

1 ENGROSSED SENATE  
2 BILL NO. 1733

By: Weaver of the Senate

3 and

4 Kannady of the House

5  
6 An Act relating to the Security of Communications  
7 Act; amending 13 O.S. 2011, Section 176.2, which  
8 relates to definitions; modifying definition of judge  
of competent jurisdiction; and providing an effective  
date.

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

12 SECTION 1. AMENDATORY 13 O.S. 2011, Section 176.2, is  
13 amended to read as follows:

14 Section 176.2. As used in the Security of Communications Act:

15 1. "Aggrieved person" means a person who was a party to any  
16 intercepted wire, oral or electronic communication or a person  
17 against whom the interception was directed;

18 2. "Aural acquisition" means obtaining knowledge of a  
19 communication through the sense of hearing which is contemporaneous  
20 with the communication;

21 3. "Aural transfer" means a transfer containing the human voice  
22 at any point between and including the point of origin and the point  
23 of reception;

1       4. "Communication common carrier" means, for the purposes of  
2 the Security of Communications Act only, any telephone or telegraph  
3 company, rural telephone cooperative, communications transmission  
4 company or other public communications company under the laws of  
5 this state;

6       5. "Communication facility" means any and all public and  
7 private instrumentalities used or useful in the transmission of  
8 writing, signs, signals, pictures, or sounds of all kinds and  
9 includes mail, telephone, wire, radio, and all other means of  
10 communication;

11       6. "Contents", when used with respect to any wire, oral or  
12 electronic communication, includes any information concerning the  
13 substance, purport or meaning of that communication;

14       7. "Electronic communication" means any transfer of signs,  
15 signals, writing, images, sounds, data, or intelligence of any  
16 nature transmitted in whole or in part by a wire, radio,  
17 electromagnetic, photoelectronic or ~~photooptical~~ photo optical  
18 system, but does not include:

- 19           a. any wire or oral communication,
  - 20           b. any communication made through a tone-only paging  
21               device, or
  - 22           c. any communication from a tracking device;
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1       8. "Electronic, mechanical or other device" means any device or  
2 apparatus which can be used to intercept a wire, oral or electronic  
3 communication other than:

4           a. any telephone or telegraph instrument, equipment or  
5 facility or any component thereof furnished to the  
6 subscriber or user by a communication common carrier  
7 or other lawful supplier in the ordinary course of its  
8 business which is being used by the subscriber or user  
9 in the ordinary course of its business, or being used  
10 by a communication common carrier in the ordinary  
11 course of business or being used by a law enforcement  
12 officer in the ordinary course of duties, or

13          b. a hearing aid or similar device being used to correct  
14 subnormal hearing to not better than normal;

15       9. "Intercept" means the aural acquisition of the contents of  
16 any wire, oral or electronic communication through the use of any  
17 electronic, mechanical or other device;

18       10. "Judge of competent jurisdiction" means the Presiding Judge  
19 of the Court of Criminal Appeals or the Vice Presiding Judge of the  
20 Court of Criminal Appeals in the absence of the Presiding Judge;

21       11. "Law enforcement officer" means any person who is employed  
22 by the United States, this state or political subdivision thereof  
23 and is empowered by law to conduct investigations of, or to make  
24 arrests for, offenses enumerated in the Security of Communications

1 Act or similar federal offenses and any attorney authorized by law  
2 to prosecute or participate in the prosecution of such offenses;

3 12. "Oral communication" means any communication uttered by a  
4 person exhibiting an expectation that such communication is not  
5 subject to interception under circumstance justifying such  
6 expectation;

7 13. "Person" means any individual, partnership, association,  
8 joint-stock company, trust, corporation or political subdivision  
9 including an employee or agent thereof; and

10 14. "Wire communication" means any aural transfer made in whole  
11 or in part through the use of facilities for the transmission of  
12 communications by the aid of wire, cable or other like connection  
13 between the point of origin and the point of reception, including  
14 the use of such connection in a switching station, furnished or  
15 operated by any person engaged in providing or operating such  
16 facilities for the transmission of intrastate, interstate or foreign  
17 communications or communications affecting intrastate, interstate or  
18 foreign commerce.

19 SECTION 2. This act shall become effective November 1, 2020.  
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1 Passed the Senate the 3rd day of March, 2020.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2020.

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9 Presiding Officer of the House  
10 of Representatives