

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1056

By: Standridge, Bullard,  
Newhouse, Dahm, Bergstrom,  
Rogers, Burns, Hamilton,  
and Jett of the Senate

7 and

8 West (Kevin) of the House  
9

10  
11 COMMITTEE SUBSTITUTE

12 An Act relating to obscene material; defining terms;  
13 making certain acts unlawful; providing exemption  
14 from liability under certain circumstances; providing  
15 penalties; providing preemption provisions; providing  
16 for codification; and declaring an emergency.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1024.6 of Title 21, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. As used in this section:

22 1. "Adult performance" means any performance that contains  
23 obscene material, if done in view of a minor or in a public place;  
24

1           2. "Obscene material" shall have the same meaning as such term  
2 is defined in subsection B of Section 1024.1 of Title 21 of the  
3 Oklahoma Statutes;

4           3. "Minor" means an unmarried person under eighteen (18) years  
5 of age; and

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

12           B. 1. It shall be unlawful for a person to engage in an adult  
13 performance which contains obscene material, or for any political  
14 subdivision of this state to allow, permit, organize, or authorize  
15 the viewing of an adult performance which contains obscene material,  
16 on public property or in a public place where the adult performance  
17 could be viewed by a minor.

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

21           C. Any person who violates the provisions of subsection B of  
22 this section shall, upon conviction, be guilty of a misdemeanor  
23 punishable by imprisonment in a county jail for a term not exceeding  
24 one (1) year, or by a fine of not less than Five Hundred Dollars

1 (\$500.00) and not exceeding One Thousand Dollars (\$1,000.00), or by  
2 both such fine and imprisonment. Any person convicted of a second  
3 violation, shall be guilty of a felony punishable by imprisonment in  
4 the custody of the Department of Corrections for a term of not less  
5 than thirty (30) days and not exceeding two (2) years, or by a fine  
6 of not less than Five Hundred Dollars (\$500.00) and not exceeding  
7 Twenty Thousand Dollars (\$20,000.00), or by both such fine and  
8 imprisonment.

9 D. The provisions of this section shall preempt any ordinance,  
10 regulation, or restriction that was lawfully adopted or license that  
11 was issued by a political subdivision of this state prior to the  
12 effective date of this act that is in conflict with the provisions  
13 of this section.

14 SECTION 2. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
20 04/13/2023 - DO PASS, As Amended.  
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