

An Act

ENROLLED HOUSE
BILL NO. 1643

By: Humphrey of the House

and

Bullard of the Senate

An Act relating to personal identification information; making certain acts unlawful; providing penalties; defining terms; amending Section 1, Chapter 219, O.S.L. 2019 (68 O.S. Supp. 2020, Section 2899.1), which relates to the records of the county assessor; authorizing elected county officials and peace officers to request the confidentiality of personal information; defining terms; providing for codification; and providing an effective date.

SUBJECT: Personal identification information

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1176 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Whoever, with the intent to threaten, intimidate or harass, or facilitate another to threaten, intimidate or harass, uses an electronic communication device to knowingly publish, post or otherwise make publicly available personally identifiable information of a peace officer or public official, and as a result places that peace officer or public official in reasonable fear of death or serious bodily injury shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed six (6) months, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent violation, the person shall be punished by imprisonment in the county jail for a term not

to exceed one (1) year, or by a fine not to exceed Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. As used in this section:

1. "Electronic communication" shall have the same meaning as that term is defined in Section 1172 of Title 21 of the Oklahoma Statutes. Electronic communication does not include broadcast transmissions or similar communications that are not targeted at any specific individual;

2. "Electronic communication device" means any cellular telephone, facsimile, pager, computer or any device capable of electronic communication;

3. "Peace officer" shall have the same meaning as that term is defined in Section 99 of Title 21 of the Oklahoma Statutes;

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

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

6. "Publish" means to circulate, deliver, distribute, disseminate, transmit or otherwise make available to another person.

SECTION 2. AMENDATORY Section 1, Chapter 219, O.S.L. 2019 (68 O.S. Supp. 2020, Section 2899.1), is amended to read as follows:

Section 2899.1 A. All elected county officials, peace officers and law enforcement organizations in the State of Oklahoma shall be permitted to request to a county assessor that personal information regarding elected county officials, peace officers or undercover or covert law enforcement officers not be made publicly available on the Internet, but instead kept in a secure location at a the office

of the county ~~assessor's office~~ assessor where it may be made available to authorized persons pursuant to law.

B. ~~For purposes of this section, "personal information" shall mean:~~

~~1. The home address of a person;~~

~~2. The home address of the spouse, domestic partner or minor child of a person; and~~

~~3. Any telephone number or electronic mail address of a person.~~

~~C.~~ Any elected county official, peace officer or law enforcement official on behalf of an undercover or covert officer, who wishes to have the personal information of ~~an~~ the elected county official, peace officer or undercover or covert officer that is contained in the records of a county assessor be kept confidential must obtain an order of a court that requires the county assessor to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the elected county official, peace officer or law enforcement official, which affidavit:

1. States that the individual whose information is to be kept confidential is ~~an~~ :

a. an elected county official,

b. a peace officer, or

c. an undercover or covert officer; and

2. Sets forth sufficient justification for the request for confidentiality.

C. Upon receipt of such an order, a county assessor shall keep such information confidential and shall not disclose the confidential information to anyone not specifically authorized by law to view the information, unless disclosure is specifically authorized in writing by that person or the affiant. A county assessor shall not post such confidential information on the Internet.

D. As used in this section:

1. "Elected county official" means a person elected to a county office;

2. "Peace officer" shall have the same meaning as that term is defined in Section 99 of Title 21 of the Oklahoma Statutes; and

3. "Personal information" means:

- a. the home address of a person,
- b. the home address of the spouse, domestic partner or minor child of a person, and
- c. any telephone number or electronic mail address of a person.

SECTION 3. This act shall become effective November 1, 2021.

Passed the House of Representatives the 9th day of March, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____