

1 STATE OF OKLAHOMA

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

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

By: Rosino of the Senate

and

6 Bashore of the House

7  
8  
9 COMMITTEE SUBSTITUTE

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

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

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

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

26 1. ~~Makes~~ Make any comment, request, suggestion, or proposal  
27 which is obscene, lewd, lascivious, filthy, or indecent with intent

1 to harass or threaten to inflict injury, physical harm, or severe  
2 emotional distress to any person;

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

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

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

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

22 6. In conspiracy or concerted action with other persons, ~~makes~~  
23 make repeated or simultaneous calls ~~or,~~ electronic communications or  
24 ~~simultaneous calls or electronic communications~~ posts on an online

1 platform solely to harass any person at the ~~called number(s)~~ number  
2 or on the online platform; or

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

5 B. As used in this section, "telecommunication":

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

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

19 1. A

20 a. communication initiated by electronic mail, instant  
21 message, network call, or facsimile machine including  
22 text, sound, or images;

23 2. A

24 b. communication made to a pager, or

1           ~~3.—A~~

2           c.    communication including text, sound, or images posted  
3                           to a social media or other public media source; and

4           3. "Severe emotional distress" means significant mental  
5 suffering or distress that requires medical or other professional  
6 treatment or counseling.

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

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

14           1. Any person who is convicted of under the provisions of  
15 subsection A of this section, shall be guilty of a misdemeanor  
16 punishable by a fine not to exceed Five Hundred Dollars (\$500.00),  
17 or by imprisonment in the county jail not to exceed one (1) year, or  
18 by both such fine and imprisonment.

19           ~~E.~~ 2. Any person who is convicted of a second offense under the  
20 provisions of subsection A of this section shall be guilty of a  
21 felony punishable by a fine not to exceed One Thousand Dollars  
22 (\$1,000.00), or by imprisonment in the custody of the Department of  
23 Corrections not to exceed two (2) years, or by both such fine and  
24 imprisonment.

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

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

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

11        1. Willfully, and without authorization, gain or attempt to  
12 gain access to and damage, modify, alter, delete, destroy, copy,  
13 make use of, use malicious computer programs on, disclose or take  
14 possession of a computer, computer system, computer network, data or  
15 any other property;

16        2. Use a computer, computer system, computer network or any  
17 other property as hereinbefore defined for the purpose of devising  
18 or executing a scheme or artifice with the intent to defraud,  
19 deceive, extort or for the purpose of controlling or obtaining  
20 money, property, data, services or other thing of value by means of  
21 a false or fraudulent pretense or representation;

22        3. Willfully exceed the limits of authorization and damage,  
23 modify, alter, destroy, copy, delete, disclose or take possession of  
24

1 a computer, computer system, computer network, data or any other  
2 property;

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

6 5. Willfully and without authorization use or cause to be used  
7 computer services;

8 6. Willfully and without authorization disrupt or cause the  
9 disruption of computer services or deny or cause the denial of  
10 access or other computer services to an authorized user of a  
11 computer, computer system or computer network, other than an  
12 authorized entity acting for a legitimate business purpose with the  
13 effective consent of the owner;

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

17 8. Willfully use a computer, computer system, ~~or~~ computer  
18 network ~~to annoy, abuse, threaten, or harass another person, or~~  
19 other electronic device or system that violates a provision of  
20 subsection A of Section 1172 of this title;

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

24

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

4 or

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

8        B. Any person convicted of violating paragraph 1, 2, 3, 6, 7, 9  
9 ~~or~~, 10, or 11 of subsection A of this section shall be guilty of a  
10 felony punishable as provided in Section 1955 of this title.

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

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

19        E. Nothing in the Oklahoma Computer Crimes Act shall be  
20 construed to prohibit testing by an authorized entity, the purpose  
21 of which is to provide to the owner or operator of the computer,  
22 computer system or computer network an evaluation of the security of  
23 the computer, computer system or computer network against real or  
24 imagined threats or harms.

1 SECTION 3. This act shall become effective November 1, 2024.

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