

# An Act

ENROLLED HOUSE  
BILL NO. 3936

By: Provenzano and Stark of the  
House

and

Weaver of the Senate

An Act relating to child sexual abuse material; amending 10 O.S. 2021, Section 7505-5.1, which relates to home studies; changing name of certain criminal offense; amending 10 O.S. 2021, Section 7505-6.3, which relates to interlocutory decrees; changing name of certain criminal offense; amending 10A O.S. 2021, Section 1-4-705, which relates to child custody placements; changing name of certain criminal offense; amending 10A O.S. 2021, Section 2-8-221, which relates to the Juvenile Sex Offender Registration Act; changing name of certain criminal offense; amending 21 O.S. 2021, Section 13.1, which relates to required service of prison sentences; changing name of certain criminal offense; amending 21 O.S. 2021, Section 843.5, which relates to child abuse; changing name of certain criminal offense; amending 21 O.S. 2021, Sections 1021, 1021.1, 1021.2, 1021.3, 1021.4, 1022, 1023, 1024.1, 1024.2, 1024.3, 1024.4, 1040.8, 1040.11, 1040.12a, 1040.13, 1040.14, 1040.15, 1040.16, 1040.17, 1040.20, 1040.21, 1040.22, 1040.24, 1040.54 and 1040.80, which relate to the Oklahoma Law on Obscenity and Child Pornography; changing name of certain criminal offense; amending 21 O.S. 2021, Section 1123, as amended by Section 4, Chapter 260, O.S.L. 2022 (21 O.S. Supp. 2023, Section 1123), which relates to lewd or indecent proposals to a child; changing name of certain criminal offense; amending 22 O.S. 2021, Section 40, which relates to definitions for certain offenses; changing name of certain criminal offense; amending 22 O.S. 2021, Section 991h, which relates to orders of no contact; changing name of certain criminal offense; amending 22 O.S. 2021, Section 996.1, which relates to

definitions in the Delayed Sentencing Program for Young Adults; changing name of certain criminal offense; amending 43 O.S. 2021, Section 112.5, which relates to custody or guardianship of a child; changing name of certain offense; amending 57 O.S. 2021, Section 138, which relates to credits for good conduct; changing name of certain criminal offense; amending 57 O.S. 2021, Section 332.16, which relates to parole recommendations; changing name of certain criminal offense; amending 57 O.S. 2021, Section 571, as amended by Section 2, Chapter 212, O.S.L. 2023 (57 O.S. Supp. 2023, Section 571), which relates to definitions of the Oklahoma Prison Overcrowding Emergency Powers Act; changing name of certain criminal offense; amending 57 O.S. 2021, Section 582, which relates to the Sex Offenders Registration Act; changing name of certain criminal offense; amending 68 O.S. 2021, Section 2357.101, which relates to tax credits for film or music projects; changing name of certain criminal offense; amending 68 O.S. 2021, Section 3623, which relates to definitions of the Compete with Canada Film Act; changing name of certain criminal offense; amending 68 O.S. 2021, Section 3632, as amended by Section 1, Chapter 347, O.S.L. 2023 (68 O.S. Supp. 2023, Section 3632), which relates to definitions of the Filmed in Oklahoma Act of 2021; changing name of certain criminal offense; amending Section 1, Chapter 280, O.S.L. 2022, as amended by Section 1, Chapter 373, O.S.L. 2023 (70 O.S. Supp. 2023, Section 11-202), which relates to digital or online library database resources; changing name of certain criminal offense; amending 70 O.S. 2021, Section 1210.163, which relates to abuse-prevention instructional programs; changing name of certain criminal offense; amending 74 O.S. 2021, Section 151.1, which relates to the Internet Crimes Against Children unit; changing name of certain criminal offense; and providing an effective date.

SUBJECT: Child sexual abuse material

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

SECTION 1. AMENDATORY 10 O.S. 2021, Section 7505-5.1, is amended to read as follows:

Section 7505-5.1 A. Except as otherwise provided in this section, only a person for whom a favorable written preplacement home study has been prepared may accept custody of a minor for purposes of adoption. A preplacement home study is favorable if it contains a finding that the person is suited to be an adoptive parent, either in general or for a particular minor, and it is completed or brought current within twelve (12) months next preceding a placement of a minor with the person for adoption.

B. A preplacement home study is not required if a parent or guardian places a minor directly with a relative of the minor for purposes of adoption, or if the minor has been residing with a birth parent's spouse for not less than one (1) year as of the date the petition for adoption is filed, but a home study of the relative or stepparent is required during the pendency of a proceeding for adoption.

C. A prospective adoptive parent shall not be approved for placement of a child if the petitioners or any other person residing in the home of the petitioners has been convicted of any of the following felony offenses:

1. Within the five-year period preceding the date of the petition, physical assault, domestic abuse, battery or a drug-related offense;

2. Child abuse or neglect;

3. A crime against a child, including, but not limited to, child ~~pornography~~ sexual abuse material; and

4. A crime involving violence, including, but not limited to, rape, sexual assault or homicide, but excluding those crimes specified in paragraph 1 of this subsection.

D. Under no circumstances shall a child be placed in the custody of an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with

an individual subject to the Oklahoma Sex Offenders Registration Act.

SECTION 2. AMENDATORY 10 O.S. 2021, Section 7505-6.3, is amended to read as follows:

Section 7505-6.3 A. After six (6) months from the date of the interlocutory decree unless the court waived all or part of the waiting period, the petitioners may apply to the court for a final decree of adoption. The court shall thereupon set a time and place for final hearing.

B. If the minor is related by blood to one of the petitioners, or is a stepchild of the petitioner, or the court finds that the best interests of the child will be furthered thereby, the court, after examination of the home study reports required by Section 7505-5.1 or 7505-5.2 of this title, may waive the entry of an interlocutory decree and the waiting period of six (6) months or the balance of the waiting period provided in this section.

C. Notice of the time and date of the hearing shall be served at least ten (10) days prior to the hearing upon any parent whose parental rights have not been terminated, unless that parent has properly executed a consent to the adoption or a permanent relinquishment pursuant to Sections 7503-2.3, 7503-2.4 and 7503-2.6 of this title or has waived the right to notice pursuant to Section 7503-3.1 of this title. Notice of the hearing shall also be served on the child-placing agency or the Department of Human Services in those cases where the child-placing agency or Department has original custody, or performed a home study.

D. The petitioners and child shall appear at the hearing on the application for final decree, unless the presence of the child is waived by the court.

E. The final hearing is not required to be recorded by a court reporter. Upon the request of any party, the court shall direct that the hearing be recorded by the court reporter, or the court may order on its own initiative that the hearing be recorded.

F. The court may enter a final decree of adoption, if the court is satisfied that the adoption is in the best interests of the child.

G. For purposes of this subsection, the State of Oklahoma elects to make subparagraph (A) of paragraph 20 of subsection 3 of Section 471(a) of the Social Security Act (Public Law 105-89) inapplicable to Oklahoma. Instead, the State of Oklahoma requires that:

1. Except as otherwise provided by this subsection, a prospective adoptive parent shall not be approved for placement of a child if the petitioners or any other person residing in the home of the petitioners has been convicted of any of the following felony offenses:

- a. within the five-year period preceding the date of the petition, physical assault, domestic abuse, battery or a drug-related offense, except as otherwise authorized by this subsection,
- b. child abuse or neglect,
- c. a crime against a child, including, but not limited to, child ~~pornography~~ sexual abuse material, and
- d. a crime involving violence, including, but not limited to, rape, sexual assault or homicide, but excluding physical assault or battery.

2. A prospective adoptive parent may be an approved placement regardless of whether such parent has been convicted of any of the felony offenses specified by subparagraph a of paragraph 1 of this subsection, if an evaluation has been made and accepted by the court which considers the nature and seriousness of the crime in relation to the adoption, the time elapsed since the commission of the crime, the circumstances under which the crime was committed, the degree of rehabilitation, the number of crimes committed by the person involved, and a showing by clear and convincing evidence that the child will not be at risk by such placement.

H. Under no circumstances shall a child be placed in the custody of an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders Registration Act.

SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-4-705, is amended to read as follows:

Section 1-4-705. A. In placing a child in the custody of an individual, a private agency, or institution, the court and the Department of Human Services shall, if possible, select a person, agency, or institution governed by persons of the same religious faith as that of the parents of the child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child.

B. Except as otherwise provided by this section or by law, it shall be left to the discretion of the judge to place the custody of children where their total needs will best be served. If an individual meets the minimum required age for placement purposes, the age of an otherwise eligible individual shall not be a reason for denying the individual placement or custody of a child.

C. A prospective foster or adoptive parent shall not be an approved placement for a child if the prospective foster or adoptive parent or any other person residing in the home of the prospective foster or adoptive parent has been convicted of any of the following felony offenses:

1. Within the five-year period preceding the application date, a physical assault, battery, or a drug-related offense;
2. Child abuse or neglect;
3. Domestic abuse;
4. A crime against a child, including, but not limited to, child ~~pornography~~ sexual abuse material; or
5. A crime involving violence, including, but not limited to, rape, sexual assault or homicide, but excluding those crimes specified in paragraph 1 of this subsection.

D. 1. Under no circumstances shall a child be placed with or in the custody of an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders Registration Act.

2. In addition, prior to the court placing a child in the custody of an individual, the court shall inquire as to whether the individual has been previously convicted of any felony or relevant misdemeanor or has any felony or misdemeanor charges pending.

3. Prior to the custody order being entered, the individual seeking custody shall provide an Oklahoma criminal history record obtained pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes to the court.

4. For purposes of this subsection the terms:

- a. "relevant misdemeanor" may include assault and battery, alcohol- or drug-related offenses, domestic violence or other offenses involving the use of physical force or violence against the person or property of another, and
- b. "individual" shall not include a parent or legal guardian of the child.

E. The provisions of this section shall not apply in any paternity or domestic relations case, unless otherwise ordered by the court.

SECTION 4. AMENDATORY 10A O.S. 2021, Section 2-8-221, is amended to read as follows:

Section 2-8-221. A. Whenever the district attorney for any district has reasonable cause to believe that an individual, with knowledge of its content, is engaged in sending a transmission or causing a transmission to originate within this state containing obscene material or child ~~pornography~~ sexual abuse material, as such terms are defined in Section 1024.1 of Title 21 of the Oklahoma Statutes, the district attorney for the district into which the transmission is sent or caused to be sent, may institute an action in the district court for an adjudication of the obscenity or child ~~pornographic~~ sexual abuse content of the transmission. Provided that if the conditions of subsection B of this section are present, then it shall be at the discretion of the district attorney whether the action instituted is a juvenile offense as defined in subsection B of this section or whether the action instituted is a felony for a violation of Section 1040.13a of Title 21 of the Oklahoma Statutes.

The individual sending the transmission specified in this section may be charged and tried in any district wherein the transmission is sent or in which it is received by the person to whom it was transmitted.

For purposes of any criminal prosecution pursuant to a violation of this section, the person violating the provisions of this section shall be deemed to be within the jurisdiction of this state by the fact of accessing any computer, cellular phone, or other computer-related or satellite-operated device in this state, regardless of the actual jurisdiction where the violator resides.

B. Any individual under eighteen (18) years of age who engages in the original or relayed transmission of obscene material or child ~~pornography~~ sexual abuse material via electronic media in the form of digital images, videos, or other depictions of real persons under the age of eighteen (18) years, and:

1. The original or relayed transmission is of another minor over thirteen (13) years of age and is made with the consent of the pictured individual and is transmitted to five or fewer individual destinations, known or unknown, shall be guilty of a misdemeanor violation of this section punishable by:

- a. a fine not to exceed Five Hundred Dollars (\$500.00) for the first offense,
- b. a fine not to exceed One Thousand Dollars (\$1,000.00) for a second and subsequent offense,
- c. up to forty (40) hours of community service,
- d. a referral to a juvenile bureau to propose a probation plan which shall be adopted through disposition, or
- e. attendance and successful completion of an educational program or a delinquency prevention and diversion program as provided in Section 24-100.4 of Title 70 of the Oklahoma Statutes. The court shall have the discretion to order the parent or legal guardian of the juvenile to attend and successfully complete the educational program;

2. The original or relayed transmission is of another minor over thirteen (13) years of age and is made without the consent of the pictured individual, or is sent to six or more individual destinations, known or unknown, shall be guilty of a misdemeanor violation of this section punishable by:



- a. a fine not to exceed Seven Hundred Dollars (\$700.00) for the first offense,
- b. a fine not to exceed One Thousand Four Hundred Dollars (\$1,400.00) for a second or subsequent offense,
- c. up to sixty (60) hours of community service,
- d. a referral to a juvenile bureau to propose a probation plan which shall be adopted through disposition, and
- e. attendance and successful completion of an educational program or a delinquency prevention and diversion program as provided in Section 24-100.4 of Title 70 of the Oklahoma Statutes. The court shall have the discretion to order the parent or legal guardian of the juvenile to attend and successfully complete the educational program; and

3. The original or relayed transmission is of another minor thirteen (13) years of age or younger, with or without the pictured individual's consent, and is transmitted to any number of destinations, known or unknown, shall be guilty of a misdemeanor violation of this section punishable by:

- a. a fine not to exceed Nine Hundred Dollars (\$900.00) for the first offense,
- b. a fine not to exceed One Thousand Eight Hundred Dollars (\$1,800.00) for a second or subsequent offense,
- c. up to eighty (80) hours of community service,
- d. a referral to a juvenile bureau to propose a probation plan which may be adopted through disposition, and
- e. attendance and successful completion of an educational program or a delinquency prevention and diversion program as provided in Section 24-100.4 of Title 70 of the Oklahoma Statutes. The court shall have the discretion to order the parent or legal guardian of the juvenile to attend and successfully complete the educational program.

C. The fact that the individual making the transmission and the individual pictured are the same does not alter the criminality provided in this section.

D. It is an affirmative defense to the relayed transmission of obscene material or child ~~pornography~~ sexual abuse material, as these terms are defined in Section 1024.1 of Title 21 of the Oklahoma Statutes, if a juvenile:

1. Has not solicited the visual depiction; and
2. Does not subsequently distribute, present, transmit, post, print, disseminate or exchange the visual depiction except for the purpose of reporting the original transmission or relayed transmission to appropriate school or law enforcement authorities.

SECTION 5. AMENDATORY 21 O.S. 2021, Section 13.1, is amended to read as follows:

Section 13.1 Persons convicted of:

1. First degree murder as defined in Section 701.7 of this title;
2. Second degree murder as defined by Section 701.8 of this title;
3. Manslaughter in the first degree as defined by Section 711 of this title;
4. Poisoning with intent to kill as defined by Section 651 of this title;
5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of this title;
6. Assault with intent to kill as provided for in Section 653 of this title;
7. Conjoint robbery as defined by Section 800 of this title;

8. Robbery with a dangerous weapon as defined in Section 801 of this title;
9. First degree robbery as defined in Section 797 of this title;
10. First degree rape as provided for in Section 1111, 1114 or 1115 of this title;
11. First degree arson as defined in Section 1401 of this title;
12. First degree burglary as provided for in Section 1436 of this title;
13. Bombing as defined in Section 1767.1 of this title;
14. Any crime against a child provided for in Section 843.5 of this title;
15. Forcible sodomy as defined in Section 888 of this title;
16. Child ~~pornography~~ sexual abuse material or aggravated child ~~pornography~~ sexual abuse material as defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of this title;
17. Child prostitution as defined in Section 1030 of this title;
18. Lewd molestation of a child as defined in Section 1123 of this title;
19. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes;
20. Aggravated trafficking as provided for in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;
21. Aggravated assault and battery upon any person defending another person from assault and battery; or
22. Human trafficking as provided for in Section 748 of this title,

shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial system prior to becoming eligible for consideration for parole. Persons convicted of these offenses shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of the sentence to less than eighty-five percent (85%) of the sentence imposed.

