

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1100 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Steve Bashore _____

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1100

By: Rosino of the Senate

and

Bashore of the House

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10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2021, Section 1172, which relates to obscene,
13 threatening, or harassing telecommunication or other
14 electronic communications; prohibiting certain
15 communications through online platforms; defining
16 terms; modifying punishments for certain misdemeanor
17 and felony offenses; amending 21 O.S. 2021, Section
18 1953, which relates to the Oklahoma Computer Crimes
19 Act; making certain acts unlawful; creating felony
20 offense; and providing an effective date.

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

22 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1172, is
23 amended to read as follows:

24 Section 1172. A. It shall be unlawful for a person ~~who~~ to, by
means of a telecommunication ~~or~~, other electronic communication
device, or online platform, willfully either:

1 1. ~~Makes~~ Make any comment, request, suggestion, or proposal
2 which is obscene, lewd, lascivious, filthy, or indecent with intent
3 to harass or threaten to inflict injury, physical harm, or severe
4 emotional distress to any person;

5 2. ~~Makes~~ Make a telecommunication ~~or,~~ other electronic
6 communication, or post on an online platform including text, sound,
7 or images with intent to terrify, intimidate or harass, or threaten
8 to inflict injury ~~or,~~ physical harm, or severe emotional distress to
9 any person or property of that person;

10 3. ~~Makes~~ Make a telecommunication ~~or,~~ other electronic
11 communication, or post on an online platform whether or not
12 conversation ensues, with intent to put ~~the party called~~ any person
13 in fear of physical harm or death;

14 4. ~~Makes~~ Make a telecommunication ~~or,~~ other electronic
15 communication, or post on an online platform including text, sound,
16 or images whether or not conversation ensues, without disclosing the
17 identity of the person making the call ~~or,~~ communication, or post
18 and with intent to ~~annoy,~~ abuse, threaten, or harass any person at
19 which the ~~called number~~ communication is directed;

20 5. Knowingly ~~permits~~ permit any telecommunication ~~or,~~ other
21 electronic communication, or online platform account under the
22 control of the person to be used for any purpose prohibited by this
23 section; ~~and~~

24

1 6. In conspiracy or concerted action with other persons, ~~makes~~
2 make repeated or simultaneous calls ~~or,~~ electronic communications or
3 ~~simultaneous calls or electronic communications~~ posts on an online
4 platform solely to harass any person at the ~~called number(s)~~ number
5 or on the online platform; or

6 7. Commit an act of bullying, as defined in Section 24-100.3 of
7 Title 70 of the Oklahoma Statutes.

8 B. As used in this section, ~~"telecommunication":~~

9 1. "Online platform" means a website or online application that
10 is open to the public, allows a user to create an account, and
11 enables users to communicate with other users for the primary
12 purpose of posting information, comments, messages, or images;

13 2. "Telecommunication" and "electronic communication" mean
14 means any type of telephonic, electronic, or radio communications,
15 or transmission of signs, signals, data, writings, images and
16 sounds, or intelligence of any nature by telephone, including
17 cellular telephones, wire, cable, radio, electromagnetic,
18 photoelectronic, or photo-optical system or the creation, display,
19 management, storage, processing, transmission, or distribution of
20 images, text, voice, video, or data by wire, cable, or wireless
21 means, including the Internet. The term includes a:

22 1. A

1 a. communication initiated by electronic mail, instant
2 message, network call, or facsimile machine including
3 text, soundl, or images~~†l~~

4 ~~2. A~~

5 b. communication made to a pager~~†l~~ or

6 ~~3. A~~

7 c. communication including text, soundl, or images posted
8 to a social media or other public media source; and

9 3. "Severe emotional distress" means significant mental
10 suffering or distress that requires medical or other professional
11 treatment or counseling.

12 C. Use of a telephone or other electronic communications
13 facility under this section shall include all use made of such a
14 facility between the points of origin and reception. Any offense
15 under this section is a continuing offense and shall be deemed to
16 have been committed at either the place of origin or the place of
17 reception.

18 D. ~~Except as provided in subsection E of this section, any~~

19 1. Any person who is convicted of under the provisions of
20 subsection A of this section~~†~~ shall be guilty of a misdemeanor
21 punishable by a fine not to exceed Five Hundred Dollars (\$500.00),
22 or by imprisonment in the county jail not to exceed one (1) year, or
23 by both such fine and imprisonment.

1 ~~E.~~ 2. Any person who is convicted of a second offense under the
2 provisions of subsection A of this section shall be guilty of a
3 felony punishable by a fine not to exceed One Thousand Dollars
4 (\$1,000.00), or by imprisonment in the custody of the Department of
5 Corrections not to exceed two (2) years, or by both such fine and
6 imprisonment.

7 3. Any person who is convicted of a third or subsequent offense
8 under the provisions of subsection A of this section shall be guilty
9 of a felony punishable by a fine of not less than Five Thousand
10 Dollars (\$5,000.00) and not more than One Hundred Thousand Dollars
11 (\$100,000.00), or by imprisonment in the custody of the Department
12 of Corrections not to exceed ten (10) years, or by both such fine
13 and imprisonment.

14 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1953, is
15 amended to read as follows:

16 Section 1953. A. It shall be unlawful to:

17 1. Willfully, and without authorization, gain or attempt to
18 gain access to and damage, modify, alter, delete, destroy, copy,
19 make use of, use malicious computer programs on, disclose or take
20 possession of a computer, computer system, computer network, data or
21 any other property;

22 2. Use a computer, computer system, computer network or any
23 other property as hereinbefore defined for the purpose of devising
24 or executing a scheme or artifice with the intent to defraud,

1 deceive, extort or for the purpose of controlling or obtaining
2 money, property, data, services or other thing of value by means of
3 a false or fraudulent pretense or representation;

4 3. Willfully exceed the limits of authorization and damage,
5 modify, alter, destroy, copy, delete, disclose or take possession of
6 a computer, computer system, computer network, data or any other
7 property;

8 4. Willfully and without authorization, gain or attempt to gain
9 access to a computer, computer system, computer network, data or any
10 other property;

11 5. Willfully and without authorization use or cause to be used
12 computer services;

13 6. Willfully and without authorization disrupt or cause the
14 disruption of computer services or deny or cause the denial of
15 access or other computer services to an authorized user of a
16 computer, computer system or computer network, other than an
17 authorized entity acting for a legitimate business purpose with the
18 effective consent of the owner;

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

22 8. Willfully use a computer, computer system, ~~or~~ computer
23 network ~~to annoy, abuse, threaten, or harass another person, or~~
24

1 other electronic device or system that violates a provision of
2 subsection A of Section 1172 of this title;

3 9. Willfully use a computer, computer system, ~~or~~ computer
4 network, or other electronic device or system to put another person
5 in fear of physical harm or death; ~~and~~

6 10. Willfully use a computer, computer system, computer
7 network, or other electronic device or system to violate any of the
8 provisions provided for in Sections 813, 814, or 815 of this title;
9 or

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

13 B. Any person convicted of violating paragraph 1, 2, 3, 6, 7, 9
14 ~~or~~, 10, or 11 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.

24

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, 2024.

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9 59-2-10899 GRS 04/09/24

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