

3 Senate Bill No. 1716
4 As Amended

5 SENATE BILL NO. 1716 - By: NICHOLS of the Senate and MORGAN (Fred)
6 of the House.

7 [computer crimes - Oklahoma Computer Crimes Act - expanding
8 jurisdictions -
9 emergency]

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

11 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1957, as
12 amended by Section 3, Chapter 97, O.S.L. 2002 (21 O.S. Supp. 2005,
13 Section 1957), is amended to read as follows:

14 Section 1957. For purposes of bringing a civil or a criminal
15 action or for purposes of investigating any crime pursuant to the
16 Oklahoma Computer Crimes Act or for any violation of law by use of a
17 computer, a person who causes, by any means, the access of a
18 computer, computer system or computer network in one jurisdiction
19 from another jurisdiction is deemed to have personally accessed the
20 computer, computer system or computer network in each jurisdiction.
21 The Oklahoma State Bureau of Investigation, the State Office of the
22 Attorney General or any district attorney in this state is
23 authorized to investigate and prosecute any computer crime
24 originating from, networking with, or otherwise operating within any
25 jurisdiction within the United States or any province, parish,

1 district or country outside the United States in which a person
2 unlawfully accessed any computer in this state or otherwise
3 committed any crime in this state by use of a computer.

4 SECTION 2. AMENDATORY Section 1, Chapter 98, O.S.L. 2003
5 (21 O.S. Supp. 2005, Section 1959), is amended to read as follows:

6 Section 1959. A. When any person has engaged in, is engaged
7 in, or is attempting or conspiring to engage in any conduct
8 constituting a violation of any of the provisions of ~~Section 1953 of~~
9 ~~Title 21 of the Oklahoma Statutes~~ the Oklahoma Computer Crimes Act,
10 or any other provision of law by use of a computer, the Oklahoma
11 Attorney General or any district attorney in Oklahoma may conduct an
12 investigation of the activity. On approval of the district judge,
13 the Attorney General or district attorney, in accordance with the
14 provisions of Section 258 of Title 22 of the Oklahoma Statutes ~~and~~
15 or pursuant to the provisions of the Oklahoma Computer Crimes Act or
16 other provisions of law, is authorized before the commencement of
17 any civil or criminal proceeding to subpoena witnesses, compel their
18 attendance, examine them under oath, or require the production of
19 any business papers or records by subpoena duces tecum. Evidence
20 collected pursuant to this section shall not be admissible in any
21 civil proceeding.

22 B. Any business papers and records subpoenaed by the Attorney
23 General or district attorney shall be available for examination by

1 the person who produced the material or by any duly authorized
2 representative of the person. Transcripts of oral testimony shall
3 be available for examination by the person who produced such
4 testimony and their counsel.

5 Except as otherwise provided for in this section, no business
6 papers, records, or transcripts or oral testimony, or copies of it,
7 subpoenaed by the Attorney General or district attorney shall be
8 available for examination by an individual other than another law
9 enforcement official without the consent of the person who produced
10 the business papers, records or transcript.

11 C. All persons served with a subpoena by the Attorney General
12 or district attorney pursuant to the provisions of the Oklahoma
13 Computer Crimes Act shall be paid the same fees and mileage as paid
14 witnesses in the courts of this state.

15 D. No person shall, with intent to avoid, evade, prevent, or
16 obstruct compliance in whole or in part by any person with any duly
17 served subpoena of the Attorney General or district attorney
18 pursuant to the provisions of this section, knowingly remove from
19 any place, conceal, withhold, destroy, mutilate, alter, or by any
20 other means falsify any business papers or records that are the
21 subject of the subpoena duces tecum.

22 E. Any person violating the provisions of this section shall be
23 guilty, upon conviction, of a misdemeanor.

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-7-06 - DO PASS,
6 As Amended and Coauthored.