SECTION 6. AMENDATORY 21 O.S. 2021, Section 843.5, is amended to read as follows:

Section 843.5 A. Any person who shall willfully or maliciously engage in child abuse, as defined in this section, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

B. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in enabling child abuse, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or both such fine and imprisonment.

C. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in child neglect, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

D. Any parent or other person who shall willfully or maliciously engage in enabling child neglect shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

E. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in child sexual abuse, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment, except as provided in Section 51.1a of this title or as otherwise provided in subsection F of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

F. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in child sexual abuse, as defined in this section, to a child under twelve (12) years of age shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

G. Any parent or other person who shall willfully or maliciously engage in enabling child sexual abuse shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

H. Any person who shall willfully or maliciously engage in child sexual exploitation, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and

imprisonment except as provided in subsection I of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

I. Any person who shall willfully or maliciously engage in child sexual exploitation, as defined in this section, of a child under twelve (12) years of age shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

J. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in enabling child sexual exploitation, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

K. Notwithstanding any other provision of law, any person convicted of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd molestation of a child under fourteen (14) years of age subsequent to a previous conviction for any offense of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd molestation of a child under fourteen (14) years of age shall be punished by death or by imprisonment for life without parole.

L. Provided, however, that nothing contained in this section shall prohibit any parent or guardian from using reasonable and ordinary force pursuant to Section 844 of this title.

M. Consent shall not be a defense for any violation provided for in this section.

N. Notwithstanding the age requirements of other statutes referenced within this section, this section shall apply to any child under eighteen (18) years of age.

O. As used in this section:

1. "Child abuse" means:

- a. the willful or malicious harm or threatened harm or failure to protect from harm or threatened harm to the health, safety or welfare of a child under eighteen (18) years of age by a person responsible for a child's health, safety or welfare, or
- b. the act of willfully or maliciously injuring, torturing or maiming a child under eighteen (18) years of age by any person;

2. "Child neglect" means the willful or malicious neglect, as defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of a child under eighteen (18) years of age by a person responsible for a child's health, safety or welfare;

3. "Child sexual abuse" means the willful or malicious sexual abuse of a child under eighteen (18) years of age by a person responsible for a child's health, safety or welfare and includes, but is not limited to:

- a. sexual intercourse,
- b. penetration of the vagina or anus, however slight, by an inanimate object or any part of the human body not amounting to sexual intercourse,
- c. sodomy,
- d. incest, or
- e. a lewd act or proposal, as defined in this section;

4. "Child sexual exploitation" means the willful or malicious sexual exploitation of a child under eighteen (18) years of age by another and includes, but is not limited to:

- a. human trafficking, as provided for in Section 748 of this title, if the offense involved child trafficking for commercial sex,
- b. trafficking in children, as provided for in Section 866 of this title, if the offense was committed for the sexual gratification of any person,
- c. procuring or causing the participation of a minor in child ~~pornography~~ sexual abuse material, as provided for in Section 1021.2 of this title,
- d. purchase, procurement or possession of child ~~pornography~~ sexual abuse material, as provided for in Section 1024.2 of this title,
- e. engaging in or soliciting prostitution, as provided for in Section 1029 of this title, if the offense involved child prostitution,
- f. publication, distribution or participation in the preparation of obscene material, as provided for in Section 1040.8 of this title, if the offense involved child ~~pornography~~ sexual abuse material,
- g. aggravated possession of child ~~pornography~~ sexual abuse material, as provided for in Section 1040.12a of this title,
- h. sale or distribution of obscene material, as provided for in Section 1040.13 of this title,
- i. soliciting sexual conduct or communication with a minor by use of technology, as provided for in Section ~~1043.13a~~ 1040.13 of this title,
- j. offering or transporting a child for purposes of prostitution, as provided for in Section 1087 of this title, and
- k. child prostitution, as provided for in Section 1088 of this title;



5. "Enabling child abuse" means the causing, procuring or permitting of child abuse by a person responsible for a child's health, safety or welfare;

6. "Enabling child neglect" means the causing, procuring or permitting of child neglect by a person responsible for a child's health, safety or welfare;

7. "Enabling child sexual abuse" means the causing, procuring or permitting of child sexual abuse by a person responsible for a child's health, safety or welfare;

8. "Enabling child sexual exploitation" means the causing, procuring or permitting of child sexual exploitation by a person responsible for a child's health, safety or welfare;

9. "Incest" means marrying, committing adultery or fornicating with a child by a person responsible for the health, safety or welfare of a child;

10. "Lewd act or proposal" means:

- a. making any oral, written or electronic or computer-generated lewd or indecent proposal to a child for the child to have unlawful sexual relations or sexual intercourse with any person,
- b. looking upon, touching, mauling or feeling the body or private parts of a child in a lewd or lascivious manner or for the purpose of sexual gratification,
- c. asking, inviting, enticing or persuading any child to go alone with any person to a secluded, remote or secret place for a lewd or lascivious purpose,
- d. urinating or defecating upon a child or causing, forcing or requiring a child to defecate or urinate upon the body or private parts of another person for the purpose of sexual gratification,
- e. ejaculating upon or in the presence of a child,
- f. causing, exposing, forcing or requiring a child to look upon the body or private parts of another person for the purpose of sexual gratification,

- g. causing, forcing or requiring any child to view any obscene materials, child ~~pornography~~ sexual abuse material or materials deemed harmful to minors as such terms are defined in Sections 1024.1 and 1040.75 of this title,
- h. causing, exposing, forcing or requiring a child to look upon sexual acts performed in the presence of the child for the purpose of sexual gratification, or
- i. causing, forcing or requiring a child to touch or feel the body or private parts of the child or another person for the purpose of sexual gratification;

11. "Permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of the conduct or harm proscribed by this section;

12. "Person responsible for a child's health, safety or welfare" for purposes of this section shall include, but not be limited to:

- a. the parent of the child,
- b. the legal guardian of the child,
- c. the custodian of the child,
- d. the foster parent of the child,
- e. a person eighteen (18) years of age or older with whom the parent of the child cohabitates, who is at least three (3) years older than the child,
- f. any other person eighteen (18) years of age or older residing in the home of the child, who is at least three (3) years older than the child,
- g. an owner, operator, agent, employee or volunteer of a public or private residential home, institution, facility or day treatment program, as defined in Section 175.20 of Title 10 of the Oklahoma Statutes, that the child attended,

- h. an owner, operator, agent, employee or volunteer of a child care facility, as defined in Section 402 of Title 10 of the Oklahoma Statutes, that the child attended,
- i. an intimate partner of the parent of the child, as defined in Section 60.1 of Title 22 of the Oklahoma Statutes, or
- j. a person who has voluntarily accepted responsibility for the care or supervision of a child;

13. "Sexual intercourse" means the actual penetration, however slight, of the vagina or anus by the penis; and

14. "Sodomy" means:

- a. penetration, however slight, of the mouth of the child by a penis,
- b. penetration, however slight, of the vagina of a person responsible for a child's health, safety or welfare, by the mouth of a child,
- c. penetration, however slight, of the mouth of the person responsible for a child's health, safety or welfare by the penis of the child, or
- d. penetration, however slight, of the vagina of the child by the mouth of the person responsible for a child's health, safety or welfare.

SECTION 7. AMENDATORY 21 O.S. 2021, Section 1021, is amended to read as follows:

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

1. Lewdly exposes his or her person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby; provided, however, for purposes of this section, a person alleged to have committed an act of public urination shall be prosecuted pursuant to Section 22 of this title unless such act was accompanied with another act that violates

paragraphs 2 through 4 of this subsection and shall not be subject to registration under the Sex Offenders Registration Act;

2. Procures, counsels, or assists any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;

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

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

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

B. Every person who:

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

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

any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this section, shall be guilty of a felony, upon conviction, and shall be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than thirty (30) years, except when the minor child is under twelve (12) years of age at the time the offense is committed, and in such case the person shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years.

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

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

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

SECTION 8. AMENDATORY 21 O.S. 2021, Section 1021.1, is amended to read as follows:

Section 1021.1 A. Sections 1021 through 1024.4 of this title shall not apply to persons who may possess or distribute obscene matter or child ~~pornography~~ sexual abuse material or participate in conduct otherwise prescribed by this act, when such possession, distribution, or conduct occurs in the course of law enforcement activities.

B. The criminal provisions of this title shall not prohibit the district attorney from seeking civil or injunctive relief to enjoin the production, publication, dissemination, distribution, sale of or participation in any obscene material or child ~~pornography~~ sexual abuse material, or the dissemination to minors of material harmful to minors, or the possession of child ~~pornography~~ sexual abuse material.

SECTION 9. AMENDATORY 21 O.S. 2021, Section 1021.2, is amended to read as follows:

Section 1021.2 A. Any person who shall procure or cause the participation of any minor under the age of eighteen (18) years in any child ~~pornography~~ sexual abuse material or who knowingly possesses, procures, or manufactures, or causes to be sold or distributed any child ~~pornography~~ sexual abuse material shall be guilty, upon conviction, of a felony and shall be punished by imprisonment for not more than twenty (20) years or by the imposition of a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or by both said fine and imprisonment. Persons convicted under this section shall not be eligible for a deferred

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

B. The consent of the minor, or of the mother, father, legal guardian, or custodian of the minor to the activity prohibited by this section shall not constitute a defense.

SECTION 10. AMENDATORY 21 O.S. 2021, Section 1021.3, is amended to read as follows:

Section 1021.3 A. Any parent, guardian or individual having custody of a minor under the age of eighteen (18) years who knowingly permits or consents to the participation of a minor in any child ~~pornography~~ sexual abuse material shall be guilty of a felony and, upon conviction, shall be imprisoned in the custody of the Department of Corrections for a period of not more than twenty (20) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or by both such fine and imprisonment. Persons convicted under this section shall not be eligible for a deferred sentence. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

B. The consent of the minor to the activity prohibited by this section shall not constitute a defense.

SECTION 11. AMENDATORY 21 O.S. 2021, Section 1021.4, is amended to read as follows:

Section 1021.4 A. Any commercial film and photographic print processor or commercial computer technician who has knowledge of or observes, within the scope of such person's professional capacity or

employment, any film, photograph, video tape, negative, or slide, or any computer file, recording, CD-Rom, magnetic disk memory, magnetic tape memory, picture, graphic or image that is intentionally saved, transmitted or organized on hardware or any other media including, but not limited to, CDs, DVDs and thumbdrives, whether digital, analog or other means and whether directly viewable, compressed or encoded depicting a child under the age of eighteen (18) years engaged in an act of sexual conduct as defined in Section 1024.1 of this title shall immediately or as soon as possible report by telephone such instance of suspected child abuse or child ~~pornography~~ sexual abuse material to the law enforcement agency having jurisdiction over the case and shall prepare and send a written report of the incident with an attached copy of such material, within thirty-six (36) hours after receiving the information concerning the incident.

For the purposes of this section:

1. "Commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term shall also include any employee of such a person but shall not include a person who develops film or makes prints for a public agency; and

2. "Commercial computer technician" means any person who repairs, installs, or otherwise services any computer including, but not limited to, any component part, device, memory storage or recording mechanism, auxiliary storage, recording or memory capacity, or any other materials relating to operation and maintenance of a computer or computer network or system, for compensation. The term shall also include any employee of such person.

B. Any person who violates the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not to exceed one (1) year, or both such fine and imprisonment.

C. Nothing in this section shall be construed to require or authorize any person to act outside the scope of such person's professional capacity or employment by searching for prohibited materials or media.

SECTION 12. AMENDATORY 21 O.S. 2021, Section 1022, is amended to read as follows:

Section 1022. Every person who is authorized or enjoined to arrest any person for a violation of paragraph 3 of subsection A of Section 1021 of this title is equally authorized and enjoined to seize one copy of the obscene material, or all copies of explicit child ~~pornography~~ sexual abuse material, found in possession of or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

SECTION 13. AMENDATORY 21 O.S. 2021, Section 1023, is amended to read as follows:

Section 1023. The magistrate to whom any child ~~pornography~~ sexual abuse material, or any obscene material, is delivered pursuant to Section 1022 of this title, shall, upon the examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, determine the character of such child ~~pornography~~ sexual abuse material or obscene material, and if the magistrate finds it to be obscene material or child ~~pornography~~ sexual abuse material, the magistrate shall cause the same to be delivered to the district attorney of the county in which the accused is liable to indictment or trial. The magistrate shall issue in writing the factual and legal basis for the determination by the magistrate of the character of the child ~~pornography~~ sexual abuse material or obscene material.

SECTION 14. AMENDATORY 21 O.S. 2021, Section 1024.1, is amended to read as follows:

Section 1024.1 A. As used in Sections 1021, 1021.1 through 1021.4, Sections 1022 through 1024, and Sections 1040.8 through 1040.24 of this title, "~~child pornography~~" "child sexual abuse material" means and includes any visual depiction or individual image stored or contained in any format on any medium including, but not limited to, film, motion picture, videotape, photograph, negative, undeveloped film, slide, photographic product, reproduction of a photographic product, play or performance wherein a minor under the age of eighteen (18) years is engaged in any act with a person, other than his or her spouse, of sexual intercourse which is normal or perverted, in any act of anal sodomy, in any act of sexual activity with an animal, in any act of sadomasochistic abuse including, but not limited to, flagellation or torture, or the



condition of being fettered, bound or otherwise physically restrained in the context of sexual conduct, in any act of fellatio or cunnilingus, in any act of excretion in the context of sexual conduct, in any lewd exhibition of the uncovered genitals in the context of masturbation or other sexual conduct, or where the lewd exhibition of the uncovered genitals, buttocks or, if such minor is a female, the breast, has the purpose of sexual stimulation of the viewer, or wherein a person under the age of eighteen (18) years observes such acts or exhibitions. Each visual depiction or individual image shall constitute a separate item and multiple copies of the same identical material shall each be counted as a separate item.

B. As used in Sections 1021 through 1024.4 and Sections 1040.8 through 1040.24 of this title:

1. "Obscene material" means and includes any representation, performance, depiction or description of sexual conduct, whether in any form or on any medium including still photographs, undeveloped photographs, motion pictures, undeveloped film, videotape, optical, magnetic or solid-state storage, CD or DVD, or a purely photographic product or a reproduction of such product in any book, pamphlet, magazine, or other publication or electronic or photo-optical format, if said items contain the following elements:

- a. depictions or descriptions of sexual conduct which are patently offensive as found by the average person applying contemporary community standards,
- b. taken as a whole, have as the dominant theme an appeal to prurient interest in sex as found by the average person applying contemporary community standards, and
- c. a reasonable person would find the material or performance taken as a whole lacks serious literary, artistic, educational, political, or scientific purposes or value.

The standard for obscenity applied in this section shall not apply to child ~~pornography~~ sexual abuse material;

2. "Performance" means and includes any display, live or recorded, in any form or medium;

3. "Sexual conduct" means and includes any of the following:

- a. acts of sexual intercourse including any intercourse which is normal or perverted, actual or simulated,
- b. acts of deviate sexual conduct, including oral and anal sodomy,
- c. acts of masturbation,
- d. acts of sadomasochistic abuse including but not limited to:
  - (1) flagellation or torture by or upon any person who is nude or clad in undergarments or in a costume which is of a revealing nature, or
  - (2) the condition of being fettered, bound, or otherwise physically restrained on the part of one who is nude or so clothed,
- e. acts of excretion in a sexual context, or
- f. acts of exhibiting human genitals or pubic areas; and

4. ~~"Explicit child pornography"~~ "Explicit child sexual abuse material" means material which a law enforcement officer can immediately identify upon first viewing without hesitation as child ~~pornography~~ sexual abuse material.

