

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1115

By: Adair

AS INTRODUCED

An Act relating to the Security of Communications Act; amending 13 O.S. 1991, Section 176.4, which relates to acts which are not prohibited; modifying conditions for certain interceptions; and providing an effective date.

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

SECTION 1. AMENDATORY 13 O.S. 1991, Section 176.4, is amended to read as follows:

Section 176.4 It is not unlawful pursuant to the Security of Communications Act for:

1. An operator of a switchboard, or an officer, employee, or agent of any communication common carrier whose facilities are used in the transmission of a wire, oral, or electronic communication to intercept, disclose, or use that communication in the normal course of ~~his~~ the employment of that person while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication. Said communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks; ~~or~~

2. An officer, employee, or agent of any communication common carrier or other person authorized to provide information, facilities, or technical assistance to a law enforcement officer who is authorized to intercept a wire, oral, or electronic communication; ~~or~~

3. An officer, employee, or agent of the Federal Communications Commission, in the normal course of ~~his~~ the employment of that person and in discharge of the monitoring responsibilities exercised by the Commission in the enforcement of Chapter 5 of Title 47 of the United States Code, to intercept a wire, oral, or electronic communication transmitted by radio or to disclose or use the information obtained; ~~or~~

4. A person acting under color of law to intercept a wire, oral or electronic communication when such person is a party to the communication ~~or one~~ and all of the parties to the communication ~~has~~ have given prior consent to such interception; ~~or~~

5. A person not acting under color of law to intercept a wire, oral, or electronic communication when such person is a party to the communication ~~or~~ and when ~~one~~ all of the parties to the communication ~~has~~ have given prior consent to such interception unless the communication is intercepted for the purpose of committing any criminal act; ~~or~~

6. A communication common carrier or an officer, agent, or employee thereof, or a person under contract with a communication common carrier, in the normal course of the business of the communication common carrier bidding upon contracts with or in the course of doing business with the United States, a state, or a political subdivision thereof, in the normal course of the activities of said entities, to send through the mail, send or carry in interstate or foreign commerce, manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders the device primarily useful for the purpose of the illegal interception of wire, oral or electronic communications; or

7. An officer or employee of the Oklahoma Department of Corrections to monitor any wire, oral, or electronic communication where an incarcerated inmate is a party to that communication, if

the inmate is given prior and conspicuous notice of the surveillance or monitoring.

SECTION 2. This act shall become effective November 1, 1999.

47-1-5135           LAC           6/12/15