

SHORT TITLE: Crimes and punishments; prohibiting dissemination of information received from cellular telephone in certain situation. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1105

By: Wilkerson

AS INTRODUCED

An Act relating to crimes and punishment; amending 21 O.S. 1991, Section 747, which relates to hostages; modifying language; providing for barricaded suspects; prohibiting dissemination of information received from cellular telephone in certain situation; providing penalty; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 747, is amended to read as follows:

Section 747. A. The supervising law enforcement official having jurisdiction in the geographical area where ~~hostages are~~ any hostage is held or any suspect is barricaded who has probable cause to believe that the holder of ~~one or more hostages~~ any hostage or that any suspect is committing a crime shall have the authority to order a telephone company to arrange to cut, reroute or divert telephone lines in any emergency in which ~~such hostages are~~ any hostage is being held or any suspect is barricaded, for the purpose of preventing telephone communication by the holder of ~~such hostages~~ any hostage or any barricaded suspect with any person other than a peace officer or a person authorized by the peace officer.

B. The serving telephone company within the geographical area of a law enforcement unit shall designate appropriate telephone

company management employees to provide, or cause to be provided, all required assistance to law enforcement officials to carry out the purposes of this section.

C. Good faith reliance on an order by a supervising law enforcement official pursuant to this section, shall constitute a complete defense to any civil or criminal action brought against a telephone company, its agents or employees, as a result of compliance with said order.

D. It shall be unlawful for any person to publicly disseminate, unless with the consent or at the request of the law enforcement agency of the supervising law enforcement officer, any information received from any hostage holder or barricaded suspect when a cellular telephone has been used to establish contact with such hostage holder or barricaded suspect. Every person convicted of a violation of this subsection shall be guilty of a felony as provided in the sentencing matrix and shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00).

SECTION 2. This act shall become effective July 1, 1998.

SECTION 3. 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.

46-2-2407

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