

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 2017

By: Pae

AS INTRODUCED

An Act relating to bullying; amending 21 O.S. 2021, Section 1172, which relates to obscene, threatening, or harassing telecommunication or other electronic communications; prohibiting certain communications through online platforms; defining terms; modifying punishments for certain misdemeanor and felony offenses; amending 21 O.S. 2021, Section 1953, which relates to the Oklahoma Computer Crimes Act; making certain acts unlawful; creating felony offense; 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 retaliation against certain school employees; requiring a district board of education to hold certain public hearing prior to adoption of certain policy and any modifications to certain policy; providing for notice of hearing; requiring submission of certain policy to the State Department of Education within certain time period; requiring a

1 superintendent to submit certain report to a district
2 board of education at least once each semester;
3 requiring a district board of education to provide
4 certain policy and explanation to employees; and
5 providing an effective date.

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

7 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1172, is
8 amended to read as follows:

9 Section 1172. A. It shall be unlawful for a person ~~who~~ to, by
10 means of a telecommunication ~~or~~, other electronic communication
11 device, or online platform, willfully either:

12 1. ~~Makes~~ Make any comment, request, suggestion, or proposal
13 which is obscene, lewd, lascivious, filthy, or indecent with intent
14 to harass or threaten to inflict injury, physical harm, or severe
15 emotional distress to any person;

16 2. ~~Makes~~ Make a telecommunication ~~or~~, other electronic
17 communication, or post on an online platform, including text, sound,
18 or images, with intent to terrify, intimidate or harass, or threaten
19 to inflict injury or physical harm to any person or property of that
20 person;

21 3. ~~Makes~~ Make a telecommunication ~~or~~, other electronic
22 communication, or post on an online platform, whether or not
23 conversation ensues, with intent to put ~~the party called~~ any person
24 in fear of physical harm or death;

1 4. ~~Makes~~ Make a telecommunication ~~or,~~ other electronic
2 communication, or post on an online platform, including text, sound,
3 or images, whether or not conversation ensues, without disclosing
4 the identity of the person making the call ~~or,~~ communication, or
5 post and with intent to ~~annoy,~~ abuse, threaten, or harass any person
6 at which the ~~called number~~ communication is directed;

7 5. Knowingly ~~permits~~ permit any telecommunication ~~or,~~ other
8 electronic communication, or online platform account under the
9 control of the person to be used for any purpose prohibited by this
10 section; ~~and~~

11 6. In conspiracy or concerted action with other persons, ~~makes~~
12 make repeated or simultaneous calls ~~or,~~ electronic communications,
13 or ~~simultaneous calls or electronic communications~~ posts on an
14 online platform solely to harass any person at the ~~called number(s)~~
15 number or on the online platform; or

16 7. Commit an act of bullying, as defined in Section 24-100.3 of
17 Title 70 of the Oklahoma Statutes.

18 B. As used in this section, ~~"telecommunication":~~

19 1. "Online platform" means a website or online application that
20 is open to the public, allows a user to create an account, and
21 enables users to communicate with other users for the primary
22 purpose of posting information, comments, messages, or images;

23 2. "Telecommunication" and "electronic communication" mean any
24 type of telephonic, electronic, or radio communications, or

1 transmission of signs, signals, data, writings, images and sounds,
2 or intelligence of any nature by telephone, including cellular
3 telephones, wire, cable, radio, electromagnetic, photoelectronic, or
4 photo-optical system or the creation, display, management, storage,
5 processing, transmission, or distribution of images, text, voice,
6 video, or data by wire, cable, or wireless means, including the
7 Internet. The term includes a:

8 ~~1.~~—A

9 a. communication initiated by electronic mail, instant
10 message, network call, or facsimile machine including
11 text, sound, or images~~+~~,

12 ~~2.~~—A

13 b. communication made to a pager~~+~~, or

14 ~~3.~~—A

15 c. communication including text, sound, or images posted
16 to a social media or other public media source; and

17 3. "Severe emotional distress" means significant mental
18 suffering or distress that requires medical or other professional
19 treatment or counseling.

