

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2794

By: Stinson and Kerbs of the
House

and

Pugh of the Senate

[state judiciary - Oklahoma Judicial Security and
Privacy Act of 2023 - notice system for at-risk
individuals and their immediate families -
exceptions - Administrative Director of the Courts
- delegation of authority - report - penalty -
severability - codification - effective date]

AMENDMENT NO. 1. Page 1, strike the enacting clause

1 Passed the Senate the 27th day of April, 2023.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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8 _____
9 Presiding Officer of the House
10 of Representatives

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3011 of Title 20, unless there
19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Oklahoma
21 Judicial Security and Privacy Act of 2023".

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3012 of Title 20, unless there
24 is created a duplication in numbering, reads as follows:

1 As used in this act:

2 1. The term "at-risk individual" means any active or retired
3 member of the State Judiciary, and shall also include municipal,
4 county, and federal judges;

5 2. The term "commercial entity" means any corporation,
6 partnership, limited partnership, proprietorship, sole
7 proprietorship, firm, enterprise, franchise, or association engaged
8 in the buying or selling of goods or services for profit;

9 3. The term "covered information" means:

10 a. a home address, including primary residence or
11 secondary residences of an at-risk individual,

12 b. a home or personal mobile telephone number, or the
13 direct telephone number of a government-issued cell
14 phone or private extension in the chambers of an at-
15 risk individual,

16 c. a personal email address of an at-risk individual,

17 d. the Social Security number, driver license number, or
18 home address displayed on voter registration
19 information of an at-risk individual,

20 e. bank account or credit or debit card information of an
21 at-risk individual,

22 f. the home or other address displayed on property tax
23 records or held by a federal, state, or local
24 government agency of an at-risk individual, including

1 any secondary residence and any investment property at
2 which an at-risk individual resides for part of a
3 year,

4 g. a license plate number or home address displayed on
5 vehicle registration information of an at-risk
6 individual,

7 h. the identification of children under the age of
8 eighteen (18) of an at-risk individual or any child
9 under the age of twenty-six (26) whose permanent
10 residence is the home of the at-risk individual,

11 i. the full date of birth,

12 j. a photograph of any vehicle that legibly displays the
13 license plate or a photograph of a residence that
14 legibly displays the address of the residence of an
15 at-risk individual,

16 k. the name and address of a school or day care facility
17 attended by immediate family of an at-risk individual,

18 l. the name and address of an employer of immediate
19 family of an at-risk individual, or

20 m. the name and address of a place of worship the at-risk
21 individual or immediate family of an at-risk
22 individual attends;

23 4. The term "data broker" means a commercial entity engaged in
24 collecting, assembling, or maintaining personal information

1 concerning an individual who is not a customer, client, or an
2 employee of that entity in order to sell the information or
3 otherwise profit from providing third-party access to the
4 information. The term data broker does not include a commercial
5 entity engaged in the following activities:

- 6 a. providing 4-1-1 directory assistance or directory
7 information services, including name, address, and
8 telephone number, on behalf of or as a function of a
9 telecommunications carrier,
- 10 b. using personal information internally, providing
11 access to businesses under common ownership or
12 affiliated by corporate control, or selling or
13 providing data for a transaction or service requested
14 by or concerning the individual whose personal
15 information is being transferred,
- 16 c. providing publicly available information via real-time
17 or near-real-time alert services for health or safety
18 purposes,
- 19 d. a consumer reporting agency subject to the federal
20 Fair Credit Reporting Act under 15 U.S.C. Section 1681
21 et seq.,
- 22 e. a financial institution subject to the federal Gramm-
23 Leach-Bliley Act under Public Law No. 106-102 and
24 regulations implementing that act,

1 f. a covered entity for purposes of the privacy
2 regulations promulgated under Section 264(c) of the
3 federal Health Insurance Portability and
4 Accountability Act of 1996 under 42 U.S.C. Section
5 1320d-2, and

