

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1100 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Rande Worthen _____

Reading Clerk

1 STATE OF OKLAHOMA

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

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

By: Rosino of the Senate

and

Bashore of the House

7
8
9
10 PROPOSED COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

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

24

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

6 B. As used in this section, ~~“telecommunication”~~:

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

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

20 ~~1. A~~

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

24 ~~2. A~~

1 b. communication made to a pager~~7~~, or

2 ~~3. A~~

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

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

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

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

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

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

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 of not less than Five Thousand
6 Dollars (\$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 2. 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

59-2-10867 GRS 04/04/24