

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1153

By: Banning

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2021, Section 1040.8, as amended by Section
9 18, Chapter 59, O.S.L. 2024 (21 O.S. Supp. 2024,
10 Section 1040.8), which relates to the Oklahoma Law on
Obscenity and Child Sexual Abuse Material; increasing
penalties for certain unlawful act; and providing an
effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1040.8, as
15 amended by Section 18, Chapter 59, O.S.L. 2024 (21 O.S. Supp. 2024,
16 Section 1040.8), is amended to read as follows:

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

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

12 B. Any person who violates any provision of this section
13 involving obscene materials, upon conviction, shall be guilty of a
14 ~~misdemeanor~~ felony and shall be punished by imprisonment in the
15 ~~county jail~~ custody of the Department of Corrections for not ~~more~~
16 less than one (1) year and not more than three (3) years, or by a
17 fine of not less than Two Thousand Dollars (\$2,000.00), or by both
18 such fine and imprisonment.

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

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

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

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10 60-1-10078 GRS 12/23/24
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