6 g. the collection and sale or licensing of covered
7 information incidental to conducting the activities
8 described in subparagraphs a through f of this
9 paragraph;

10 5. The term "immediate family" means a spouse, child, or parent
11 of an at-risk individual or any other familial relative of an at-
12 risk individual whose permanent residence is the same as the at-risk
13 individual;

14 6. The term "social media" means any online electronic medium
15 or a live chat system that:

16 a. primarily serves as a medium for users to interact
17 with content generated by other third-party users of
18 the medium,

19 b. enables users to create accounts or profiles specific
20 to the medium or to import profiles from another
21 medium, and

22 c. enables one or more users to generate content that can
23 be viewed by other third-party users of the medium;

24 7. The term "state agency" means:

- a. an executive agency, as defined by Oklahoma Statute,
and
- b. any county, local or municipal governing body, or
regulatory body, and
- c. any state agency in the judicial branch or legislative
branch; and

8. The term "transfer" means to sell, license, trade, or exchange for consideration the covered information of an at-risk individual or immediate family.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3013 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. Each at-risk individual may:

1. File written notice of the status of the individual as an at-risk individual, for themselves and immediate family, with each state agency that includes information necessary to ensure compliance with this section, as determined by the Administrative Director of the Courts; and

2. Request that each state agency described in Section 2 of this act mark as private their covered information and that of their immediate family.

B. State agencies shall not publicly post or publicly display content that includes covered information of an at-risk individual or immediate family. State agencies, upon receipt of a written

1 request under paragraph 1 of subsection A of this section, shall
2 remove the covered information of the at-risk individual or
3 immediate family from publicly available content not later than
4 seventy-two (72) hours after such receipt.

5 C. Nothing in this section shall prohibit a state agency from
6 providing access to records containing the covered information of a
7 member of the judiciary to a third party if the third party:

8 1. Possesses a signed release from the judge or a lawful court
9 order;

10 2. Is subject to the requirements of Title V of the federal
11 Gramm-Leach-Bliley Act, 15 U.S.C., Section 6801 et seq.; or

12 3. Executes a confidentiality agreement with the state agency.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3014 of Title 20, unless there
15 is created a duplication in numbering, reads as follows:

16 Upon written request of an at-risk individual, the
17 Administrative Director of the Courts is authorized to make any
18 notice or request required or authorized by this act on behalf of
19 the at-risk individual. The notice or request shall include
20 information necessary to ensure compliance with this act. The
21 Director may delegate this authority to an appropriate state agency.
22 Any notice or request made under this act shall be deemed to have
23 been made by the at-risk individual and comply with the notice and
24 request requirements of this act.

1 In lieu of individual notices or requests, the Administrative
2 Director of the Courts, may provide state agencies, county and
3 municipal governments, data brokers, persons, businesses, or
4 associations with a list of at-risk individuals and their immediate
5 family that includes information necessary to ensure compliance with
6 this act, as determined by the Administrative Director of Courts for
7 the purpose of maintaining compliance with this act. Such list
8 shall be deemed to comply with individual notice and request
9 requirements of this act.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3015 of Title 20, unless there
12 is created a duplication in numbering, reads as follows:

13 Not later than one (1) year after the date of enactment of this
14 act, and biennially thereafter, the Administrative Director of the
15 Courts shall submit to the Legislature an annual report that
16 includes:

- 17 1. A detailed amount spent by the state and local governments
18 on protecting judges' covered information;
- 19 2. Where the judges' covered information was found; and
- 20 3. The collection of any new types of personal data found to be
21 used to identify judges who have received threats, including prior
22 home addresses, employers, and institutional affiliations such as
23 nonprofit boards.

24

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3016 of Title 20, unless there
3 is created a duplication in numbering, reads as follows:

4 A. It shall be unlawful for a data broker to knowingly sell,
5 license, trade for consideration, or purchase covered information of
6 an at-risk individual or immediate family.

