

or by both such fine and imprisonment.

Added by Laws 1987, c. 204, § 18, operative July 1, 1987. Amended by Laws 1997, c. 133, § 305, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 204, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 305 from July 1, 1998, to July 1, 1999.

§21-1168.7. Federal and state agencies encountering burial grounds, human skeletal remains or burial furniture - Reports - Disposition.

A. Any federal or state department or agency which, in the performance of its duties, discovers a burial ground, human skeletal remains or burial furniture shall immediately cease any activity which may cause further disturbance of the site and shall report the presence and location of any skeletal remains to an appropriate law enforcement officer as required by Section 1168 et seq. of Title 21 of the Oklahoma Statutes and shall comply with all other provisions of said sections.

B. If it is determined that the burial ground, human skeletal remains or burial furniture is not directly related to a tribal group, the State Historic Preservation Officer shall work with the director of the federal or state department or agency until disposition of the burial ground, human skeletal remains or burial furniture has been completed to the satisfaction of the State Historic Preservation Officer.

Added by Laws 1992, c. 214, § 2, eff. Sept. 1, 1992.

§21-1169. Disposition of human tissue - Rules and regulations.

A. The State Board of Health is hereby directed to immediately promulgate rules and regulations for the proper disposition of human tissue by medical facilities over which the Board has jurisdiction.

B. The State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall immediately promulgate rules and regulations for the proper disposition of human tissue by physicians, their employees or agents.

C. The State Board of Health, the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall cooperatively establish uniform rules and regulations so as to provide consistency for the proper disposition of human tissue.

D. Any person violating any rule or regulation established pursuant to subsections A or B of this section relating to the disposition of human tissue shall, upon conviction, be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00).

Added by Laws 1992, c. 355, § 2.

§21-1171. Peeping Tom - Use of photographic, electronic or video equipment - Offenses and punishment - Definition.

A. Every person who hides, waits or otherwise loiters in the vicinity of any private dwelling house, apartment building, any other place of residence, or in the vicinity of any locker room, dressing room, restroom or any other place where a person has a right to a reasonable expectation of privacy, with the unlawful and willful intent to watch, gaze, or look upon any person in a clandestine manner, shall, upon conviction, be guilty of a misdemeanor. The violator shall be punished by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

B. Every person who uses photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person without the knowledge and consent of such person when the person viewed is in a place where there is a right to a reasonable expectation of privacy, or who publishes or distributes any image obtained from such act, shall, upon conviction, be guilty of a felony. The violator shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. Every person who uses photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person and capture an image of a private area of a person without the knowledge and consent of such person and knowingly does so under circumstances in which a reasonable person would believe that the private area of the person would not be visible to the public, regardless of whether the person is in a public or private place shall, upon conviction, be guilty of a misdemeanor. The violator shall be punished by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. As used in this section, the phrase "private area of the person" means the naked or undergarment-clad genitals, pubic area, buttocks, or any portion of the areola of the female breast of that individual.

Added by Laws 1959, p. 112, § 1. Amended by Laws 2001, c. 386, § 2, eff. July 1, 2001; Laws 2008, c. 38, § 1, eff. Nov. 1, 2008.

§21-1172. Obscene, threatening or harassing telecommunication or other electronic communications - Penalty.

A. It shall be unlawful for a person who, by means of a telecommunication or other electronic communication device,

willfully either:

1. Makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;
2. Makes 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;
3. Makes a telecommunication or other electronic communication, whether or not conversation ensues, with intent to put the party called in fear of physical harm or death;
4. Makes a telecommunication or other electronic communication, whether or not conversation ensues, without disclosing the identity of the person making the call or communication and with intent to annoy, abuse, threaten, or harass any person at the called number;
5. Knowingly permits any telecommunication or other electronic communication under the control of the person to be used for any purpose prohibited by this section; and
6. In conspiracy or concerted action with other persons, makes repeated calls or electronic communications or simultaneous calls or electronic communications solely to harass any person at the called number(s).

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

1. A communication initiated by electronic mail, instant message, network call, or facsimile machine; and
2. A communication made to a pager.

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

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

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

Added by Laws 1969, c. 233, § 1, emerg. eff. April 21, 1969.

Amended by Laws 1986, c. 215, § 1, eff. Nov. 1, 1986; Laws 1993, c. 283, § 1, eff. Sept. 1, 1993; Laws 1997, c. 133, § 306, eff. July 1, 1999; Laws 2004, c. 275, § 5, eff. July 1, 2004; Laws 2005, c. 231, §

1, eff. Nov. 1, 2005.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 306 from July 1, 1998, to July 1, 1999.

§21-1173. Stalking - Penalties.

A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

1. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and

2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested,

shall, upon conviction, be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section when:

1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction;

2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or

3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party,

shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding five (5) years, or by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

C. Any person who:

1. Commits a second act of stalking within ten (10) years of the completion of sentence for a prior conviction of stalking; or

2. Has a prior conviction of stalking and, after being served with a protective order that prohibits contact with an individual, knowingly makes unconsented contact with the same individual, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a

term not exceeding five (5) years, or by a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

D. Any person who commits an act of stalking within ten (10) years of the completion of execution of sentence for a prior conviction under subsection B or C of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years, or by a fine of not less than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

E. Evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection F of this section, with the victim after having been requested by the victim to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

F. For purposes of this section:

1. "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

2. "Course of conduct" means a pattern of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct";

3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;

4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:

- a. following or appearing within the sight of that individual,
- b. approaching or confronting that individual in a public

- c. place or on private property, appearing at the workplace or residence of that individual,
- d. entering onto or remaining on property owned, leased, or occupied by that individual,
- e. contacting that individual by telephone,
- f. sending mail or electronic communications to that individual, and
- g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual; and

5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.

Added by Laws 1992, c. 107, § 1, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 64, § 1, emerg. eff. April 13, 1993; Laws 1997, c. 133, § 307, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 205, eff. July 1, 1999; Laws 2000, c. 370, § 14, eff. July 1, 2000; Laws 2015, c. 206, § 1, eff. Nov. 1, 2015.

NOTE: Laws 1992, c. 348, § 4 repealed the original effective date of Laws 1992, c. 107, § 1 (Sept. 1, 1992). A new emergency effective date of June 4, 1992, was given to that section by Laws 1992, c. 348, § 5.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 307 from July 1, 1998, to July 1, 1999.

§21-1174. Burning cross with intent to intimidate.

It shall be unlawful for any person or persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross on the property of another, a highway or other public place. Any person who shall violate any provision of this section shall be guilty of a felony.

Added by Laws 2003, c. 256, § 2, emerg. eff. May 23, 2003.

§21-1175. Unauthorized use of newborn DNA.

A laboratory, medical facility, hospital or birthing place is prohibited from the unauthorized storage, transferring, use or databasing of DNA from any newborn child without express parental consent.

Added by Laws 2010, c. 246, § 1, emerg. eff. May 10, 2010.

§21-1190. Hazing - Prohibition - Presumption as forced activity - Penalty - Definition.

A. No student organization or any person associated with any organization sanctioned or authorized by the governing board of any