

1 ENGROSSED HOUSE AMENDMENT
2 TO
3 ENGROSSED SENATE BILL NO. 752 By: Leewright of the Senate
4 and
5 Miller of the House
6

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Sections 838 and 1172, which relate to
9 intimidating employers and threatening
10 telecommunication or other electronic communications;
11 updating statutory language; modifying inclusions;
12 modifying definition inclusions; and providing an
13 effective date.

14 AMENDMENT NO. 1. Page 3, Section 2, line 15, delete the word "and"
15 after the semicolon ";" replace with the word "or"

16 Passed the House of Representatives the 22nd day of April, 2019.

17 _____
18 Presiding Officer of the House of
19 Representatives

20 Passed the Senate the ____ day of _____, 2019.

21 _____
22 Presiding Officer of the Senate
23
24

1 ENGROSSED SENATE
2 BILL NO. 752

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7 An Act relating to crimes and punishments; amending
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9 intimidating employers and threatening
10 telecommunication or other electronic communications;
11 updating statutory language; modifying inclusions;
12 modifying definition inclusions; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 838, is
16 amended to read as follows:

17 Section 838. Every person who, by use of force, threats or
18 intimidation, prevents or endeavors to prevent another from
19 employing any person, or to compel another to employ any person, or
20 to force or induce another to alter his or her mode of carrying on
21 business, to interrupt or disrupt the carrying on of business or to
22 limit or increase the number of his hired foremen, journeymen,
23 apprentices, workmen, laborers, servants or other persons employed
24 by him, or their rate of wages or time of service, is guilty of a
misdemeanor.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1172, is
2 amended to read as follows:

3 Section 1172. A. It shall be unlawful for a person who, by
4 means of a telecommunication or other electronic communication
5 device, willfully either:

6 1. Makes any comment, request, suggestion, or proposal which is
7 obscene, lewd, lascivious, filthy, or indecent;

8 2. Makes a telecommunication or other electronic communication
9 including text, sound or images with intent to terrify, intimidate
10 or harass, or threaten to inflict injury or physical harm to any
11 person or property of that person;

12 3. Makes a telecommunication or other electronic communication,
13 whether or not conversation ensues, with intent to put the party
14 called in fear of physical harm or death;

15 4. Makes a telecommunication or other electronic communication,
16 including text, sound or images whether or not conversation ensues,
17 without disclosing the identity of the person making the call or
18 communication and with intent to annoy, abuse, threaten, or harass
19 any person at the called number;

20 5. Knowingly permits any telecommunication or other electronic
21 communication under the control of the person to be used for any
22 purpose prohibited by this section; and

23 6. In conspiracy or concerted action with other persons, makes
24 repeated calls or electronic communications or simultaneous calls or

1 electronic communications solely to harass any person at the called
2 number(s).

3 B. As used in this section, "telecommunication" and "electronic
4 communication" mean any type of telephonic, electronic or radio
5 communications, or transmission of signs, signals, data, writings,
6 images and sounds or intelligence of any nature by telephone,
7 including cellular telephones, wire, cable, radio, electromagnetic,
8 photoelectronic or photo-optical system or the creation, display,
9 management, storage, processing, transmission or distribution of
10 images, text, voice, video or data by wire, cable or wireless means,
11 including the Internet. The term includes:

12 1. A communication initiated by electronic mail, instant
13 message, network call, or facsimile machine including text, sound or
14 images; and

15 2. A communication made to a pager; and

16 3. A communication including text, sound or images posted to a
17 social media or other public media source.

18 C. Use of a telephone or other electronic communications
19 facility under this section shall include all use made of such a
20 facility between the points of origin and reception. Any offense
21 under this section is a continuing offense and shall be deemed to
22 have been committed at either the place of origin or the place of
23 reception.

24

D. Except as provided in subsection E of this section, any person who is convicted of the provisions of subsection A of this section, shall be guilty of a misdemeanor.

E. Any person who is convicted of a second offense under this section shall be guilty of a felony.

SECTION 3. This act shall become effective November 1, 2019.

Passed the Senate the 27th day of February, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2019.

Presiding Officer of the House
of Representatives