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February 8, 2022

By: Bullard

An Act relating to personal identification information of retired peace officers; amending 21 O.S. 2021, Section 1176, which relates to use of certain devices and the records of the county assessor to harass peace officers; prohibiting use of certain devices to harass retired peace officers; defining term; amending 68 O.S. 2021, Section 2899.1, which relates to requests to county assessors to keep personal information confidential; authorizing retired peace officers to request the confidentiality of personal information; defining term; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1176, is amended to read as follows:

Section 1176. 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 otherwise make publicly available personally identifiable information of a peace officer, retired peace officer, or public official, and as a result places that peace officer, retired peace officer, or public official in reasonable fear of death or serious bodily injury shall, upon conviction, be guilty of

1 a misdemeanor punishable by imprisonment in the county jail for a  
2 term not to exceed six (6) months, or by a fine not to exceed One  
3 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.  
4 Upon conviction for a second or subsequent violation, the person  
5 shall be punished by imprisonment in the county jail for a term not  
6 to exceed one (1) year, or by a fine not to exceed Two Thousand  
7 Dollars (\$2,000.00), or by both such fine and imprisonment.

8 B. As used in this section:

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

14 2. "Electronic communication device" means any cellular  
15 telephone, facsimile, pager, computer or any device capable of  
16 electronic communication;

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

19 4. "Personally identifiable information" means information  
20 which can identify an individual including, but not limited to,  
21 name, birth date, place of birth, mother's maiden name, biometric  
22 records, Social Security number, official state- or government-  
23 issued driver license or identification number, government passport  
24 number, employer or taxpayer identification number or any other

1 information that is linked or linkable to an individual, such as  
2 medical, educational, financial or employment information;

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

6 6. "Publish" means to circulate, deliver, distribute,  
7 disseminate, transmit or otherwise make available to another person;  
8 and

9 7. "Retired peace officer" shall have the same meaning as that  
10 term is defined in Section 553 of Title 19 of the Oklahoma Statutes.

11 SECTION 2. AMENDATORY 68 O.S. 2021, Section 2899.1, is  
12 amended to read as follows:

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

22 B. Any elected county official, peace officer, retired peace  
23 officer, or law enforcement official on behalf of an undercover or  
24 covert officer, who wishes to have the personal information of the

1 | elected county official, peace officer, retired peace officer, or  
2 | undercover or covert officer that is contained in the records of a  
3 | county assessor be kept confidential must obtain an order of a court  
4 | that requires the county assessor to maintain the personal  
5 | information of the person or entity in a confidential manner. Such  
6 | an order must be based on a sworn affidavit by the elected county  
7 | official, peace officer, retired peace officer, or law enforcement  
8 | official, which affidavit:

9 |       1. States that the individual whose information is to be kept  
10 | confidential is:

- 11 |           a. an elected county official,  
12 |           b. a peace officer, ~~or~~  
13 |           c. an undercover or covert officer; ~~and~~ ,or  
14 |           d. a retired peace officer; and

15 |       2. Sets forth sufficient justification for the request for  
16 | confidentiality.

17 |       C. Upon receipt of such an order, a county assessor shall keep  
18 | such information confidential and shall not disclose the  
19 | confidential information to anyone not specifically authorized by  
20 | law to view the information, unless disclosure is specifically  
21 | authorized in writing by that person or the affiant. A county  
22 | assessor shall not post such confidential information on the  
23 | Internet.

24 |       D. As used in this section:

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

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

5        3. "Personal information" means:

6            a. the home address of a person,

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

9            c. any telephone number or electronic mail address of a  
10                person; and

11        4. "Retired peace officer" shall have the same meaning as that  
12 term defined in Section 553 of Title 19 of the Oklahoma Statutes.

13        SECTION 3. This act shall become effective November 1, 2022.

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
15 February 8, 2022 - DO PASS  
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