

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1643

By: Humphrey

AS INTRODUCED

An Act relating to personal identification information; making certain acts unlawful; providing penalties; defining terms; amending Section 1, Chapter 219, O.S.L. 2019 (68 O.S. Supp. 2020, Section 2899.1), which relates to the records of the county assessor; authorizing elected county officials and peace officers to request the confidentiality of personal information; defining terms; providing for codification; and providing an effective date.

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 1176 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Whoever, with the intent to threaten, intimidate or harass, or facilitate another to threaten, intimidate or harass, uses an electronic communication device to knowingly publish, post or otherwise make available personally identifiable information of a peace officer or public official, and as a result places that peace officer or public official in reasonable fear of death or serious bodily injury shall, upon conviction, be guilty of a misdemeanor

1 punishable by imprisonment in the county jail for a term not to
2 exceed six (6) months, or by a fine not to exceed One Thousand
3 Dollars (\$1,000.00), or by both such fine and imprisonment. Upon
4 conviction for a second or subsequent violation, the person shall be
5 punished by imprisonment in the county jail for a term not to exceed
6 one (1) year, or by a fine not to exceed Two Thousand Dollars
7 (\$2,000.00), or by both such fine and imprisonment.

8 B. As used in this section:

9 1. "Electronic communication" shall have the same meaning as
10 that term is defined in Section 1172 of Title 21 of the Oklahoma
11 Statutes. Electronic communication does not include broadcast
12 transmissions or similar communications that are not targeted at any
13 specific individual;

14 2. "Electronic communication device" means any cellular
15 telephone, facsimile, pager, computer or any device capable of
16 electronic communication;

17 3. "Peace officer" shall have the same meaning as that term is
18 defined in Section 99 of Title 21 of the Oklahoma Statutes;

19 4. "Personally identifiable information" means information
20 which can identify an individual including, but not limited to,
21 name, birth date, place of birth, mother's maiden name, biometric
22 records, Social Security number, official state- or government-
23 issued driver license or identification number, government passport
24 number, employer or taxpayer identification number or any other

1 information that is linked or linkable to an individual, such as
2 medical, educational, financial or employment information;

3 5. "Public official" means any person elected or appointed to a
4 state office in the executive, legislative or judicial branch of
5 state government or other political subdivision of the state; and

6 6. "Publish" means to circulate, deliver, distribute,
7 disseminate, transmit or otherwise make available to another person.

8 SECTION 2. AMENDATORY Section 1, Chapter 219, O.S.L.
9 2019 (68 O.S. Supp. 2020, Section 2899.1), is amended to read as
10 follows:

11 Section 2899.1 A. All elected county officials, peace officers
12 and law enforcement organizations in the state of Oklahoma shall be
13 permitted to request to a county assessor that personal information
14 regarding elected county officials, peace officers or undercover or
15 covert law enforcement officers not be made publicly available on
16 the Internet, but instead kept in a secure location at ~~a~~ the office
17 of the county assessor's office assessor where it may be made
18 available to authorized persons pursuant to law.

19 B. ~~For purposes of this section, "personal information" shall~~
20 ~~mean:~~

21 ~~1. The home address of a person;~~

22 ~~2. The home address of the spouse, domestic partner or minor~~
23 ~~child of a person; and~~

24 ~~3. Any telephone number or electronic mail address of a person.~~

1 ~~C.~~ Any elected county official, peace officer or law
2 enforcement official on behalf of an undercover or covert officer,
3 who wishes to have the personal information of ~~an~~ the elected county
4 official, peace officer or undercover or covert officer that is
5 contained in the records of a county assessor be kept confidential
6 must obtain an order of a court that requires the county assessor to
7 maintain the personal information of the person or entity in a
8 confidential manner. Such an order must be based on a sworn
9 affidavit by the elected county official, peace officer or law
10 enforcement official, which affidavit:

11 1. States that the individual whose information is to be kept
12 confidential is ~~an~~ :

13 a. an elected county official,

14 b. a peace officer, or

15 c. an undercover or covert officer; and

16 2. Sets forth sufficient justification for the request for
17 confidentiality.

18 C. Upon receipt of such an order, a county assessor shall keep
19 such information confidential and shall not disclose the
20 confidential information to anyone not specifically authorized by
21 law to view the information, unless disclosure is specifically
22 authorized in writing by that person or the affiant. A county
23 assessor shall not post such confidential information on the
24 Internet.

1 D. As used in this section:

2 1. "Elected county official" means a person elected to a county
3 office;

4 2. "Peace officer" shall have the same meaning as that term is
5 defined in Section 99 of Title 21 of the Oklahoma Statutes; and

6 3. "Personal information" means:

7 a. the home address of a person,

8 b. the home address of the spouse, domestic partner or
9 minor child of a person, and

10 c. any telephone number or electronic mail address of a
11 person.

12 SECTION 2. This act shall become effective November 1, 2021.

13
14 58-1-5144 GRS 01/10/21
15
16
17
18
19
20
21
22
23
24