

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 90

BY: RUBOTTOM

AS INTRODUCED

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING SECTION 7, CHAPTER 230, O.S.L. 1986 (63 O.S. SUPP. 1990, SECTION 2817), WHICH RELATES TO THE NINE-ONE-ONE EMERGENCY NUMBER ACT; LIMITING LIABILITY FOR CERTAIN SERVICES; REQUIRING DIGNITY OF CERTAIN PERSONS BE RESPECTED; PROHIBITING CERTAIN USES OF NINE-ONE-ONE (911) EMERGENCY RECORDING TAPES AND ALLOWING EXCEPTION; AUTHORIZING TRANSCRIPTS OF RECORDINGS AND USES OF RECORDINGS IN CRIMINAL PROCEEDINGS; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 7, Chapter 230, O.S.L. 1986 (63 O.S. Supp. 1990, Section 2817), is amended to read as follows:

Section 2817. No employee of a public agency or public agency acting under the provisions of ~~this act~~ the Nine-One-One Emergency Number Act, Section 2811 et seq. of this title, shall be liable for the method of providing emergency telephone service or for the method of providing or failure to provide emergency response service

except as otherwise provided under the Governmental Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes, nor shall such person or public agency have any special duty to any service user or other user of the emergency telephone system, except as expressly provided in Section 2 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2822 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. In the operation of any emergency telephone system under this title, the dignity of individuals requesting assistance via nine-one-one emergency calls, or those individuals who are the subject of such calls, shall be respected.

B. No recording, by any medium, of telephone calls or conversations made via an emergency telephone service shall be duplicated, reproduced or broadcast without first obtaining the consent of:

1. The person or persons whose voice was recorded;
2. The parent or guardian of the person, if the person is a minor; or
3. The next of kin or personal representative of the person, if the person is deceased.

C. The provisions of this section shall not be construed to limit access to and transcription of such recordings; provided, transcripts shall be made by the person requesting a transcript at their own expense or shall be provided by the agency for a fee at the agency's option. Any fee charged shall cover the actual cost of providing the transcript.

D. The provisions of this section shall not be construed to limit the use of such recordings as evidence in any criminal proceeding.

SECTION 3. 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.

43-1-757

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