

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 133

By: Garvin

AS INTRODUCED

An Act relating to the Security of Communications Act; amending 13 O.S. 2011, Section 176.4, which relates to acts not prohibited; requiring all parties to consent to interception of communication between certain parties; making language gender neutral; and providing an effective date.

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

SECTION 1. AMENDATORY 13 O.S. 2011, 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~~ 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 or her employment while engaged in any activity which is a necessary incident to the rendition of his or her service or to the protection of the rights or property of the carrier of such communication. ~~Said~~ The communication common carriers shall not

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

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

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

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

1 all parties to a wire, oral or electronic communication between a
2 physician as defined in Section 725.2 of Title 59 of the Oklahoma
3 Statutes and a patient to intercept such communication; ~~or~~

4 6. ~~a~~ A communication common carrier or an officer, agent, or
5 employee thereof, or a person under contract with a communication
6 common carrier, in the normal course of the business of the
7 communication common carrier bidding upon contracts with or in the
8 course of doing business with the United States, a state, or a
9 political subdivision thereof, in the normal course of the
10 activities of ~~said~~ the entities, to send through the mail, send or
11 carry in interstate or foreign commerce, manufacture, assemble,
12 possess, or sell any electronic, mechanical, or other device knowing
13 or having reason to know that the design of such device renders the
14 device primarily useful for the purpose of the illegal interception
15 of wire, oral or electronic communications; or

16 7. ~~an~~ An officer or employee of the Oklahoma Department of
17 Corrections to monitor any wire, oral or electronic communication
18 where an incarcerated inmate is a party to that communication, if
19 the inmate is given prior and conspicuous notice of the surveillance
20 or monitoring.

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

22
23 58-1-857 TEK 12/11/2020 4:22:48 PM
24
25