

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. 1759

By: Ranson and **Phillips**

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8 COMMITTEE SUBSTITUTE

9 An Act relating to crimes and punishments; amending
10 21 O.S. 2011, Sections 1952 and 1953, as amended by
11 Section 1, Chapter 66, O.S.L. 2013 (21 O.S. Supp.
12 2020, Section 1953), which relate to the Oklahoma
13 Computer Crimes Act; modifying definition; defining
14 term; expanding scope of certain prohibited acts;
15 making certain acts unlawful; providing construing
16 provision; and providing an effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1952, is
19 amended to read as follows:

20 Section 1952. As used in the Oklahoma Computer Crimes Act:

21 1. "Access" means to approach, gain entry to, instruct,
22 communicate with, store data in, retrieve data from or otherwise use
23 the logical, arithmetical, memory or other resources of a computer,
24 computer system or computer network;

 2. "Computer" means an electronic device which performs work
using programmed instruction having one or more of the capabilities

1 of storage, logic, arithmetic or communication. The term includes
2 input, output, processing, storage, software and communication
3 facilities which are connected or related to a device in a system or
4 network;

5 3. "Computer network" means the wired or wireless physical or
6 logical interconnection of terminals by communication modes with a
7 one or more computers or computer, or a complex consisting of two or
8 more interconnected computers systems to each other, or to other
9 computer networks, for the purpose of transmitting or receiving
10 computer programs, computer software or data;

11 4. "Computer program" means a set or series of instructions or
12 statements and related data which when executed in actual or
13 modified form directs or is intended to direct the functioning of a
14 computer system in a manner designed to perform certain operations;

15 5. "Computer software" means one or more computer programs,
16 procedures and associated documentation used in the operation of a
17 computer system;

18 6. "Computer system" means a set of related, connected or
19 unconnected, computer equipment, devices including support devices,
20 one or more of which contain computer programs, electronic
21 instructions, input data, and output data, that performs functions
22 including, but not limited to, logic, arithmetic, data storage and
23 retrieval, communication, and control and software. "~~Computer~~
24 ~~system~~" The term does not include calculators which are not

1 programmable and are not capable of being connected to or used to
2 access other computers, computer networks, computer systems or
3 support devices;

4 7. "Data" means a representation of information, knowledge,
5 facts, concepts, computer software, computer programs or
6 instructions. Data may be in any form, in storage media, or as
7 stored in the memory of the computer or in transit or presented on a
8 display device;

9 8. "Malicious computer program" means any computer program that
10 is created, executed, modified or distributed with the intent to
11 disrupt, destroy, deny access to, redirect, defraud, deceive, exceed
12 or gain unauthorized access to any computer, computer system,
13 computer network or data. "Malicious computer program" includes,
14 but is not limited to, viruses, Trojan horses, spyware, worms,
15 rootkits, backdoors, ransomware and other malicious computer
16 instructions, whether part of or independent of broader computer
17 software or computer systems;

18 9. Property means any tangible or intangible item of value
19 and includes, but is not limited to, financial instruments,
20 geophysical data or the interpretation of that data, information,
21 computer software, computer programs, electronically-produced data
22 and computer-produced or stored data, supporting documentation,
23 computer software in either machine or human readable form,
24 electronic impulses, confidential, copyrighted or proprietary

1 information, private identification codes or numbers which permit
2 access to a computer by authorized computer users or generate
3 billings to consumers for purchase of goods and services, including,
4 but not limited to, credit card transactions and telecommunications
5 services or permit electronic fund transfers and any other tangible
6 or intangible item of value;

7 ~~9.~~ 10. "Services" includes, but is not limited to, computer
8 time, data processing and storage functions and other uses of a
9 computer, computer system or computer network to perform useful
10 work;

11 ~~10.~~ 11. "Supporting documentation" includes, but is not limited
12 to, all documentation in any form used in the construction, design,
13 classification, implementation, use or modification of computer
14 software, computer programs or data; and

15 ~~11.~~ 12. "Victim expenditure" means any expenditure reasonably
16 and necessarily incurred by the owner or lessee to verify that a
17 computer system, computer network, computer program or data was or
18 was not altered, deleted, disrupted, damaged or destroyed by the
19 access.

20 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1953, as
21 amended by Section 1, Chapter 66, O.S.L. 2013 (21 O.S. Supp. 2020,
22 Section 1953), is amended to read as follows:

23 Section 1953. A. It shall be unlawful to:
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1 1. Willfully, and without authorization, gain or attempt to gain
2 access to and damage, modify, alter, delete, destroy, copy, make use
3 of, use malicious computer programs on, disclose or take possession
4 of a computer, computer system, computer network, data or any other
5 property;

6 2. Use a computer, computer system, computer network or any
7 other property as hereinbefore defined for the purpose of devising
8 or executing a scheme or artifice with the intent to defraud,
9 deceive, extort or for the purpose of controlling or obtaining
10 money, property, data, services or other thing of value by means of
11 a false or fraudulent pretense or representation;

12 3. Willfully exceed the limits of authorization and damage,
13 modify, alter, destroy, copy, delete, disclose or take possession of
14 a computer, computer system, computer network, data or any other
15 property;

16 4. Willfully and without authorization, gain or attempt to gain
17 access to a computer, computer system, computer network, data or any
18 other property;

19 5. Willfully and without authorization use or cause to be used
20 computer services;

21 6. Willfully and without authorization disrupt or cause the
22 disruption of computer services or deny or cause the denial of
23 access or other computer services to an authorized user of a
24 computer, computer system or computer network, other than an

1 authorized entity acting for a legitimate business purpose without
2 the effective consent of the owner;

3 7. Willfully and without authorization provide or assist in
4 providing a means of accessing a computer, computer system, data or
5 computer network in violation of this section;

6 8. Willfully use a computer, computer system, or computer
7 network to annoy, abuse, threaten, or harass another person; ~~and~~

8 9. Willfully use a computer, computer system, or computer
9 network to put another person in fear of physical harm or death; and

10 10. Willfully solicit another, regardless of any financial
11 consideration or exchange of property, of any acts described in
12 paragraphs 1 through 9 of this subsection.

13 B. Any person convicted of violating paragraph 1, 2, 3, 6, 7
14 ~~or~~, 9 or 10 of subsection A of this section shall be guilty of a
15 felony punishable as provided in Section 1955 of this title.

16 C. Any person convicted of violating paragraph 4, 5 or 8 of
17 subsection A of this section shall be guilty of a misdemeanor.

18 D. Nothing in the Oklahoma Computer Crimes Act shall be
19 construed to prohibit the monitoring of computer usage of, or the
20 denial of computer or Internet access to, a child by a parent, legal
21 guardian, legal custodian, or foster parent. As used in this
22 subsection, "child" shall mean any person less than eighteen (18)
23 years of age.

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1 E. Nothing in the Oklahoma Computer Crimes Act shall be
2 construed to prohibit testing by an authorized entity, the purpose
3 of which is to provide to the owner or operator of the computer,
4 computer system or computer network an evaluation of the security of
5 the computer, computer system or computer network against real or
6 imagined threats or harms.

7 SECTION 3. This act shall become effective November 1, 2021.

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
10 02/18/2021 - DO PASS, As Amended and Coauthored.

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