

ENROLLED SENATE
BILL NO. 227

By: Shurden and Stipe of the
Senate

and

Leist, Adair, Phillips and
Sullivan (Leonard) of the
House

An Act relating to government; amending 74 O.S. 1991, Section 150.23, as amended by Section 1, Chapter 134, O.S.L. 1997 (74 O.S. Supp. 1998, Section 150.23), which relates to officers keeping sidearm and badge upon retirement; including Department of Wildlife Conservation and certain officers of the Oklahoma Horse Racing Commission; amending 74 O.S. 1991, Section 150.7, as amended by Section 2, Chapter 305, O.S.L. 1998 (74 O.S. Supp. 1998, Section 150.7), which relates to powers and duties of the Director of the Oklahoma State Bureau of Investigation; authorizing destruction of certain records; authorizing certain rules for maintenance and destruction of records; authorizing certain recognition programs for certain employees; permitting certain expenditure of funds for certain purpose; providing for cash awards; setting awards maximum value and cash amounts; authorizing the Commissioner of Public Safety to use certain reports for certain purpose; prohibiting certain reports to be used or provided to certain other agencies; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 150.23, as amended by Section 1, Chapter 134, O.S.L. 1997 (74 O.S. Supp. 1998, Section 150.23), is amended to read as follows:

Section 150.23 A. An officer or agent of the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Wildlife Conservation, the Law Enforcement Division of the Oklahoma Horse Racing Commission, or the Oklahoma Tourism and Recreation Department shall be entitled to receive, upon retirement by reason of length of service, the continued custody and possession of the sidearm and badge carried by such officer or agent immediately prior to retirement.

B. An officer or agent of either Bureau or of the Department may be entitled to receive, upon retirement by reason of disability, the continued custody and possession of the sidearm and badge carried by such officer or agent immediately prior to retirement upon written approval of the applicable Director of the appropriate Bureau or Department.

C. Custody and possession of the sidearm and badge of an officer or agent ~~killed in the line of duty~~ who dies while employed by either Bureau, the Department or the Commission may be awarded by the applicable Director of the appropriate Bureau or the Department to the spouse or next-of-kin of the deceased officer or agent.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 150.7, as amended by Section 2, Chapter 305, O.S.L. 1998 (74 O.S. Supp. 1998, Section 150.7), is amended to read as follows:

Section 150.7 The Director of the Oklahoma State Bureau of Investigation shall have the following powers, duties and responsibilities:

1. To appoint or dismiss a Deputy Director who shall have the same qualifications as the Director;

2. To supervise the maintaining of all reports and records of the Bureau ~~which shall be kept for at least ten (10) years and to promulgate administrative rules concerning the destruction and retention of such records.~~ Such records shall not be transferred to the custody or control of the State Archives Commission or be subject to the provisions of Section 590 of Title 21 of the Oklahoma Statutes. The Director may, ~~after said ten-year period pursuant to adopted and promulgated administrative rule,~~ order destruction of records deemed to be no longer of value to the Bureau, excluding criminalistic and investigative records which shall forever be kept and maintained;

3. To report to the Commission at each regular meeting, or as directed by the Commission, the current workload of the Bureau. Such reports shall be submitted by category of the persons or entities authorized to initiate investigations as provided for in subsection A of Section 150.5 of this title, and any other category the Commission may request which does not violate the confidentiality restrictions imposed in Sections 150.1 through 152.9 of this title. Such reports shall contain the following information:

- a. what types of investigations are pending,
- b. what new types of investigations have been opened,
- c. what types of investigations have been closed, and
- d. what criminal charges have been filed as a result of Bureau investigations.

The reports shall not contain any information on the individual subjects of the investigation or persons questioned in connection

with an investigation. These reports shall be open for public inspection; and

4. To designate positions, appoint employees and fix salaries of the Bureau, other than the salaries established by subsection A of Section 1 of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.8a of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Bureau of Investigation is authorized to establish an employee performance recognition program that encourages outstanding job performance and productivity within the Bureau. The Bureau is authorized to expend funds for:

1. The purchase of recognition awards to be presented to members of work units or individual employees having exceptional job performance records or other significant contributions to the operation of the Bureau; and

2. For a formal ceremony or banquet where the awards may be presented.

Recognition awards may consist of distinctive wearing apparel, service pins, plaques, writing pens, or other distinguished awards of a value not exceeding One Hundred Fifty Dollars (\$150.00) per award to recognize the achievement of the work unit or individual employee. In addition to recognition awards, the Bureau may establish an employee benefit program not exceeding Five Thousand Dollars (\$5,000.00) each fiscal year for cash awards to recognize outstanding performance in the workplace by Bureau employees.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.21b of Title 74, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provisions of law, when the Commissioner of Public Safety has requested the Oklahoma State Bureau of Investigation to conduct a criminal investigation of any incident involving the use of deadly force by firearm by a commissioned officer of the Department of Public Safety while in the official performance of such officer's duties, and the OSBI has completed its investigation and delivered its report to the Commissioner, the Commissioner may then use the report in the furtherance of administrative matters within the Department, including but not limited to, taking personnel actions and conducting internal investigations. Under no circumstances shall an OSBI report of its investigation of any incident involving the use of deadly force by firearm by a commissioned officer of any law enforcement agency other than the Department of Public Safety be provided to the employing agency for the purpose of or be used by that agency for the purpose of administrative matters or any purpose other than criminal prosecution.

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.

Passed the Senate the 18th day of May, 1999.

President of the Senate

Passed the House of Representatives the 19th day of May, 1999.

Speaker of the House of
Representatives