

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2017 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Daniel Pae

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

PROPOSED OVERSIGHT
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2017

By: Pae

PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

An Act relating to bullying; amending 21 O.S. 2021, Section 813, which relates to aiding suicide; modifying definition; amending 21 O.S. 2021, Section 1172, which relates to obscene, threatening, or harassing electronic communications; modifying prohibitions of certain communications; prohibiting certain terrifying, intimidating, threatening or harassing behavior; clarifying statutory language; clarifying lawful applications; amending 21 O.S. 2021, Section 1953, which relates to the Oklahoma Computer Crimes Act; adding electronic devices to certain prohibited uses; clarifying constitutional and lawful applicability; amending 70 O.S. 2021, Section 24-100.3, which relates to definitions under the School Safety and Bullying Prevention Act; modifying definition; updating statutory reference; amending 70 O.S. 2021, Section 24-100.4, as amended by Section 6, Chapter 15, O.S.L. 2023 (70 O.S. Supp. 2024, Section 24-100.4), which relates to the control and discipline of a child; requiring certain policy to be updated annually; modifying who can report incidents of bullying; requiring anonymous reports to be investigated in certain manner; providing immunity from a cause of action for certain individuals making certain reports of bullying; requiring notification of the parents or legal guardians of certain students within certain time period of receiving a report of bullying; requiring immediate notification of the parents or legal guardians of certain students who express certain thoughts or intentions; requiring certain policy to contain a statement prohibiting

1 retaliation against certain school employees;
2 requiring a district board of education to hold
3 certain public hearing prior to adoption of certain
4 policy and any modifications to certain policy;
5 providing for notice of hearing; requiring submission
6 of certain policy to the State Department of
7 Education within certain time period; requiring a
8 superintendent to submit certain report to a district
9 board of education at least once each semester;
10 requiring a district board of education to provide
11 certain policy and explanation to employees; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2021, Section 813, is
15 amended to read as follows:

16 Section 813. Every person who willfully, in any manner, ~~advises,~~
17 ~~encourages,~~ abets, or assists another person in taking his or her
18 own life, is guilty of aiding suicide.

19 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1172, is
20 amended to read as follows:

21 Section 1172. A. It shall be unlawful for a person ~~who, by~~
22 ~~means of a telecommunication or other electronic communication~~
23 ~~device, willfully either~~ to knowingly terrify, intimidate, threaten
24 or harass a specific person by doing any of the following:

25 1. ~~Makes~~ Directing any comment, request, suggestion, or
26 proposal which is obscene, lewd, lascivious, filthy, or indecent to
27 that person;

28 2. ~~Makes~~ Make a telecommunication, or other electronic
29 communication, including text, sound, or images, with intent to

1 terrify, intimidate or harass, or threaten to inflict injury or
2 physical harm to any person or property of that person;

3 3. ~~Makes~~ Make a telecommunication, or other electronic
4 communication, whether or not conversation ensues, with intent to
5 put the party called in fear of physical harm or death;

6 4. ~~Makes a telecommunication or other electronic communication,~~
7 ~~including text, sound or images whether or not conversation ensues,~~
8 ~~without disclosing the identity of the person making the call or~~
9 ~~communication and with intent to annoy, abuse, threaten, or harass~~
10 ~~any person at the called number~~ Otherwise disturb by repeated,
11 unwanted, or unsolicited electronic communications the peace, quiet,
12 or right of privacy of the person at the place where the
13 communication was received;

14 5. Knowingly ~~permits~~ permit any telecommunication, or other
15 electronic communication, under the control of the person to be used
16 for any purpose prohibited by this section; and

17 6. In conspiracy or concerted action with other persons, makes
18 repeated calls or electronic communications or simultaneous calls or
19 electronic communications solely to harass any person at the called
20 number(s).

21 B. As used in this section, "telecommunication" and "electronic
22 communication" mean any type of telephonic, electronic, or radio
23 communications, or transmission of signs, signals, data, writings,
24 images and sounds, or intelligence of any nature by telephone,

1 including cellular telephones, wire, cable, radio, electromagnetic,
2 photoelectronic, or photo-optical system or the creation, display,
3 management, storage, processing, transmission, or distribution of
4 images, text, voice, video, or data by wire, cable, or wireless
5 means, including the Internet. The term includes:

6 1. A communication initiated by electronic mail, instant
7 message, network call, or facsimile machine including text, sound,
8 or images;

9 2. A communication made to a pager; or

10 3. A communication including text, sound, or images posted to a
11 social media or other public media source which is directed at a
12 particular person.

