

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2794

By: Stinson of the House and Pugh of the Senate

Title: Members of the State Judiciary; Judicial Security and Privacy Act of 2023; notice; at-risk individuals; confidential information; Administrative Director of the Courts; penalty; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES

Pugh _____
Howard _____
Gollihare _____
Standridge _____
Weaver _____
Daniels _____
Floyd _____

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2794

By: Stinson and Kerbs of the
House

7 and

8 Pugh of the Senate

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to members of the State Judiciary;
12 creating the Oklahoma Judicial Security and Privacy
13 Act of 2023; providing definitions; establishing
14 notice system for at-risk individuals and their
15 immediate family to ensure compliance; prohibiting
16 state agencies from publicly posting or displaying
17 certain information; clarifying exceptions;
18 authorizing the Administrative Director of the Courts
19 to make notice on behalf of at-risk individuals;
20 providing what is proper notice; permitting
21 delegation of authority; providing alternative to
22 individual notice; directing the Administrative
23 Director of the Courts to submit report; prohibiting
24 certain acts by commercial entities; providing
exceptions; prohibiting persons, businesses, and
associations from certain activities; providing
exceptions; establishing time within the removal of
certain information must be made; prohibiting
transfer of information; providing exceptions;
creating a right of action for certain individuals;
providing penalty for violations; clarify reach of
act; providing for severability; providing for
codification; and providing an effective date.

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

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

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

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

10 As used in this act:

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

14 2. The term "commercial entity" means any corporation,
15 partnership, limited partnership, proprietorship, sole
16 proprietorship, firm, enterprise, franchise, or association engaged
17 in the buying or selling of goods or services for profit;

18 3. The term "covered information" means:

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

21 b. a home or personal mobile telephone number, or the
22 direct telephone number of a government-issued cell
23 phone or private extension in the chambers of an at-
24 risk individual,

- 1 c. a personal email address of an at-risk individual,
2 d. the Social Security number, driver license number, or
3 home address displayed on voter registration
4 information of an at-risk individual,
5 e. bank account or credit or debit card information of an
6 at-risk individual,
7 f. the home or other address displayed on property tax
8 records or held by a federal, state, or local
9 government agency of an at-risk individual, including
10 any secondary residence and any investment property at
11 which an at-risk individual resides for part of a
12 year,
13 g. a license plate number or home address displayed on
14 vehicle registration information of an at-risk
15 individual,
16 h. the identification of children under the age of
17 eighteen (18) of an at-risk individual or any child
18 under the age of twenty-six (26) whose permanent
19 residence is the home of the at-risk individual,
20 i. the full date of birth,
21 j. a photograph of any vehicle that legibly displays the
22 license plate or a photograph of a residence that
23 legibly displays the address of the residence of an
24 at-risk individual,

- 1 k. the name and address of a school or day care facility
2 attended by immediate family of an at-risk individual,
3 l. the name and address of an employer of immediate
4 family of an at-risk individual, or
5 m. the name and address of a place of worship the at-risk
6 individual or immediate family of an at-risk
7 individual attends;

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

12 5. The term "social media" means any online electronic medium
13 or a live chat system that:

- 14 a. primarily serves as a medium for users to interact
15 with content generated by other third-party users of
16 the medium,
17 b. enables users to create accounts or profiles specific
18 to the medium or to import profiles from another
19 medium, and
20 c. enables one or more users to generate content that can
21 be viewed by other third-party users of the medium;

22 6. The term "state agency" means:

- 23 a. an executive agency, as defined by Oklahoma Statute,
24

1 b. any county, local or municipal governing body, or
2 regulatory body, and

3 c. any state agency in the judicial branch or legislative
4 branch; and

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

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

11 A. Each at-risk individual may:

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

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

20 B. State agencies shall not publicly post or publicly display
21 content that includes covered information of an at-risk individual
22 or immediate family. State agencies, upon receipt of a written
23 request under paragraph 1 of subsection A of this section, shall
24 remove the covered information of the at-risk individual or

1 immediate family from publicly available content not later than
2 seventy-two (72) hours after such receipt.

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

6 1. Possesses a signed release from the judge or a lawful court
7 order;

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

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

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

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

23 In lieu of individual notices or requests, the Administrative
24 Director of the Courts, may provide state agencies, county and

1 municipal governments, commercial entity, persons, businesses, or
2 associations with a list of at-risk individuals and their immediate
3 family that includes information necessary to ensure compliance with
4 this act, as determined by the Administrative Director of Courts for
5 the purpose of maintaining compliance with this act. Such list
6 shall be deemed to comply with individual notice and request
7 requirements of this act.

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

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

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

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

1 A. Except as provided in subsection B of this section, no
2 person, business, or association shall publicly post or publicly
3 display on the Internet covered information of an at-risk individual
4 or immediate family if the at-risk individual has made a written
5 request to that person, business, or association to not disclose the
6 covered information of the at-risk individual or immediate family.

7 B. Subsection A of this section shall not apply to:

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

11 2. Covered information lawfully received from a state
12 government source or from an employee or agent of the state
13 government.

14 C. After receiving a written request under this section, the
15 person, business, or association shall remove within seventy-two
16 (72) hours the covered information from the Internet and ensure that
17 the information is not made available on any publicly available
18 website controlled by that person, business, or association, and
19 ensure that the covered information of the at-risk individual or
20 immediate family is not made available on any publicly available
21 website controlled by that person, business, or association.

22 D. This section shall not apply to:
23
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1 1. Covered information that the at-risk individual or immediate
2 family voluntarily publishes on the Internet after the date of
3 enactment of this act; or

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

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

10 A. An at-risk individual or their immediate family whose
11 covered information is made public as a result of a violation of
12 this act may bring an action seeking injunctive or declaratory
13 relief in any court of competent jurisdiction. If the court grants
14 injunctive or declaratory relief, the person, business, or
15 association responsible for the violation shall be required to pay
16 the costs and reasonable attorney fees of the at-risk individual or
17 immediate family, as applicable.

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

21 1. If the person, business, or association is a government
22 agency:

23 a. impose a fine not greater than Four Thousand Dollars
24 (\$4,000.00), and

1 b. award to the at-risk individual or their immediate
2 family, as applicable, court costs and reasonable
3 attorney fees; and

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

- 7 a. an amount equal to the actual damages sustained by the
8 at-risk individual or their immediate family, and
9 b. court costs and reasonable attorney fees.

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

13 A. Nothing in this act shall be construed:

14 1. To prohibit, restrain, or limit the lawful investigation or
15 reporting by the press of any unlawful activity or misconduct
16 alleged to have been committed by an at-risk individual or their
17 immediate family;

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

21 3. To limit the publication or transfer of covered information
22 that the at-risk individual or their immediate family member
23 voluntarily publishes on the Internet after the date of enactment of
24 this act; or

1 4. To prohibit information sharing by a commercial entity to a
2 federal, state, tribal, or local government, or any unit thereof.

3 B. This act shall be broadly construed to favor the protection
4 of the covered information of at-risk individuals and their
5 immediate family.

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

9 If any provision of this act, an amendment made by this act, or
10 the application of such provision or amendment to any person or
11 circumstance is held to be unconstitutional, the remainder of this
12 act and the amendments made by this act and the application of the
13 remaining provisions of this act and amendments to any person or
14 circumstance shall not be affected.

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

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