

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

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

By: Rosino of the Senate

and

Bashore of the House

7  
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9  
10                                   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~~

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; or

6           7. Commit an act of bullying, as defined in Section 24-100.3 of  
7 Title 70 of the Oklahoma Statutes.

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

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

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

22           1.—A

1           a.   communication initiated by electronic mail, instant  
2           message, network call, or facsimile machine including  
3           text, soundl, or images~~†l~~

4           ~~2. A~~

5           b.   communication made to a pager~~†l~~ or

6           ~~3. A~~

7           c.   communication including text, soundl, or images posted  
8           to a social media or other public media source; and

9           3. "Severe emotional distress" means significant mental  
10 suffering or distress that requires medical or other professional  
11 treatment or counseling.

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

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), or by 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 of not less than Five Thousand  
10 Dollars (\$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 2.        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 ~~to annoy, abuse, threaten, or harass another person, or~~  
24

1 other electronic device or system that violates a provision of  
2 subsection A of Section 1172 of this title;

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

6 10. Willfully use a computer, computer system, computer  
7 network, or other electronic device or system to violate any of the  
8 provisions provided for in Sections 813, 814, or 815 of this title;  
9 or

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

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

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

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

24

1 E. Nothing in the Oklahoma Computer Crimes Act shall be  
2 construed to prohibit testing by an authorized entity, the purpose  
3 of which is to provide to the owner or operator of the computer,  
4 computer system or computer network an evaluation of the security of  
5 the computer, computer system or computer network against real or  
6 imagined threats or harms.

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

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
10 04/10/2024 - DO PASS, As Amended.

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