

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 2309

By: McCall

AS INTRODUCED

An Act relating to common carriers; amending 13 O.S. 2011, Section 176.4, which relates to the Security of Communications Act; requiring consent of all parties when intercepting wire, oral or electronic communications; and providing an effective date.

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

SECTION 1. AMENDATORY 13 O.S. 2011, Section 176.4, is amended to read as follows:

Section 176.4 It is not unlawful pursuant to the Security of Communications Act for:

1. ~~an~~ An operator of a switchboard, or an officer, employee, or agent of any communication common carrier whose facilities are used in the transmission of a wire, oral or electronic communication to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication. Said communication common carriers shall not utilize service observing or

1 random monitoring except for mechanical or service quality control
2 checks; ~~or~~

3 2. ~~an~~ An officer, employee, or agent of any communication
4 common carrier or other person authorized to provide information,
5 facilities, or technical assistance to a law enforcement officer who
6 is authorized to intercept a wire, oral or electronic communication;
7 ~~or~~

8 3. ~~an~~ An officer, employee, or agent of the Federal
9 Communications Commission, in the normal course of his employment
10 and in discharge of the monitoring responsibilities exercised by the
11 Commission in the enforcement of Chapter 5 of Title 47 of the United
12 States Code, to intercept a wire, oral or electronic communication
13 transmitted by radio or to disclose or use the information obtained;
14 ~~or~~

15 4. ~~a~~ A person acting under color of law to intercept a wire,
16 oral or electronic communication when such person is a party to the
17 communication or one of the parties to the communication has given
18 prior consent to such interception; ~~or~~

19 5. ~~a~~ A person not acting under color of law to intercept a
20 wire, oral or electronic communication when ~~such person is a party~~
21 all of the parties to the communication ~~or when one of the parties~~
22 ~~to the communication has~~ have given prior consent to such
23 interception unless the communication is intercepted for the purpose
24 of committing any criminal act; ~~or~~

1 6. ~~a~~ A communication common carrier or an officer, agent, or
2 employee thereof, or a person under contract with a communication
3 common carrier, in the normal course of the business of the
4 communication common carrier bidding upon contracts with or in the
5 course of doing business with the United States, a state, or a
6 political subdivision thereof, in the normal course of the
7 activities of said entities, to send through the mail, send or carry
8 in interstate or foreign commerce, manufacture, assemble, possess,
9 or sell any electronic, mechanical, or other device knowing or
10 having reason to know that the design of such device renders the
11 device primarily useful for the purpose of the illegal interception
12 of wire, oral or electronic communications; or

13 7. ~~an~~ An officer or employee of the Oklahoma Department of
14 Corrections to monitor any wire, oral or electronic communication
15 where an incarcerated inmate is a party to that communication, if
16 the inmate is given prior and conspicuous notice of the surveillance
17 or monitoring.

18 SECTION 2. This act shall become effective November 1, 2017.

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20 56-1-5649 GRS 12/19/16
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