7 B. Except as provided in subsection C of this section, no
8 person, business, or association shall publicly post or publicly
9 display on the Internet covered information of an at-risk individual
10 or immediate family if the at-risk individual has made a written
11 request to that person, business, or association to not disclose the
12 covered information of the at-risk individual or immediate family.

13 C. Subsection B of this section shall not apply to:

14 1. Covered information that the at-risk individual or immediate
15 family voluntarily publishes on the Internet after the date of
16 enactment of this act; or

17 2. Covered information lawfully received from a state
18 government source or from an employee or agent of the state
19 government.

20 D. After receiving a written request under this section, the
21 person, business, or association shall remove within seventy-two
22 (72) hours the covered information from the Internet and ensure that
23 the information is not made available on any website or a subsidiary
24 website controlled by that person, business, or association, and

1 ensure that the covered information of the at-risk individual or
2 immediate family is not made available on any website or a
3 subsidiary website controlled by that person, business, or
4 association.

5 E. After receiving a written request under this section, the
6 person, business, or association shall not transfer the covered
7 information of the at-risk individual or immediate family to any
8 other person, business, or association through any medium. This
9 subsection shall not apply to:

10 1. Covered information that the at-risk individual or immediate
11 family voluntarily publishes on the Internet after the date of
12 enactment of this act; or

13 2. A transfer made at the request of the at-risk individual or
14 that is necessary to effectuate a request to the person, business,
15 or association from the at-risk individual.

16 SECTION 7. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3017 of Title 20, unless there
18 is created a duplication in numbering, reads as follows:

19 A. An at-risk individual or their immediate family whose
20 covered information is made public as a result of a violation of
21 this act may bring an action seeking injunctive or declaratory
22 relief in any court of competent jurisdiction. If the court grants
23 injunctive or declaratory relief, the person, business, or
24 association responsible for the violation shall be required to pay

1 the costs and reasonable attorney fees of the at-risk individual or
2 immediate family, as applicable.

3 B. If a person, business, or association knowingly violates an
4 order granting injunctive or declaratory relief under subsection A
5 of this section, the court issuing such order may:

6 1. If the person, business, or association is a government
7 agency:

8 a. impose a fine not greater than Four Thousand Dollars
9 (\$4,000.00), and

10 b. award to the at-risk individual or their immediate
11 family, as applicable, court costs and reasonable
12 attorney fees; and

13 2. If the person, business, or association is not a government
14 agency, award to the at-risk individual or their immediate family,
15 as applicable:

16 a. an amount equal to the actual damages sustained by the
17 at-risk individual or their immediate family, and

18 b. court costs and reasonable attorney fees.

19 SECTION 8. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3018 of Title 20, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Nothing in this act shall be construed:

23 1. To prohibit, restrain, or limit the lawful investigation or
24 reporting by the press of any unlawful activity or misconduct

1 alleged to have been committed by an at-risk individual or their
2 immediate family;

3 2. To impair access to decisions and opinions from a member of
4 the State Judiciary in the course of carrying out their public
5 functions;

6 3. To limit the publication or transfer of covered information
7 that the at-risk individual or their immediate family member
8 voluntarily publishes on the Internet after the date of enactment of
9 this act; or

10 4. To prohibit information sharing by a data broker to a
11 federal, state, tribal, or local government, or any unit thereof.

12 B. This act shall be broadly construed to favor the protection
13 of the covered information of at-risk individuals and their
14 immediate family.

15 SECTION 9. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3019 of Title 20, unless there
17 is created a duplication in numbering, reads as follows:

18 If any provision of this act, an amendment made by this act, or
19 the application of such provision or amendment to any person or
20 circumstance is held to be unconstitutional, the remainder of this
21 act and the amendments made by this act and the application of the
22 remaining provisions of this act and amendments to any person or
23 circumstance shall not be affected.

24 SECTION 10. This act shall become effective November 1, 2023.

1 Passed the House of Representatives the 21st day of March, 2023.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2023.

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8 _____
9 Presiding Officer of the Senate