

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2628

By: Fallin

AS INTRODUCED

An Act relating to arrest warrant information; establishing an arrest warrant identification system; providing for coordination, use and participation in the system; providing for an agreement for transfer of information; requiring establishment of standards and guidelines; authorizing certain audits; providing certain immunity; amending 47 O.S. 1991, Sections 2-125 and 2-129, as last amended by Section 1, Chapter 25, O.S.L. 1993 (47 O.S. Supp. 1993, Section 2-129), which relates to the Oklahoma Law Enforcement Telecommunication Systems; including fees derived from the arrest warrant identification system in the Department of Public Safety Revolving Fund for specified purposes; providing for custody and dissemination of confidential and privileged arrest warrant identification information; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-124.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. On or before January 1, 1995, there shall be established within the Department of Public Safety a computerized arrest warrant identification system. The Department of Public Safety shall coordinate the use of this system and equipment with federal, state, county, and municipal law enforcement agencies. All county sheriff departments and all police departments for municipalities may participate in this system.

B. The Department of Public Safety shall enter into an agreement with the State Supreme Court, by and through the Office of the Administrative Director of the Courts, for the transfer of computerized arrest warrant identification information from the Office of the Administrative Director of the Courts to the Department of Public Safety.

C. The Department of Public Safety shall establish standards and guidelines for use of information obtained by the computerized arrest warrant identification system.

D. The Department of Public Safety and the Office of the Administrative Director of the Courts shall have the authority to audit state and local law enforcement agencies to ensure compliance with applicable state and federal laws and the standards and guidelines provided for in subsection C of this section.

E. No cause of action shall arise, nor shall any liability be imposed against any personnel within the Office of the Administrative Director of the Courts or the district courts or any personnel of the Department of Public Safety for communicating or delivering information or data pursuant to the provisions of this section, if such communication or delivery was performed in good faith and without fraudulent intent and in accordance with the established standards and guidelines.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 2-125, is amended to read as follows:

Section 2-125. The Commissioner of the Department of Public Safety shall deposit in the State Treasury to the credit of the Department of Public Safety Revolving Fund any monies that are derived from user fees and installation costs paid by subscribers for terminals that are a part of the Oklahoma Law Enforcement Telecommunication Systems or the computerized arrest warrant identification system provided for in Section 1 of this act. In addition to other purposes authorized by law, expenditures from said Fund shall be used for purchases of terminal equipment, installation costs, personnel, and other operating expenses of the Oklahoma Law Enforcement Telecommunication Systems.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 2-129, as last amended by Section 1, Chapter 25, O.S.L. 1993 (47 O.S. Supp. 1993, Section 2-129), is amended to read as follows:

Section 2-129. A. Any person charged with the custody and dissemination of confidential and privileged information or in receipt of such information from the statewide law enforcement data communications network provided for in Section 2-124 of this title or the computerized arrest warrant identification system provided for in Section 1 of this act shall neither divulge nor disclose any such information except to federal, state, county or city law enforcement or criminal justice agencies.

B. Any person charged with the custody and dissemination of confidential and privileged information shall not without authorization utilize the Oklahoma Law Enforcement Telecommunication System or the computerized arrest warrant information system for any reason.

C. Any person violating the provisions of this section upon conviction shall be deemed guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year.

SECTION 4. This act shall become effective July 1, 1994.

SECTION 5. 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.

44-2-7917

SD