

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 615

BY: LONG (Lewis)

AS INTRODUCED

AN ACT RELATING TO OSBI REPORTS; AMENDING 74 O.S.

1991, SECTION 150.5, WHICH RELATES TO
INVESTIGATIONS BY THE OKLAHOMA STATE BUREAU OF
INVESTIGATION; REQUIRING THE GOVERNOR TO NOTIFY AND
PROVIDE CERTAIN PERSONS A COPY OF INVESTIGATIVE
REPORTS; SPECIFYING TIME FOR DELIVERY OF REPORTS;
PROVIDING FOR DISCLOSURE OF CERTAIN INFORMATION TO
THE PROPER AUTHORITIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 150.5, is amended to read as follows:

Section 150.5 A. Oklahoma State Bureau of Investigation investigations not covered under Section 150.2 of this title shall be initiated at the request of the following persons:

1. The Governor;
2. The Attorney General;
3. The Council on Judicial Complaints upon a vote by a majority of said Council; or
4. The chairman of any Legislative Investigating Committee which has been granted subpoena powers by resolution, upon authorization by a vote of the majority of said Committee.

Such requests for investigations shall be submitted in writing and shall contain specific allegations of wrongdoing under the laws of the State of Oklahoma.

B. The Governor may initiate special background investigations with the written consent of the person who is the subject of the investigation.

C. The chairman of any Senate committee which is fulfilling the statutory responsibility for approving nominations made by the Governor may, upon a vote by a majority of the committee and with the written consent of the person who is to be the subject of the investigation, initiate a special background investigation of any nominee for the Oklahoma Horse Racing Commission as established by ~~Provision No. 1, State Question No. 553, Initiative Petition No. 315 (3A O.S. Supp. 1982, Section 201)~~ Section 201 of Title 3A of the Oklahoma Statutes. The Bureau shall submit a report to the committee within thirty (30) days of the receipt of the request. Any consideration by the committee of a report from the Bureau shall be for the exclusive use of the committee and shall be considered only in executive session.

D. All records relating to any investigation being conducted by the Bureau shall be confidential and shall not be open to the public or to the Commission except as provided in subsection E of this section and Section 150.4 of this title; provided, however, officers and agents of the Bureau may disclose, at the discretion of the Director, such investigative information to officers and agents of federal, state, county, or municipal law enforcement agencies and to district attorneys, in the furtherance of criminal investigations within their respective jurisdictions. Any unauthorized disclosure of any information contained in the confidential files of the Bureau shall be a misdemeanor. The person or entity authorized to initiate investigations in this section shall receive a report of the results of the requested investigation. The person or entity requesting the

investigation may give that information only to the appropriate prosecutorial officer or agency having statutory authority in the matter if that action appears proper from the information contained in the report, and shall not reveal or give such information to any other person or agency, except as provided in subsection E of this section. Violation hereof shall be deemed willful neglect of duty and shall be grounds for removal from office.

E. The Governor shall notify the President Pro Tempore of the Senate and the Speaker of the House of Representatives within fourteen (14) days after receiving any investigative report from the Oklahoma State Bureau of Investigation, whether the investigation was initiated under subsection B of this section or Section 150.2 of this title. The Governor shall provide a copy of such investigative report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives at their request within seven (7) days. If the Governor receives any investigative report containing information appropriate to be disclosed to a prosecutorial officer or agency having statutory authority in the matter, and the Governor fails to give such information to the proper authority within forty-five (45) days, the President Pro Tempore of the Senate or the Speaker of the House of Representatives may initiate a contact with the proper authority and give any necessary information contained in their respective copies of the investigative report without violating the confidentiality provisions of this section.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.