

SELECTED OKLAHOMA STATUTES AFFECTING USE OF TELECOMMUNICATIONS

(including internet and email) (year most recently amended shown after citation)
for full text of statutes see: www.oscn.net (enter __O.S.__ to find exact statute)

Right of Privacy (21 O.S. §839.1) (1965)

- Use of name or picture for advertising w/o consent - misdemeanor (any use)
- Victim may recover damages for any injuries sustained

Malicious Intimidation or Harassment (21. O.S. §850) (2001)

- because of race, color, religion, ancestry, national origin or disability (specifically prohibits one to “cause or allow to be transmitted, any telephone or electronic message”; civil and criminal penalties possible) (specifically exempts from penalty the owner of the equipment unless it was installed for the unlawful purpose).

Indecent Exposure, Obscenity (21 O.S. §1021-1040) (2003)

- procuring participation of minor carries 20 year sentence and \$25,000 fine (§1021.2)
- misdemeanor or felony to use computer or phone to create or distribute indecent or obscene writings or pictures (§10241.4)
- definition is very broad of “obscene material”, “performance” and “sexual conduct” (§1024.1)
- transmitting information by computer to instigate sexual contact with a minor carries fine and/or imprisonment (§1040.13a)
- broad definitions of additional terms, e.g. nudity, material, person (§1040.75)
- material or performances harmful to minors prohibited in commercial establishment or elsewhere, including display (§1040.76)
- each offense is subject to a separate fine and imprisonment penalty (§1040.77)
- interactive computer service provider required to remove child pornography item on its server, in timely manner when Attorney General requests; includes criminal penalties for intentional violation by service provider (§1040.80)

Lewd or Indecent Proposals to child under 16 (21 O.S. §1123) (2003)

- amended in 2000 to add electronic and “computer-generated”

Obscene, Threatening or Harassing Phone Calls (21 O.S. §1172) (2004)

- includes allowing someone else to use phone to send or receive (note internet access, email via a modem; fax machines use phone lines)
- criminal penalties
- new law goes into effect, 11-01-2005 – include “... making a telecommunication or other electronic communication with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to any person or property of that person” (new), and provides broad definition of telecommunication and other electronic communication. The term includes a communication initiated by electronic mail, instant message, network call, or fax machine and communication to a pager.

Stalking (21 O.S. §1173) (2000)

- includes use of phone to stalk (as defined)
- criminal penalties
- specifically identifies “contact” by phone, sending “mail or electronic communication”. (With the change of §1172, this contact covers a broader definition of telecommunication and other electronic communication (also includes instant message and communication to a pager) – see above)

Theft of Cable Information, or Telecommunications Services (21 O.S. §1737) (2000)

- includes civil and criminal fines for use by theft or other deception
- covers “cable, information, or telecommunications services...cable television, telephone, internet, and data transmission...”

Computer Crimes Act (21 O.S. §1951-1959) (2003)

- broad definitions (§1952)
- even an attempt to gain unauthorized access to a “computer, computer system, computer network or any other property” is a crime (§1953)
- proof of access is “prima facie evidence of the willful violation of the Oklahoma Computer Crimes Act” (§1954)
- fine and imprisonment penalties (§1955)
- causing access from or to another jurisdiction is a crime (§1957)
- normal use or access otherwise allowed is criminal if done for an unlawful purpose (§1958)
- authorizes use of subpoenas of records and witnesses, to investigate alleged computer crimes (§1959)

Open Records Act (51 O.S. §24A.1 et. seq.) (1997)

- email sent to or received by a computer subject to this law (public institution) may be accessed by the public

Fraudulent Electronic Mail Messages (15 O.S. §776.1 et. seq.) (1999)

- unlawful to send fraudulent messages
- civil penalty (fine up to \$500)
- Oklahoma Consumer Protection Act applies (this section)