

1 ENGROSSED HOUSE  
2 BILL NO. 2535

By: Williams and Humphrey of  
the House

3 and

4 Stephens of the Senate  
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6  
7 An Act relating to materials harmful to minors;  
8 amending 21 O.S. 2021, Section 1040.77, which relates  
9 to penalties for violations; modifying penalties; and  
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1040.77, is  
13 amended to read as follows:

14 Section 1040.77 Any person convicted of violating any provision  
15 of Section 1040.76 of this title shall be guilty of a misdemeanor  
16 and shall be punished by imprisonment in the county jail for a term  
17 not exceeding one (1) year, or fined a sum not exceeding Five  
18 Hundred Dollars (\$500.00) for the first or second offense One  
19 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

20 Any person convicted of a ~~third~~ second or subsequent violation of  
21 any provision of Section 1040.76 of this title shall be guilty of a  
22 ~~misdemeanor~~ felony and shall be punished by imprisonment in the  
23 custody of the Department of Corrections for a term not exceeding  
24 five (5) years, or fined a sum not exceeding One Thousand Dollars

1 ~~(\$1,000.00)~~ Five Thousand Dollars (\$5,000.00), or by both such fine  
2 and imprisonment. Each day that any violation of Section 1040.76 of  
3 this title occurs or continues shall constitute a separate offense  
4 and shall be punishable as a separate violation. Every act or  
5 transaction prohibited by Section 1040.76 of this title shall  
6 constitute a separate offense as to each item, issue or title  
7 involved and shall be punishable as such. For the purpose of this  
8 section, multiple copies of the same identical title, monthly issue,  
9 volume and number issue or other such identical material as  
10 prohibited by Section 1040.76 of this title shall constitute a  
11 single offense.

12 SECTION 2. This act shall become effective November 1, 2023.

13 Passed the House of Representatives the 23rd day of March, 2023.

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Presiding Officer of the House  
of Representatives

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18 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2023.

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Presiding Officer of the Senate

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