An Act

ENROLLED SENATE
BILL NO. 981

By: Weaver of the Senate

and

Moore of the House

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.

SUBJECT: Security of Communications Act

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

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

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

E. When a law enforcement officer, while engaged in intercepting wire, oral or electronic communications in an authorized manner, intercepts wire, oral or electronic communications relating to offenses for which an order or authorization could have been secured or any offense listed in Section 571 of Title 57 of the Oklahoma Statutes, which is other than those specified in the order of authorization, the contents ~~thereof~~ of such communications and evidence derived therefrom may be disclosed or used as provided in this section. Such contents and any evidence derived ~~therefrom~~ from the contents may be used when authorized by a judge of competent jurisdiction when ~~such~~ the judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of the Security of Communications Act. Such application shall be made as soon as practicable.

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

Passed the Senate the 13th day of February, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of April, 20 23, at 4:12 o'clock p. M.

By: Summer Curry

Approved by the Governor of the State of Oklahoma this 28th

day of April, 20 23, at 5:11 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 28th

day of April, 20 23, at 5:32 o'clock P. M.

By: Brian Bingman