The types of sexual conduct described in paragraph 3 of this subsection are intended to include situations when, if appropriate to the type of conduct, the conduct is performed alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

SECTION 15. AMENDATORY 21 O.S. 2021, Section 1024.2, is amended to read as follows:

Section 1024.2 It shall be unlawful for any person to buy, procure or possess child ~~pornography~~ sexual abuse material in violation of Sections 1024.1 through 1024.4 of this title. Such person shall, upon conviction, be guilty of a felony and shall be imprisoned for a period of not more than twenty (20) years or a fine up to, but not exceeding, Twenty-five Thousand Dollars (\$25,000.00) or by both such fine and imprisonment.

SECTION 16. AMENDATORY 21 O.S. 2021, Section 1024.3, is amended to read as follows:

Section 1024.3 Every person who is authorized or enjoined to arrest any person for a violation of this act is equally authorized or enjoined to seize an evidentiary copy of any obscene material or child ~~pornography~~ sexual abuse material or all copies of explicit child ~~pornography~~ sexual abuse material found in the possession of or under the control of the person so arrested and to deliver the obscene material or child ~~pornography~~ sexual abuse material to the magistrate before whom the person so arrested is required to be taken.

SECTION 17. AMENDATORY 21 O.S. 2021, Section 1024.4, is amended to read as follows:

Section 1024.4 Upon final conviction of the accused and any codefendant, the magistrate or law enforcement agency shall, with the consent of the district attorney, cause any obscene material or child ~~pornography~~ sexual abuse material, in respect whereof the accused and any codefendant stands convicted and which remains in the possession or control of such magistrate, law enforcement agency or district attorney, to be destroyed including, but not limited to, the destruction of any computer, hard drive or other electronic storage media of the accused or codefendant on which such obscene material or child ~~pornography~~ sexual abuse material was located. For purposes of this section, "final conviction" includes the exhaustion of or failure to timely pursue post-conviction and state and federal habeas corpus review.

SECTION 18. AMENDATORY 21 O.S. 2021, Section 1040.8, is amended to read as follows:

Section 1040.8 A. No person shall knowingly photograph, act in, pose for, model for, print, sell, offer for sale, give away, exhibit, publish, offer to publish, or otherwise distribute, display, or exhibit any book, magazine, story, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, electronic video game or recording, image, cast, slide, figure, instrument, statue, drawing, presentation, or other article which is obscene material or child ~~pornography~~ sexual abuse material, as defined in Section 1024.1 of this title. In the case of any unsolicited mailing of any of the material listed in this section, the offense is deemed complete from the time such material is deposited in any post office or delivered to any person

with intent that it shall be forwarded. Also, unless preempted by federal law, no unsolicited mail which is harmful to minors pursuant to Section 1040.75 of this title shall be mailed to any person. The party mailing the materials specified in this section may be indicted and tried in any county wherein such material is deposited or delivered, or in which it is received by the person to whom it is addressed.

B. Any person who violates any provision of this section involving obscene materials, upon conviction, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not less than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

C. Any person who violates any provision of this section involving child ~~pornography~~ sexual abuse material, upon conviction, shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than three (3) years and not more than twenty (20) years, or by a fine of not less than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent violation shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years and not more than thirty (30) years, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. The violator, upon conviction, shall be required to register as a sex offender under the Sex Offenders Registration Act.

SECTION 19. AMENDATORY 21 O.S. 2021, Section 1040.11, is amended to read as follows:

Section 1040.11 Sections 1021 through 1040.77 of this title shall be known as the "Oklahoma Law on Obscenity and Child ~~Pornography~~ Sexual Abuse Material" and may be referred to by that designation.

SECTION 20. AMENDATORY 21 O.S. 2021, Section 1040.12a, is amended to read as follows:

Section 1040.12a A. Any person who, with knowledge of its contents, possesses one hundred (100) or more separate materials depicting child ~~pornography~~ sexual abuse material shall be, upon conviction, guilty of aggravated possession of child ~~pornography~~ sexual abuse material. The violator shall be punished by imprisonment in the custody of the Department of Corrections for a

term not exceeding life imprisonment and by a fine in an amount not more than Ten Thousand Dollars (\$10,000.00). The violator, upon conviction, shall be required to register as a sex offender under the Sex Offenders Registration Act.

B. For purposes of this section:

1. Multiple copies of the same identical material shall each be counted as a separate item;

2. The term "material" means the same definition provided by Section 1040.75 of ~~Title 21 of the Oklahoma Statutes~~ this title and, in addition, includes all digital and computerized images and depictions; and

3. The term ~~"child pornography"~~ "child sexual abuse material" means the same definition provided by Section 1040.80 of ~~Title 21 of the Oklahoma Statutes~~ this title and, in addition, includes sexual conduct, sexual excitement, sadomasochistic abuse, and performance of material harmful to minors where a minor is present or depicted as such terms are defined in Section 1040.75 of ~~Title 21 of the Oklahoma Statutes~~ this title.

SECTION 21. AMENDATORY 21 O.S. 2021, Section 1040.13, is amended to read as follows:

Section 1040.13 Every person who, with knowledge of its contents, sends, brings, or causes to be sent or brought into this state for sale or commercial distribution, or in this state prepares, sells, exhibits, commercially distributes, gives away, offers to give away, or has in his or her possession with intent to sell, to commercially distribute, to exhibit, to give away, or to offer to give away any obscene material or child ~~pornography~~ sexual abuse material or gives information stating when, where, how, or from whom, or by what means obscene material or child ~~pornography~~ sexual abuse material can be purchased or obtained, upon conviction, is guilty of a felony and shall be punished by imprisonment for not more than ten (10) years in prison or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such imprisonment and fine.

SECTION 22. AMENDATORY 21 O.S. 2021, Section 1040.14, is amended to read as follows:

Section 1040.14 ~~(a)~~ A. Whenever the Attorney General of this state or the district attorney for any district has reasonable cause to believe that any person, with knowledge of its contents, is ~~(1)~~ engaged:

1. Engaged in sending or causing to be sent, bringing or causing to be brought, into this state for sale or commercial distribution, ~~r;~~ or ~~is (2) in~~

2. In this state preparing, selling, exhibiting or commercially distributing or giving away, or offering to give away, or has in his or her possession with intent to sell, or commercially distribute or to exhibit or give away or offer to give away,

any obscene material or child ~~pornography~~ sexual abuse material, the Attorney General or the district attorney for the county into which such mailable matter is sent or caused to be sent, brought or caused to be brought, or in which it is prepared, sold, exhibited or commercially distributed or given away or offered to be given away, or possessed, may institute an action in the district court for an adjudication of the obscenity or child ~~pornographic~~ sexual abuse content of the mailable matter.

~~(b)~~ B. The procedure to be followed shall be that set forth in this act.

SECTION 23. AMENDATORY 21 O.S. 2021, Section 1040.15, is amended to read as follows:

Section 1040.15 The action described in Section 1040.14 of this title shall be commenced by filing with the court a petition:

~~(a) directed~~ 1. Directed against the matter by name or description;

~~(b) alleging~~ 2. Alleging it is obscene material or child ~~pornography~~ sexual abuse material;

~~(c) listing~~ 3. Listing the names and addresses, if known, of its author, publisher and any other person sending or causing it to be sent, bringing or causing it to be brought into this state for sale or commercial distribution and of any person in this state preparing, selling, exhibiting or commercially distributing it, or giving away or offering to give it away, or possessing it with

intent to sell or commercially distribute or exhibit or give away or offer to give it away;

~~(d) seeking~~ 4. Seeking an adjudication that it is either obscene material or child ~~pornography~~ sexual abuse material, as defined in Section 1024.1 of this title;

~~(e) seeking~~ 5. Seeking a permanent injunction against any person sending or causing it to be sent, bringing or causing it to be brought, into this state for sale or commercial distribution, or in this state preparing, selling, exhibiting or commercially distributing it, giving away or offering to give it away, or possessing it with intent to sell or commercially distribute or exhibit or give away or offer to give it away; and

~~(f) seeking~~ 6. Seeking its surrender, seizure and destruction.

SECTION 24. AMENDATORY 21 O.S. 2021, Section 1040.16, is amended to read as follows:

Section 1040.16 ~~(a)~~ A. Upon the filing of the petition described in Section 1040.15 of this title, the court shall summarily examine the obscene material or child ~~pornography~~ sexual abuse material.

~~(b)~~ B. If the court finds no probable cause to believe it is obscene material or child ~~pornography~~ sexual abuse material, the court shall dismiss the petition.

~~(c)~~ C. If the court finds probable cause to believe it is obscene material or child ~~pornography~~ sexual abuse material, the court shall immediately issue an order or rule to show cause why it should not be adjudicated to be obscene material or child ~~pornography~~ sexual abuse material.

~~(d)~~ D. The order or rule to show cause shall be:

~~(1) directed~~ 1. Directed against it by name or description;

~~(2) if~~ 2. If their names and addresses are known, served personally in the manner provided in this act for the service of process or in any manner now or hereafter provided by law, upon its author, publisher, and any other person interested in sending or causing it to be sent, bringing or causing it to be brought, into this state for sale or commercial distribution, and on any person in

this state preparing, selling, exhibiting or commercially distributing it or giving away or offering to give it away, or possessing it with intent to sell or commercially distribute or exhibit or give away or offer to give it away; and

~~(3) returnable~~ 3. Returnable six (6) days after its service.

SECTION 25. AMENDATORY 21 O.S. 2021, Section 1040.17, is amended to read as follows:

Section 1040.17 ~~(a)~~ A. On or before the return date specified in the order or rule to show cause, the author, publisher, or any person interested in sending or causing to be sent, bringing or causing to be brought, into this state for sale or commercial distribution, or any person in this state preparing, selling, exhibiting or commercially distributing, or giving away or offering to give away, or possessing with intent to sell or commercially distribute or exhibit or give away or offer to give away, the matter may appear and file an answer.

~~(b)~~ B. The court may, by order, permit any other person to appear and file an answer as amicus curiae. A person granted permission and appearing and filing an answer has all the rights of a party to the proceeding.

~~(c)~~ C. If no person appears and files an answer on or before the return date specified in the order or rule to show cause, the court shall enter judgment either:

~~(1) adjudicating~~ 1. Adjudicating the matter not to be obscene material or child ~~pornography~~ sexual abuse material, if the court so finds; or

~~(2) adjudicating~~ 2. Adjudicating it to be obscene material or child ~~pornography~~ sexual abuse material, if the court so finds.

~~(d)~~ D. Every person appearing and answering shall be entitled, upon request, to a trial of the issues before the court not less than three (3) days after a joinder of issue.

SECTION 26. AMENDATORY 21 O.S. 2021, Section 1040.20, is amended to read as follows:



Section 1040.20 In the event that a judgment is entered adjudicating the matter to be obscene material or child ~~pornography~~ sexual abuse material, the court shall further:

~~(a) order~~ 1. Order the person or persons having possession of it to surrender it to the sheriff for destruction and, in the event that person refuses, order the sheriff in the county in which the action was brought to seize and destroy it; and

~~(b) enter~~ 2. Enter a permanent injunction against any person sending or causing it to be sent, bringing or causing it to be brought, into this state for sale or commercial distribution, and against any person in this state preparing, selling, exhibiting or commercially distributing it, giving it away or offering to give it away, or having it in his or her possession with intent to sell or commercially distribute or exhibit or give it away or offer to give it away.

SECTION 27. AMENDATORY 21 O.S. 2021, Section 1040.21, is amended to read as follows:

Section 1040.21 Any matter which, following the entry of a judgment that it is obscene material or child ~~pornography~~ sexual abuse material, is sent or caused to be sent, brought or caused to be brought, into this state for sale or commercially distributed, given away or offered to be given away, by any person with knowledge of the judgment, or is in the possession of any such person with intent to sell or commercially distribute or exhibit or give away or offer to give away, is subject to the provisions of Section 1040.13 of this title.

SECTION 28. AMENDATORY 21 O.S. 2021, Section 1040.22, is amended to read as follows:

Section 1040.22 After the entry of a judgment that the matter is obscene material or child ~~pornography~~ sexual abuse material, any person who, with knowledge of the judgment or of the order or rule to show cause, sends or causes to be sent, brings or causes to be brought, into this state for sale or commercial distribution, the matter, or who in this state sells, exhibits or commercially distributes it, gives away or offers to give it away, or has it in his or her possession with intent to sell or commercially distribute or exhibit or give away or offer to give it away, shall be guilty of contempt of court and upon conviction after notice and hearing shall be imprisoned in the county jail for not more than one (1) year or

fined not more than One Thousand Dollars (\$1,000.00), or be so imprisoned or fined.

SECTION 29. AMENDATORY 21 O.S. 2021, Section 1040.24, is amended to read as follows:

Section 1040.24 The possession of two or more of any single article that is obscene material or child ~~pornography~~ sexual abuse material, or the possession of a combined total of any five articles that are obscene material or child ~~pornography~~ sexual abuse material (except the possession of them for the purpose of return to the person from whom received) shall create a presumption that they are intended for sale or commercial distribution, exhibition or gift, but such presumption shall be rebuttable. The burden of proof that their possession is for the purpose of return to the person from whom received shall be on the possessor.

SECTION 30. AMENDATORY 21 O.S. 2021, Section 1040.54, is amended to read as follows:

Section 1040.54 A. Any peace officer of this state is authorized to seize any equipment which is used, or intended for use in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of obscene material, as defined in paragraph 1 of subsection B of Section 1024.1 of this title or child ~~pornography~~ sexual abuse material, as defined in subsection A of Section 1024.1 of this title. Said equipment may be held as evidence until a forfeiture has been declared or a release ordered. Forfeiture actions under this section may be brought by the district attorney in the proper county of venue as petitioner; provided, in the event the district attorney elects not to file such an action, or fails to file such action within ninety (90) days of the date of the seizure of such equipment, a forfeiture action may be brought by the entity seizing such equipment as petitioner.

B. Notice of seizure and intended forfeiture proceeding shall be given all owners and parties in interest by the party seeking forfeiture as follows:

1. Upon each owner or party in interest whose name and address is known, by mailing a copy of the notice by registered mail to the last-known address; and

2. Upon all other owners or parties in interest, whose addresses are unknown, by one publication in a newspaper of general circulation in the county where the seizure was made.

C. Within sixty (60) days after the mailing or publication of the notice, the owner of the equipment and any other party in interest may file a verified answer and claim to the equipment described in the notice of seizure and of the intended forfeiture proceeding.

D. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and may order the equipment forfeited to the state, if such fact is proven.

E. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

F. At the hearing the party seeking the forfeiture shall prove by clear and convincing evidence that the equipment was used in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of obscene material, as defined in paragraph 1 of subsection B of Section 1024.1 of this title or child pornography sexual abuse material, as defined in ~~paragraph 1 of subsection A of~~ Section 1024.1 of this title, with knowledge by the owner of the equipment.

G. The owner or party in interest may prove that the right or interest in the equipment was created without any knowledge or reason to believe that the equipment was being, or was to be, used for the purpose charged.

H. In the event of such proof, the court may order the equipment released to the bona fide or innocent owner or party in interest if the amount due the person is equal to, or in excess of, the value of the equipment as of the date of the seizure.

