

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3753

By: Williams

AS INTRODUCED

An Act relating to prohibited acts with respect to certain communications; amending 13 O.S. 2021, Section 176.4 which relates the Security of Communications Act; authorizing district attorneys and law enforcement officers to monitor certain communications; and providing an effective date.

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

SECTION 1. AMENDATORY 13 O.S. 2021, 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 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 employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication. Said communication common carriers shall not utilize service observing or

1 random monitoring except for mechanical or service quality control  
2 checks; or

3 2. An officer, employee, or agent of any communication common  
4 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 officer, employee, or agent of the Federal Communications  
9 Commission, in the normal course of his employment and in discharge  
10 of the monitoring responsibilities exercised by the Commission in  
11 the enforcement of Chapter 5 of Title 47 of the United States Code,  
12 to intercept a wire, oral or electronic communication transmitted by  
13 radio or to disclose or use the information obtained; or

14 4. A person acting under color of law to intercept a wire, oral  
15 or electronic communication when such person is a party to the  
16 communication or one of the parties to the communication has given  
17 prior consent to such interception; or

18 5. A person not acting under color of law to intercept a wire,  
19 oral or electronic communication when such person is a party to the  
20 communication or when one of the parties to the communication has  
21 given prior consent to such interception unless the communication is  
22 intercepted for the purpose of committing any criminal act; or

23 6. A communication common carrier or an officer, agent, or  
24 employee thereof, or a person under contract with a communication

1 common carrier, in the normal course of the business of the  
2 communication common carrier bidding upon contracts with or in the  
3 course of doing business with the United States, a state, or a  
4 political subdivision thereof, in the normal course of the  
5 activities of said entities, to send through the mail, send or carry  
6 in interstate or foreign commerce, manufacture, assemble, possess,  
7 or sell any electronic, mechanical, or other device knowing or  
8 having reason to know that the design of such device renders the  
9 device primarily useful for the purpose of the illegal interception  
10 of wire, oral or electronic communications; or

11 7. An officer or employee of the Oklahoma Department of  
12 Corrections, or a district attorney, or a law enforcement officer to  
13 monitor any wire, oral or electronic communication where an  
14 incarcerated inmate is a party to that communication, if the inmate  
15 is given prior and conspicuous notice of the surveillance or  
16 monitoring.

17 SECTION 2. This act shall become effective November 1, 2022.

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