

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 527

By: Shortey

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6 AS INTRODUCED

7 An Act relating to computer crimes; amending 21 O.S.
8 2011, Section 1952, which relates to definitions used
9 in the Oklahoma Computer Crimes Act; modifying
10 definitions; amending 21 O.S. 2011, Section 1953, as
11 amended by Section 1, Chapter 66, O.S.L. 2013 (21
O.S. Supp. 2014, Section 1953), which relates to
prohibited acts in the Oklahoma Computer Crimes Act;
modifying inclusions; and providing an effective
date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1952, is
16 amended to read as follows:

17 Section 1952. As used in the Oklahoma Computer Crimes Act:

18 1. "Access" means to approach, gain entry to, instruct,
19 communicate with, store data in, retrieve data from or otherwise use
20 the logical, arithmetical, memory or other resources of a computer,
21 computer system or computer network;

22 2. "Computer" means an electronic device which performs work
23 using programmed instruction having one or more of the capabilities
24 of storage, logic, arithmetic or communication. The term includes

1 input, output, processing, storage, software and communication
2 facilities which are connected or related to a device in a system or
3 network. The term includes guidance and control software and
4 systems installed in a motor vehicle;

5 3. "Computer network" means the interconnection of terminals by
6 communication modes with a computer, or a complex consisting of two
7 or more interconnected computers;

8 4. "Computer program" means a set or series of instructions or
9 statements and related data which when executed in actual or
10 modified form directs or is intended to direct the functioning of a
11 computer system in a manner designed to perform certain operations;

12 5. "Computer software" means one or more computer programs,
13 procedures and associated documentation used in the operation of a
14 computer system;

15 6. "Computer system" means a set of related, connected or
16 unconnected, computer equipment, devices including support devices,
17 one or more of which contain computer programs, electronic
18 instructions, input data, and output data, that performs functions
19 including, but not limited to, logic, arithmetic, data storage and
20 retrieval, communication, and control and software. "Computer
21 system" does not include calculators which are not programmable and
22 are not capable of being connected to or used to access other
23 computers, computer networks, computer systems or support devices;
24

1 7. "Data" means a representation of information, knowledge,
2 facts, concepts, computer software, computer programs or
3 instructions. Data may be in any form, in storage media, or as
4 stored in the memory of the computer or in transit or presented on a
5 display device;

6 8. "Property" means any tangible or intangible item of value
7 and includes, but is not limited to, financial instruments,
8 geophysical data or the interpretation of that data, information,
9 computer software, computer programs, electronically-produced data
10 and computer-produced or stored data, supporting documentation,
11 computer software in either machine or human readable form,
12 electronic impulses, confidential, copyrighted or proprietary
13 information, private identification codes or numbers which permit
14 access to a computer by authorized computer users or generate
15 billings to consumers for purchase of goods and services, including
16 but not limited to credit card transactions and telecommunications
17 services or permit electronic fund transfers and any other tangible
18 or intangible item of value;

19 9. "Services" includes, but is not limited to, computer time,
20 data processing and storage functions and other uses of a computer,
21 computer system or computer network to perform useful work;

22 10. "Supporting documentation" includes, but is not limited to,
23 all documentation in any form used in the construction, design,
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1 classification, implementation, use or modification of computer
2 software, computer programs or data; and

3 11. "Victim expenditure" means any expenditure reasonably and
4 necessarily incurred by the owner or lessee to verify that a
5 computer system, computer network, computer program or data was or
6 was not altered, deleted, disrupted, damaged or destroyed by the
7 access.

8 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1953, as
9 amended by Section 1, Chapter 66, O.S.L. 2013 (21 O.S. Supp. 2014,
10 Section 1953), is amended to read as follows:

11 Section 1953. A. It shall be unlawful to:

12 1. Willfully, and without authorization, gain or attempt to
13 gain access to and damage, modify, alter, delete, destroy, copy,
14 make use of, disclose or take possession of a computer, computer
15 system, computer network, a guidance and control system installed in
16 a motor vehicle or any other property;

17 2. Use a computer, computer system, computer network or any
18 other property as hereinbefore defined for the purpose of devising
19 or executing a scheme or artifice with the intent to defraud,
20 deceive, extort or for the purpose of controlling or obtaining
21 money, property, services or other thing of value by means of a
22 false or fraudulent pretense or representation;

23 3. Willfully exceed the limits of authorization and damage,
24 modify, alter, destroy, copy, delete, disclose or take possession of

1 a computer, computer system, computer network, a guidance and
2 control system installed in a motor vehicle or any other property;

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

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

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

12 7. Willfully and without authorization provide or assist in
13 providing a means of accessing a computer, computer system, a
14 guidance and control system installed in a motor vehicle or computer
15 network in violation of this section;

16 8. Willfully use a computer, computer system, a guidance and
17 control system installed in a motor vehicle or computer network to
18 annoy, abuse, threaten, or harass another person; and

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

21 B. Any person convicted of violating paragraph 1, 2, 3, 6, 7 or
22 9 of subsection A of this section shall be guilty of a felony
23 punishable as provided in Section 1955 of this title.
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1 C. Any person convicted of violating paragraph 4, 5 or 8 of
2 subsection A of this section shall be guilty of a misdemeanor.

3 D. Nothing in the Oklahoma Computer Crimes Act shall be
4 construed to prohibit the monitoring of computer usage of, or the
5 denial of computer or Internet access to, a child by a parent, legal
6 guardian, legal custodian, or foster parent. As used in this
7 subsection, "child" shall mean any person less than eighteen (18)
8 years of age.

9 SECTION 3. This act shall become effective November 1, 2015.

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