

ENROLLED SENATE
BILL NO. 1062

By: Wilkerson of the Senate

and

Rice and Dunegan of the
House

An Act relating to the Oklahoma State Bureau of Investigation; authorizing a crimes information unit; providing authority to investigate certain criminal activity; authorizing collection and dissemination of information to other law enforcement agencies; authorizing creation of information clearinghouse; authorizing training; prohibiting unauthorized release of information; establishing penalty; defining terms; establishing information collected shall be privileged; providing for report to OSBI Commission; providing for codification; and providing an effective date.

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 150.21a of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Director of the Oklahoma State Bureau of Investigation may establish a crimes information unit within the Bureau.

B. With authorization from the Director of the Bureau, the crimes information unit or any employee of the Bureau may:

1. Investigate organized crime, criminal conspiracies, and threats of violent crime;

2. Collect information concerning the activity and identity of individuals reasonably believed to be engaged in organized crime, criminal conspiracies, or threatening violent crime;

3. Analyze collected information and disseminate such information to other law enforcement agencies for the purposes of criminal investigation and crime prevention;

4. Coordinate the effort of this state with local, state and federal agencies to protect its citizens against organized crime, criminal conspiracies and threats of violent crime by creating a clearinghouse of crime-related information for use by local, state and federal law enforcement agencies; and

5. Provide training to peace officers of this state concerning the legal collection, preservation and dissemination of crime-related information.

C. Release of information compiled pursuant to this section shall be prohibited except for release of information to law enforcement officers and prosecutorial authorities for the purpose of criminal investigation, criminal prosecution, and crime prevention. Unauthorized release or unauthorized use of this information shall be a misdemeanor and shall be punishable by

incarceration in the county jail not exceeding one (1) year or a fine not exceeding Fifty Thousand Dollars (\$50,000.00), or by both such fine and imprisonment. As used in this section, "unauthorized release" or "unauthorized use" shall include, but not be limited to, giving the information to any person who is not a law enforcement officer unless necessitated by an ongoing criminal investigation, or release of information to a law enforcement officer who is not engaged in a criminal investigation requiring the information or who is not authorized by his or her agency to receive such information, or release of information in violation of any rules promulgated by the Bureau. Information collected and compiled under the authority of this section shall be privileged and not discoverable nor subject to subpoena or order for production issued by any court, other than production in a district court criminal proceeding for the prosecution of crimes which are the subject of the information sought. The Director of OSBI shall make a quarterly report to the OSBI Commission of all information collected and compiled under the authority of this section.

SECTION 2. This act shall become effective November 1, 1996.

Passed the Senate the 1st day of May, 1996.

President of the Senate

Passed the House of Representatives the 15th day of April, 1996.

Speaker of the House of Representatives