

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1393

By: Nance

AS INTRODUCED

An Act relating to common carriers; amending 13 O.S. 1991, Section 176.8, which relates to disclosure of information obtained pursuant to a wiretap; adding types of crimes for which evidence obtained by wiretap may be used; and providing an effective date.

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

SECTION 1. AMENDATORY 13 O.S. 1991, Section 176.8, is amended to read as follows:

Section 176.8 A. Any law enforcement officer who, by any means authorized by the Security of Communications Act, has obtained knowledge of the contents of any wire, oral or electronic communication or evidence derived therefrom may disclose such contents to another law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

B. Any law enforcement officer who, by any authorized means, has obtained knowledge of the contents of any wire, oral or electronic communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of his official duties.

C. Any person who has received, by any authorized means, any information concerning a wire, oral or electronic communication or evidence derived therefrom intercepted in accordance with the provisions of the Security of Communications Act may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any criminal

proceeding in any court of this state or of the United States or in any grand jury proceeding, if such testimony is otherwise admissible.

D. No otherwise privileged wire, oral or electronic communication intercepted in accordance with, or in violation of, the provisions of the Security of Communications Act shall lose its privileged character.

E. When a law enforcement officer, while engaged in intercepting wire, oral or electronic communications in an authorized manner, intercepts wire, oral or electronic communications relating to offenses for which an order or authorization could have been secured or any offense listed in paragraph 5 of Section 571 of Title 57 of the Oklahoma Statutes, which is other than those specified in the order of authorization, the contents thereof and evidence derived therefrom may be disclosed or used as provided in this section. Such contents and any evidence derived therefrom may be used when authorized by a judge of competent jurisdiction when such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of the Security of Communications Act. Such application shall be made as soon as practicable.

SECTION 2. This act shall become effective November 1, 2001.

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