

1 **SENATE FLOOR VERSION**

February 7, 2023

2 **AS AMENDED**

3 SENATE BILL NO. 981

By: Weaver of the Senate

4 and

5 Moore of the House

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7
8 An Act relating to the Security of Communications
9 Act; amending 13 O.S. 2021, Section 176.8, which
10 relates to disclosure of information; updating
11 statutory language; making language gender neutral;
12 authorizing certain testimony in administrative and
13 civil proceedings; and providing an effective date.

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

15 SECTION 1. AMENDATORY 13 O.S. 2021, Section 176.8, is
16 amended to read as follows:

17 Section 176.8. A. Any law enforcement officer who, by any
18 means authorized by the Security of Communications Act, has obtained
19 knowledge of the contents of any wire, oral or electronic
20 communication or evidence derived ~~therefrom~~ from such communication
21 may disclose ~~such~~ the contents to another law enforcement officer to
22 the extent that such disclosure is appropriate to the proper
23 performance of the official duties of the officer making or
24 receiving the disclosure.

1 B. Any law enforcement officer who, by any authorized means,
2 has obtained knowledge of the contents of any wire, oral or
3 electronic communication or evidence derived ~~therefrom~~ from such
4 communication may use ~~such~~ the contents to the extent such use is
5 appropriate to the proper performance of ~~his~~ the officer's official
6 duties.

7 C. Any person who has received, by any authorized means, any
8 information concerning a wire, oral or electronic communication or
9 evidence derived ~~therefrom~~ from such communication intercepted in
10 accordance with the provisions of the Security of Communications Act
11 may disclose the contents of ~~that~~ the communication or such
12 derivative evidence while giving testimony under oath or affirmation
13 in any administrative or criminal proceeding in any court of this
14 state or of the United States or in any grand jury proceeding, if
15 such testimony is otherwise admissible.

16 D. No otherwise privileged wire, oral or electronic
17 communication intercepted in accordance with, or in violation of,
18 the provisions of the Security of Communications Act shall lose its
19 privileged character.

20 E. When a law enforcement officer, while engaged in
21 intercepting wire, oral or electronic communications in an
22 authorized manner, intercepts wire, oral or electronic
23 communications relating to offenses for which an order or
24 authorization could have been secured or any offense listed in

1 Section 571 of Title 57 of the Oklahoma Statutes, which is other
2 than those specified in the order of authorization, the contents
3 ~~thereof~~ of such communications and evidence derived therefrom may be
4 disclosed or used as provided in this section. Such contents and
5 any evidence derived ~~therefrom~~ from the contents may be used when
6 authorized by a judge of competent jurisdiction when ~~such~~ the judge
7 finds on subsequent application that the contents were otherwise
8 intercepted in accordance with the provisions of the Security of
9 Communications Act. Such application shall be made as soon as
10 practicable.

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

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
13 February 7, 2023 - DO PASS AS AMENDED
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