

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 449

By: Dahm

AS INTRODUCED

An Act relating to law enforcement communication;
providing certain definition; prohibiting certain
collection of location information; providing for
codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 178.1 of Title 13, unless there
is created a duplication in numbering, reads as follows:

As used in this act, an "international mobile subscriber
identity catcher (IMSI-catcher)" or "Stingray" is a mobile device
that captures the signaling information, which may include, but not
be limited to, the phone number and serial number of electronic
communication devices within the vicinity. The IMSI-catcher mimics
a cell site tower in that it reads signaling information broadcast
in public by electronic communication devices turned on in the area.

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 178.2 of Title 13, unless there
is created a duplication in numbering, reads as follows:

1 A. A law enforcement agency is prohibited from using an
2 international mobile subscriber identity catcher (IMSI-catcher) or
3 Stingray to obtain an individual's real-time or historical
4 electronic communication device location information without first
5 obtaining a search warrant pursuant to Sections 1221 through 1241 of
6 Title 22 of the Oklahoma Statutes.

7 B. Nothing in this act shall prohibit the Oklahoma Department
8 of Corrections from using an IMSI-catcher or Stingray.

9 C. Any data collected while using an IMSI-catcher or Stingray,
10 as a result of a warrant authorizing such usage, that is captured
11 not as the target of the warrant shall be inadmissible in a court of
12 law and any applicable data must be destroyed in an unrecoverable
13 manner within twenty-four (24) hours of capture.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this resolution shall take
17 effect and be in full force from and after its passage and approval.
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