

1 **SENATE FLOOR VERSION**

2 February 20, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 752

5 By: Leewright

6
7 **[crimes and punishments - intimidating employers and**
8 **threatening telecommunication or other electronic**
9 **communications - effective date]**

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 21 O.S. 2011, Section 838, is
13 amended to read as follows:

14 Section 838. Every person who, by use of force, threats or
15 intimidation, prevents or endeavors to prevent another from
16 employing any person, or to compel another to employ any person, or
17 to force or induce another to alter his or her mode of carrying on
18 business, to interrupt or disrupt the carrying on of business or to
19 limit or increase the number of his hired foremen, journeymen,
20 apprentices, workmen, laborers, servants or other persons employed
21 by him, or their rate of wages or time of service, is guilty of a
22 misdemeanor.

23 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1172, is
24 amended to read as follows:

1 Section 1172. A. It shall be unlawful for a person who, by
2 means of a telecommunication or other electronic communication
3 device, willfully either:

4 1. Makes any comment, request, suggestion, or proposal which is
5 obscene, lewd, lascivious, filthy, or indecent;

6 2. Makes a telecommunication or other electronic communication
7 including text, sound or images with intent to terrify, intimidate
8 or harass, or threaten to inflict injury or physical harm to any
9 person or property of that person;

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

13 4. Makes a telecommunication or other electronic communication,
14 including text, sound or images whether or not conversation ensues,
15 without disclosing the identity of the person making the call or
16 communication and with intent to annoy, abuse, threaten, or harass
17 any person at the called number;

18 5. Knowingly permits any telecommunication or other electronic
19 communication under the control of the person to be used for any
20 purpose prohibited by this section; and

21 6. In conspiracy or concerted action with other persons, makes
22 repeated calls or electronic communications or simultaneous calls or
23 electronic communications solely to harass any person at the called
24 number(s).

1 B. As used in this section, "telecommunication" and "electronic
2 communication" mean any type of telephonic, electronic or radio
3 communications, or transmission of signs, signals, data, writings,
4 images and sounds or intelligence of any nature by telephone,
5 including cellular telephones, wire, cable, radio, electromagnetic,
6 photoelectronic or photo-optical system or the creation, display,
7 management, storage, processing, transmission or distribution of
8 images, text, voice, video or data by wire, cable or wireless means,
9 including the Internet. The term includes:

10 1. A communication initiated by electronic mail, instant
11 message, network call, or facsimile machine including text, sound or
12 images; and

13 2. A communication made to a pager; and

14 3. A communication including text, sound or images posted to a
15 social media or other public media source.

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

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

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

3 SECTION 3. This act shall become effective November 1, 2019.

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 February 20, 2019 - DO PASS AS AMENDED
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