

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1364

By: Hasenbeck and Lepak of the
House

and

Alvord of the Senate

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11 COMMITTEE SUBSTITUTE

12 An Act relating to crimes and punishments; amending
13 21 O.S. 2021, Section 1040.13b, as amended by Section
14 1, Chapter 214, O.S.L. 2024 (21 O.S. Supp. 2024,
15 Section 1040.13b), which relates to the Oklahoma Law
16 on Obscenity and Child Sexual Abuse Material;
17 defining terms; making certain acts unlawful; and
18 providing an effective date.

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

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

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

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

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

11 The term includes generative artificial intelligence;

12 2. "Artificially generated sexual depiction" means a visual
13 depiction:

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

22 3. "Generative artificial intelligence" means the class of
23 models that emulate the structure and characteristics of input data
24 in order to generate derived synthetic content, including

1 information such as images, videos, audio clips or text, that has
2 been significantly modified or generated by algorithms, including by
3 artificial intelligence;

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

7 ~~2.~~ 5. "Intimate parts" means the fully unclothed, partially
8 unclothed or transparently clothed genitals, pubic area or female
9 adult nipple; ~~and~~

10 ~~3.~~ 6. "Sexual act" means sexual intercourse including genital,
11 anal or oral sex; and

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

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

18 ~~1. Intentionally~~

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

22 ~~2. Obtains,~~

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1 b. obtains the image under circumstances in which a
2 reasonable person would know or understand that the
3 image was to remain private~~+~~, and

4 ~~3. Disseminates~~

5 c. disseminates the image without the effective consent
6 of the depicted person.

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

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

14 b. disseminates the artificially generated sexual
15 depiction without the effective consent of the
16 depicted person.

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

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

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

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

3 4. The dissemination serves a lawful purpose.

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

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

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

13 3. A telecommunications network or broadband provider.

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

16 F. Any person who violates the provisions of subsection B of
17 this section shall, upon conviction, be guilty of a misdemeanor
18 punishable by imprisonment in a county jail for not more than one
19 (1) year or by a fine of not more than One Thousand Dollars
20 (\$1,000.00), or both such fine and imprisonment.

21 G. Any person who violates or attempts to violate the
22 provisions of subsection B of this section and who gains or attempts
23 to gain any property or who gains or attempts to gain anything of
24 value as a result of the nonconsensual dissemination or threatened

1 dissemination of private sexual images or artificially generated
2 sexual depictions shall, upon conviction, be guilty of a felony
3 punishable by imprisonment in the custody of the Department of
4 Corrections for not more than five (5) years. A second or
5 subsequent violation of this subsection shall be a felony punishable
6 by imprisonment in the custody of the Department of Corrections for
7 not more than ten (10) years and the offender shall be required to
8 register as a sex offender under the Sex Offenders Registration Act.

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

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

17 J. Nothing in this section shall prohibit the prosecution of a
18 person pursuant to the provisions of Section 1021.2, 1021.3, 1024.1,
19 1024.2, or 1040.12a of this title or any other applicable statute.

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

3 SECTION 2. This act shall become effective November 1, 2025.
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
6 OVERSIGHT, dated 03/04/2025 - DO PASS, As Amended and Coauthored.
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