20 C. Use of a telephone or other electronic communications
21 facility under this section shall include all use made of such a
22 facility between the points of origin and reception. Any offense
23 under this section is a continuing offense and shall be deemed to
24

1 have been committed at either the place of origin or the place of
2 reception.

3 D. ~~Except as provided in subsection E of this section, any 1.~~
4 Any person who is convicted of under the provisions of subsection A
5 of this section, shall be guilty of a misdemeanor punishable by a
6 fine not to exceed Five Hundred Dollars (\$500.00), or by
7 imprisonment in the county jail not to exceed one (1) year, or by
8 both such fine and imprisonment.

9 ~~E. 2.~~ Any person who is convicted of a second offense under the
10 provisions of subsection A of this section shall be guilty of a
11 felony punishable by a fine not to exceed One Thousand Dollars
12 (\$1,000.00), or by imprisonment in the custody of the Department of
13 Corrections not to exceed two (2) years, or by both such fine and
14 imprisonment.

15 3. Any person who is convicted of a third or subsequent offense
16 under the provisions of subsection A of this section shall be guilty
17 of a felony punishable by a fine of not less than Five Thousand
18 Dollars (\$5,000.00) and not more than One Hundred Thousand Dollars
19 (\$100,000.00), or by imprisonment in the custody of the Department
20 of Corrections not to exceed ten (10) years, or by both such fine
21 and imprisonment.

22 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1953, is
23 amended to read as follows:

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

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

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

12 3. Willfully exceed the limits of authorization and damage,
13 modify, alter, destroy, copy, delete, disclose or take possession of
14 a computer, computer system, computer network, data or any other
15 property;

16 4. Willfully and without authorization, gain or attempt to gain
17 access to a computer, computer system, computer network, data or any
18 other property;

19 5. Willfully and without authorization use or cause to be used
20 computer services;

21 6. Willfully and without authorization disrupt or cause the
22 disruption of computer services or deny or cause the denial of
23 access or other computer services to an authorized user of a
24 computer, computer system or computer network, other than an

1 authorized entity acting for a legitimate business purpose with the
2 effective consent of the owner;

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

6 8. Willfully use a computer, computer system, ~~or~~ computer
7 network ~~to annoy, abuse, threaten, or harass another person, or~~
8 other electronic device or system that violates a provision of
9 subsection A of Section 1172 of this title;

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

13 10. Willfully use a computer, computer system, computer
14 network, or other electronic device or system that violates any of
15 the provisions of Section 813, 814, or 815 of this title; or

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

19 B. Any person convicted of violating paragraph 1, 2, 3, 6, 7, 9
20 ~~or~~, 10, or 11 of subsection A of this section shall be guilty of a
21 felony punishable as provided in Section 1955 of this title.

22 C. Any person convicted of violating paragraph 4, 5 or 8 of
23 subsection A of this section shall be guilty of a misdemeanor.
24

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

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

13 SECTION 3. AMENDATORY 70 O.S. 2021, Section 24-100.3, is
14 amended to read as follows:

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

17 1. "Bullying" means any pattern of harassment, intimidation,
18 threatening behavior, physical acts, or verbal or electronic
19 communication directed toward a student or group of students that
20 results in or is reasonably perceived as being done with the intent
21 to cause negative educational or physical results for the targeted
22 individual or group and is communicated in such a way as to disrupt
23 or interfere with the school's educational mission or the education
24 of any student;

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

4 3. "Electronic communication" means the communication of any
5 written, verbal, or pictorial information or video content by means
6 of an electronic device, including, but not limited to, a telephone,
7 a mobile or cellular telephone or other wireless telecommunication
8 device, or a computer; and

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

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

16 SECTION 4. AMENDATORY 70 O.S. 2021, Section 24-100.4, as
17 amended by Section 6, Chapter 15, O.S.L. 2023 (70 O.S. Supp. 2024,
18 Section 24-100.4), is amended to read as follows:

