

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3753

By: Williams

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6 AS INTRODUCED

7 An Act relating to prohibited acts with respect to
8 certain communications; amending 13 O.S. 2021, Section
9 176.4 which relates the Security of Communications
10 Act; authorizing district attorneys and law
11 enforcement officers to monitor certain
12 communications; and providing an effective date.

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

14 SECTION 1. AMENDATORY 13 O.S. 2021, Section 176.4, is
15 amended to read as follows:

16 Section 176.4 It is not unlawful pursuant to the Security of
17 Communications Act for:

18 1. An operator of a switchboard, or an officer, employee, or
19 agent of any communication common carrier whose facilities are used
20 in the transmission of a wire, oral or electronic communication to
21 intercept, disclose, or use that communication in the normal course
22 of his employment while engaged in any activity which is a necessary
23 incident to the rendition of his service or to the protection of the
24 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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