13 C. Use of a telephone or other electronic communications
14 facility under this section shall include all use made of such a
15 facility between the points of origin and reception. Any offense
16 under this section is a continuing offense and shall be deemed to
17 have been committed at either the place of origin or the place of
18 reception.

19 D. Except as provided in subsection E of this section, any
20 person who is convicted of any of the provisions of subsection A of
21 this section, shall be guilty of a misdemeanor.

22 E. Any person who is convicted of a second offense under this
23 section shall be guilty of a felony.

1 F. This section does not apply to constitutionally protected
2 speech or activity or to any other activity authorized by law.

3 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1953, is
4 amended to read as follows:

5 Section 1953. A. It shall be unlawful to:

6 1. Willfully, and without authorization, gain or attempt to
7 gain access to and damage, modify, alter, delete, destroy, copy,
8 make use of, use malicious computer programs on, disclose or take
9 possession of a computer, computer system, computer network, data or
10 any other property;

11 2. Use a computer, computer system, computer network or any
12 other property as hereinbefore defined for the purpose of devising
13 or executing a scheme or artifice with the intent to defraud,
14 deceive, extort or for the purpose of controlling or obtaining
15 money, property, data, services or other thing of value by means of
16 a false or fraudulent pretense or representation;

17 3. Willfully exceed the limits of authorization and damage,
18 modify, alter, destroy, copy, delete, disclose or take possession of
19 a computer, computer system, computer network, data or any other
20 property;

21 4. Willfully and without authorization, gain or attempt to gain
22 access to a computer, computer system, computer network, data or any
23 other property;

1 5. Willfully and without authorization use or cause to be used
2 computer services;

3 6. Willfully and without authorization disrupt or cause the
4 disruption of computer services or deny or cause the denial of
5 access or other computer services to an authorized user of a
6 computer, computer system or computer network, other than an
7 authorized entity acting for a legitimate business purpose with the
8 effective consent of the owner;

9 7. Willfully and without authorization provide or assist in
10 providing a means of accessing a computer, computer system, data or
11 computer network in violation of this section;

12 8. Willfully use a computer, computer system, ~~or~~ computer
13 network, or other electronic device or system to ~~annoy, abuse,~~
14 threaten, or harass another person;

15 9. Willfully use a computer, computer system, ~~or~~ computer
16 network, or other electronic device or system to put another person
17 in fear of physical harm or death; and

18 10. Willfully solicit another, regardless of any financial
19 consideration or exchange of property, of any acts described in
20 paragraphs 1 through 9 of this subsection.

21 B. Any person convicted of violating paragraph 1, 2, 3, 6, 7, 9
22 or 10 of subsection A of this section shall be guilty of a felony
23 punishable as provided in Section 1955 of this title.

1 C. Any person convicted of violating paragraph 4, 5 or 8 of
2 subsection A of this section shall be guilty of a misdemeanor.

3 D. Nothing in the Oklahoma Computer Crimes Act shall be
4 construed to prohibit the monitoring of computer usage of, or the
5 denial of computer or Internet access to, a child by a parent, legal
6 guardian, legal custodian, or foster parent. As used in this
7 subsection, "child" shall mean any person less than eighteen (18)
8 years of age.

9 E. Nothing in the Oklahoma Computer Crimes Act shall be
10 construed to prohibit testing by an authorized entity, the purpose
11 of which is to provide to the owner or operator of the computer,
12 computer system or computer network an evaluation of the security of
13 the computer, computer system or computer network against real or
14 imagined threats or harms.

15 F. Nothing in the Oklahoma Computer Crimes Act shall be
16 construed to apply to constitutionally protected speech or activity
17 or to any other activity authorized by law.

