

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 472

By: Newhouse

AS INTRODUCED

An Act relating to the Security of Communications Act; amending 13 O.S. 2011, Section 176.4, which relates to acts not prohibited; requiring all parties to consent to interception of a communication; making language gender neutral; updating language; 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 or her employment while engaged in any activity which is a necessary incident to the rendition of his or her service or to the protection of the rights or property of the carrier of such communication. ~~Said~~ The communication common carriers shall not

1 utilize service observing or random monitoring except for mechanical  
2 or service quality control 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 or her  
10 employment and in discharge of the monitoring responsibilities  
11 exercised by the Commission in the enforcement of Chapter 5 of Title  
12 47 of the United States Code, to intercept a wire, oral or  
13 electronic communication transmitted by radio or to disclose or use  
14 the information obtained; ~~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~~ and all of the parties to the communication ~~has~~  
18 have given 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 to the communication or when one of the parties to the communication  
22 has given prior consent to such interception unless the  
23 communication is intercepted for the purpose of committing any  
24 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~~ the entities, to send through the mail, send or  
8 carry in interstate or foreign commerce, manufacture, assemble,  
9 possess, or sell any electronic, mechanical, or other device knowing  
10 or 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, 2019.

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