An Act

ENROLLED HOUSE
BILL NO. 2172

By: Roe and Pittman of the House

and

Thompson (Kristen) of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1176, as amended by Section 4, Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2022, Section 1176), which relates to using electronic communication devices to publish identifying information; expanding scope of crime; adding definition; and providing an effective date.

SUBJECT: Crimes and punishment

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1176, as amended by Section 4, Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2022, Section 1176), is amended to read as follows:

Section 1176. A. Whoever, with the intent to threaten, intimidate or harass, or facilitate another to threaten, intimidate or harass, uses an electronic communication device to knowingly publish, post or otherwise make publicly available personally identifiable information of a peace officer, public official, <u>medical care provider,</u> or crime victim, and as a result places that peace officer, public official, <u>medical care provider,</u> or crime victim in reasonable fear of death or serious bodily injury shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed six (6) months, or by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent violation, the person shall be punished by

imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

B. To the extent the provisions of Section A apply to medical care providers, the protections provided herein shall not apply when the incident is unrelated to the provider's professional duties.

C. As used in this section:

1. "Crime victim" shall have the same meaning as that term is defined in Section 142A-1 of this title;

2. "Electronic communication" shall have the same meaning as that term is defined in Section 1172 of this title. Electronic communication does not include broadcast transmissions or similar communications that are not targeted at any specific individual;

3. "Electronic communication device" means any cellular telephone, facsimile, pager, computer or any device capable of electronic communication;

4. "Medical care provider" means a doctor, resident, intern, nurse, nurse practitioner, nurses' aide, ambulance attendant or operator, paramedic, emergency medical technician, laboratory technician, radiologic technologist, physical therapist, physician assistant, chaplain of a health care facility, volunteer of a health care facility, pharmacist, nursing student, medical student, member of a hospital security force, and any other employee or contractor working in or for a health care facility;

5. "Peace officer" shall have the same meaning as that term is defined in Section 99 of this title;

~~5.~~ 6. "Personally identifiable information" means information which can identify an individual including, but not limited to, name, birth date, place of birth, mother's maiden name, biometric records, Social Security number, official state- or government-issued driver license or identification number, government passport number, employer or taxpayer identification number or any other information that is linked or linkable to an individual, such as medical, educational, financial or employment information;

~~6.~~ 7. "Public official" means any person elected or appointed to a state office in the executive, legislative or judicial branch of state government or other political subdivision of the state; and

~~7.~~ 8. "Publish" means to circulate, deliver, distribute, disseminate, transmit or otherwise make available to another person.

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

Passed the House of Representatives the 6th day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2023.

Brent Howard
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th
day of April, 20 23, at 2:36 o'clock p. M.
By: [illegible]

Approved by the Governor of the State of Oklahoma this 2nd
day of May, 20 23, at 12:10 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd
day of May, 20 23, at 1:49 o'clock p M.
By: Brian Bingman