I. If the amount due to such person is less than the value of the equipment, or if no bona fide claim is established, the equipment shall be forfeited to the state and shall be sold pursuant to the judgment of the court.

J. Equipment taken or detained pursuant to this section shall not be repleviable, but shall be deemed to be in the custody of the

office of the district attorney of the county where the equipment was seized or in the custody of the party seeking the forfeiture. The district attorney or the party seeking the equipment may release said equipment to the owner of the equipment if it is determined that the owner had no knowledge of the illegal use of the equipment or if there is insufficient evidence to sustain the burden of showing illegal use of the equipment. Equipment which has not been released by the district attorney or the party seizing the equipment shall be subject to the orders and decrees of the court or the official having jurisdiction thereof.

K. The district attorney or the party seizing such equipment shall not be held civilly liable for having custody of the seized equipment or proceeding with a forfeiture action as provided for in this section.

L. The proceeds of the sale of any equipment not taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser or conditional sales vendor of the equipment, if any, up to the amount of the person's interest in the equipment, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the equipment; and

3. The balance to a revolving fund in the office of the county treasurer of the county where the equipment was seized, said fund to be used and maintained as a revolving fund for any purpose by the department that made the seizure with a yearly accounting to the board of county commissioners in whose county the fund is established. Monies from said fund may be used to pay costs for the storage of such equipment if such equipment is ordered released to a bona fide or innocent owner, purchaser, or conditional sales vendor and if such monies are available in said fund.

M. The proceeds of the sale of any equipment seized, taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State

Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser or conditional sales vendor of the equipment, if any, up to the amount of the person's interest in the equipment, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the equipment; and

3. The balance to a revolving fund of the agency seizing said equipment to be used and maintained as a revolving fund for law enforcement purposes by the agency seizing said equipment. Monies from said fund may be used to pay costs for the storage of such equipment if such equipment is ordered released to a bona fide or innocent owner, purchaser, or conditional sales vendor.

N. When any equipment is forfeited pursuant to this section, the district court of jurisdiction may order that the equipment seized may be retained by the state, county, or municipal law enforcement agency which seized the equipment for its official use.

O. If the court finds that the equipment was not used in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of obscene material, as defined in paragraph 1 of subsection B of Section 1024.1 of this title or child pornography sexual abuse material as defined in ~~paragraph 1 of subsection A of Section 1024.1 of this title~~, the court shall order the equipment released to the owner.

P. No equipment shall be forfeited pursuant to the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, or by any person other than such owner while such equipment was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

SECTION 31. AMENDATORY 21 O.S. 2021, Section 1040.56, is amended to read as follows:

Section 1040.56 A. Any person who, while under the age of eighteen (18), was a victim of an offense provided for in Section 681, 741, 843.5, 852.1, 867, 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1024.2, 1040.8, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of ~~Title 21 of the Oklahoma Statutes~~ this title, where such offense resulted in a conviction and any portion of such offense was used in the production of child ~~pornography~~ sexual abuse material, and who suffers personal or psychological injury as a result of the production, promotion, or possession of such child ~~pornography~~ sexual abuse material, may bring a civil action against the producer, promoter, or intentional possessor of such child ~~pornography~~ sexual abuse material, regardless of whether the victim is now an adult.

B. In any civil action brought under this section, the prevailing plaintiff shall recover the actual, special and punitive damages such person sustained and the cost of the suit, including reasonable attorney fees.

C. Notwithstanding any other provision of law, any civil action commenced pursuant to this section shall be filed within three (3) years after the later of:

1. The conclusion of the related criminal case;

2. The notification to the victim by a law enforcement agency of the creation, possession, distribution or promotion of child ~~pornography~~ sexual abuse material; or

3. In the case of a victim younger than eighteen (18) years of age, within three (3) years after the person reaches the age of eighteen (18).

D. It is not a defense to a civil cause of action under this section that the respondent did not know the victim or commit the abuse depicted in the child ~~pornography~~ sexual abuse material.

E. As used in this section, "~~child pornography~~" "child sexual abuse material" shall have the same meaning as such term is defined in Section 1024.1 of ~~Title 21 of the Oklahoma Statutes~~ this title.

F. The provisions of this section shall not apply to any acts performed in the scope and course of employment by any:

1. Law enforcement officer;

2. Forensic examiner;
3. Prosecuting attorney; or
4. Employee of a child advocacy organization.

SECTION 32. AMENDATORY 21 O.S. 2021, Section 1040.80, is amended to read as follows:

Section 1040.80 A. As used in this section, the term:

1. "Interactive computer service provider" means any provider to the public of computer access via the Internet to a computer server or similar device used for the storage of graphic, video or images;

2. "Internet" means the international computer network of both federal and nonfederal interoperable packet-switched data networks;

3. "Controlled or owned by" with respect to a server or other storage device means a server or other such device that is entirely owned by the interactive computer service provider or is subject to exclusive management by the interactive computer service provider by agreement or otherwise; and

4. ~~"Child pornography"~~ "Child sexual abuse material" means explicit child ~~pornography~~ sexual abuse material as defined in Section 1024.1 of ~~Title 21 of the Oklahoma Statutes~~ this title.

B. The Attorney General or a law enforcement officer who receives information that an item of alleged child ~~pornography~~ sexual abuse material resides on a server or other storage device controlled or owned by an interactive computer service provider shall:

1. Contact the interactive computer service provider that controls or owns the server or other storage device where the item of alleged child ~~pornography~~ sexual abuse material is located;

2. Inform the interactive computer service provider of the provisions of this section; and

3. Request that the interactive computer service provider voluntarily comply with this section and remove the item of alleged

child ~~pornography~~ sexual abuse material from its server or other storage device expeditiously.

C. 1. If an interactive computer service does not voluntarily remove the item of alleged child ~~pornography~~ sexual abuse material in a timely manner, the Attorney General or law enforcement officer shall apply for a court order of authorization to remove the item of alleged child ~~pornography~~ sexual abuse material under this section. The obligation to remove the item of alleged child ~~pornography~~ sexual abuse material shall not apply to the transmitting or routing of, or the intermediate, temporary storage or caching of an image, information or data that is otherwise subject to this section.

2. The application for a court order shall include:

- a. the authority of the applicant to make such an application,
- b. the identity and qualifications of the investigative or law enforcement officer or agency that, in the official scope of that officer's duties or agency's authority, discovered the images, information, or data,
- c. a particular statement of the facts relied upon by the applicant, including:
  - (1) the identity of the interactive computer service,
  - (2) identification of the item of alleged child ~~pornography~~ sexual abuse material discovered on the server or other storage device controlled or owned by an interactive computer service provider,
  - (3) the particular images, information, or data to be removed or to which access is to be disabled identified by uniform resource locator (URL) or Internet protocol (IP) address, a statement certifying that such content resides on a server or storage device controlled or owned by such interactive computer service provider, and
  - (4) the steps taken to obtain voluntary compliance by such interactive computer service provider with



the requirements of this act prior to filing the application,

- d. such additional testimony and documentary evidence in support of the application as the judge may require, and
- e. a showing that there is probable cause to believe that the child ~~pornography~~ sexual abuse material items constitutes a violation of this section.

D. The Attorney General shall notify the interactive computer service provider which is identified in the court's order in accordance with the provisions of this section. The Attorney General shall notify an interactive computer service provider upon the issuance of an order authorizing the removal of the items of alleged child ~~pornography~~ sexual abuse material.

1. The notice by the Attorney General shall include:

- a. a copy of the application made pursuant to subsection C of this section,
- b. a copy of the court order issued pursuant to subsection K of this section,
- c. notification that the interactive computer service shall remove the item of alleged child ~~pornography~~ sexual abuse material contained in the order which resides on a server or other storage device controlled or owned by such interactive service provider and which are accessible to persons located within this state expeditiously after receipt of the notification,
- d. notification of the criminal penalties for failure to remove the item of child ~~pornography~~ sexual abuse material,
- e. notification of the right to appeal the court's order, and
- f. contact information for the Attorney General's Office.

2. An interactive computer service may designate an agent within the state to receive notification pursuant to this section.

E. The interactive computer service provider has the right to request a hearing before the court imposes any penalty under this section.

F. Nothing in this section may be construed as imposing a duty on an interactive computer service provider to actively monitor its service or affirmatively seek evidence of illegal activity on its service.

G. Notwithstanding any other provision of law to the contrary, any interactive computer service provider that intentionally violates subsection L of this section commits:

1. A misdemeanor for a first offense punishable by a fine of One Thousand Dollars (\$1,000.00);

2. A misdemeanor of a high and aggravated nature for a second offense punishable by a fine of Five Thousand Dollars (\$5,000.00); and

3. A felony for a third or subsequent offense punishable by a fine of Thirty Thousand Dollars (\$30,000.00) and imprisonment for a maximum of five (5) years.

H. The Attorney General shall have concurrent prosecutorial jurisdiction with a district attorney for violation of this section.

I. The removal of the alleged item of child ~~pornography~~ sexual abuse material which resides on a server or other storage device, shall not, to the extent possible, interfere with any request of a law enforcement agency to preserve records or other evidence, which may be kept by the interactive computer service provider in the normal course of business.

J. Upon consideration of an application for authorization to remove the item of alleged child ~~pornography~~ sexual abuse material that resides on a server or other storage device controlled or owned by an interactive computer service provider as set forth in subsection C of this section, the judge may enter an ex parte order, as requested or as modified, authorizing the removal of the item of alleged child ~~pornography~~ sexual abuse material, if the court determines on the basis of the facts submitted by the applicant that there is or was probable cause for belief that:

1. The item of alleged child ~~pornography~~ sexual abuse material constitutes evidence of an act in violation of this section;

2. The investigative or law enforcement officer or agency acted within the official scope of that officer's duties or agency's authority, in discovering the images, information, or data and has complied with the requirements of subsection I and subsection K of this section;

3. An item of alleged child ~~pornography~~ sexual abuse material resides on the server or other storage device controlled or owned by the interactive computer service provider and is accessible to persons located in the state; and

4. In the case of an application, other than a renewal or extension, for an order removing the item of alleged child ~~pornography~~ sexual abuse material which was the subject of a previous order authorizing the removal or disabling of access, the application is based upon new evidence or information different from and in addition to the evidence or information offered to support the prior order.

K. Each order authorizing the removal or disabling of access to an alleged item of child ~~pornography~~ sexual abuse material shall contain:

1. The name of the judge authorized to issue the order;

2. A particular description of the images, information, or data to be removed or access to such disabled, identified by a URL or IP address, and a statement of the particular violation of the section to which the images, information, or data relate;

3. The identity of the investigative or law enforcement officer or agency who discovered the images, information, or data and the identity of whoever authorized the application; and

4. Such additional information or instruction as the court deems necessary to execute the order.

L. The court shall review the application and testimony, if offered, and, upon a finding of probable cause, issue an order that:

1. An item of child ~~pornography~~ sexual abuse material resides on a server or other storage device controlled by the interactive

computer service provider and is accessible to persons located in the state;

2. The interactive computer service provider shall remove the item residing on a server or other storage device controlled or owned by the interactive computer service provider expeditiously after receiving the order, if practical;

3. The order shall specify that removal of any item covered by the order shall be accomplished in a fashion that prevents or minimizes the removal of, or restriction of access to, images, information, or data that are not subject to the order;

4. Failure of the interactive computer service provider to comply with the court's order is a violation of this section;

5. The removal of the item on the server or other storage device controlled or owned by the interactive computer service provider may not unreasonably interfere with a request by a law enforcement agency to preserve records for a reasonable period and in accordance with law; and

6. Provides the interactive computer service provider notice and opportunity for a hearing before the court imposes any penalty under this subsection.

M. An interactive computer service provider who is served with a court order under subsection L of this section shall remove the item of child ~~pornography~~ sexual abuse material that is the subject of the order expeditiously after receiving the court order, if practicable.

N. 1. An interactive service provider may petition the court for relief for cause from an order issued under subsection L of this section.

2. The petition may be based on considerations of:

- a. the cost or technical feasibility of compliance with the order, or
- b. the inability of the interactive computer service provider to comply with the order without also removing data, images or information that are not subject to this section.

SECTION 33. AMENDATORY 21 O.S. 2021, Section 1123, as amended by Section 4, Chapter 260, O.S.L. 2022 (21 O.S. Supp. 2023, Section 1123), is amended to read as follows:

Section 1123. A. It is a felony for any person to knowingly and intentionally:

1. Make any oral, written or electronically or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, for the child to have unlawful sexual relations or sexual intercourse with any person;

2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law;

3. Ask, invite, entice, or persuade any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child;

4. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or

5. In a lewd and lascivious manner and for the purpose of sexual gratification:

- a. urinate or defecate upon a child under sixteen (16) years of age, or force or require a child to defecate or urinate upon the body or private parts of another, or for the purpose of sexual gratification,
- b. ejaculate upon or in the presence of a child,
- c. cause, expose, force or require a child to look upon the body or private parts of another person,

- d. force or require any child under sixteen (16) years of age or other individual the person believes to be a child under sixteen (16) years of age, to view any obscene materials, child ~~pornography~~ sexual abuse material or materials deemed harmful to minors as such terms are defined by Sections 1024.1 and 1040.75 of this title,
- e. cause, expose, force or require a child to look upon sexual acts performed in the presence of the child, or
- f. force or require a child to touch or feel the body or private parts of the child or another person.

Any person convicted of any violation of this subsection shall be punished by imprisonment in the custody of the Department of Corrections for not less than three (3) years nor more than twenty (20) years, except when the child is under twelve (12) years of age at the time the offense is committed, and in such case the person shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years. The provisions of this subsection shall not apply unless the accused is at least three (3) years older than the victim, except when accomplished by the use of force or fear. Except as provided in Section 51.1a of this title, any person convicted of a second or subsequent violation of this subsection shall be guilty of a felony punishable as provided in this subsection and shall not be eligible for probation, suspended or deferred sentence. Except as provided in Section 51.1a of this title, any person convicted of a third or subsequent violation of this subsection shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, Section 888 of this title, sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of convictions pursuant to these sections shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

B. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or

feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner:

1. Without the consent of that person;

2. When committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state;

3. When committed upon a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or in the legal custody or supervision of any public or private elementary or secondary school, or technology center school, by a person who is eighteen (18) years of age or older and is an employee of a school system;

4. When committed upon a person who is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or a tribal court, by a foster parent or foster parent applicant; or

5. When the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who is an employee of the institution of higher education of which the student is enrolled.

As used in this subsection, "employee of an institution of higher education" means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

As used in this subsection, "employee of a school system" means a teacher, principal or other duly appointed person employed by a

school system or an employee of a firm contracting with a school system.

C. No person shall in any manner lewdly or lasciviously:

1. Look upon, touch, maul, or feel the body or private parts of any human corpse in any indecent manner relating to sexual matters or sexual interest; or

2. Urinate, defecate or ejaculate upon any human corpse.

D. Any person convicted of a violation of subsection B or C of this section shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.

E. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense pursuant to this section shall not constitute a defense to a prosecution under this section.

