

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1726

By: Young

AS INTRODUCED

An Act relating to searches and seizures; defining terms; prohibiting certain court orders; prohibiting certain requests; providing certain exception; requiring certain notification; authorizing civil action; specifying factors for determining punitive damages; allowing award of certain costs and fees; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1242 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. For the purposes of this section:

1. "Government entity" means any department, agency, or political subdivision of this state or any individual acting for or on behalf of the state or a political subdivision;

2. "Reverse-keyword court order" means any court order, including a search warrant, or subpoena compelling the disclosure of records or information identifying any person who electronically searched for a particular word, phrase, or website, or who visited a

1 particular website through a link generated by such a search,  
2 regardless of whether or not the order is limited to a specific  
3 geographic area or time frame;

4 3. "Reverse-keyword request" means any request, in the absence  
5 of a court order, by any government entity for the voluntary  
6 provision of records or information identifying any person who  
7 electronically searched for a particular word, phrase, or website,  
8 or who visited a particular website through a link generated by such  
9 a search, regardless of whether the request is limited to a specific  
10 geographic area or time frame. Such requests shall include offers  
11 to purchase such records or information;

12 4. "Reverse-location court order" means any court order,  
13 including a search warrant, or subpoena compelling the disclosure of  
14 records or information pertaining to the location of unspecified  
15 electronic devices or the unnamed users or owners of such devices,  
16 for which the scope extends to an unknown number of electronic  
17 devices present in a given geographic area at a given time, whether  
18 such location is measured via Global Positioning System (GPS)  
19 coordinates, cell tower connectivity, Wi-Fi positioning, or any  
20 other form of location detection; and

21 5. "Reverse-location request" means any request, in the absence  
22 of a court order, by any government entity for the voluntary  
23 provision of records or information pertaining to the location of  
24 unspecified electronic devices or the unnamed users or owners of

1 such devices, for which the scope extends to an unknown number of  
2 electronic devices present in a given geographic area at a given  
3 time, whether such location is measured via Global Positioning  
4 System (GPS) coordinates, cell tower connectivity, Wi-Fi  
5 positioning, or any other form of location detection. Such requests  
6 shall include offers to purchase such records or information.

7 B. 1. No government entity shall seek a reverse-location court  
8 order or a reverse-keyword court order from any court.

9 2. No government entity shall seek, secure, obtain, borrow,  
10 purchase, or review any information or data obtained through a  
11 reverse-location court order or a reverse-keyword court order.

12 3. No court subject to the laws of this state shall issue a  
13 reverse-location court order or a reverse-keyword court order.

14 4. No person or entity in this state as a result of any law,  
15 regulation, or agreement adopted by this state or any political  
16 subdivision shall be obligated to comply with a reverse-location  
17 court order or a reverse-keyword court order issued by this state, a  
18 political subdivision of this state, any other state, or a political  
19 subdivision of any other state.

20 5. No court or political subdivision of this state shall  
21 support, assist, or enforce a reverse-location court order or a  
22 reverse-keyword court order issued by this state or a political  
23 subdivision, any other state, or a political subdivision of any  
24 other state.

1 C. 1. No government entity shall make a reverse-location  
2 request or a reverse-keyword request.

3 2. No government entity shall seek, secure, obtain, borrow,  
4 purchase, or review any information or data obtained through a  
5 reverse-location request or a reverse-keyword request.

6 3. No government entity shall seek the assistance of any  
7 political subdivision of the federal government or any other state  
8 in obtaining information or data from a reverse-location court  
9 order, reverse-keyword court order, reverse-location request, or  
10 reverse-keyword request if the government entity would be barred  
11 from directly seeking such information under the provisions of this  
12 section.

13 D. 1. Except as proof of a violation of this section, no  
14 record or information obtained, accessed, or otherwise secured in  
15 violation of this section, nor evidence derived from such record or  
16 information, shall be admissible in any criminal, civil,  
17 administrative, or other proceeding.

18 2. For the purposes of this section, a record, information, or  
19 evidence is derived from a reverse-location court order, reverse-  
20 keyword court order, reverse-location request, or reverse-keyword  
21 request when the government entity would not have originally  
22 possessed the information or evidence but for the violative court  
23 order or request, and regardless of any claim that the record,  
24 information, or evidence is attenuated from the unlawful order or

1 request, would inevitably have been discovered, or was subsequently  
2 reobtained through other means.

3 E. 1. Any person whose name or other identifying information  
4 was obtained by a government entity in violation of this section:

5 a. shall be notified of the violation, in writing, by the  
6 government entity who committed the violation and of  
7 the legal recourse available to that person pursuant  
8 to subparagraph b of paragraph 1 of this subsection  
9 and paragraph 3 of this subsection, and

10 b. may institute a civil action against such governmental  
11 entity for any of the following:

- 12 (1) One Thousand Dollars (\$1,000.00) per violation or  
13 actual damages, whichever is greater,  
14 (2) punitive damages,  
15 (3) injunctive or declaratory relief, and  
16 (4) any other relief the court deems proper.

17 2. In assessing the amount of punitive damages, the court shall  
18 consider:

- 19 a. the number of people whose information was disclosed,  
20 b. whether the violation directly or indirectly targeted  
21 persons engaged in the exercise of activities  
22 protected by the Constitution of the United States or  
23 the Constitution of Oklahoma, and  
24

1 c. the persistence of violations by the particular  
2 government entity.

3 3. In any action brought under this section, the court may  
4 award court costs and reasonable attorney fees to a prevailing  
5 plaintiff.

6 SECTION 2. This act shall become effective November 1, 2024.

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