18 SECTION 4. AMENDATORY 70 O.S. 2021, Section 24-100.3, is
19 amended to read as follows:

20 Section 24-100.3. A. As used in the School Safety and Bullying
21 Prevention Act:

22 1. "Bullying" means any pattern of harassment, intimidation,
23 threatening behavior, physical acts, or verbal or electronic
24 communication directed toward a student or group of students that

1 results in or is reasonably perceived as being done with the intent
2 to cause negative educational or physical results for the targeted
3 individual or group and is communicated in such a way as to disrupt
4 or interfere with the school's educational mission or the education
5 of any student;

6 2. ~~"At school"~~ "On school premises" means on school grounds, in
7 school vehicles, at school-sponsored activities, or at school-
8 sanctioned events;

9 3. "Electronic communication" means the communication of any
10 written, verbal, or pictorial information or video content by means
11 of an electronic device, including, but not limited to, a telephone,
12 a mobile or cellular telephone or other wireless telecommunication
13 device, or a computer; and

14 4. "Threatening behavior" means any pattern of behavior or
15 isolated action, whether or not it is directed at another person,
16 that a reasonable person would believe indicates potential for
17 future harm to students, school personnel, or school property.

18 B. Nothing in ~~this act~~ Section 24-100.1 et seq. of this title
19 shall be construed to impose a specific liability on any school
20 district.

21 SECTION 5. AMENDATORY 70 O.S. 2021, Section 24-100.4, as
22 amended by Section 6, Chapter 15, O.S.L. 2023 (70 O.S. Supp. 2024,
23 Section 24-100.4), is amended to read as follows:
24

1 Section 24-100.4. A. Each school district board of education
2 shall adopt a policy for the discipline of all children attending
3 public school in that district, and for the investigation of
4 reported incidents of bullying. The policy shall provide options
5 for the discipline of the students and shall define standards of
6 conduct to which students are expected to conform. The policy
7 shall:

8 1. Specifically address bullying by students ~~at school~~ on
9 school premises and by electronic communication, if the
10 communication is specifically directed at students or school
11 personnel and ~~concerns bullying at school~~ is communicated in such a
12 way as to disrupt or interfere with the school's educational mission
13 or the education of any student;

14 2. Contain a procedure for ~~reporting~~ a student, a school
15 employee, a school volunteer, or a parent or legal guardian to
16 report an act of bullying to a school official or law enforcement
17 agency, including a provision that permits a person to report an act
18 anonymously. No formal disciplinary action shall be taken solely on
19 the basis of an anonymous report;

20 3. Contain a requirement that any school employee that has
21 reliable information that would lead a reasonable person to suspect
22 that a person is a target of bullying shall immediately report it to
23 the principal or a designee of the principal. A school employee,
24 school volunteer, a student, or the parent or legal guardian of a

1 student who promptly reports in good faith an incident of bullying
2 to a school official and who makes the report in compliance with the
3 provisions of this section shall be immune from a cause of action
4 for damages arising out of the reporting itself or any failure to
5 remedy the reported incident of bullying;

6 4. Contain a statement of how the policy is to be publicized
7 including a requirement that:

- 8 a. an annual written notice of the policy be provided to
9 parents, legal guardians, staff, volunteers, and
10 students, with age-appropriate language for students,
11 b. notice of the policy be posted at various locations
12 within each school site, including, but not limited
13 to, cafeterias, school bulletin boards, and
14 administration offices,
15 c. the policy be posted on the Internet website for the
16 school district and each school site that has an
17 Internet website, and
18 d. the policy be included in all student and employee
19 handbooks;

20 5. Require that appropriate school district personnel involved
21 in investigating reports of bullying make a determination regarding
22 whether the conduct is actually occurring;

23 6. Contain a procedure and requirement for providing
24 notification to the parents or legal guardians of the reported

1 victim of bullying and the parents or legal guardians of the
2 reported perpetrator of the bullying within twenty-four (24) hours
3 of receipt of the report of bullying and providing timely
4 notification to the parents or legal guardians of a victim of
5 documented and verified bullying and to the parents or legal
6 guardians of the perpetrator of the documented and verified
7 bullying; provided, if a student expresses suicidal thoughts or
8 intentions or encourages another student to commit suicide, the
9 parents or legal guardians of the student(s) shall be notified
10 immediately;

11 7. Identify by job title the school official responsible for
12 enforcing the policy at each school site within a school district;

13 8. Contain procedures for reporting to law enforcement all
14 documented and verified acts of bullying which may constitute
15 criminal activity or reasonably have the potential to endanger
16 school safety;

