

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1522

By: Bullard

AS INTRODUCED

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

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

9 B. As used in this section:

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

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

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

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

1 number, employer or taxpayer identification number or any other
2 information that is linked or linkable to an individual, such as
3 medical, educational, financial or employment information;

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

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

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

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

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

23 B. Any elected county official, peace officer, retired peace
24 officer, or law enforcement official on behalf of an undercover or

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

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

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

16 2. Sets forth sufficient justification for the request for
17 confidentiality.

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

1 D. As used in this section:

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

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

6 3. "Personal information" means:

7 a. the home address of a person,

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

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

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

14 Section 3. This act shall become effective November 1, 2022.

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