

1 ENGROSSED HOUSE
2 BILL NO. 1217

By: West (Kevin) and Maynard of
the House

3 and

4 Bullard of the Senate
5
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7 An Act relating to obscene material; defining terms;
8 making certain acts unlawful; providing exemption
9 from liability under certain circumstances; providing
penalties; providing preemption provisions; providing
for codification; and declaring an emergency.

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

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SECTION 1. NEW LAW A new section of law to be codified

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in the Oklahoma Statutes as Section 1024.6 of Title 21, unless there

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is created a duplication in numbering, reads as follows:

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A. As used in this section:

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1. "Adult performance" means any performance that contains

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obscene material, if done in view of a minor or in a public place;

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2. "Obscene material" shall have the same meaning as such term

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is defined in subsection B of Section 1024.1 of Title 21 of the

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Oklahoma Statutes;

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3. "Minor" means an unmarried person under eighteen (18) years

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of age; and

1 4. "Public place" means any area or space that the general
2 public may freely access without payment for admission; provided,
3 however, any place that limits access pursuant to an admissions
4 process or that restricts minors from entering the area or space to
5 participate or take part in any event shall be exempt from the
6 provisions of this section.

7 B. 1. It shall be unlawful for a person to engage in an adult
8 performance which contains obscene material, or for any political
9 subdivision of this state to allow, permit, organize, or authorize
10 the viewing of an adult performance which contains obscene material,
11 on public property or in a public place where a minor, as part of
12 the general public, will be exposed to view such adult performance.

13 2. A political subdivision acting in good faith in accordance
14 with the requirements of this subsection shall not be liable for the
15 acts of an individual or group in violation of this subsection.

16 C. 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 a term not exceeding
19 one (1) year, or by a fine of not less than Five Hundred Dollars
20 (\$500.00) and not exceeding One Thousand Dollars (\$1,000.00), or by
21 both such fine and imprisonment.

22 D. The provisions of this section shall preempt any ordinance,
23 regulation, or restriction that was lawfully adopted or license that
24 was issued by a political subdivision of this state prior to the

