

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4   ENGROSSED SENATE  
5   BILL NO. 752

By: Leewright of the Senate

and

Miller of the House

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

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

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

20       Section 838. Every person who, by use of force, threats or  
21       intimidation, prevents or endeavors to prevent another from  
22       employing any person, or to compel another to employ any person, or  
23       to force or induce another to alter his or her mode of carrying on  
24       business, to interrupt or disrupt the carrying on of business or to  
      limit or increase the number of his hired foremen, journeymen,

1 apprentices, workmen, laborers, servants or other persons employed  
2 by him, or their rate of wages or time of service, is guilty of a  
3 misdemeanor.

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

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

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

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

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

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

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

4        6. In conspiracy or concerted action with other persons, makes  
5 repeated calls or electronic communications or simultaneous calls or  
6 electronic communications solely to harass any person at the called  
7 number(s).

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

17        1. A communication initiated by electronic mail, instant  
18 message, network call, or facsimile machine including text, sound or  
19 images; and

20        2. A communication made to a pager; and

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

23        C. Use of a telephone or other electronic communications  
24 facility under this section shall include all use made of such a

1 facility between the points of origin and reception. Any offense  
2 under this section is a continuing offense and shall be deemed to  
3 have been committed at either the place of origin or the place of  
4 reception.

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

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

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

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12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/04/2019 - DO  
13 PASS.

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