

1 ENGROSSED SENATE  
2 BILL NO. 1100

By: Rosino of the Senate

3 and

4 Bashore of the House

5  
6 An Act relating to crimes and punishments; amending  
7 21 O.S. 2021, Section 815, which relates to aiding an  
8 attempt to commit suicide; modifying punishment for  
9 certain felony offense; expanding applicability of  
10 certain felony offense; amending 21 O.S. 2021,  
11 Section 817, which relates to aiding suicide;  
12 modifying punishment for certain felony offense;  
13 expanding applicability of certain felony offense;  
14 amending 21 O.S. 2021, Section 1172, which relates to  
15 obscene, threatening, or harassing telecommunication  
16 or other electronic communications; prohibiting  
17 certain communications through an online platform;  
18 defining term; modifying punishments for certain  
19 misdemeanor and felony offenses; amending 21 O.S.  
20 2021, Section 1953, which relates to the Oklahoma  
21 Computer Crimes Act; prohibiting certain actions;  
22 creating felony offense; making language gender  
23 neutral; repealing 21 O.S. 2021, Section 818, which  
24 relates to punishment for aiding an attempt at  
suicide; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 815, is  
amended to read as follows:

Section 815. ~~Every~~ A. Any person who willfully aids another in  
attempting to take his or her own life, in any manner ~~which by the~~  
~~preceding sections~~ described in Section 813 or 814 of this title  
that would have amounted to aiding suicide if the person assisted

1 had actually taken his or her own life, ~~is~~ shall, upon conviction,  
2 be guilty of aiding an attempt at suicide a felony punishable by a  
3 fine not to exceed One Thousand Dollars (\$1,000.00), imprisonment in  
4 the custody of the Department of Corrections not to exceed two (2)  
5 years, or by both such fine and imprisonment.

6 B. Any person guilty of a felony offense pursuant to Section  
7 1172 of this title that can be shown to be the proximate cause of  
8 the attempted suicide of the victim of such offense shall, upon  
9 conviction, be guilty of an offense under subsection A of this  
10 section.

11 SECTION 2. AMENDATORY 21 O.S. 2021, Section 817, is  
12 amended to read as follows:

13 Section 817. A. Any person guilty of aiding suicide shall,  
14 upon conviction, be guilty of a felony punishable by a fine not to  
15 exceed Five Thousand Dollars (\$5,000.00), imprisonment in the State  
16 Penitentiary custody of the Department of Corrections for not less  
17 than seven (7) years, or by both such fine and imprisonment.

18 B. Any person guilty of a felony offense pursuant to Section  
19 1172 of this title that can be shown to be the proximate cause of  
20 the suicide of the victim of such offense shall, upon conviction, be  
21 guilty of an offense under subsection A of this section.

22 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1172, is  
23 amended to read as follows:

24

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

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

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

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

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

23 5. Knowingly ~~permits~~ permit any telecommunication ~~or~~, other  
24 electronic communication, or online platform account under the

1 control of the person to be used for any purpose prohibited by this  
2 section; ~~and~~ or

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

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; and

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

22 1. ~~A~~

23

24

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.

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

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

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

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

1 Corrections not to exceed two (2) years, or by both such fine and  
2 imprisonment.

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

10 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1953, is  
11 amended to read as follows:

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

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

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

24

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

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

8           5. Willfully and without authorization use or cause to be used  
9 computer services;

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

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

19          8. Willfully use a computer, computer system, ~~or~~ computer  
20 network, or other electronic device or system to annoy, abuse,  
21 threaten, or harass another person;

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

1       10. Willfully use a computer, computer system, computer  
2 network, or other electronic device or system to encourage another  
3 person to harm himself or herself or to commit suicide; and

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

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

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

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

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



