

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1439

By: Helton

AS INTRODUCED

An Act relating to common carriers; amending 13 O.S. 1991, Section 176.3, as last amended by Section 59, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (13 O.S. Supp. 1999, Section 176.3), which relates to penalties for Security of Communications Act; modifying reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 13 O.S. 1991, Section 176.3, as last amended by Section 59, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (13 O.S. Supp. 1999, Section 176.3), is amended to read as follows:

Section 176.3 Except as otherwise specifically provided in ~~this act~~ the Security of Communications Act, any person is guilty of a felony and upon conviction shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00), or by imprisonment of not more than five (5) years, or by both who:

1. Willfully intercepts, endeavors to intercept or procures any other person to intercept or endeavor to intercept any wire, oral or electronic communication;

2. Willfully uses, endeavors to use or procures any other person to use or endeavor to use any electronic, mechanical or other device to intercept any oral communication;

3. Willfully discloses or endeavors to disclose to any other person the contents of any wire, oral or electronic communication, knowing or having reason to know that the information was obtained in violation of the provisions of the Security of Communications Act;

4. Willfully uses or endeavors to use the contents of any wire, oral or electronic communication, knowing or having reason to know that the information was obtained in violation of the provisions of the Security of Communications Act;

5. Willfully and maliciously, without legal authority, removes, injures or obstructs any telephone or telegraph line, or any part or appurtenances or apparatus connected thereto, or severs any wires thereof;

6. Sends through the mail or sends or carries any electronic, mechanical or other device with the intention of rendering the device primarily useful for the purpose of the illegal interception of wire, oral or electronic communications in violation of the provisions of the Security of Communications Act;

7. Manufactures, assembles, possesses or sells any electronic, mechanical or other device with the intention of rendering the device primarily useful for the purpose of the illegal interception of wire, oral or electronic communications in violation of the provisions of the Security of Communications Act; or

8. Willfully uses any communication facility in committing or in causing or facilitating the commission of any act or acts constituting one or more of the felonies enumerated in Section 176.7 of this title. Each separate use of a communication facility to cause or facilitate such a felony shall be a separate offense.

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.

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