

1 **SENATE FLOOR VERSION**

2 April 13, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2172

By: Roe and Pittman of the
House

5 and

6 Thompson (Kristen) of the
7 Senate

8
9 An Act relating to crimes and punishments; amending
10 21 O.S. 2021, Section 1176, as amended by Section 4,
11 Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2022, Section
12 1176), which relates to using electronic
13 communication devices to publish identifying
14 information; expanding scope of crime; adding
15 definition; and providing an effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1176, as
18 amended by Section 4, Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2022,
19 Section 1176), is amended to read as follows:

20 Section 1176. A. Whoever, with the intent to threaten,
21 intimidate or harass, or facilitate another to threaten, intimidate
22 or harass, uses an electronic communication device to knowingly
23 publish, post or otherwise make publicly available personally
24 identifiable information of a peace officer, public official,
medical care provider, or crime victim, and as a result places that
peace officer, public official, medical care provider, or crime

1 victim in reasonable fear of death or serious bodily injury shall,
2 upon conviction, be guilty of a misdemeanor punishable by
3 imprisonment in the county jail for a term not to exceed six (6)
4 months, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
5 or by both such fine and imprisonment. Upon conviction for a second
6 or subsequent violation, the person shall be punished by
7 imprisonment in the county jail for a term not to exceed one (1)
8 year, or by a fine not to exceed Two Thousand Dollars (\$2,000.00),
9 or by both such fine and imprisonment.

10 B. To the extent the provisions of Section A apply to medical
11 care providers, the protections provided herein shall not apply when
12 the incident is unrelated to the provider's professional duties.

13 C. As used in this section:

14 1. "Crime victim" shall have the same meaning as that term is
15 defined in Section 142A-1 of this title;

16 2. "Electronic communication" shall have the same meaning as
17 that term is defined in Section 1172 of this title. Electronic
18 communication does not include broadcast transmissions or similar
19 communications that are not targeted at any specific individual;

20 3. "Electronic communication device" means any cellular
21 telephone, facsimile, pager, computer or any device capable of
22 electronic communication;

23 4. "Medical care provider" means a doctor, resident, intern,
24 nurse, nurse practitioner, nurses' aide, ambulance attendant or

1 operator, paramedic, emergency medical technician, laboratory
2 technician, radiologic technologist, physical therapist, physician
3 assistant, chaplain of a health care facility, volunteer of a health
4 care facility, pharmacist, nursing student, medical student, member
5 of a hospital security force, and any other employee or contractor
6 working in or for a health care facility;

7 5. "Peace officer" shall have the same meaning as that term is
8 defined in Section 99 of this title;

9 ~~5.~~ 6. "Personally identifiable information" means information
10 which can identify an individual including, but not limited to,
11 name, birth date, place of birth, mother's maiden name, biometric
12 records, Social Security number, official state- or government-
13 issued driver license or identification number, government passport
14 number, employer or taxpayer identification number or any other
15 information that is linked or linkable to an individual, such as
16 medical, educational, financial or employment information;

17 ~~6.~~ 7. "Public official" means any person elected or appointed
18 to a state office in the executive, legislative or judicial branch
19 of state government or other political subdivision of the state; and

20 ~~7.~~ 8. "Publish" means to circulate, deliver, distribute,
21 disseminate, transmit or otherwise make available to another person.

22 SECTION 2. This act shall become effective November 1, 2023.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
24 April 13, 2023 - DO PASS