

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 862

By: Brooks

AS INTRODUCED

An Act relating to criminal violations; amending 21 O.S. 2021, Section 22, which relates to gross injuries; modifying certain misdemeanor; amending 21 O.S. 2021, Section 1021, which relates to indecent exposure; modifying certain felony; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 22, is amended to read as follows:

Section 22. Every person who willfully and wrongfully commits the following ~~any act acts which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages public decency, including but not limited to urination in a public place, and is injurious to public morals, although no punishment is expressly prescribed therefor by this code,;~~

1. Urination;

2. An act of sexual intercourse;

1 3. A lewd exposure of an intimate part or genitals done without
2 the intent to arouse or satisfy the sexual desire of any person;

3 4. Lewd fondling or caress of the body of another person; or

4 5. A knowing exposure of the person's genitals to the view of a
5 person under circumstances in which such conduct is likely to cause
6 affront or alarm to the other person;

7 is guilty of a misdemeanor.

8 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1021, is
9 amended to read as follows:

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

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

23 2. Procures, counsels, or assists any person to expose such
24 person, or to make any other exhibition of such person to public

1 view or to the view of any number of persons, for the purpose of
2 sexual stimulation of the viewer;

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

8 4. Makes, prepares, cuts, sells, gives, loans, distributes,
9 keeps for sale, or exhibits any disc record, metal, plastic, or wax,
10 wire or tape recording, or any type of obscene material or child
11 pornography,

12 shall be guilty, upon conviction, of a felony and shall be punished
13 by the imposition of a fine of not less than Five Hundred Dollars
14 (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or by
15 imprisonment for not less than thirty (30) days nor more than ten
16 (10) years, or by both such fine and imprisonment.

17 B. Every person who:

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

19 2. Shows, exhibits, loans, or distributes to a minor child any
20 obscene material or child pornography for the purpose of inducing
21 said minor to participate in,

22 any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this
23 section shall be guilty of a felony, upon conviction, and shall be
24 punished by imprisonment in the custody of the Department of

1 Corrections for not less than ten (10) years nor more than thirty
2 (30) years, except when the minor child is under twelve (12) years
3 of age at the time the offense is committed, and in such case the
4 person shall, upon conviction, be punished by imprisonment in the
5 custody of the Department of Corrections for not less than twenty-
6 five (25) years.

7 C. Persons convicted under this section shall not be eligible
8 for a deferred sentence.

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

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

21 SECTION 3. This act shall become effective November 1, 2023.

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