

ENGROSSED HOUSE
BILL NO. 1568

BY: RICE of the HOUSE

and

HERBERT of the SENATE

AN ACT RELATING TO COMMON CARRIERS; AMENDING SECTION
1, CHAPTER 264, O.S.L. 1988 (13 O.S. SUPP. 1990,
SECTION 177.1), WHICH RELATES TO PEN REGISTERS OR
TRAPS AND TRACE DEVICES; MODIFYING DEFINITION OF
TRAP AND TRACE DEVICE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 1, Chapter 264, O.S.L.
1988 (13 O.S. Supp. 1990, Section 177.1), is amended to read as
follows:

Section 177.1 As used in Sections ~~±~~ 177.1 through ~~±~~ 177.5 of
this ~~act~~ title:

1. "Court of competent jurisdiction" means a court of general
criminal jurisdiction of this state, including a magistrate of such
a court;

2. "Electronic communication" means any transfer of signs,
signals, writing, images, sounds, data or intelligence of any nature
transmitted in whole or in part by a wire, radio, electro-magnetic,
photo-electronic or photo-optical system, but does not include:

- a. the radio portion of a cordless telephone communication that is transmitted between the cordless telephone headset and the base unit,
- b. any wire or oral communication,
- c. any communication made through a tone-only paging device, or
- d. any communication from a tracking device;

3. "Magistrate" means any justice of the Supreme Court or judge of the Court of Criminal Appeals, Court of Appeals or district court, including associate district judges and special judges;

4. "Pen register" means a device which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but such term does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;

5. "Trap and trace device" means a device which captures the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted, but does not include devices used by subscribers to identify the originating numbers of calls received by such subscribers; and

6. "Wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a communication common carrier in

providing or operating such facilities for the transmission of intrastate, interstate or foreign communications.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 4th day of March, 1991.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate