

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

POLICY COMMITTEE  
RECOMMENDATION

FOR

HOUSE BILL NO. 1364

By: Hasenbeck

POLICY COMMITTEE RECOMMENDATION

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1040.13b, as amended by Section 1, Chapter 214, O.S.L. 2024 (21 O.S. Supp. 2024, Section 1040.13b), which relates to the Oklahoma Law on Obscenity and Child Sexual Abuse Material; defining terms; making certain acts unlawful; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1040.13b, as amended by Section 1, Chapter 214, O.S.L. 2024 (21 O.S. Supp. 2024, Section 1040.13b), is amended to read as follows:

Section 1040.13b. A. As used in this section:

1. "Artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments, including the ability to:

- 1           a. perceive real and virtual environments,  
2           b. abstract perceptions made under this paragraph into  
3           models through analysis in an automated manner, and  
4           c. use model inference to formulate options for  
5           information or action based on outcomes under  
6           subparagraphs a and b of this paragraph.

7 The term includes generative artificial intelligence;

8           2. "Artificially generated sexual depiction" means a visual  
9 depiction:

- 10           a. that appears to authentically depict an individual in  
11           a state of nudity or engaged in sexual conduct that  
12           did not occur in reality, and  
13           b. the production of which was substantially dependent  
14           upon technical means, including artificial  
15           intelligence or photo editing software, rather than  
16           the ability of another person to physically  
17           impersonate the other person;

18           3. "Generative artificial intelligence" means the class of  
19 models that emulate the structure and characteristics of input data  
20 in order to generate derived synthetic content, including  
21 information such as images, videos, audio clips or text, that has  
22 been significantly modified or generated by algorithms, including by  
23 artificial intelligence;

1        4. "Image" includes a photograph, film, videotape, digital  
2 recording or other depiction or portrayal of an object, including a  
3 human body;

4        ~~2.~~ 5. "Intimate parts" means the fully unclothed, partially  
5 unclothed or transparently clothed genitals, pubic area or female  
6 adult nipple; ~~and~~

7        ~~3.~~ 6. "Sexual act" means sexual intercourse including genital,  
8 anal or oral sex; and

9        7. "Visual depiction" means any depiction, photograph, film,  
10 performance, or image displayed, stored, shared, or transmitted in  
11 any format and on any medium including data that is capable of being  
12 converted into a depiction, picture, movie, performance, or image.

13        B. 1. A person commits nonconsensual dissemination of private  
14 sexual images when he or she:

15        ~~1.~~ Intentionally

16            a. intentionally disseminates an image of another person  
17 who is engaged in a sexual act or whose intimate parts  
18 are exposed, in whole or in part;

19        ~~2.~~ Obtains,

20            b. obtains the image under circumstances in which a  
21 reasonable person would know or understand that the  
22 image was to remain private; and

23        ~~3.~~ Disseminates

24

1           c.    disseminates the image without the effective consent  
2                   of the depicted person.

3           2. A person commits nonconsensual dissemination of private  
4 sexual images when he or she:

5           a.    disseminates an artificially generated sexual  
6                   depiction of another person with the intent or with  
7                   reckless disregard to harass, annoy, threaten, alarm,  
8                   or cause physical, emotional, reputational, or  
9                   economic harm to the depicted person, and

10          b.    disseminates the artificially generated sexual  
11                   depiction without the effective consent of the  
12                   depicted person.

13          C.    The provisions of this section shall not apply to the  
14 intentional dissemination of an image or artificially generated  
15 sexual depiction of another identifiable person who is engaged in a  
16 sexual act or whose intimate parts are exposed when:

17          1.    The dissemination is made for the purpose of a criminal  
18 investigation that is otherwise lawful;

19          2.    The dissemination is for the purpose of, or in connection  
20 with, the reporting of unlawful conduct;

21          3.    The images or artificially generated sexual depictions  
22 involve voluntary exposure in public or commercial settings; or

23          4.    The dissemination serves a lawful purpose.

1 D. Nothing in this section shall be construed to impose  
2 liability upon the following entities solely as a result of content  
3 or information provided by another person:

4 1. An interactive computer service, as defined in 47 U.S.C.,  
5 Section 230(f)(2);

6 2. A wireless service provider, as defined in Section 332(d) of  
7 the Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq.,  
8 Federal Communications Commission rules, and the Omnibus Budget  
9 Reconciliation Act of 1993, Pub. L. No. 103-66; or

10 3. A telecommunications network or broadband provider.

11 E. A person convicted under this section is subject to the  
12 forfeiture provisions in Section 1040.54 of this title.

13 F. Any person who violates the provisions of subsection B of  
14 this section shall, upon conviction, be guilty of a misdemeanor  
15 punishable by imprisonment in a county jail for not more than one  
16 (1) year or by a fine of not more than One Thousand Dollars  
17 (\$1,000.00), or both such fine and imprisonment.

18 G. Any person who violates or attempts to violate the  
19 provisions of subsection B of this section and who gains or attempts  
20 to gain any property or who gains or attempts to gain anything of  
21 value as a result of the nonconsensual dissemination or threatened  
22 dissemination of private sexual images or artificially generated  
23 sexual depictions shall, upon conviction, be guilty of a felony  
24 punishable by imprisonment in the custody of the Department of

1 Corrections for not more than five (5) years. A second or  
2 subsequent violation of this subsection shall be a felony punishable  
3 by imprisonment in the custody of the Department of Corrections for  
4 not more than ten (10) years and the offender shall be required to  
5 register as a sex offender under the Sex Offenders Registration Act.

6 H. The state shall not have the discretion to file a  
7 misdemeanor charge, pursuant to Section 234 of Title 22 of the  
8 Oklahoma Statutes, for a violation pursuant to subsection G of this  
9 section.

10 I. The court shall have the authority to order the defendant to  
11 remove the disseminated image or artificially generated sexual  
12 depictions should the court find it is in the power of the defendant  
13 to do so.

14 J. Nothing in this section shall prohibit the prosecution of a  
15 person pursuant to the provisions of Section 1021.2, 1021.3, 1024.1,  
16 1024.2, or 1040.12a of this title or any other applicable statute.

17 K. Any person who violates the provisions of subsection B of  
18 this section by disseminating three or more images or artificially  
19 generated sexual depictions within a six-month period shall, upon  
20 conviction, be guilty of a felony punishable by imprisonment in the  
21 custody of the Department of Corrections for not more than ten (10)  
22 years.

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SECTION 2. This act shall become effective November 1, 2025.

60-1-12784      GRS      02/20/25