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February 18, 2020

By: Weaver

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

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

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

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

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

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

3. "Aural transfer" means a transfer containing the human voice at any point between and including the point of origin and the point 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.

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
21 February 18, 2020 - DO PASS
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