

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2794

By: Stinson

4  
5  
6 AS INTRODUCED

7 An Act relating to members of the State Judiciary;  
8 creating the Oklahoma Judicial Security and Privacy  
9 Act of 2023; providing definitions; establishing  
10 notice system for at-risk individuals and their  
11 immediate family to ensure compliance; prohibiting  
12 state agencies from publicly posting or displaying  
13 certain information; clarifying exceptions;  
14 authorizing the Administrative Director of the Courts  
15 to make notice on behalf of at-risk individuals;  
16 providing what is proper notice; permitting  
17 delegation of authority; providing alternative to  
18 individual notice; directing the Administrative  
19 Director of the Courts to submit report; prohibiting  
20 certain acts by data brokers; providing exceptions;  
21 prohibiting persons, businesses, and associations  
22 from certain activities; providing exceptions;  
23 establishing time within the removal of certain  
24 information must be made; prohibiting transfer of  
information; providing exceptions; creating a right  
of action for certain individuals; providing penalty  
for violations; clarify reach of act; providing for  
severability; providing for codification; and  
providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 3011 of Title 20, unless there  
24 is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Oklahoma  
2 Judicial Security and Privacy Act of 2023".

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 3012 of Title 20, unless there  
5 is created a duplication in numbering, reads as follows:

6 As used in this act:

7 1. The term "at-risk individual" means any active or retired  
8 member of the State Judiciary;

9 2. The term "covered information" means:

- 10 a. a home address, including primary residence or  
11 secondary residences of an at-risk individual,
- 12 b. a home or personal mobile telephone number, or the  
13 direct telephone number of a government-issued cell  
14 phone or private extension in the chambers of an at-  
15 risk individual,
- 16 c. a personal email address of an at-risk individual,
- 17 d. the Social Security number, driver license number, or  
18 home address displayed on voter registration  
19 information of an at-risk individual,
- 20 e. bank account or credit or debit card information of an  
21 at-risk individual,
- 22 f. the home or other address displayed on property tax  
23 records or held by a federal, state, or local  
24 government agency of an at-risk individual, including

1 any secondary residence and any investment property at  
2 which an at-risk individual resides for part of a  
3 year,

4 g. a license plate number or home address displayed on  
5 vehicle registration information of an at-risk  
6 individual,

7 h. the identification of children under the age of  
8 eighteen (18) of an at-risk individual,

9 i. the full date of birth,

10 j. a photograph of any vehicle that legibly displays the  
11 license plate or a photograph of a residence that  
12 legibly displays the address of the residence of an  
13 at-risk individual,

14 k. the name and address of a school or day care facility  
15 attended by immediate family of an at-risk individual,

16 l. the name and address of an employer of immediate  
17 family of an at-risk individual, or

18 m. the name and address of a place of worship the at-risk  
19 individual or immediate family of an at-risk  
20 individual attends;

21 3. The term "data broker" means a commercial entity engaged in  
22 collecting, assembling, or maintaining personal information  
23 concerning an individual who is not a customer, client, or an  
24 employee of that entity in order to sell the information or

1 otherwise profit from providing third-party access to the  
2 information. The term data broker does not include a commercial  
3 entity engaged in the following activities:

- 4 a. providing 411 directory assistance or directory  
5 information services, including name, address, and  
6 telephone number, on behalf of or as a function of a  
7 telecommunications carrier,
- 8 b. using personal information internally, providing  
9 access to businesses under common ownership or  
10 affiliated by corporate control, or selling or  
11 providing data for a transaction or service requested  
12 by or concerning the individual whose personal  
13 information is being transferred,
- 14 c. providing publicly available information via real-time  
15 or near-real-time alert services for health or safety  
16 purposes,
- 17 d. a consumer reporting agency subject to the federal  
18 Fair Credit Reporting Act under 15 U.S.C. Section 1681  
19 et seq.,
- 20 e. a financial institution subject to the federal Gramm-  
21 Leach-Bliley Act under Public Law No. 106-102 and  
22 regulations implementing that act,
- 23 f. a covered entity for purposes of the privacy  
24 regulations promulgated under Section 264(c) of the

1 federal Health Insurance Portability and  
2 Accountability Act of 1996 under 42 U.S.C. Section  
3 1320d-2, and

