

Kevin West
State Representative
District 54
Cleveland County
Oklahoma County



Chair:
Government Oversight
Committees:
Appropriations & Budget
Public Health
Administrative Rules

HOUSE of REPRESENTATIVES

State of Oklahoma

Request for Attorney General Opinion or Clarification

Representative Kevin West
Oklahoma House Of Representatives
District 54

Senator David Bullard
Oklahoma Senate
District 6

October 28, 2025

The Honorable Gentner Drummond
Attorney General of Oklahoma
Office of the Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

RE: Clarification and Guidance Concerning Enforcement and Intent of HB1217 (2025)

Dear Attorney General Drummond:

House Bill 1217 (2025) was enacted to protect minors and the general public from exposure to obscene performances in public settings. The legislative intent was preventive—to give clear direction to municipalities, event organizers, and law enforcement so that issues of public exposure could be avoided altogether, rather than relying on after-the-fact criminal enforcement.

As you know, HB1217 directly incorporates the definition of obscene material from 21 O.S. §1024.1(B), which codifies the *Miller v. California* test. That test exists to thread the needle between rights—acknowledging that individuals have broad constitutional freedoms in how they dress, express themselves, and perform, while also protecting the community's and families' right, and indeed responsible expectation, not to be involuntarily exposed to explicit sexual conduct or imagery in public or "family-friendly" spaces.

This balance is not only the foundation of obscenity law; it is also the proper balance between local discretion and state-level consistency. Cities and towns are, in effect, the frontline custodians of this standard. They issue event permits, manage public venues, enforce decency ordinances, and respond to citizen concerns. The Legislature intended HB1217 to support and

shield municipalities in that role—by clarifying the legal boundaries and ensuring that local enforcement aligns with constitutional limits.

To that end, I respectfully request the Attorney General’s clarification and guidance on the following points.

Questions

1. Threshold for Application

Under HB1217’s incorporation of 21 O.S. §1024.1(B), must a performance depict or describe one of the specific sexual acts enumerated in §1024.1(B)(3) before it can qualify as “obscene material” and therefore fall within the scope of the statute?

2. Legislative Intent and Purpose

Is it accurate to interpret HB1217 as being enacted primarily to prevent exposure to obscene material through clear statutory limits and proactive compliance by local governments, rather than to create new grounds for prosecution?

3. Fact-Specific Determination

Would enforcement under HB1217 require a case-by-case factual assessment that a performance meets the three-part Miller test—specifically, that it depicts sexual conduct, appeals to prurient interest, is patently offensive by community standards, and lacks serious literary, artistic, political, or scientific value?

Accordingly, would suggestive or expressive performances that do not depict or describe sexual conduct, or that contain artistic or political value, fall outside the statute’s reach?

4. Municipal Authority and Frontline Responsibility

Given that municipalities control public spaces, issue event permits, and respond first to public complaints, may they adopt and enforce content-neutral time, place, and manner regulations—such as zoning restrictions, age limitations, and advertising rules—to prevent potential violations or community disputes?

Further, would municipalities acting in good faith reliance on such preventive measures be protected under HB1217’s political subdivision immunity clause?

5. Primary Enforcement and Prevention Strategy

Would it be consistent with both legislative intent and constitutional standards for municipal governments to serve as the primary enforcement and prevention point, using permitting review, education, and clear local policies to avoid violations—reserving criminal enforcement only for conduct that meets the statutory definition of obscenity?

6. Attorney General Guidance

Could the Attorney General’s office, in coordination with the Oklahoma Municipal League, issue advisory materials or model guidance affirming municipal authority as the frontline implementers of HB1217 and clarifying best practices for compliance and prevention?

Closing

The purpose of these questions is to promote clarity, consistency, and prevention. HB1217 was designed to respect individual liberty while protecting the community’s right to decency in

shared spaces. To achieve that, municipalities must have clear confirmation that they hold both the frontline responsibility and the legal protection to act preventively and confidently within their authority.

Given that this time of year includes numerous community festivals, holiday parades, and public events across our state, a timely clarification would greatly assist municipalities and organizers in ensuring compliance and preventing unnecessary controversy or confusion.

Your guidance will help ensure that cities and towns across Oklahoma can fulfill that role—protecting both constitutional expression and the public’s reasonable expectation of family-friendly community standards.

Respectfully,

Kevin West
State Representative, District 54

David Bullard
State Senator, District 6