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

SECTION 34. AMENDATORY 22 O.S. 2021, Section 40, is amended to read as follows:

Section 40. As used in Sections 40 through 40.3 of this title:

1. "Assault and battery with a deadly weapon" means assault and battery with a deadly weapon or other means likely to produce death or great bodily harm as provided in Section 652 of Title 21 of the Oklahoma Statutes;

2. "Forcible sodomy" means the act of forcing another person to engage in the detestable and abominable crime against nature pursuant to Sections 886 and 887 of Title 21 of the Oklahoma Statutes that is punishable under Section 888 of Title 21 of the Oklahoma Statutes;



3. "Kidnapping" means kidnapping or kidnapping for purposes of extortion as provided in Sections 741 and 745 of Title 21 of the Oklahoma Statutes;

4. "Member of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling or a stepsibling of a victim of first-degree murder;

5. "Rape" means an act of sexual intercourse accomplished with a person pursuant to Sections 1111, 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

6. "Sex offense" means the following crimes:

- a. sexual assault as provided in Section 681 of Title 21 of the Oklahoma Statutes,
- b. human trafficking for commercial sex as provided in Section 748 of Title 21 of the Oklahoma Statutes,
- c. sexual abuse or sexual exploitation by a caretaker as provided in Section 843.1 of Title 21 of the Oklahoma Statutes,
- d. child sexual abuse or child sexual exploitation as provided in Section 843.5 of Title 21 of the Oklahoma Statutes,
- e. permitting sexual abuse of a child as provided in Section 852.1 of Title 21 of the Oklahoma Statutes,
- f. incest as provided in Section 885 of Title 21 of the Oklahoma Statutes,
- g. forcible sodomy as provided in Section 888 of Title 21 of the Oklahoma Statutes,
- h. child stealing for purposes of sexual abuse or sexual exploitation as provided in Section 891 of Title 21 of the Oklahoma Statutes,
- i. indecent exposure or solicitation of minors as provided in Section 1021 of Title 21 of the Oklahoma Statutes,

- j. procuring, producing, distributing or possessing child ~~pornography~~ sexual abuse material as provided in Sections 1021.2 and 1024.2 of Title 21 of the Oklahoma Statutes,
- k. parental consent to child ~~pornography~~ sexual abuse material as provided in Section 1021.3 of Title 21 of the Oklahoma Statutes,
- l. aggravated possession of child ~~pornography~~ sexual abuse material as provided in Section 1040.12a of Title 21 of the Oklahoma Statutes,
- m. distributing obscene material or child ~~pornography~~ sexual abuse material as provided in Section 1040.13 of Title 21 of the Oklahoma Statutes,
- n. offering or soliciting sexual conduct with a child as provided in Section 1040.13a of Title 21 of the Oklahoma Statutes,
- o. procuring a child for prostitution or other lewd acts as provided in Section 1087 of Title 21 of the Oklahoma Statutes,
- p. inducing a child to engage in prostitution as provided in Section 1088 of Title 21 of the Oklahoma Statutes, and
- q. lewd or indecent proposals or acts to a child or sexual battery as provided in Section 1123 of Title 21 of the Oklahoma Statutes.

SECTION 35. AMENDATORY 22 O.S. 2021, Section 991h, is amended to read as follows:

Section 991h. In addition to the other sentencing powers of the court, when sentencing a person who has been convicted, whether upon a verdict or plea of guilty or nolo contendere, or who has received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in:

- 1. Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation, as those terms

are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes;

2. Section 681 of Title 21 of the Oklahoma Statutes, if the offense involved sexual assault;

3. Section 741 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation;

4. Section 748 of Title 21 of the Oklahoma Statutes, if the offense involved human trafficking for commercial sex;

5. Section 843.1 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation;

6. Section 852.1 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse of a child;

7. Section 866, 885, 886, 888 or 891 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation;

8. Section 1021, 1021.2, 1021.3, 1024.2 or 1029 of Title 21 of the Oklahoma Statutes, if the offense involved child prostitution;

9. Section 1040.8 of Title 21 of the Oklahoma Statutes, if the offense involved child ~~pornography~~ sexual abuse material; or

10. Section 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes,

the court shall issue an order that the defendant shall have no contact directly or indirectly with the victim or the family of the victim during the full term of the confinement of the defendant, term of probation, period of deferment or term of confinement and probation of the defendant.

SECTION 36. AMENDATORY 22 O.S. 2021, Section 996.1, is amended to read as follows:

Section 996.1 As used in the Delayed Sentencing Program for Young Adults:

"Offender" means any adult eighteen (18) through twenty-five (25) years of age as of the date of a verdict of guilty or a plea of

guilty or nolo contendere for a nonviolent felony offense or a juvenile who has been certified to stand trial as an adult for a nonviolent felony offense, who has no charges pending for a violent offense and who has not been sentenced, or adjudicated as a juvenile delinquent or youthful offender, of:

1. Assault, battery, or assault and battery with a dangerous or deadly weapon as defined by Sections 645 and subsection C of 652 of Title 21 of the Oklahoma Statutes, or Section 2-219 of Title 43A of the Oklahoma Statutes;

2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law as defined by Sections 650, subsection C of 650.2, 650.5, subsection B of 650.6, or subsection C of 650.7 of Title 21 of the Oklahoma Statutes;

3. Poisoning with intent to kill as defined by Section 651 of Title 21 of the Oklahoma Statutes;

4. Shooting with intent to kill as defined by Section 652 of Title 21 of the Oklahoma Statutes;

5. Assault with intent to kill as defined by Section 653 of Title 21 of the Oklahoma Statutes;

6. Using a vehicle to facilitate the intentional discharge of any kind of firearm in violation of Section 652 of Title 21 of the Oklahoma Statutes;

7. Discharging any firearm or other deadly weapon at or into any dwelling as defined in Section 1289.17A of Title 21 of the Oklahoma Statutes;

8. Assault with intent to commit a felony as defined by Section 681 of Title 21 of the Oklahoma Statutes;

9. Assaults while masked or disguised as defined by Section 1303 of Title 21 of the Oklahoma Statutes;

10. Murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes;

11. Murder in the second degree as defined by Section 701.8 of Title 21 of the Oklahoma Statutes;

12. Manslaughter in the first degree as defined by Sections 711, or 712 ~~or 714~~ of Title 21 of the Oklahoma Statutes;

13. Manslaughter in the second degree as defined by Sections 716 or 717 of Title 21 of the Oklahoma Statutes;

14. Kidnapping as defined by Section 741 of Title 21 of the Oklahoma Statutes;

15. Burglary in the first degree as defined by Section 1431 of Title 21 of the Oklahoma Statutes;

16. Kidnapping for extortion as defined by Section 745 of Title 21 of the Oklahoma Statutes;

17. Maiming as defined by Section 751 of Title 21 of the Oklahoma Statutes;

18. Robbery as defined by Section 791 of Title 21 of the Oklahoma Statutes;

19. Robbery in the first degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;

20. Robbery in the second degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;

21. Armed robbery as defined by Section 801 of Title 21 of the Oklahoma Statutes;

22. Robbery by two (2) or more persons as defined by Section 800 of Title 21 of the Oklahoma Statutes;

23. Robbery with dangerous weapon or imitation firearm as defined by Section 801 of Title 21 of the Oklahoma Statutes;

24. Any crime against a child provided for in Section 843.5 of Title 21 of the Oklahoma Statutes;

25. Wiring equipment, vehicle or structure with explosives as defined by Section 849 of Title 21 of the Oklahoma Statutes;

26. Forcible sodomy as defined by Section 888 of Title 21 of the Oklahoma Statutes;

27. Rape in the first degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

28. Rape by instrumentation as defined by Section 1111.1 of Title 21 of the Oklahoma Statutes;

29. Lewd or indecent proposition or lewd or indecent act with a child as defined by Section 1123 of Title 21 of the Oklahoma Statutes;

30. Use of a firearm or offensive weapon to commit or attempt to commit a felony as defined by Section 1287 of Title 21 of the Oklahoma Statutes;

31. Pointing firearms as defined by Section 1289.16 of Title 21 of the Oklahoma Statutes;

32. Rioting as defined by Sections 1311 or 1321.8 of Title 21 of the Oklahoma Statutes;

33. Inciting to riot as defined by Section 1320.2 of Title 21 of the Oklahoma Statutes;

34. Arson in the first degree as defined by Section 1401 of Title 21 of the Oklahoma Statutes;

35. Endangering human life during arson as defined by Section 1405 of Title 21 of the Oklahoma Statutes;

36. Procure, produce, distribute, or possess ~~juvenile pornography~~ child sexual abuse material as defined by Section 1021.2 of Title 21 of the Oklahoma Statutes;

37. Parental consent to ~~juvenile pornography~~ child sexual abuse material as defined by Section 1021.3 of Title 21 of the Oklahoma Statutes;

38. Distributing obscene material or child ~~pornography~~ sexual abuse material as defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

39. Unlawful manufacturing, attempting to unlawfully manufacture or aggravated manufacturing of any controlled dangerous substance as defined by subsection G of Section 2-401 and paragraph

3 of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes; or

40. Any violation of the Trafficking in Illegal Drugs Act as defined by Section 2-415 of Title 63 of the Oklahoma Statutes.

SECTION 37. AMENDATORY 43 O.S. 2021, Section 112.5, is amended to read as follows:

Section 112.5 A. Custody or guardianship of a child may be awarded to:

1. A parent or to both parents jointly;
2. A grandparent;
3. A person who was indicated by the wishes of a deceased parent;
4. A relative of either parent;
5. The person in whose home the child has been living in a wholesome and stable environment including, but not limited to, a foster parent; or
6. Any other person deemed by the court to be suitable and able to provide adequate and proper care and guidance for the child.

B. In applying subsection A of this section, a court shall award custody or guardianship of a child to a parent, unless a nonparent proves by clear and convincing evidence that:

1. For a period of at least twelve (12) months out of the last fourteen (14) months immediately preceding the commencement of the custody or guardianship proceeding, the parent has willfully failed, refused, or neglected to contribute to the support of the child:
  - a. in substantial compliance with a support provision or an order entered by a court of competent jurisdiction adjudicating the duty, amount, and manner of support, or
  - b. according to the financial ability of the parent to contribute to the support of the child if no provision for support is entered by a court of competent

jurisdiction, or an order of modification subsequent thereto.

For purposes of this paragraph, incidental or token financial contributions shall not be considered in establishing whether a parent has satisfied his or her obligation under subparagraphs a and b of this paragraph; or

2. a. the child has been left in the physical custody of a nonparent by a parent or parents of the child for one (1) year or more, excluding parents on active duty in the military, and
- b. the parent or parents have not maintained regular visitation or communication with the child.

For purposes of this paragraph, incidental or token visits or communications shall not be considered in determining whether a parent or parents have regularly maintained visitation or communication.

C. In applying subsection A of this section, a court shall award custody or guardianship of a child to a parent, unless the court finds that the parent is affirmatively unfit. There shall be a rebuttable presumption that a parent is affirmatively unfit if the parent:

1. Is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state, except as provided in subsection D of this section;
2. Has been convicted of a crime listed in Section 582 of Title 57 of the Oklahoma Statutes;
3. Is an alcohol-dependent person or a drug-dependent person as established by clear and convincing evidence and who can be expected in the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person as a result of such dependency;
4. Has been convicted of domestic abuse within the past five (5) years;



5. Is residing with a person who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state;

6. Is residing with a person who has been convicted of a crime listed in Section 843.5 of Title 21 or in Section 582 of Title 57 of the Oklahoma Statutes; or

7. Is residing with a person who has been convicted of domestic abuse within the past five (5) years.

D. In applying subsection A of this section, a court shall not award custody or guardianship of a child to any person who has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term, or is currently serving a sentence or any form of probation or parole in a court in any state of any of the following crimes:

1. Sexual abuse or sexual exploitation of a child, Section 843.5 of Title 21 of the Oklahoma Statutes;

2. Child endangerment, if the offense involved sexual abuse of a child, Section 852.1 of Title 21 of the Oklahoma Statutes;

3. Kidnapping, if the offense involved sexual abuse or sexual exploitation of a child, Section 741 of Title 21 of the Oklahoma Statutes;

4. Incest, Section 885 of Title 21 of the Oklahoma Statutes;

5. Forcible sodomy of a child, Section 888 of Title 21 of the Oklahoma Statutes;

6. Child stealing, if the offense involved sexual abuse or sexual exploitation, Section 891 of Title 21 of the Oklahoma Statutes;

7. Procuring minors for participation in child ~~pornography~~ sexual abuse material, Section 1021.2 of Title 21 of the Oklahoma Statutes;

8. Consent to participation of minors in child ~~pornography~~ sexual abuse material, Section 1021.3 of Title 21 of the Oklahoma Statutes;

9. Facilitating, encouraging, offering or soliciting sexual conduct with a minor by use of technology, Section 1040.13a of Title 21 of the Oklahoma Statutes;

10. Distributing child ~~pornography~~ sexual abuse material, Section 1040.13 of Title 21 of the Oklahoma Statutes;

11. Possession, purchase or procurement of child ~~pornography~~ sexual abuse material, Section 1024.2 of Title 21 of the Oklahoma Statutes;

12. Aggravated possession of child ~~pornography~~ sexual abuse material, Section 1040.12a of Title 21 of the Oklahoma Statutes;

13. Procuring a child under eighteen (18) years of age for prostitution, Section 1087 of Title 21 of the Oklahoma Statutes;

14. Inducing, keeping, detaining or restraining a child under eighteen (18) years of age for prostitution, Section 1088 of Title 21 of the Oklahoma Statutes;

15. First degree rape, Section 1114 of Title 21 of the Oklahoma Statutes;

16. Lewd or indecent proposals or acts to a child under sixteen (16) years of age, Section 1123 of Title 21 of the Oklahoma Statutes; or

17. Solicitation of minors in any crime provided in subsection B of Section 1021 of Title 21 of the Oklahoma Statutes.

E. Subject to subsection F of this section, a custody determination made in accordance with subsections B and C of this section shall not be modified unless the person seeking the modification proves that:

1. Since the making of the order sought to be modified, there has been a permanent, material, and substantial change of conditions that directly affects the best interests of the child; and

2. That as a result of such change of circumstances, the child would be substantially better off with regard to its temporal, mental, and moral welfare if custody were modified.

F. If the custody determination made in accordance with subsections B and C of this section indicates that custody is temporary, the determination may be modified upon a showing that the conditions which led to the custody or guardianship determination no longer exist.

SECTION 38. AMENDATORY 57 O.S. 2021, Section 138, is amended to read as follows:

Section 138. A. Except as otherwise provided by law, every inmate of a state correctional institution shall have their term of imprisonment reduced monthly, based upon the class level to which they are assigned. Earned credits may be subtracted from the total credits accumulated by an inmate, upon recommendation of the institution's disciplinary committee, following due process, and upon approval of the warden or superintendent. Each earned credit is equivalent to one (1) day of incarceration. Lost credits may be restored by the warden or superintendent upon approval of the classification committee. If a maximum and minimum term of imprisonment is imposed, the provisions of this subsection shall apply only to the maximum term. No deductions shall be credited to any inmate serving a sentence of life imprisonment; however, a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority. No earned credit deductions shall be credited or recorded for any inmate serving any sentence for a criminal act which resulted in the death of a police officer, a law enforcement officer, an employee of the Department of Corrections, or an employee of a private prison contractor and the death occurred while the police officer, law enforcement officer, employee of the Department of Corrections, or employee of a private prison contractor was acting within the scope of their employment. No earned credit deductions shall be credited or recorded for any person who is referred to an intermediate revocation facility for violating any of the terms and conditions of probation.

B. The Department of Corrections is directed to develop a written policy and procedure whereby inmates shall be assigned to one of four class levels determined by an adjustment review committee of the facility to which the inmate is assigned. The policies and procedures developed by the Department shall include, but not be limited to, written guidelines pertaining to awarding credits for rehabilitation, obtaining job skills and educational enhancement, participation in and completion of alcohol/chemical

abuse programs, incentives for inmates to accept work assignments and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance. When assigning inmates to a class level the adjustment review committee shall consider all aspects of the policy and procedure developed by the Department, including but not limited to, the criteria for awarding credits required by this subsection.

