

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4201

By: Echols

AS INTRODUCED

An Act relating to social credit systems; enacting the Prohibiting Social Credit Systems Act; defining terms; prohibiting the use of social credit scores; prohibiting the use of behavior to preemptively deny the rights of a citizen who has not yet committed a crime; directing the Attorney General to oppose federal action; requiring law enforcement agencies to give basis of denial of rights; directing that individuals receive notice of denial of rights; prohibiting use of algorithm; clarifying that act does not apply to financial credit scores; prohibiting state entities from sharing information for purpose of social credit systems; 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 3011 of Title 25, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Prohibiting Social Credit Systems Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3012 of Title 25, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Algorithm" means a mathematical set of rules that specify
6 how a group of data behaves and makes predictive assumptions about
7 future behavior;

8 2. "Behavior" means the behavior of an individual, including
9 both an individual's physical and verbal behavior;

10 3. "Reasonable suspicion" means a reasonable person would
11 believe an individual is in the process of committing a crime or
12 will commit a crime in the foreseeable future.

13 4. "Social credit scores" or "similar concepts" means:

14 a. the assigning of a numeric, alphanumeric, alphabetic,
15 or other designation to an individual or business
16 based on their behaviors or actions,

17 b. the purpose for those designations would include, but
18 not be limited to, promptness of paying taxes, fines,
19 debts, fees, or other financial obligation, compliance
20 with government or bureaucratic guidance, compliance
21 with regulatory standards, or the use of other
22 factors, and

23 c. the purpose of which is to limit access by the
24 individual or business to government, public, or

1 private services including, but not limited to, public
2 transit, library systems, hotel accommodations, travel
3 options, food services, entertainment facilities, or
4 health care options.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 3013 of Title 25, unless there
7 is created a duplication in numbering, reads as follows:

8 The use of social credit scores or similar concepts operating
9 under different names in the State of Oklahoma shall be prohibited.
10 No governmental entity, including but not limited to, the State of
11 Oklahoma, any state agency, any political subdivision, any trust,
12 committee, or commission of any political subdivision of this state,
13 and business operating in this state, or any citizen of Oklahoma or
14 individual within the boundaries of this state shall use, enforce,
15 provide data for use in, or otherwise participate in the creation or
16 use of a social credit score system.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3014 of Title 25, unless there
19 is created a duplication in numbering, reads as follows:

20 No individual's behavior that is currently or in the future not
21 a violation of Oklahoma law or the rules, regulations, or codes of
22 state agencies and departments or cities or counties within Oklahoma
23 can be used to deny the individual of his or her rights as stated in
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1 the Oklahoma State Constitution and/or the United States
2 Constitution.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3015 of Title 25, unless there
5 is created a duplication in numbering, reads as follows:

6 This act shall not apply to those who are incarcerated while
7 awaiting trial or who have been found guilty of violating the laws
8 of this state and therefore have been assigned a designation or have
9 had their access limited to services as listed in Section 2 of this
10 act during their time of incarceration or after release as a
11 condition of their release or parole.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3016 of Title 25, unless there
14 is created a duplication in numbering, reads as follows:

15 It is hereby prohibited for the State Legislature, the Governor,
16 or the courts within the jurisdiction of Oklahoma to create any
17 system using behavioral attributes of an individual as cause to deny
18 the individual his or her rights.

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3017 of Title 25, unless there
21 is created a duplication in numbering, reads as follows:

22 Should the federal government implement a system in conflict
23 with this act, the Attorney General of Oklahoma shall challenge the
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1 federal government's action in federal district court within thirty
2 (30) days.

3 SECTION 8. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3018 of Title 25, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Unless an individual on any watch list maintained by any law
7 enforcement agency within Oklahoma is currently under investigation
8 by law enforcement, the individual cannot be restricted from
9 exercising his or her rights under the Oklahoma State Constitution
10 and/or the United States Constitution. Should a person under
11 investigation and on a watch list by any law enforcement agency in
12 Oklahoma be prevented from exercising his or her rights, the burden
13 is on the Oklahoma law enforcement agency to provide the appropriate
14 state district court the basis for denying the individual his or her
15 rights should the individual and/or the individual's attorney
16 challenge the basis for being under investigation. At a minimum,
17 the state law enforcement jurisdiction must provide the court with
18 reasonable suspicion that the individual in question is in the
19 process of committing a crime or likely to commit a crime in the
20 foreseeable future.

21 B. Should any individual be denied his or her rights as stated
22 in the Oklahoma State Constitution and/or the United States
23 Constitution, the individual will be given written notification of
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1 such denial, the legal basis for the denial, and the right to appeal
2 the denial within thirty (30) days of said denial.

3 C. Algorithms based in whole or in part using predictive
4 analytics and/or artificial intelligence cannot be used to prevent a
5 person from exercising his or her rights.

6 SECTION 9. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3019 of Title 25, unless there
8 is created a duplication in numbering, reads as follows:

9 Nothing in this act shall prohibit the use of financial credit
10 scores by businesses or financial institutions for the purpose of
11 determining the financial credit worthiness of current or potential
12 customers.

13 SECTION 10. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3020 of Title 25, unless there
15 is created a duplication in numbering, reads as follows:

16 Should any entity of the federal government institute a social
17 credit score system or similar concepts, the State of Oklahoma, all
18 political subdivisions of this state, all state agencies, and any
19 other governmental entity shall be prohibited from sharing any data
20 pertaining to the citizens of Oklahoma for use in such a social
21 credit score either directly or indirectly and shall be prohibited
22 from participating in such a system in any other way.

SECTION 11. This act shall become effective November 1, 2022.

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