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February 29, 2024

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1100

By: Rosino of the Senate

and

Bashore of the House

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1172, which relates to obscene, threatening, or harassing telecommunication or other electronic communications; prohibiting certain communications through an online platform; defining term; modifying punishments for certain misdemeanor and felony offenses; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1172, is amended to read as follows:

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. ~~Makes~~ Make any comment, request, suggestion, or proposal
which is obscene, lewd, lascivious, filthy, or indecent;

2. ~~Makes~~ Make a telecommunication ~~or~~, other electronic communication, or post on an online platform including text, sound,

1 or images with intent to terrify, intimidate or harass, or threaten
2 to inflict injury ~~or~~, physical harm, or severe emotional distress to
3 any person or property of that person;

4 3. ~~Makes~~ Make a telecommunication ~~or~~, other electronic
5 communication, or post on an online platform whether or not
6 conversation ensues, with intent to put the party called in fear of
7 physical harm or death;

8 4. ~~Makes~~ Make a telecommunication ~~or~~, other electronic
9 communication, or post on an online platform including text, sound,
10 or images whether or not conversation ensues, without disclosing the
11 identity of the person making the call or communication and with
12 intent to annoy, abuse, threaten, or harass any person at the called
13 number;

14 5. Knowingly ~~permits~~ permit any telecommunication ~~or~~, other
15 electronic communication, or online platform account under the
16 control of the person to be used for any purpose prohibited by this
17 section; and

18 6. In conspiracy or concerted action with other persons, makes
19 repeated or simultaneous calls ~~or~~, electronic communications or
20 ~~simultaneous calls or electronic communications~~ posts on an online
21 platform solely to harass any person at the ~~called number(s)~~ number
22 or on the online platform.

23 B. As used in this section, ~~"telecommunication":~~
24

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

5 2. "Telecommunication" and "electronic communication" mean any
6 type of telephonic, electronic, or radio communications, or
7 transmission of signs, signals, data, writings, images and sounds,
8 or intelligence of any nature by telephone, including cellular
9 telephones, wire, cable, radio, electromagnetic, photoelectronic, or
10 photo-optical system or the creation, display, management, storage,
11 processing, transmission, or distribution of images, text, voice,
12 video, or data by wire, cable, or wireless means, including the
13 Internet. The term includes a:

14 ~~1.—A~~

15 a. communication initiated by electronic mail, instant
16 message, network call, or facsimile machine including
17 text, sound, or images~~+~~,

18 ~~2.—A~~

19 b. communication made to a pager~~+~~, or

20 ~~3.—A~~

21 c. communication including text, sound, or images posted
22 to a social media or other public media source.

23 C. Use of a telephone or other electronic communications
24 facility under this section shall include all use made of such a

1 facility between the points of origin and reception. Any offense
2 under this section is a continuing offense and shall be deemed to
3 have been committed at either the place of origin or the place of
4 reception.

5 D. ~~Except as provided in subsection E of this section, any~~

6 1. Any person who is convicted of under the provisions of
7 subsection A of this section, shall be guilty of a misdemeanor
8 punishable by a fine not to exceed Two Hundred Dollars (\$200.00),
9 imprisonment in the county jail for not more than thirty (30) days,
10 or by both such fine and imprisonment.

11 2. Any person who is convicted for subsequent offenses under
12 the provisions of subsection A of this section shall be guilty of a
13 felony punishable by a fine not to exceed Seven Hundred Dollars
14 (\$700.00), imprisonment in the custody of the Department of
15 Corrections for not more than one (1) year, or by both such fine and
16 imprisonment.

17 ~~E. Any person who is convicted of a second offense under this~~
18 ~~section shall be guilty of a felony.~~

19 SECTION 2. This act shall become effective November 1, 2024.

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
21 February 29, 2024 - DO PASS AS AMENDED BY CS
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