4 g. the collection and sale or licensing of covered  
5 information incidental to conducting the activities  
6 described in divisions (a) through (g) of this  
7 subparagraph;

8 4. The term "immediate family" means a spouse, child, or parent  
9 of an at-risk individual or any other familial relative of an at-  
10 risk individual whose permanent residence is the same as the at-risk  
11 individual;

12 5. The term "social media" means any online electronic medium  
13 or a live chat system that:

14 a. primarily serves as a medium for users to interact  
15 with content generated by other third-party users of  
16 the medium,

17 b. enables users to create accounts or profiles specific  
18 to the medium or to import profiles from another  
19 medium, and

20 c. enables one or more users to generate content that can  
21 be viewed by other third-party users of the medium;

22 6. The term "state agency" means:

23 a. an executive agency, as defined by Oklahoma Statute,  
24 and

1           b.    any local governing body, and

2           c.    any state agency in the judicial branch or legislative  
3                branch; and

4           7.    The term "transfer" means to sell, license, trade, or  
5   exchange for consideration the covered information of an at-risk  
6   individual or immediate family.

7           SECTION 3.        NEW LAW        A new section of law to be codified  
8   in the Oklahoma Statutes as Section 3013 of Title 20, unless there  
9   is created a duplication in numbering, reads as follows:

10          A.    Each at-risk individual may:

11           1.    File written notice of the status of the individual as an  
12   at-risk individual, for themselves and immediate family, with each  
13   state agency that includes information necessary to ensure  
14   compliance with this section, as determined by the Administrative  
15   Director of the Courts; and

16           2.    Request that each state agency described in Section 2 of  
17   this act mark as private their covered information and that of their  
18   immediate family.

19          B.    State agencies shall not publicly post or display publicly  
20   content that includes covered information of an at-risk individual  
21   or immediate family. State agencies, upon receipt of a written  
22   request under paragraph 1 of subsection A of this section, shall  
23   remove the covered information of the at-risk individual or  
24

1 immediate family from publicly available content not later than  
2 seventy-two (72) hours after such receipt.

3 C. Nothing in this section shall prohibit a state agency from  
4 providing access to records containing the covered information of a  
5 member of the judiciary to a third party if the third party:

6 1. Possesses a signed release from the judge or a lawful court  
7 order;

8 2. Is subject to the requirements of Title V of the federal  
9 Gramm-Leach-Bliley Act 15 U.S.C. Section 6801 et seq.; or

10 3. Executes a confidentiality agreement with the state agency.

11 SECTION 4. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 3014 of Title 20, unless there  
13 is created a duplication in numbering, reads as follows:

14 Upon written request of an at-risk individual, the  
15 Administrative Director of the Courts is authorized to make any  
16 notice or request required or authorized by this act on behalf of  
17 the at-risk individual. The notice or request shall include  
18 information necessary to ensure compliance with this act. The  
19 Director may delegate this authority to an appropriate state agency.  
20 Any notice or request made under this act shall be deemed to have  
21 been made by the at-risk individual and comply with the notice and  
22 request requirements of this act.

23 In lieu of individual notices or requests, the Administrative  
24 Director of the Courts, may provide state agencies, county and

1 municipal governments, data brokers, persons, businesses, or  
2 associations with a list of at-risk individuals and their immediate  
3 family that includes information necessary to ensure compliance with  
4 this act, as determined by the Administrative Director of Courts for  
5 the purpose of maintaining compliance with this act. Such list  
6 shall be deemed to comply with individual notice and request  
7 requirements of this act.

8 SECTION 5. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 3015 of Title 20, unless there  
10 is created a duplication in numbering, reads as follows:

11 Not later than one (1) year after the date of enactment of this  
12 act, and biennially thereafter, the Administrative Director of the  
13 Courts shall submit to the Legislature an annual report that  
14 includes:

- 15 1. A detailed amount spent by the state and local governments  
16 on protecting judges' covered information;
- 17 2. Where the judges' covered information was found; and
- 18 3. The collection of any new types of personal data found to be  
19 used to identify judges who have received threats, including prior  
20 home addresses, employers, and institutional affiliations such as  
21 nonprofit boards.

