

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1643

By: Humphrey of the House

and

Bullard of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to personal identification
12 information; making certain acts unlawful; providing
13 penalties; defining terms; amending Section 1,
14 Chapter 219, O.S.L. 2019 (68 O.S. Supp. 2020, Section
15 2899.1), which relates to the records of the county
16 assessor; authorizing elected county officials and
17 peace officers to request the confidentiality of
18 personal information; defining terms; providing for
19 codification; and providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1176 of Title 21, unless there
23 is created a duplication in numbering, reads as follows:

24 A. Whoever, with the intent to threaten, intimidate or harass,
 or facilitate another to threaten, intimidate or harass, uses an
 electronic communication device to knowingly publish, post or

1 otherwise make publicly available personally identifiable
2 information of a peace officer or public official, and as a result
3 places that peace officer or public official in reasonable fear of
4 death or serious bodily injury shall, upon conviction, be guilty of
5 a misdemeanor punishable by imprisonment in the county jail for a
6 term not to exceed six (6) months, or by a fine not to exceed One
7 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.
8 Upon conviction for a second or subsequent violation, the person
9 shall be punished by imprisonment in the county jail for a term not
10 to exceed one (1) year, or by a fine not to exceed Two Thousand
11 Dollars (\$2,000.00), or by both such fine and imprisonment.

12 B. As used in this section:

13 1. "Electronic communication" shall have the same meaning as
14 that term is defined in Section 1172 of Title 21 of the Oklahoma
15 Statutes. Electronic communication does not include broadcast
16 transmissions or similar communications that are not targeted at any
17 specific individual;

18 2. "Electronic communication device" means any cellular
19 telephone, facsimile, pager, computer or any device capable of
20 electronic communication;

21 3. "Peace officer" shall have the same meaning as that term is
22 defined in Section 99 of Title 21 of the Oklahoma Statutes;

23 4. "Personally identifiable information" means information
24 which can identify an individual including, but not limited to,

1 name, birth date, place of birth, mother's maiden name, biometric
2 records, Social Security number, official state- or government-
3 issued driver license or identification number, government passport
4 number, employer or taxpayer identification number or any other
5 information that is linked or linkable to an individual, such as
6 medical, educational, financial or employment information;

7 5. "Public official" means any person elected or appointed to a
8 state office in the executive, legislative or judicial branch of
9 state government or other political subdivision of the state; and

10 6. "Publish" means to circulate, deliver, distribute,
11 disseminate, transmit or otherwise make available to another person.

12 SECTION 2. AMENDATORY Section 1, Chapter 219, O.S.L.
13 2019 (68 O.S. Supp. 2020, Section 2899.1), is amended to read as
14 follows:

15 Section 2899.1 A. All elected county officials, peace officers
16 and law enforcement organizations in the state of Oklahoma shall be
17 permitted to request to a county assessor that personal information
18 regarding elected county officials, peace officers or undercover or
19 covert law enforcement officers not be made publicly available on
20 the Internet, but instead kept in a secure location at a the office
21 of the county assessor's office assessor where it may be made
22 available to authorized persons pursuant to law.

23 B. ~~For purposes of this section, "personal information" shall~~
24 ~~mean:~~

1 ~~1. The home address of a person;~~

2 ~~2. The home address of the spouse, domestic partner or minor~~
3 ~~child of a person; and~~

4 ~~3. Any telephone number or electronic mail address of a person.~~

5 C. Any elected county official, peace officer or law
6 enforcement official on behalf of an undercover or covert officer,
7 who wishes to have the personal information of ~~an~~ the elected county
8 official, peace officer or undercover or covert officer that is
9 contained in the records of a county assessor be kept confidential
10 must obtain an order of a court that requires the county assessor to
11 maintain the personal information of the person or entity in a
12 confidential manner. Such an order must be based on a sworn
13 affidavit by the elected county official, peace officer or law
14 enforcement official, which affidavit:

15 1. States that the individual whose information is to be kept
16 confidential is ~~an~~ :

17 a. an elected county official,

18 b. a peace officer, or

19 c. an undercover or covert officer; and

20 2. Sets forth sufficient justification for the request for
21 confidentiality.

22 C. Upon receipt of such an order, a county assessor shall keep
23 such information confidential and shall not disclose the
24 confidential information to anyone not specifically authorized by

1 law to view the information, unless disclosure is specifically
2 authorized in writing by that person or the affiant. A county
3 assessor shall not post such confidential information on the
4 Internet.

5 D. As used in this section:

6 1. "Elected county official" means a person elected to a county
7 office;

8 2. "Peace officer" shall have the same meaning as that term is
9 defined in Section 99 of Title 21 of the Oklahoma Statutes; and

10 3. "Personal information" means:

11 a. the home address of a person,

12 b. the home address of the spouse, domestic partner or
13 minor child of a person, and

14 c. any telephone number or electronic mail address of a
15 person.

16 SECTION 2. This act shall become effective November 1, 2021.

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18 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
19 dated 03/01/2021 - DO PASS, As Amended and Coauthored.

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