

An Act

ENROLLED HOUSE
BILL NO. 1759

By: Ranson, Phillips, Fugate
and Boatman of the House

and

Taylor and Bergstrom of the
Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1952 and 1953, as amended by Section 1, Chapter 66, O.S.L. 2013 (21 O.S. Supp. 2020, Section 1953), which relate to the Oklahoma Computer Crimes Act; modifying definition; defining term; expanding scope of certain prohibited acts; making certain acts unlawful; providing construing provision; and providing an effective date.

SUBJECT: Crimes and punishments

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1952, is amended to read as follows:

Section 1952. As used in the Oklahoma Computer Crimes Act:

1. "Access" means to approach, gain entry to, instruct, communicate with, store data in, retrieve data from or otherwise use the logical, arithmetical, memory or other resources of a computer, computer system or computer network;

2. "Computer" means an electronic device which performs work using programmed instruction having one or more of the capabilities of storage, logic, arithmetic or communication. The term includes input, output, processing, storage, software and communication

facilities which are connected or related to a device in a system or network;

3. "Computer network" means the wired or wireless physical or logical interconnection of terminals by communication modes with a one or more computers or computer, or a complex consisting of two or more interconnected computers systems to each other, or to other computer networks, for the purpose of transmitting or receiving computer programs, computer software or data;

4. "Computer program" means a set or series of instructions or statements and related data which when executed in actual or modified form directs or is intended to direct the functioning of a computer system in a manner designed to perform certain operations;

5. "Computer software" means one or more computer programs, procedures and associated documentation used in the operation of a computer system;

6. "Computer system" means a set of related, connected or unconnected, computer equipment, devices including support devices, one or more of which contain computer programs, electronic instructions, input data, and output data, that performs functions including, but not limited to, logic, arithmetic, data storage and retrieval, communication, and control and software. "Computer system" The term does not include calculators which are not programmable and are not capable of being connected to or used to access other computers, computer networks, computer systems or support devices;

7. "Data" means a representation of information, knowledge, facts, concepts, computer software, computer programs or instructions. Data may be in any form, in storage media, or as stored in the memory of the computer or in transit or presented on a display device;

8. "Malicious computer program" means any computer program that is created, executed, modified or distributed with the intent to disrupt, destroy, deny access to, redirect, defraud, deceive, exceed or gain unauthorized access to any computer, computer system, computer network or data. Malicious computer program includes, but is not limited to, viruses, Trojan horses, spyware, worms, rootkits, backdoors, ransomware and other malicious computer instructions, whether part of or independent of broader computer software or computer systems;

9. "Property" means any tangible or intangible item of value and includes, but is not limited to, financial instruments, geophysical data or the interpretation of that data, information, computer software, computer programs, electronically-produced data and computer-produced or stored data, supporting documentation, computer software in either machine or human readable form, electronic impulses, confidential, copyrighted or proprietary information, private identification codes or numbers which permit access to a computer by authorized computer users or generate billings to consumers for purchase of goods and services, including, but not limited to, credit card transactions and telecommunications services or permit electronic fund transfers and any other tangible or intangible item of value;

~~9.~~ 10. "Services" includes, but is not limited to, computer time, data processing and storage functions and other uses of a computer, computer system or computer network to perform useful work;

~~10.~~ 11. "Supporting documentation" includes, but is not limited to, all documentation in any form used in the construction, design, classification, implementation, use or modification of computer software, computer programs or data; and

~~11.~~ 12. "Victim expenditure" means any expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program or data was or was not altered, deleted, disrupted, damaged or destroyed by the access.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1953, as amended by Section 1, Chapter 66, O.S.L. 2013 (21 O.S. Supp. 2020, Section 1953), is amended to read as follows:

Section 1953. A. It shall be unlawful to:

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

2. Use a computer, computer system, computer network or any other property as hereinbefore defined for the purpose of devising

or executing a scheme or artifice with the intent to defraud, deceive, extort or for the purpose of controlling or obtaining money, property, data, services or other thing of value by means of a false or fraudulent pretense or representation;

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

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

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

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

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

8. Willfully use a computer, computer system, or computer network to annoy, abuse, threaten, or harass another person; ~~and~~

9. Willfully use a computer, computer system, or computer network to put another person in fear of physical harm or death; and

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

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

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

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

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

SECTION 3. This act shall become effective November 1, 2021.

Passed the House of Representatives the 25th day of May, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 18th day of May, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____