

EHB 1263

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THE STATE SENATE
Thursday, March 27, 2003

ENGROSSED

House Bill No. 1263

ENGROSSED HOUSE BILL NO. 1263 - By: NANCE of the House and NICHOLS of the Senate.

An Act relating to common carriers; amending 13 O.S. 2001, Section 176.3, which relates to intercepting communications; establishing venue for certain criminal prosecution; and providing an effective date.

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

SECTION 1. AMENDATORY 13 O.S. 2001, Section 176.3, is amended to read as follows:

Section 176.3 Except as otherwise specifically provided in this 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;

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

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

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

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

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

1 8. Willfully uses any communication facility in committing or
2 in causing or facilitating the commission of any act or acts
3 constituting one or more of the felonies enumerated in Section 176.7
4 of this title. Each separate use of a communication facility to
5 cause or facilitate such a felony shall be a separate offense.
6 Venue for any violation of this section shall lie in the same county
7 as venue for the underlying felony enumerated in Section 176.7 of
8 this title.

9 SECTION 2. This act shall become effective November 1, 2003.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-25-03 - DO
11 PASS.