

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 1100, by substituting the attached floor substitute (Request #3621) for the title, enacting clause, and entire body of the measure.

Submitted by



Senator Rosino

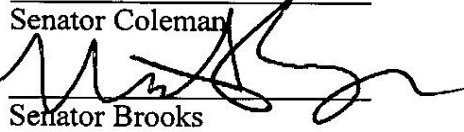
I hereby grant permission for the floor substitute to be adopted.



Senator Jeck, Chair (required)



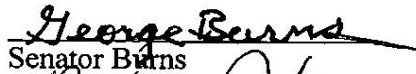
Senator Gollihare

Senator Coleman


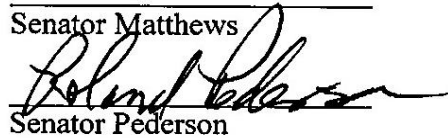
Senator Brooks



Senator Hicks



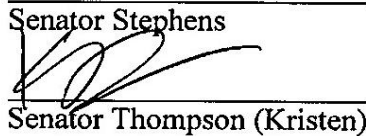
Senator Burns

Senator Matthews


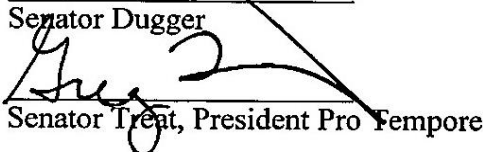
Senator Pederson



Senator Dahm

Senator Stephens


Senator Thompson (Kristen)

Senator Dugger


Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Public Safety committee majority requires seven (7) members' signatures.

Rosino-CN-FS-SB1100
3/6/2024 4:27 PM

(Floor Amendments Only)

Date and Time Filed: 3-7-24

3:25 PM

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1100

6 By: Rosino of the Senate

7 and

8 Bashore of the House

9 FLOOR SUBSTITUTE

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

1 Section 815. ~~Every~~ A. Any person who willfully aids another in
2 attempting to take his or her own life, in any manner which by the
3 preceding sections described in Section 813 or 814 of this title
4 that would have amounted to aiding suicide if the person assisted
5 had actually taken his or her own life, is shall, upon conviction,
6 be guilty of aiding an attempt at suicide a felony punishable by a
7 fine not to exceed One Thousand Dollars (\$1,000.00), imprisonment in
8 the custody of the Department of Corrections not to exceed two (2)
9 years, or by both such fine and imprisonment.

10 B. Any person guilty of a felony offense pursuant to Section
11 1172 of this title that can be shown to be the proximate cause of
12 the attempted suicide of the victim of such offense shall, upon
13 conviction, be guilty of an offense under subsection A of this
14 section.

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

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

22 B. Any person guilty of a felony offense pursuant to Section
23 1172 of this title that can be shown to be the proximate cause of
24

1 the suicide of the victim of such offense shall, upon conviction, be
2 guilty of an offense under subsection A of this section.

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

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

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

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

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

21 4. ~~Makes~~ Make a telecommunication ~~or~~, other electronic
22 communication, or post on an online platform including text, sound,
23 or images whether or not conversation ensues, without disclosing the
24 identity of the person making the call ~~or~~, communication, or post

1 and with intent to annoy, abuse, threaten, or harass any person at
2 which the called number communication is directed;

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

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

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

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

17 2. "Telecommunication" and "electronic communication" mean any
18 type of telephonic, electronic, or radio communications, or
19 transmission of signs, signals, data, writings, images and sounds,
20 or intelligence of any nature by telephone, including cellular
21 telephones, wire, cable, radio, electromagnetic, photoelectronic, or
22 photo-optical system or the creation, display, management, storage,
23 processing, transmission, or distribution of images, text, voice,

24

1 video, or data by wire, cable, or wireless means, including the
2 Internet. The term includes a:

3 ~~1. A~~

4 a. communication initiated by electronic mail, instant
5 message, network call, or facsimile machine including
6 text, sound, or images,

7 ~~2. A~~

8 b. communication made to a pager, or

9 ~~3. A~~

10 c. communication including text, sound, or images posted
11 to a social media or other public media source.

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 imprisonment in the county jail not to exceed one (1) year, or by
23 both such fine and imprisonment.

24

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), 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 not less than Five Thousand Dollars
10 (\$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 4. 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, or other electronic device or system to annoy, abuse,
24 threaten, or harass another person;

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

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

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

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

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

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

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

1 the computer, computer system or computer network against real or
2 imagined threats or harms.

3 SECTION 5. REPEALER 21 O.S. 2021, Section 818, is hereby
4 repealed.

5 SECTION 6. This act shall become effective November 1, 2024.

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7 59-2-3621 CN 3/7/2024 4:26:51 PM

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