22 SECTION 6. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 3016 of Title 20, unless there  
24 is created a duplication in numbering, reads as follows:

1       A. It shall be unlawful for a data broker to knowingly sell,  
2 license, trade for consideration, or purchase covered information of  
3 an at-risk individual or immediate family.

4       B. Except as provided in subsection C of this section, no  
5 person, business, or association shall publicly post or publicly  
6 display on the Internet covered information of an at-risk individual  
7 or immediate family if the at-risk individual has made a written  
8 request to that person, business, or association to not disclose the  
9 covered information of the at-risk individual or immediate family.

10       C. Subsection B of this section shall not apply to:

11       1. Covered information that the at-risk individual or immediate  
12 family voluntarily publishes on the Internet after the date of  
13 enactment of this act; or

14       2. Covered information lawfully received from a state  
15 government source or from an employee or agent of the state  
16 government.

17       D. After receiving a written request under this section, the  
18 person, business, or association shall remove within seventy-two  
19 (72) hours the covered information from the Internet and ensure that  
20 the information is not made available on any website or a subsidiary  
21 website controlled by that person, business, or association; and  
22 ensure that the covered information of the at-risk individual or  
23 immediate family is not made available on any website or a  
24

1 subsidiary website controlled by that person, business, or  
2 association.

3 E. After receiving a written request under this section, the  
4 person, business, or association shall not transfer the covered  
5 information of the at-risk individual or immediate family to any  
6 other person, business, or association through any medium. This  
7 subsection shall not apply to:

8 1. Covered information that the at-risk individual or immediate  
9 family voluntarily publishes on the Internet after the date of  
10 enactment of this act; or

11 2. A transfer made at the request of the at-risk individual or  
12 that is necessary to effectuate a request to the person, business,  
13 or association from the at-risk individual.

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

17 A. An at-risk individual or their immediate family whose  
18 covered information is made public as a result of a violation of  
19 this act may bring an action seeking injunctive or declaratory  
20 relief in any court of competent jurisdiction. If the court grants  
21 injunctive or declaratory relief, the person, business, or  
22 association responsible for the violation shall be required to pay  
23 the costs and reasonable attorney fees of the at-risk individual or  
24 immediate family, as applicable.

1 B. If a person, business, or association knowingly violates an  
2 order granting injunctive or declaratory relief under subsection A  
3 of this section, the court issuing such order may:

4 1. If the person, business, or association is a government  
5 agency:

6 a. impose a fine not greater than Four Thousand Dollars  
7 (\$4,000.00), and

8 b. award to the at-risk individual or their immediate  
9 family, as applicable, court costs and reasonable  
10 attorney fees; and

11 2. If the person, business, or association is not a government  
12 agency, award to the at-risk individual or their immediate family,  
13 as applicable:

14 a. an amount equal to the actual damages sustained by the  
15 at-risk individual or their immediate family; and

16 b. court costs and reasonable attorney fees.

17 SECTION 8. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 3018 of Title 20, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. Nothing in this act shall be construed:

21 1. To prohibit, restrain, or limit the lawful investigation or  
22 reporting by the press of any unlawful activity or misconduct  
23 alleged to have been committed by an at-risk individual or their  
24 immediate family;

1           2. To impair access to decisions and opinions from a member of  
2 the State Judiciary in the course of carrying out their public  
3 functions;

4           3. To limit the publication or transfer of covered information  
5 that the at-risk individual or their immediate family member  
6 voluntarily publishes on the Internet after the date of enactment of  
7 this act; or

8           4. To prohibit information sharing by a data broker to a  
9 federal, state, tribal, or local government, or any unit thereof.

10          B. This act shall be broadly construed to favor the protection  
11 of the covered information of at-risk individuals and their  
12 immediate family.

13          SECTION 9.        NEW LAW        A new section of law to be codified  
14 in the Oklahoma Statutes as Section 3019 of Title 20, unless there  
15 is created a duplication in numbering, reads as follows:

16          If any provision of this act an amendment made by this act, or  
17 the application of such provision or amendment to any person or  
18 circumstance is held to be unconstitutional, the remainder of this  
19 act and the amendments made by this act and the application of the  
20 remaining provisions of this act and amendments to any person or  
21 circumstance shall not be affected.

22          SECTION 10. This act shall become effective November 1, 2023.

23  
24          59-1-5929        MJ        01/18/23