

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 412

By: Dahm

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6 AS INTRODUCED

7 An Act relating to law enforcement communication;
8 providing certain definition; prohibiting certain
9 collection of location information; providing for
10 codification; and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 178.1 of Title 13, unless there
14 is created a duplication in numbering, reads as follows:

15 As used in this act, an "international mobile subscriber
16 identity catcher (IMSI-catcher)", or "Stingray" is a mobile device
17 that captures the signaling information, which may include, but not
18 be limited to, the phone number and serial number of electronic
19 communication devices within the vicinity. The IMSI-catcher mimics
20 a cell site tower in that it reads signaling information broadcast
21 in public by electronic communication devices turned on in the area.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 178.2 of Title 13, unless there
24 is created a duplication in numbering, reads as follows:

1 A. A law enforcement agency is prohibited from using an
2 international mobile subscriber identity catcher (IMSI-catcher) or
3 Stingray to obtain an individual's real-time or historical
4 electronic communication device location information without first
5 obtaining a search warrant pursuant to Sections 1221 through 1241 of
6 Title 22 of the Oklahoma Statutes.

7 B. Nothing in this act shall prohibit the Oklahoma Department
8 of Corrections from using an IMSI-catcher or "Stingray".

9 C. Any data collected while using an IMSI-catcher or
10 "Stingray", as a result of a warrant authorizing such usage, that is
11 captured not as the target of the warrant shall be inadmissible in a
12 court of law and any applicable data must be destroyed in an
13 unrecoverable manner within twenty-four hours of capture.

14 SECTION 3. This act shall become effective November 1, 2019.

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