

An Act

ENROLLED HOUSE
BILL NO. 1549

By: Kern, Reynolds, Ritze,
Faught, Brumbaugh, Cox,
Wesselhoft and Tibbs of the
House

and

Eason McIntyre, Shortey,
Stanislawski and Johnson
(Constance) of the Senate

An Act relating to crimes and punishments;
authorizing victims of child pornography to bring
civil action; providing for the recovery of damages,
costs and attorney fees; providing procedures for
filing civil action; prohibiting reliance on certain
defense; providing statutory reference for certain
term; providing exemption to statute; providing for
codification; and providing an effective date.

SUBJECT: Civil actions by victims of child pornography

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1040.56 of Title 21, unless
there is created a duplication in numbering, reads as follows:

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, where such offense resulted in a
conviction and any portion of such offense was used in the
production of child pornography, and who suffers personal or
psychological injury as a result of the production, promotion, or
possession of such child pornography, may bring a civil action

against the producer, promoter, or intentional possessor of such child pornography, 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; 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.

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

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

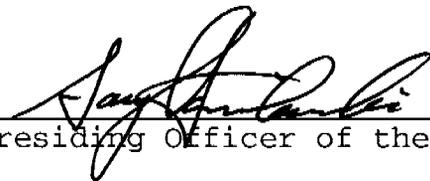
4. Employee of a child advocacy organization.

SECTION 2. This act shall become effective November 1, 2011.

Passed the House of Representatives the 3rd day of May, 2011.


Presiding Officer of the House of
Representatives

Passed the Senate the 19th day of April, 2011.

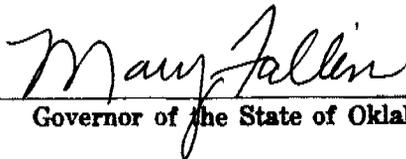

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 4th
day of May, 20 11,
at 3:49 o'clock PM.

By: Jessie R. Byrnes

Approved by the Governor of the State of Oklahoma the 10th day of
May, 20 11, at 11:39 o'clock AM.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
10th day of May, 20 11,
at 2:49 o'clock PM M.

By: Annabelle R. Berry