19 Section 24-100.4. A. Each school district board of education
20 shall adopt a policy for the discipline of all children attending
21 public school in that district, and for the investigation of
22 reported incidents of bullying. The policy shall provide options
23 for the discipline of the students and shall define standards of
24

conduct to which students are expected to conform. The policy shall:

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

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

3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal. A school employee, school volunteer, a student, or the parent or legal guardian of a student who promptly reports in good faith an incident of bullying to a school official and who makes the report in compliance with the provisions of this section shall be immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident of bullying;

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

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

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

18 6. Contain a procedure and requirement for providing
19 notification to the parents or legal guardians of the reported
20 victim of bullying and the parents or legal guardians of the
21 reported perpetrator of the bullying within twenty-four (24) hours
22 of receipt of the report of bullying and providing timely
23 notification to the parents or legal guardians of a victim of
24 documented and verified bullying and to the parents or legal

guardians of the perpetrator of the documented and verified bullying; provided, if a student expresses suicidal thoughts or intentions or encourages another student to commit suicide, the parents or legal guardians of the student(s) shall be notified immediately;

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

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

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

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

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

4 12. Address prevention by providing:

- 5 a. consequences and remedial action for a person who
- 6 commits an act of bullying,
- 7 b. consequences and remedial action for a student found
- 8 to have falsely accused another as a means of
- 9 retaliation, reprisal, or as a means of bullying, and
- 10 c. a strategy for providing counseling or referral to
- 11 appropriate services, including guidance, academic
- 12 intervention, and other protection for students, both
- 13 targets and perpetrators, and family members affected
- 14 by bullying, as necessary;

15 13. Establish a procedure for:

- 16 a. the investigation, determination, and documentation of
- 17 all incidents of bullying reported to school
- 18 officials,
- 19 b. identifying the principal or a designee of the
- 20 principal as the person responsible for investigating
- 21 incidents of bullying,
- 22 c. reporting the number of incidents of bullying, and
- 23 d. determining the severity of the incidents and their
- 24 potential to result in future violence;

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

5 15. Establish a procedure whereby a school may request the
6 disclosure of any information concerning students who have received
7 mental health, substance abuse, or other care pursuant to paragraph
8 14 of this subsection that indicates an explicit threat to the
9 safety of students or school personnel, provided the disclosure of
10 the information does not violate the requirements and provisions of
11 the Family Educational Rights and Privacy Act of 1974, the Health
12 Insurance Portability and Accountability Act of 1996, Section 2503
13 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
14 the Oklahoma Statutes, or any other state or federal laws regarding
15 the disclosure of confidential information; and

16 16. Contain a statement prohibiting retaliation against a
17 school employee who notifies the district board of education or the
18 State Department of Education of noncompliance with the provisions
19 of this section.

20 B. 1. In developing the policy, the district board of
21 education shall ~~make an effort to~~ involve the teachers, parents,
22 administrators, school staff, school volunteers, community
23 representatives, local law enforcement agencies, and students.
24

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

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

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

20 C. The teacher of a child attending a public school shall have
21 the same right as a parent or legal guardian to control and
22 discipline such child according to district policies during the time
23 the child is in attendance or in transit to or from the school or
24

1 any other school function authorized by the school district or
2 classroom presided over by the teacher.

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

13 E. The board of education of each school district in this state
14 shall have the option of adopting a dress code for students enrolled
15 in the school district. The board of education of a school district
16 shall also have the option of adopting a dress code which includes
17 school uniforms.

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

21 G. The State Board of Education shall:

22 1. Promulgate rules for periodically monitoring school
23 districts for compliance with this section and providing sanctions
24 for noncompliance with this section;

1 2. Establish and maintain a central repository for the
2 collection of information regarding documented and verified
3 incidents of bullying; and

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

7 SECTION 5. This act shall become effective November 1, 2025.

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