

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1716

By: Nichols

AS INTRODUCED

An Act relating to computer crimes; amending 21 O.S. 2001, Section 1957, as amended by Section 3, Chapter 97, O.S.L. 2002, and Section 1, Chapter 98, O.S.L. 2003 (21 O.S. Supp. 2005, Sections 1957 and 1959), which relate to the Oklahoma Computer Crimes Act; expanding jurisdiction; authorizing certain entities to investigate and prosecute crimes caused by use of a computer in various jurisdictions; and declaring an emergency.

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

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

Section 1957. For purposes of bringing a civil or a criminal action or for purposes of investigating any crime pursuant to the Oklahoma Computer Crimes Act or for any violation of law by use of a computer, 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. The Oklahoma State Bureau of Investigation, the State Office of the Attorney General or any district attorney in this state is authorized to investigate and prosecute any computer crime originating from, networking with, or otherwise operating within any jurisdiction within the United States or any province, parish, district or country outside the United States in which a person unlawfully accessed any computer in this state or otherwise committed any crime in this state by use of a computer.

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

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

B. Any business papers and records subpoenaed by the Attorney General or district attorney shall be available for examination by the person who produced the material or by any duly authorized representative of the person. Transcripts of oral testimony shall be available for examination by the person who produced such testimony and their counsel.

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

C. All persons served with a subpoena by the Attorney General or district attorney pursuant to the provisions of the Oklahoma

Computer Crimes Act shall be paid the same fees and mileage as paid witnesses in the courts of this state.

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

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

SECTION 3. 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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