

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 981

By: Weaver

AS INTRODUCED

An Act relating to the Security of Communications Act; amending 13 O.S. 2021, Section 176.8, which relates to disclosure of information; updating statutory language; making language gender neutral; authorizing certain testimony in administrative and civil proceedings; and providing an effective date.

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

SECTION 1. AMENDATORY 13 O.S. 2021, Section 176.8, is amended to read as follows:

Section 176.8. A. Any law enforcement officer who, by any means authorized by the Security of Communications Act, has obtained knowledge of the contents of any wire, oral or electronic communication or evidence derived ~~therefrom~~ from such communication may disclose ~~such~~ the contents to another law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

B. Any law enforcement officer who, by any authorized means, has obtained knowledge of the contents of any wire, oral or

1 electronic communication or evidence derived ~~therefrom~~ from such
2 communication may use ~~such~~ the contents to the extent such use is
3 appropriate to the proper performance of ~~his~~ the officer's official
4 duties.

5 C. Any person who has received, by any authorized means, any
6 information concerning a wire, oral or electronic communication or
7 evidence derived ~~therefrom~~ from such communication intercepted in
8 accordance with the provisions of the Security of Communications Act
9 may disclose the contents of ~~that~~ the communication or such
10 derivative evidence while giving testimony under oath or affirmation
11 in any administrative, civil, or criminal proceeding in any court of
12 this state or of the United States or in any grand jury proceeding,
13 if such testimony is otherwise admissible.

14 D. No otherwise privileged wire, oral or electronic
15 communication intercepted in accordance with, or in violation of,
16 the provisions of the Security of Communications Act shall lose its
17 privileged character.

18 E. When a law enforcement officer, while engaged in
19 intercepting wire, oral or electronic communications in an
20 authorized manner, intercepts wire, oral or electronic
21 communications relating to offenses for which an order or
22 authorization could have been secured or any offense listed in
23 Section 571 of Title 57 of the Oklahoma Statutes, which is other
24 than those specified in the order of authorization, the contents

1 ~~thereof~~ of such communications and evidence derived therefrom may be
2 disclosed or used as provided in this section. Such contents and
3 any evidence derived ~~therefrom~~ from the contents may be used when
4 authorized by a judge of competent jurisdiction when ~~such~~ the judge
5 finds on subsequent application that the contents were otherwise
6 intercepted in accordance with the provisions of the Security of
7 Communications Act. Such application shall be made as soon as
8 practicable.

9 SECTION 2. This act shall become effective November 1, 2023.

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