17 9. Require training for administrators and school employees,
18 including school resource officers, as developed and provided by the
19 State Department of Education in preventing, identifying, responding
20 to, and reporting incidents of bullying. The training shall be
21 completed the first year an administrator or school employee is
22 employed by a school district, and then once every fifth academic
23 year;

1 10. Provide for an educational program as designed and
2 developed by the State Department of Education and in consultation
3 with the Office of Juvenile Affairs for students and parents in
4 preventing, identifying, responding to and reporting incidents of
5 bullying;

6 11. Establish a procedure for referral of a person who commits
7 an act of bullying to a delinquency prevention and diversion program
8 administered by the Office of Juvenile Affairs;

9 12. Address prevention by providing:

10 a. consequences and remedial action for a person who
11 commits an act of bullying,

12 b. consequences and remedial action for a student found
13 to have falsely accused another as a means of
14 retaliation, reprisal, or as a means of bullying, and

15 c. a strategy for providing counseling or referral to
16 appropriate services, including guidance, academic
17 intervention, and other protection for students, both
18 targets and perpetrators, and family members affected
19 by bullying, as necessary;

20 13. Establish a procedure for:

21 a. the investigation, determination, and documentation of
22 all incidents of bullying reported to school
23 officials,

- b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
- c. reporting the number of incidents of bullying, and
- d. determining the severity of the incidents and their potential to result in future violence;

14. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse or other counseling options be provided to the student, if appropriate; ~~and~~

15. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other care pursuant to paragraph 14 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information; and

16. Contain a statement prohibiting retaliation against a school employee who notifies the district board of education or the

1 State Department of Education of noncompliance with the provisions
2 of this section.

3 B. 1. In developing the policy, the district board of
4 education shall ~~make an effort to~~ involve the teachers, parents,
5 administrators, school staff, school volunteers, community
6 representatives, local law enforcement agencies, and students.

7 2. Before adopting the policy required by this section or any
8 modifications to the policy, the district board of education shall
9 hold at least one public hearing on the proposed policy or
10 modifications to the policy. The public hearing may be held as part
11 of a regularly scheduled board meeting. The district board of
12 education shall provide notice of the public hearing to students and
13 the parents or legal guardians of students using social media and at
14 least one other communication method regularly used by the board of
15 education.

16 3. Within thirty (30) days of approving the policy required by
17 this section or any modifications, the district board of education
18 shall submit a copy to the State Department of Education.

19 4. The students, teachers, and parents or ~~guardian~~ legal
20 guardians of every child residing within a school district shall be
21 notified by the district board of education of its adoption of the
22 policy and shall receive a copy upon request. The school district
23 policy shall be implemented in a manner that is ongoing throughout
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1 the school year and is integrated with other violence prevention
2 efforts.

3 C. The teacher of a child attending a public school shall have
4 the same right as a parent or legal guardian to control and
5 discipline such child according to district policies during the time
6 the child is in attendance or in transit to or from the school or
7 any other school function authorized by the school district or
8 classroom presided over by the teacher.

9 D. Except concerning students on individualized education plans
10 (IEP) pursuant to the Individuals with Disabilities Education Act
11 (IDEA), P.L. No. 101-476, the State Board of Education shall not
12 have authority to prescribe student disciplinary policies for school
13 districts or to proscribe corporal punishment in the public schools.
14 The State Board of Education shall not have authority to require
15 school districts to file student disciplinary action reports more
16 often than once each year and shall not use disciplinary action
17 reports in determining a school district's or school site's
18 eligibility for program assistance including competitive grants.

19 E. The board of education of each school district in this state
20 shall have the option of adopting a dress code for students enrolled
21 in the school district. The board of education of a school district
22 shall also have the option of adopting a dress code which includes
23 school uniforms.

24

1 F. The board of education of each school district in this state
2 shall have the option of adopting a procedure that requires students
3 to perform campus-site service for violating the district's policy.

4 G. The State Board of Education shall:

5 1. Promulgate rules for periodically monitoring school
6 districts for compliance with this section and providing sanctions
7 for noncompliance with this section;

8 2. Establish and maintain a central repository for the
9 collection of information regarding documented and verified
10 incidents of bullying; and

11 3. Publish a report annually on the State Department of
12 Education website regarding the number of documented and verified
13 incidents of bullying in the public schools in the state.

14 SECTION 6. This act shall become effective November 1, 2025.

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