirement;

6 2. "Apprentice" means a person who works for a skilled or
7 qualified person in order to learn a trade or profession for an
8 agreed-upon period of time. An apprentice may work in any of the
9 trades recognized by the Oklahoma Department of Commerce as
10 necessary for a film production. An apprentice shall be required to
11 complete safety training appropriate for the duties to be performed
12 in connection with a qualified project and also to complete a course
13 related to and with the objective of preventing workplace
14 misbehavior, such as bullying and sexual harassment;

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

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

22 5. "Expenditure" or "production cost" includes but is not
23 limited to:
24

- 1 a. wages or salaries of persons who are residents of this
2 state or who are enrolled as full-time students at a
3 college or university located in the state offering an
4 undergraduate degree program or who are on active
5 military duty and stationed in Oklahoma or involved in
6 a restorative workforce program and who have earned
7 income from working on a film in this state including
8 payments to personal services corporations with
9 respect to the services of qualified performing
10 artists, pursuant to the provisions of the Internal
11 Revenue Code, 26 U.S.C., Section 62(a)(2),
12 b. the cost of construction and operations, wardrobe,
13 accessories and related services,
14 c. the cost of photography, sound synchronization,
15 lighting and related services,
16 d. the cost of editing and related services,
17 e. rental of facilities and equipment,
18 f. other direct costs of producing a film, and
19 g. the wages and salaries of persons who are defined and
20 registered as an Oklahoma Expatriate by the Oklahoma
21 Film and Music Office;

22 6. "Film" means a professional single media, multimedia program
23 or feature, which is not child ~~pornography~~ sexual abuse material as
24 defined in subsection A of Section 1024.1 of Title 21 of the

1 Oklahoma Statutes or obscene material as defined in paragraph 1 of
2 subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes
3 including, but not limited to, national advertising messages that
4 are broadcast on a national affiliate or cable network, fixed on
5 film or digital video, which can be viewed or reproduced and which
6 is exhibited in theaters, licensed for exhibition by individual
7 television stations, groups of stations, networks, cable television
8 stations or other means or licensed for home viewing markets. The
9 term shall also include filming for interactive and video gaming
10 including, but not limited to, green screen, motion capture and
11 similar production techniques;

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

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

21 9. "Production company" means a person, producer or company who
22 produces film for exhibition in theaters, on television or
23 elsewhere;

24

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

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

9 SECTION 45. AMENDATORY Section 1, Chapter 280, O.S.L.
10 2022, as amended by Section 1, Chapter 373, O.S.L. 2023 (70 O.S.
11 Supp. 2023, Section 11-202), is amended to read as follows:

12 Section 11-202. A. A school district, charter school, virtual
13 charter school, state agency, public library, or institution of
14 higher education within The Oklahoma State System of Higher
15 Education may offer digital or online library database resources to
16 students in kindergarten through twelfth grade only if the vendor,
17 person, or entity providing the resources verifies that all the
18 resources comply with the provisions of subsection B of this
19 section.

20 B. Digital or online library database resources offered by
21 school districts, charter schools, virtual charter schools, state
22 agencies, public libraries, or universities to students in
23 kindergarten through twelfth grade shall have safety policies and
24 technology protection measures that:

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

7 2. Filter or block access to child ~~pornography~~ sexual abuse
8 material or obscene materials, as defined in Section 1024.1 of Title
9 21 of the Oklahoma Statutes, or materials that depict child sexual
10 exploitation, as defined in Section 843.5 of Title 21 of the
11 Oklahoma Statutes.

12 C. Notwithstanding any contract provision to the contrary, if a
13 provider of digital or online library resources fails to comply with
14 the requirements of subsection B of this section, the school
15 district, public charter school, state agency, public library, or
16 institution of higher education shall withhold further payments, if
17 any, to the provider pending verification of compliance.

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

24

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

6 F. Employees of school districts, charter schools, virtual
7 charter schools, state agencies, public libraries, and universities
8 shall not be exempt from prosecution for willful violations of state
9 law prohibiting indecent exposure to obscene material or child
10 ~~pornography~~ sexual abuse material as provided in Section 1021 of
11 Title 21 of the Oklahoma Statutes.

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

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

18 Section 1210.163. A. Every school employee having reason to
19 believe that a student under the age of eighteen (18) years is a
20 victim of abuse or neglect shall report the matter immediately to
21 the Department of Human Services and local law enforcement. Reports
22 to the Department shall be made to the hotline provided for in
23 Section 1-2-101 of Title 10A of the Oklahoma Statutes. Any
24 allegation of abuse or neglect reported in any manner to a county

1 office shall immediately be referred to the hotline by the
2 Department.

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

7 C. In reports required by subsection A or B of this section,
8 local law enforcement shall keep confidential and redact any
9 information identifying the reporting school employee unless
10 otherwise ordered by the court. A school employee with knowledge of
11 a report required by subsection A or B of this section shall not
12 disclose information identifying the reporting school employee
13 unless otherwise ordered by the court or as part of an investigation
14 by local law enforcement or the Department.

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

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

19 2. Sexual abuse or sexual exploitation as defined in Section 1-
20 1-105 of Title 10A of the Oklahoma Statutes;

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

23 4. Trafficking in children, as defined in Section 866 of Title
24 21 of the Oklahoma Statutes;

1 5. Incest as described in Section 885 of Title 21 of the
2 Oklahoma Statutes;

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

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

8 8. Soliciting or aiding a minor child to perform or showing,
9 exhibiting, loaning or distributing obscene material or child
10 ~~pornography~~ sexual abuse material, as described in Section 1021 of
11 Title 21 of the Oklahoma Statutes;

12 9. Procuring or causing the participation of any minor child in
13 any child ~~pornography~~ sexual abuse material or knowingly possessing,
14 procuring or manufacturing child ~~pornography~~ sexual abuse material,
15 as described in Section 1021.2 of Title 21 of the Oklahoma Statutes;

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

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

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

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

4 14. Rape or rape by instrumentation, as described in Sections
5 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

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

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

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

23 B. The Director of the Oklahoma State Bureau of Investigation
24 is hereby authorized to enter into local cooperative agreements with

1 local law enforcement agencies for the purpose of appointing ICAC
2 Affiliate Task Force Agents to assist the ICAC unit of the Bureau.
3 ICAC Affiliate Task Force Agents shall be employees and commissioned
4 law enforcement officers of the local law enforcement agency
5 entering into agreement with the Oklahoma State Bureau of
6 Investigation and shall not be employees of the Bureau. ICAC
7 Affiliate Task Force Agents shall have general peace officer powers
8 and the authority to arrest persons throughout the state for the
9 purpose of investigating Internet crimes committed against children
10 including, but not limited to, offenses related to child ~~pornography~~
11 sexual abuse material, solicitation of minors for pornography,
12 prostitution or sex-related offenses. ICAC Affiliate Task Force
13 Agents shall promote safe Internet use among children and parents of
14 children by various media or printed-material campaigns or by
15 offering educational programs to schools or communities throughout
16 Oklahoma. The Director of the Bureau may renew, suspend or revoke
17 any agreement appointing an ICAC Affiliate Task Force Agent at any
18 time. ICAC Affiliate Task Force Agents serve solely at the
19 discretion and will of the Director of the Oklahoma State Bureau of
20 Investigation.

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

22

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