C. If an inmate is subject to misconduct, nonperformance or disciplinary action, earned credits may be removed according to the policies and procedures developed by the Department. Earned credits removed for misconduct, nonperformance or disciplinary action may be restored as provided by Department policy, if any.

D. 1. Class levels shall be as follows:

- a. Class level 1 shall include inmates not eligible to participate in class levels 2 through 4, and shall include, but not be limited to, inmates on escape status.
- b. Class level 2 shall include an inmate who has been given a work, education, or program assignment, has received a good evaluation for participation in the work, education, or program assignment, and has received a good evaluation for personal hygiene and maintenance of living area.
- c. Class level 3 shall include an inmate who has been incarcerated at least three (3) months, has received an excellent work, education, or program evaluation, and has received an excellent evaluation for personal hygiene and maintenance of living area.
- d. Class level 4 shall include an inmate who has been incarcerated at least eight (8) months, has received an outstanding work, education, or program evaluation, and has received an outstanding evaluation for personal hygiene and maintenance of living area.

2. a. Until November 1, 2001, class level corresponding credits are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 33 Credits per month;

Class 4 - 44 Credits per month.

- b. Class level corresponding credits beginning November 1, 2001, for inmates who have ever been convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile for a felony offense enumerated in subsection E of this section are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 33 Credits per month;

Class 4 - 44 Credits per month.

- c. Class level corresponding credits beginning November 1, 2001, for inmates who have never been convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile for a felony offense enumerated in subsection E of this section are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 45 Credits per month;

Class 4 - 60 Credits per month.

Each inmate shall receive the above specified monthly credits for the class to which he or she is assigned. In determining the prior criminal history of the inmate, the Department of Corrections shall review criminal history records available through the Oklahoma State Bureau of Investigation, Federal Bureau of Investigation, and National Crime Information Center to determine the reported felony convictions of all inmates. The Department of Corrections shall also review the Office of Juvenile Affairs Juvenile On-line Tracking System for inmates who were adjudicated delinquent or convicted as a

youthful offender for a crime that would be an offense enumerated in subsection E of this section.

3. In addition to the criteria established for each class in paragraph 1 of this subsection, the following requirements shall apply to each of levels 2 through 4:

- a. satisfactory participation in the work, education, or program assignment at the standard required for the particular class level,
- b. maintenance of a clean and orderly living area and personal hygiene at the standard required for the particular class level,
- c. cooperative behavior toward facility staff and other inmates, and
- d. satisfactory participation in the requirements of the previous class level.

4. The evaluation scale for assessing performance shall be as follows:

- a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits.
- b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.
- c. Good - For inmates who perform in a satisfactory manner and complete tasks as required, doing what is expected, with only occasional performance above or below expectations.
- d. Fair - For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.
- e. Poor - For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

E. No person ever convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile in this state for any felony offense enumerated in this subsection or a similar felony offense pursuant to the provisions of another state, the United States, or a military court shall be eligible for the credits provided by the provisions of subparagraph c of paragraph 2 of subsection D of this section.

1. Assault, battery, or assault and battery with a dangerous weapon as defined by Section 645, subsection C of Section 652 of Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law as defined by Section 650, subsection C of Section 650.2, 650.5, subsection B of Section 650.6, or subsection C of Section 650.7 of Title 21 of the Oklahoma Statutes;

3. Poisoning with intent to kill as defined by Section 651 of Title 21 of the Oklahoma Statutes;

4. Shooting with intent to kill as defined by Section 652 of Title 21 of the Oklahoma Statutes;

5. Assault with intent to kill as defined by Section 653 of Title 21 of the Oklahoma Statutes;

6. Assault with intent to commit a felony as defined by Section 681 of Title 21 of the Oklahoma Statutes;

7. Assaults while masked or disguised as defined by Section 1303 of Title 21 of the Oklahoma Statutes;

8. Entering premises of another while masked as defined by Section 1302 of Title 21 of the Oklahoma Statutes;

9. Murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes;

10. Solicitation for Murder in the first degree as defined by Section 701.16 of Title 21 of the Oklahoma Statutes;

11. Murder in the second degree as defined by Section 701.8 of Title 21 of the Oklahoma Statutes;

12. Manslaughter in the first degree as defined by Section 711~~7~~ or 712 ~~or 714~~ of Title 21 of the Oklahoma Statutes;

13. Manslaughter in the second degree as defined by Section 716 or 717 of Title 21 of the Oklahoma Statutes;

14. Kidnapping as defined by Section 741 of Title 21 of the Oklahoma Statutes;

15. Burglary in the first degree as defined by Section 1431 of Title 21 of the Oklahoma Statutes;

16. Burglary with explosives as defined by Section 1441 of Title 21 of the Oklahoma Statutes;

17. Kidnapping for extortion as defined by Section 745 of Title 21 of the Oklahoma Statutes;

18. Maiming as defined by Section 751 of Title 21 of the Oklahoma Statutes;

19. Robbery as defined by Section 791 of Title 21 of the Oklahoma Statutes;

20. Robbery in the first degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;

21. Robbery in the second degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;

22. Armed robbery as defined by Section 801 of Title 21 of the Oklahoma Statutes;

23. Robbery by two or more persons as defined by Section 800 of Title 21 of the Oklahoma Statutes;

24. Robbery with dangerous weapon or imitation firearm as defined by Section 801 of Title 21 of the Oklahoma Statutes;

25. Any crime against a child provided for in Section 843.5 of Title 21 of the Oklahoma Statutes;

26. Wiring any equipment, vehicle or structure with explosives as defined by Section 849 of Title 21 of the Oklahoma Statutes;



27. Forcible sodomy as defined by Section 888 of Title 21 of the Oklahoma Statutes;

28. Rape in the first degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

29. Rape in the second degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

30. Rape by instrumentation as defined by Section 1111.1 of Title 21 of the Oklahoma Statutes;

31. Lewd or indecent proposition or lewd or indecent act with a child as defined by Section 1123 of Title 21 of the Oklahoma Statutes;

32. Sexual battery of a person over 16 as defined by Section 1123 of Title 21 of the Oklahoma Statutes;

33. Use of a firearm or offensive weapon to commit or attempt to commit a felony as defined by Section 1287 of Title 21 of the Oklahoma Statutes;

34. Pointing firearms as defined by Section 1289.16 of Title 21 of the Oklahoma Statutes;

35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of the Oklahoma Statutes;

36. Inciting to riot as defined by Section 1320.2 of Title 21 of the Oklahoma Statutes;

37. Arson in the first degree as defined by Section 1401 of Title 21 of the Oklahoma Statutes;

38. Endangering human life during arson as defined by Section 1405 of Title 21 of the Oklahoma Statutes;

39. Injuring or burning public buildings as defined by Section 349 of Title 21 of the Oklahoma Statutes;

40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of Title 21 of the Oklahoma Statutes;

41. Extortion as defined by Section 1481 or 1486 of Title 21 of the Oklahoma Statutes;

42. Obtaining signature by extortion as defined by Section 1485 of Title 21 of the Oklahoma Statutes;

43. Seizure of a bus, discharging firearm or hurling missile at bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;

44. Mistreatment of a vulnerable adult as defined by Section 843.1 of Title 21 of the Oklahoma Statutes;

45. Sex offender providing services to a child as defined by Section 404.1 of Title 10 of the Oklahoma Statutes;

46. A felony offense of domestic abuse as defined by subsection C of Section 644 of Title 21 of the Oklahoma Statutes;

47. Prisoner placing body fluid on government employee as defined by Section 650.9 of Title 21 of the Oklahoma Statutes;

48. Poisoning food or water supply as defined by Section 832 of Title 21 of the Oklahoma Statutes;

49. Trafficking in children as defined by Section 866 of Title 21 of the Oklahoma Statutes;

50. Incest as defined by Section 885 of Title 21 of the Oklahoma Statutes;

51. Procure, produce, distribute, or possess ~~juvenile pornography~~ child sexual abuse material as defined by Section 1021.2 of Title 21 of the Oklahoma Statutes;

52. Parental consent to ~~juvenile pornography~~ child sexual abuse material as defined by Section 1021.3 of Title 21 of the Oklahoma Statutes;

53. Soliciting minor for indecent exposure as defined by Section 1021 of Title 21 of the Oklahoma Statutes;

54. Distributing obscene material or child ~~pornography~~ sexual abuse material as defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

55. Child prostitution as defined by Section 1030 of Title 21 of the Oklahoma Statutes;

56. Procuring a minor for prostitution or other lewd acts as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

57. Transporting a child under 18 for purposes of prostitution as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

58. Inducing a minor to engage in prostitution as defined by Section 1088 of Title 21 of the Oklahoma Statutes;

59. A felony offense of stalking as defined by subsection D of Section 1173 of Title 21 of the Oklahoma Statutes;

60. Spread of infectious diseases as defined by Section 1192 of Title 21 of the Oklahoma Statutes;

61. Advocate overthrow of government by force, commit or attempt to commit acts to overthrow the government, organize or provide assistance to groups to overthrow the government as defined by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma Statutes;

62. Feloniously discharging a firearm as defined by Section 1289.17A of Title 21 of the Oklahoma Statutes;

63. Possession, use, manufacture, or threat of incendiary device as defined by Section 1767.1 of Title 21 of the Oklahoma Statutes;

64. Causing a personal injury accident while driving under the influence as defined by Section 11-904 of Title 47 of the Oklahoma Statutes; or

65. Using a motor vehicle to facilitate the discharge of a firearm as defined by Section 652 of Title 21 of the Oklahoma Statutes.

F. The policy and procedure developed by the Department of Corrections shall include provisions for adjustment review committees of not less than three members for each such committee. Each committee shall consist of a classification team supervisor who shall act as chairman, the case manager for the inmate being reviewed or classified, a correctional officer or inmate counselor,

and not more than two other members, if deemed necessary, determined pursuant to policy and procedure to be appropriate for the specific adjustment review committee or committees to which they are assigned. At least once every four (4) months the adjustment review committee for each inmate shall evaluate the class level status and performance of the inmate and determine whether or not the class level for the inmate should be changed.

Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated.

G. Inmates granted medical leaves for treatment that cannot be furnished at the penal institution where incarcerated shall be allowed the time spent on medical leave as time served. Any inmate placed into administrative segregation for nondisciplinary reasons by the institution's administration may be placed in Class 2. The length of any jail term served by an inmate before being transported to a state correctional institution pursuant to a judgment and sentence of incarceration shall be deducted from the term of imprisonment at the state correctional institution. Inmates sentenced to the Department of Corrections and detained in a county jail as a result of the Department's reception scheduling procedure shall be awarded earned credits as provided for in subparagraph b of paragraph 1 of subsection D of this section, beginning on the date of the judgment and sentence, unless the inmate is convicted of a misdemeanor or felony committed in the jail while the inmate is awaiting transport to the Lexington Assessment and Reception Center or other assessment and reception location determined by the Director of the Department of Corrections.

H. Additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

- Bachelor's degree.....200 credits;
- Associate's degree.....100 credits;
- High School Diploma or High School  
Equivalency Diploma.....90 credits;

Certification of Completion of  
Vocational Training.....80 credits;

Successful completion of  
Alcohol/Chemical Abuse Treatment  
Program of not less than four (4)  
months continuous participation.....70 credits;

Successful completion of other  
Educational Accomplishments or  
other programs not specified in  
this subsection.....10-30 credits;

Achievement earned credits are subject to loss and restoration in the same manner as earned credits.

I. The accumulated time of every inmate shall be tallied monthly and maintained by the institution where the term of imprisonment is being served. A record of said accumulated time shall be:

1. Sent to the administrative office of the Department of Corrections on a quarterly basis; and
2. Provided to the inmate.

SECTION 39. AMENDATORY 57 O.S. 2021, Section 332.16, is amended to read as follows:

Section 332.16 A. No recommendation to the Governor for parole shall remain under consideration and in the possession of that office for a time longer than thirty (30) consecutive calendar days. Except as provided for in subsection B of this section, if upon expiration of the thirty-day time period no action is taken by the Governor to grant or deny parole, the recommendation for parole shall be deemed granted.

B. The Governor shall be required to review each parole recommendation and shall grant or deny parole for persons convicted of the following crimes:

1. Assault, battery, or assault and battery with a dangerous or deadly weapon as provided in Sections 645 and 652 of Title 21 of the Oklahoma Statutes;

2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law as provided in Sections 650, 650.2, 650.5, 650.6 and 650.7 of Title 21 of the Oklahoma Statutes;

3. Poisoning with intent to kill as provided in Section 651 of Title 21 of the Oklahoma Statutes;

4. Shooting with intent to kill as provided in Section 652 of Title 21 of the Oklahoma Statutes;

5. Assault with intent to kill as provided in Section 653 of Title 21 of the Oklahoma Statutes;

6. Assault with intent to commit a felony as provided in Section 681 of Title 21 of the Oklahoma Statutes;

7. Assaults while masked or disguised as provided in Section 1303 of Title 21 of the Oklahoma Statutes;

8. Murder in the first degree as provided in Section 701.7 of Title 21 of the Oklahoma Statutes;

9. Murder in the second degree as provided in Section 701.8 of Title 21 of the Oklahoma Statutes;

10. Manslaughter in the first degree as provided in Sections 711, or 712 ~~and 714~~ of Title 21 of the Oklahoma Statutes;

11. Manslaughter in the second degree as provided in Sections 716 and 717 of Title 21 of the Oklahoma Statutes;

12. Kidnapping as provided in Section 741 of Title 21 of the Oklahoma Statutes;

13. Burglary in the first degree as provided in Section 1431 of Title 21 of the Oklahoma Statutes;

14. Burglary with explosives as provided in Section 1441 of Title 21 of the Oklahoma Statutes;

15. Kidnapping for extortion as provided in Section 745 of Title 21 of the Oklahoma Statutes;

16. Maiming as provided in Section 751 of Title 21 of the Oklahoma Statutes;

17. Robbery as provided in Section 791 of Title 21 of the Oklahoma Statutes;

18. Robbery in the first degree as provided in Section 797 of Title 21 of the Oklahoma Statutes;

19. Robbery in the second degree as provided in Section 797 of Title 21 of the Oklahoma Statutes;

20. Robbery by two or more persons as provided in Section 800 of Title 21 of the Oklahoma Statutes;

21. Robbery with dangerous weapon or imitation firearm as provided in Section 801 of Title 21 of the Oklahoma Statutes;

22. Child abuse as provided in Section 843.5 of Title 21 of the Oklahoma Statutes;

23. Wiring any equipment, vehicle or structure with explosives as provided in Section 849 of Title 21 of the Oklahoma Statutes;

24. Forcible sodomy as provided in Section 888 of Title 21 of the Oklahoma Statutes;

25. Rape in the first degree as provided in Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

26. Rape in the second degree as provided in Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

27. Rape by instrumentation as provided in Section 1111.1 of Title 21 of the Oklahoma Statutes;

28. Lewd or indecent proposition or lewd or indecent act with a child as provided in Section 1123 of Title 21 of the Oklahoma Statutes;

29. Use of a firearm or offensive weapon to commit or attempt to commit a felony as provided in Section 1287 of Title 21 of the Oklahoma Statutes;

