

ENROLLED SENATE
BILL NO. 1579

By: Wilkerson of the Senate

and

Braddock and Nance of the
House

An Act relating to computer crimes; amending 22 O.S. 2001, Section 121, which relates to offenses commenced outside and consummated within the state; clarifying jurisdiction for certain computer crimes; including use of certain technology, device or application; amending 21 O.S. 2001, Sections 1953 and 1957, which relate to computer crimes and jurisdiction; modifying language; making language gender neutral; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 121, is amended to read as follows:

Section 121. When the commission of a public offense, commenced without this state, is consummated within its boundaries, the defendant is liable to punishment therefor in this state, though ~~he~~ the defendant were out of ~~the~~ this state at the time of the ~~Commission~~ commission of the offense charged if ~~he~~ the defendant consummated it in this state through the intervention of an innocent or guilty agent, or by any other means proceeding directly from ~~himself~~ the defendant, including the use of any technology, telephone, computer, or cyberspace device or application; and in such case, the jurisdiction is in the county in which the offense is consummated.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1953, is amended to read as follows:

Section 1953. A. It shall be unlawful to:

1. Willfully, and without authorization, gain or attempt to gain access to and damage, modify, alter, delete, destroy, copy, make use of, disclose or take possession of a computer, computer system, computer network or any other property;

2. Use a computer, computer system, computer network or any other property as hereinbefore defined for the purpose of devising or executing a scheme or artifice with the intent to defraud, deceive, extort or for the purpose of controlling or obtaining

money, property, services or other thing of value by means of a false or fraudulent pretense or representation;

3. Willfully exceed the limits of authorization and damage, modify, alter, destroy, copy, delete, disclose or take possession of a computer, computer system, computer network or any other property;

4. Willfully and without authorization, gain or attempt to gain access to a computer, computer system, computer network or any other property;

5. Willfully and without authorization use or cause to be used computer services;

6. Willfully and without authorization disrupt or cause the disruption of computer services or deny or cause the denial of access or other computer services to an authorized user of a computer, computer system or computer network;

7. Willfully and without authorization provide or assist in providing a means of accessing a computer, computer system or computer network in violation of this section;

8. Willfully use a computer, computer system, or computer network to annoy, abuse, threaten, or harass another person; and

9. Willfully use a computer, computer system, or computer network to put another person in fear of physical harm or death.

B. Any person convicted of violating paragraph 1, 2, 3, 6, 7 or 9 of subsection A of this section shall be guilty of a felony punishable as provided in Section 1955 of this title.

C. Any person convicted of violating paragraph 4, 5 or 8 of subsection A of this section shall be guilty of a misdemeanor.

SECTION 3. AMENDATORY 21 O.S. 2001, Section 1957, is amended to read as follows:

Section 1957. For purposes of bringing a civil or a criminal action ~~under~~ pursuant to the Oklahoma Computer Crimes Act, a person who causes, by any means, the access of a computer, computer system or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system or computer network in each jurisdiction.

SECTION 4. 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 Senate the 4th day of March, 2002.

Presiding Officer of the Senate

Passed the House of Representatives the 11th day of April, 2002.

Presiding Officer of the House
of Representatives