30. Pointing firearms as provided in Section 1289.16 of Title 21 of the Oklahoma Statutes;

31. Rioting as provided in Sections 1311 and 1321.8 of Title 21 of the Oklahoma Statutes;

32. Inciting to riot as provided in Section 1320.2 of Title 21 of the Oklahoma Statutes;

33. Arson in the first degree as provided in Section 1401 of Title 21 of the Oklahoma Statutes;

34. Injuring or burning public buildings as provided in Section 349 of Title 21 of the Oklahoma Statutes;

35. Sabotage as provided in Sections 1262, 1265.4 and 1265.5 of Title 21 of the Oklahoma Statutes;

36. Criminal syndicalism as provided in Section 1261 of Title 21 of the Oklahoma Statutes;

37. Extortion as provided in Sections 1481 and 1486 of Title 21 of the Oklahoma Statutes;

38. Obtaining signature by extortion as provided in Section 1485 of Title 21 of the Oklahoma Statutes;

39. Seizure of a bus, discharging firearm or hurling missile at bus as provided in Section 1903 of Title 21 of the Oklahoma Statutes;

40. Mistreatment of a mental patient as provided in Section 843.1 of Title 21 of the Oklahoma Statutes;

41. Using a vehicle to facilitate the discharge of a weapon as provided in Section 652 of Title 21 of the Oklahoma Statutes;

42. Aggravated drug trafficking as provided in Section 2-415 of Title 63 of the Oklahoma Statutes;

43. Racketeering as provided in Section 1403 of Title 22 of the Oklahoma Statutes;



44. Offenses of public corruption such as bribery of public officials as provided in Section 381 or 382 of Title 21 of the Oklahoma Statutes;

45. Embezzlement of public money as provided in Section 1451 et seq. of Title 21 or Section 641 of Title 19 of the Oklahoma Statutes;

46. Failure to pay and collect tax as provided in Section 1361 or 2385.3 of Title 68 of the Oklahoma Statutes;

47. Conspiracy to defraud the state as provided in Section 424 of Title 21 of the Oklahoma Statutes;

48. Child ~~pornography~~ sexual abuse material as provided in Section 1021.2 or 1021.3 or defined in Section 1024.1 of Title 21 of the Oklahoma Statutes;

49. Child prostitution as defined by Section 1030 of Title 21 of the Oklahoma Statutes;

50. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes;

51. Terrorism crimes, including biochemical assault as provided in Section 1268 of Title 21 of the Oklahoma Statutes;

52. Trafficking of children as provided in Section 865 et seq. of Title 21 of the Oklahoma Statutes; or

53. Trafficking of humans as provided in Section 748 et seq. of Title 21 of the Oklahoma Statutes.

C. When the Pardon and Parole Board makes a recommendation for a compassionate parole pursuant to subsection B of Section 332.18 of this title, the Board shall forward all relevant documentation to the Governor within four (4) business days of the parole review of the inmate. Upon receipt, the Governor shall have four (4) business days to grant or deny the compassionate parole.

SECTION 40. AMENDATORY 57 O.S. 2021, Section 571, as amended by Section 2, Chapter 212, O.S.L. 2023 (57 O.S. Supp. 2023, Section 571), is amended to read as follows:

Section 571. As used in the Oklahoma Statutes, unless another definition is specified:

1. "Capacity" means the actual available bedspace as certified by the State Board of Corrections subject to applicable federal and state laws and the rules and regulations promulgated under such laws; and

2. "Violent crime" means any of the following felony offenses and any attempts to commit or conspiracy or solicitation to commit the following crimes:

- a. assault, battery, or assault and battery with a dangerous or deadly weapon, as provided for in Sections 645 and 652 of Title 21 of the Oklahoma Statutes,
- b. assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of Title 21 of the Oklahoma Statutes,
- c. aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law, as provided for in Section 650 of Title 21 of the Oklahoma Statutes,
- d. poisoning with intent to kill, as provided for in Section 651 of Title 21 of the Oklahoma Statutes,
- e. shooting with intent to kill, as provided for in Section 652 of Title 21 of the Oklahoma Statutes,
- f. assault with intent to kill, as provided for in Section 653 of Title 21 of the Oklahoma Statutes,
- g. assault with intent to commit a felony, as provided for in Section 681 of Title 21 of the Oklahoma Statutes,
- h. assaults with a dangerous weapon while masked or disguised, as provided for in Section 1303 of Title 21 of the Oklahoma Statutes,

- i. murder in the first degree, as provided for in Section 701.7 of Title 21 of the Oklahoma Statutes,
- j. murder in the second degree, as provided for in Section 701.8 of Title 21 of the Oklahoma Statutes,
- k. manslaughter in the first degree, as provided for in Section 711 of Title 21 of the Oklahoma Statutes,
- l. manslaughter in the second degree, as provided for in Section 716 of Title 21 of the Oklahoma Statutes,
- m. kidnapping, as provided for in Section 741 of Title 21 of the Oklahoma Statutes,
- n. burglary in the first degree, as provided for in Section 1431 of Title 21 of the Oklahoma Statutes,
- o. burglary with explosives, as provided for in Section 1441 of Title 21 of the Oklahoma Statutes,
- p. kidnapping for extortion, as provided for in Section 745 of Title 21 of the Oklahoma Statutes,
- q. maiming, as provided for in Section 751 of Title 21 of the Oklahoma Statutes,
- r. robbery, as provided for in Section 791 of Title 21 of the Oklahoma Statutes,
- s. robbery in the first degree, as provided for in Section 797 et seq. of Title 21 of the Oklahoma Statutes,
- t. robbery in the second degree, as provided for in Section 797 et seq. of Title 21 of the Oklahoma Statutes,
- u. armed robbery, as provided for in Section 801 of Title 21 of the Oklahoma Statutes,
- v. robbery by two or more persons, as provided for in Section 800 of Title 21 of the Oklahoma Statutes,

- w. robbery with dangerous weapon or imitation firearm, as provided for in Section 801 of Title 21 of the Oklahoma Statutes,
- x. child abuse, as provided for in Section 843.5 of Title 21 of the Oklahoma Statutes,
- y. wiring any equipment, vehicle or structure with explosives, as provided for in Section 849 of Title 21 of the Oklahoma Statutes,
- z. forcible sodomy, as provided for in Section 888 of Title 21 of the Oklahoma Statutes,
- aa. rape in the first degree, as provided for in Section 1114 of Title 21 of the Oklahoma Statutes,
- bb. rape in the second degree, as provided for in Section 1114 of Title 21 of the Oklahoma Statutes,
- cc. rape by instrumentation, as provided for in Section 1111.1 of Title 21 of the Oklahoma Statutes,
- dd. lewd or indecent proposition or lewd or indecent act with a child under sixteen (16) years of age, as provided for in Section 1123 of Title 21 of the Oklahoma Statutes,
- ee. use of a firearm or offensive weapon to commit or attempt to commit a felony, as provided for in Section 1287 of Title 21 of the Oklahoma Statutes,
- ff. pointing firearms, as provided for in Section 1289.16 of Title 21 of the Oklahoma Statutes,
- gg. rioting, as provided for in Section 1311 of Title 21 of the Oklahoma Statutes,
- hh. inciting to riot, as provided for in Section 1320.2 of Title 21 of the Oklahoma Statutes,
- ii. arson in the first degree, as provided for in Section 1401 of Title 21 of the Oklahoma Statutes,

- jj. injuring or burning public buildings, as provided for in Section 349 of Title 21 of the Oklahoma Statutes,
- kk. sabotage, as provided for in Section 1262 of Title 21 of the Oklahoma Statutes,
- ll. criminal syndicalism, as provided for in Section 1261 of Title 21 of the Oklahoma Statutes,
- mm. extortion, as provided for in Section 1481 of Title 21 of the Oklahoma Statutes,
- nn. obtaining signature by extortion, as provided for in Section 1485 of Title 21 of the Oklahoma Statutes,
- oo. seizure of a bus, discharging firearm or hurling missile at bus, as provided for in Section 1903 of Title 21 of the Oklahoma Statutes,
- pp. mistreatment of a mental patient, as provided for in Section 843.1 of Title 21 of the Oklahoma Statutes,
- qq. using a vehicle to facilitate the discharge of a weapon pursuant to Section 652 of Title 21 of the Oklahoma Statutes,
- rr. bombing offenses as defined in Section 1767.1 of Title 21 of the Oklahoma Statutes,
- ss. child ~~pornography~~ sexual abuse material or aggravated child ~~pornography~~ sexual abuse material as defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a of Title 21 of the Oklahoma Statutes,
- tt. child prostitution as defined in Section 1030 of Title 21 of the Oklahoma Statutes,
- uu. abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes,
- vv. aggravated trafficking as provided for in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes,
- ww. aggravated assault and battery upon any person defending another person from assault and battery, as

provided for in Section 646 of Title 21 of the Oklahoma Statutes,

- xx. human trafficking, as provided for in Section 748 of Title 21 of the Oklahoma Statutes,
- yy. terrorism crimes as provided in Section 1268 et seq. of Title 21 of the Oklahoma Statutes,
- zz. eluding a peace officer, as provided for in subsection B or C of Section 540A of Title 21 of the Oklahoma Statutes, or
- aaa. domestic abuse by strangulation, domestic assault with a dangerous weapon, domestic assault and battery with a dangerous weapon, domestic assault and battery resulting in great bodily injury, or domestic assault and battery with a deadly weapon, as provided for in Section 644 of Title 21 of the Oklahoma Statutes.

Such offenses shall constitute exceptions to nonviolent offenses pursuant to Article VI, Section 10 of the Oklahoma Constitution.

SECTION 41. AMENDATORY 57 O.S. 2021, Section 582, is amended to read as follows:

Section 582. A. The provisions of the Sex Offenders Registration Act shall apply to any person residing, working or attending school within the State of Oklahoma who, after November 1, 1989, has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term, or is currently serving a sentence or any form of probation or parole for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Section 681, if the offense involved sexual assault, 741, if the offense involved sexual abuse or sexual exploitation, Section 748, if the offense involved human trafficking for commercial sex, Section 843.1, if the offense involved sexual abuse or sexual exploitation, Section 852.1, if the offense involved sexual abuse of a child, 856, if the offense involved child prostitution or human trafficking for commercial sex, 865 et seq., 885, 886, 888, 891, if the offense involved sexual abuse or sexual exploitation, 1021, 1021.2, 1021.3, 1024.2, 1029, if the offense

involved child prostitution, 1040.8, if the offense involved child ~~pornography~~ sexual abuse material, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

B. The provisions of the Sex Offenders Registration Act shall apply to any person who after November 1, 1989, resides, works or attends school within the State of Oklahoma and who has been convicted or received a suspended sentence at any time in any court of another state, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United States Virgin Islands, a federal court, an Indian tribal court, a military court, or a court of a foreign country for a crime, attempted crime or a conspiracy to commit a crime which, if committed or attempted in this state, would be a crime, an attempt to commit a crime or a conspiracy to commit a crime provided for in any of the laws listed in subsection A of this section.

C. The provisions of the Sex Offenders Registration Act shall apply to any person who resides, works or attends school within the State of Oklahoma and who has received a deferred judgment at any time in any court of another state, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United States Virgin Islands, a federal court, an Indian tribal court, a military court, or a court of a foreign country for a crime, attempted crime or a conspiracy to commit a crime which, if committed or attempted or conspired to be committed in this state, would be a crime, an attempt to commit a crime or a conspiracy to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Section 681, if the offense involved sexual assault, 741, if the offense involved sexual abuse or sexual exploitation, Section 748, if the offense involved human trafficking for commercial sex, Section 843.1, if the offense involved sexual abuse or sexual exploitation, Section 852.1, if the offense involved sexual abuse of a child, 856, if the offense involved child prostitution or human trafficking for commercial sex, 865 et seq., 885, 886, 888, 891, if the offense involved sexual abuse or sexual exploitation, 1021, 1021.2, 1021.3, 1024.2, 1029, if the offense involved child prostitution, 1040.8, if the offense involved child ~~pornography~~ sexual abuse material, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes. The provisions of the Sex Offenders Registration Act shall not apply to any such person while the person is incarcerated

in a maximum or medium correctional institution of the Department of Corrections.

D. On November 1, 2002, any person registered as a sex offender pursuant to Section 741 of Title 21 of the Oklahoma Statutes shall be summarily removed from the Sex Offender Registry by the Department of Corrections and all law enforcement agencies of any political subdivision of this state, unless the offense involved sexual abuse or sexual exploitation.

E. The provisions of the Sex Offenders Registration Act shall not apply to any such person who has received a criminal history records expungement for a conviction in another state for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any laws listed in subsection A of this section.

F. The provisions of the Sex Offenders Registration Act shall apply to any person residing, working or attending school within this state who, after the effective date of this act, has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term, or is currently serving a sentence or any form of probation or parole for a crime or an attempt to commit a crime as provided for in subsection G of Section 1040.13b of Title 21 of the Oklahoma Statutes.

G. The provisions of the Sex Offenders Registration Act shall apply to any person who resides, works or attends school within this state and who has received a deferred judgment at any time in any court of another state, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United States Virgin Islands, a federal court, an Indian tribal court, a military court, or a court of a foreign country for a crime, if committed in this state, would be a crime, as provided for in subsection F of Section 1040.13b of Title 21 of the Oklahoma Statutes. The provisions of the Sex Offenders Registration Act shall not apply to any such person while the person is incarcerated in a maximum or medium correctional institution of the Department of Corrections.

SECTION 42. AMENDATORY 68 O.S. 2021, Section 2357.101, is amended to read as follows:

Section 2357.101 A. Except as otherwise provided in subsection E of this section, for taxable years beginning after December 31,



2004, and ending before January 1, 2015, there shall be allowed against the tax imposed by Section 2355 of this title, a credit equal to twenty-five percent (25%) of the amount of profit made by a taxpayer from investment in an existing Oklahoma film or music project with a production company to pay for production costs that is reinvested by the taxpayer with the production company to pay for the production cost of the production company for a new Oklahoma film or music project.

B. In no event shall the amount of the credit provided for in subsection A of this section for an eligible taxpayer exceed the tax liability of the taxpayer in a calendar year.

C. The Oklahoma Tax Commission shall have the authority to prescribe forms for purposes of claiming the credit authorized in subsection A of this section. The forms shall include, but not be limited to, requests for information that prove who the investment was with, the amount of the original investment and the amount of the profit realized from the investment.

D. As used in this section:

1. "Film" means a professional single media, multimedia program or feature, which is not child ~~pornography~~ sexual abuse material as defined in subsection A of Section 1024.1 of Title 21 of the Oklahoma Statutes or obscene material as defined in paragraph 1 of subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes including, but not limited to, national advertising messages that are broadcast on a national affiliate or cable network, fixed on film or digital video, which can be viewed or reproduced and which is exhibited in theaters, licensed for exhibition by individual television stations, groups of stations, networks, cable television stations or other means or licensed for home viewing markets;

2. "Music project" means a professional recording released on a national or international level, whether via traditional manufacturing or distributing or electronic distribution, using technology currently in use or future technology including, but not limited to, music CDs, radio commercials, jingles, cues, or electronic device recordings;

3. "Production company" means a person who produces a film or music project for exhibition in theaters, on television or elsewhere;

4. "Total production cost" includes, but is not limited to:
- a. wages or salaries of persons who have earned income from working on a film or music project in this state, including payments to personal services corporations with respect to the services of qualified performing artists, as determined under Section 62(a)(A) of the Internal Revenue Code,
  - b. the cost of construction and operations, wardrobe, accessories and related services,
  - c. the cost of photography, sound synchronization, lighting and related services,
  - d. the cost of editing and related services,
  - e. rental of facilities and equipment, and
  - f. other direct costs of producing a film or music project;

5. "Existing Oklahoma film or music project" means a film or music project produced after July 1, 2005;

6. "Profit" means the amount made by the taxpayer to be determined as follows:

- a. the gross revenues less gross expenses, including direct production, distribution and marketing costs and an allocation of indirect overhead costs, of the film or music project shall be multiplied by,
- b. a ratio, the numerator of which is Oklahoma production costs, as defined in paragraph 7 of this subsection, and the denominator of which is total production costs, as defined in paragraph 4 of this subsection, which shall be multiplied by,
- c. the percent of the taxpayer's taxable income allocated to Oklahoma in a taxable year, and
- d. subtract from the result of the formula calculated pursuant to subparagraphs a through c of this paragraph the profit made by a taxpayer from

investment in an existing Oklahoma film or music project in previous taxable years. Profit shall include either a net profit or net loss;

7. "Oklahoma production cost" means that portion of total production costs which are incurred with any qualified vendor;

8. a. "Qualified vendor" means an Oklahoma entity which provides goods or services to a production company and for which:

(1) fifty percent (50%) or more of its employees are Oklahoma residents, and

(2) fifty percent (50%) or more of gross wages, as reported on Internal Revenue Service Form W-2 or Form 1099, are paid to Oklahoma residents.

b. For purposes of this paragraph, an employee shall include a self-employed individual reporting income from a qualified vendor on Internal Revenue Service Form 1040.

c. The Oklahoma Tax Commission shall prescribe forms by which an entity may be certified to a production company as a qualified vendor for purposes of this section; and

9. "Investment" means costs associated with the original production company. Film or music projects acquired from an original production company do not qualify as investment under subsection A of this section.

E. No credit otherwise authorized by the provisions of this section may be claimed for any event, transaction, investment, expenditure or other act occurring on or after July 1, 2010, for which the credit would otherwise be allowable. The provisions of this subsection shall cease to be operative on July 1, 2012. Beginning July 1, 2012, the credit authorized by this section may be claimed for any event, transaction, investment, expenditure or other act occurring on or after July 1, 2012, according to the provisions of this section.

SECTION 43. AMENDATORY 68 O.S. 2021, Section 3623, is amended to read as follows:

Section 3623. As used in the Compete with Canada Film Act:

1. "Crew" means any person who works on preproduction, principal photography, and postproduction, with the exception of producers, principal cast, screenwriters, and the director. The qualifying salary of producers, principal cast, screenwriters, and the director, also known as "above-the-line personnel", may be included as crew if the salaries are paid to loan-out corporations and limited liability companies registered to do business in the State of Oklahoma or the salaries are paid to Oklahoma-based above-the-line personnel. The qualifying salary of above-the-line personnel shall not comprise more than twenty-five percent (25%) of total expenditures as defined in paragraph 2 of this section. For purposes of this paragraph, "Oklahoma-based" means a company or individual with an Oklahoma income tax requirement;

2. "Expenditure" or "production cost" includes but is not limited to:

- a. wages or salaries of persons who are residents of this state and who have earned income from working on a film in this state including payments to personal services corporations with respect to the services of qualified performing artists, as determined under Section 62(a)(A) of the Internal Revenue Code,
- b. the cost of construction and operations, wardrobe, accessories and related services,
- c. the cost of photography, sound synchronization, lighting and related services,
- d. the cost of editing and related services,
- e. rental of facilities and equipment,
- f. other direct costs of producing a film, and
- g. the wages and salaries of persons who are defined and registered as an Oklahoma Expatriate by the Oklahoma Film and Music Office within the Oklahoma Department of Commerce;

3. "Film" means a professional single media, multimedia program or feature, which is not child ~~pornography~~ sexual abuse material as

defined in subsection A of Section 1024.1 of Title 21 of the Oklahoma Statutes or obscene material as defined in paragraph 1 of subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes including, but not limited to, national advertising messages that are broadcast on a national affiliate or cable network, fixed on film or digital video, which can be viewed or reproduced and which is exhibited in theaters, licensed for exhibition by individual television stations, groups of stations, networks, cable television stations or other means or licensed for home viewing markets;

4. "High impact production" means a production for which total expenditures or production costs are equal to or greater than Fifty Million Dollars (\$50,000,000.00), with at least one-third (1/3) of total costs deemed Oklahoma expenditures by the Oklahoma Film and Music Office; and

5. "Production company" means a person or company who produces film for exhibition in theaters, on television or elsewhere.

SECTION 44. AMENDATORY 68 O.S. 2021, Section 3632, as amended by Section 1, Chapter 347, O.S.L. 2023 (68 O.S. Supp. 2023, Section 3632), is amended to read as follows:

Section 3632. As used in the Filmed in Oklahoma Act of 2021:

1. "Above-the-line personnel" means producers, principal cast, screenwriters, and directors who work on production of films or television series. The qualifying salary of above-the-line personnel may be included as crew, as defined in paragraph 3 of this section, if the salaries are paid to loan-out corporations and limited liability companies registered to do business in this state or the salaries are paid to Oklahoma-based above-the-line personnel. The qualifying salary of above-the-line personnel shall not comprise more than twenty-five percent (25%) of total expenditures as defined in paragraph 5 of this section. For purposes of this paragraph, "Oklahoma-based" means a company or individual with an Oklahoma income tax requirement;

2. "Apprentice" means a person who works for a skilled or qualified person in order to learn a trade or profession for an agreed-upon period of time. An apprentice may work in any of the trades recognized by the Oklahoma Department of Commerce as necessary for a film production. An apprentice shall be required to complete safety training appropriate for the duties to be performed in connection with a qualified project and also to complete a course

related to and with the objective of preventing workplace misbehavior, such as bullying and sexual harassment;

3. "Crew" means any person who works on preproduction, principal photography and post-production, with the exception of above-the-line personnel;

4. "Eligible television series" means a project if either seventy-five percent (75%) of the series season is filmed within the state or, for an episodic television pilot, if more than seventy-five percent (75%) of the pilot is filmed within the state;

5. "Expenditure" or "production cost" includes but is not limited to:

- a. wages or salaries of persons who are residents of this state or who are enrolled as full-time students at a college or university located in the state offering an undergraduate degree program or who are on active military duty and stationed in Oklahoma or involved in a restorative workforce program and who have earned income from working on a film in this state including payments to personal services corporations with respect to the services of qualified performing artists, pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 62(a)(2),
- b. the cost of construction and operations, wardrobe, accessories and related services,
- c. the cost of photography, sound synchronization, lighting and related services,
- d. the cost of editing and related services,
- e. rental of facilities and equipment,
- f. other direct costs of producing a film, and
- g. the wages and salaries of persons who are defined and registered as an Oklahoma Expatriate by the Oklahoma Film and Music Office;

6. "Film" means a professional single media, multimedia program or feature, which is not child ~~pornography~~ sexual abuse material as

defined in subsection A of Section 1024.1 of Title 21 of the Oklahoma Statutes or obscene material as defined in paragraph 1 of subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes including, but not limited to, national advertising messages that are broadcast on a national affiliate or cable network, fixed on film or digital video, which can be viewed or reproduced and which is exhibited in theaters, licensed for exhibition by individual television stations, groups of stations, networks, cable television stations or other means or licensed for home viewing markets. The term shall also include filming for interactive and video gaming including, but not limited to, green screen, motion capture and similar production techniques;

7. "Multi-film deal" means a project in which a production company films at least seventy-five percent (75%) of main crew principal photography for three (3) or more films in this state within three (3) years or where the third film starts main crew principal photography within the ~~three (3) year~~ three-year period;

8. "Nonresident crew member" means a person who is not an Oklahoma resident, hired for a qualifying production project occurring within the state and who is subject to the payment of Oklahoma employment taxes;

9. "Production company" means a person, producer or company who produces film for exhibition in theaters, on television or elsewhere;

10. "Qualified production expenditure amount" means an expenditure defined pursuant to paragraph 5 of this section; and

11. "Qualified soundstage facility" means a ~~state-certified~~ state-certified industry standard soundstage facility having not less than seven thousand five hundred (7,500) square feet of combined soundstage space and with a total state rental cost to the production company equal to at least three percent (3%) of the qualifying Oklahoma expenditures with respect to a production.

SECTION 45. AMENDATORY Section 1, Chapter 280, O.S.L. 2022, as amended by Section 1, Chapter 373, O.S.L. 2023 (70 O.S. Supp. 2023, Section 11-202), is amended to read as follows:

Section 11-202. A. A school district, charter school, virtual charter school, state agency, public library, or institution of higher education within The Oklahoma State System of Higher

Education may offer digital or online library database resources to students in kindergarten through twelfth grade only if the vendor, person, or entity providing the resources verifies that all the resources comply with the provisions of subsection B of this section.

B. Digital or online library database resources offered by school districts, charter schools, virtual charter schools, state agencies, public libraries, or universities to students in kindergarten through twelfth grade shall have safety policies and technology protection measures that:

1. Prohibit and prevent a user of the resource from sending, receiving, viewing, or downloading materials that are child ~~pornography~~ sexual abuse material or obscene materials, as defined in Section 1024.1 of Title 21 of the Oklahoma Statutes, or materials that depict child sexual exploitation, as defined in Section 843.5 of Title 21 of the Oklahoma Statutes; and

2. Filter or block access to child ~~pornography~~ sexual abuse material or obscene materials, as defined in Section 1024.1 of Title 21 of the Oklahoma Statutes, or materials that depict child sexual exploitation, as defined in Section 843.5 of Title 21 of the Oklahoma Statutes.

C. Notwithstanding any contract provision to the contrary, if a provider of digital or online library resources fails to comply with the requirements of subsection B of this section, the school district, public charter school, state agency, public library, or institution of higher education shall withhold further payments, if any, to the provider pending verification of compliance.

D. If a provider of digital or online library database resources fails to timely verify that the provider is in compliance with the safety policies and requirements of subsection B of this section, the school district, public charter school, state agency, public library, or institution of higher education shall consider the provider's act of noncompliance a breach of contract.

E. No later than December 1 of each year, libraries shall submit to the Speaker of the Oklahoma House of Representatives and President Pro Tempore of the Oklahoma State Senate an aggregate written report on any issues related to provider compliance with technology protection measures required by subsection B of this section.



F. Employees of school districts, charter schools, virtual charter schools, state agencies, public libraries, and universities shall not be exempt from prosecution for willful violations of state law prohibiting indecent exposure to obscene material or child ~~pornography~~ sexual abuse material as provided in Section 1021 of Title 21 of the Oklahoma Statutes.

G. Nothing in this act shall be construed in a manner that applies to digital or online library database resources offered by institutions of higher education when the primary purpose of the resources is for education or research.

SECTION 46. AMENDATORY 70 O.S. 2021, Section 1210.163, is amended to read as follows:

Section 1210.163 A. Every school employee having reason to believe that a student under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter immediately to the Department of Human Services and local law enforcement. Reports to the Department shall be made to the hotline provided for in Section 1-2-101 of Title 10A of the Oklahoma Statutes. Any allegation of abuse or neglect reported in any manner to a county office shall immediately be referred to the hotline by the Department.

B. Every school employee having reason to believe that a student age eighteen (18) years or older is a victim of abuse or neglect shall report the matter immediately to local law enforcement.

C. In reports required by subsection A or B of this section, local law enforcement shall keep confidential and redact any information identifying the reporting school employee unless otherwise ordered by the court. A school employee with knowledge of a report required by subsection A or B of this section shall not disclose information identifying the reporting school employee unless otherwise ordered by the court or as part of an investigation by local law enforcement or the Department.

D. For the purposes of this section, "child abuse and neglect" shall include, but not be limited to:

1. Child abuse as defined in Section 843.5 of Title 21 of the Oklahoma Statutes;

2. Sexual abuse or sexual exploitation as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes;

3. Contributing to the delinquency of a minor as defined in Section 856 of Title 21 of the Oklahoma Statutes;

4. Trafficking in children, as defined in Section 866 of Title 21 of the Oklahoma Statutes;

5. Incest as described in Section 885 of Title 21 of the Oklahoma Statutes;

6. Forcible sodomy, as described in Section 888 of Title 21 of the Oklahoma Statutes;

7. Maliciously, forcibly or fraudulently taking or enticing a child away, as described in Section 891 of Title 21 of the Oklahoma Statutes;

8. Soliciting or aiding a minor child to perform or showing, exhibiting, loaning or distributing obscene material or child ~~pornography~~ sexual abuse material, as described in Section 1021 of Title 21 of the Oklahoma Statutes;

9. Procuring or causing the participation of any minor child in any child ~~pornography~~ sexual abuse material or knowingly possessing, procuring or manufacturing child ~~pornography~~ sexual abuse material, as described in Section 1021.2 of Title 21 of the Oklahoma Statutes;

10. Permitting or consenting to the participation of a minor child in any child ~~pornography~~ sexual abuse material, as described in Section 1021.3 of Title 21 of the Oklahoma Statutes;

11. Facilitating, encouraging, offering or soliciting sexual conduct with a minor, as described in Section 1040.13a of Title 21 of the Oklahoma Statutes;

12. Offering or offering to secure a minor child for the purposes of prostitution or any other lewd or indecent act, as described in Section 1087 of Title 21 of the Oklahoma Statutes;

13. Causing, inducing, persuading or encouraging a minor child to engage or continue to engage in prostitution, as described in Section 1088 of Title 21 of the Oklahoma Statutes;

14. Rape or rape by instrumentation, as described in Sections 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

15. Making any oral, written or electronically or computer-generated lewd or indecent proposals to a minor child under the age of sixteen (16) as described in Section 1123 of Title 21 of the Oklahoma Statutes.

SECTION 47. AMENDATORY 74 O.S. 2021, Section 151.1, is amended to read as follows:

Section 151.1 A. The Oklahoma State Bureau of Investigation shall establish an Internet Crimes Against Children (ICAC) unit for the primary purpose of investigating Internet crimes committed against children, including, but not limited to, offenses related to child ~~pornography~~ sexual abuse material and solicitation of minors for ~~pornography~~ sexual abuse material, prostitution or sex-related offenses. The unit shall additionally promote safe Internet use among children and their parents by various media or printed-material campaigns or by offering educational programs to schools or communities throughout this state. The Bureau shall employ sufficient employees to investigate and implement the ICAC unit.

B. The Director of the Oklahoma State Bureau of Investigation is hereby authorized to enter into local cooperative agreements with local law enforcement agencies for the purpose of appointing ICAC Affiliate Task Force Agents to assist the ICAC unit of the Bureau. ICAC Affiliate Task Force Agents shall be employees and commissioned law enforcement officers of the local law enforcement agency entering into agreement with the Oklahoma State Bureau of Investigation and shall not be employees of the Bureau. ICAC Affiliate Task Force Agents shall have general peace officer powers and the authority to arrest persons throughout the state for the purpose of investigating Internet crimes committed against children including, but not limited to, offenses related to child ~~pornography~~ sexual abuse material, solicitation of minors for ~~pornography~~ sexual abuse material, prostitution or sex-related offenses. ICAC Affiliate Task Force Agents shall promote safe Internet use among children and parents of children by various media or printed-material campaigns or by offering educational programs to schools or communities throughout Oklahoma. The Director of the Bureau may renew, suspend or revoke any agreement appointing an ICAC Affiliate Task Force Agent at any time. ICAC Affiliate Task Force Agents serve solely at the discretion and will of the Director of the Oklahoma State Bureau of Investigation.

SECTION 48. This act shall become effective November 1, 2024.

Passed the House of Representatives the 13th day of March, 2024.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 16th day of April, 2024.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_