

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1444

By: Horner

AS INTRODUCED

An Act relating to motor vehicles and traffic stop statistics; prohibiting racial profiling; defining term; construing policy; prohibiting race or ethnicity as sole factor in probable cause or reasonable suspicion for traffic stop or investigatory stop; requiring written policy be developed by certain date; directing the Department of Public Safety, county sheriff's offices, and each municipal police department to record and retain certain information beginning on certain date; specifying information to be recorded and retained; directing the Department of Public Safety, county sheriff's offices, and municipal police departments to provide copy of complaint information; granting civil immunity to officers recording certain information; requiring the Attorney General to report noncompliance to the Legislature; requiring a summary report be submitted annually by the Department of Public Safety and municipal police departments; specifying date for first report; directing the Attorney General to review reported traffic stop information and complaints; requiring the Attorney General to make a report to the Governor and Legislature; limiting term of compliance; requiring certain forms be promulgated; directing certain participation by agencies and organizations in promulgating forms; 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 378 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. For the purposes of this section, "racial profiling" means the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual.

B. No member of the Highway Patrol, the Department of Public Safety, a municipal police department or any other law enforcement agency shall engage in racial profiling. The detention of an individual based on any noncriminal factor or combination of noncriminal factors is inconsistent with this policy.

C. The race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 378.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Not later than July 1, 2000, each municipal police department, each county sheriff, and the Department of Public Safety shall adopt a written policy that prohibits the stopping, detention or search of any person when such action is solely motivated by considerations of race, color, ethnicity, age, gender or sexual orientation and shall provide a procedure for receiving and addressing complaints against such policy.

B. Commencing on July 1, 2000, each municipal police department, county sheriff's office, and the Department of Public Safety shall, using the form developed and promulgated pursuant to Section 3 of this act, record and retain the following information:

1. The number of persons stopped for traffic violations;
2. Characteristics of race, color, ethnicity, age and gender of such persons, provided the identification of such characteristics shall be based on the observation and perception of the police officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped;

3. The nature of the alleged traffic violation that resulted in the stop;

4. Whether a warning or citation was issued, an arrest made or a search conducted as a result of the stop; and

5. Any additional information that such municipal police department, county sheriff's office or the Department of Public Safety, as the case may be, deems appropriate.

C. Each municipal police department, county sheriff's office, and the Department of Public Safety shall provide to the Attorney General a copy of each complaint received pursuant to this section, and written notification of the review and disposition of such complaint.

D. Any police officer who in good faith records traffic stop information pursuant to the requirements of this section shall not be held civilly liable for the act of recording such information.

E. If a municipal police department, county sheriff's office, or the Department of Public Safety fails to comply with the provisions of this section, the Attorney General may report such noncompliance to the Legislature.

F. On or before November 1, 2000, and annually thereafter, each municipal police department, each county sheriff, and the Department of Public Safety shall provide to the Attorney General, in such form as the Attorney General shall prescribe, a summary report of the information recorded pursuant to subsection C of this section.

G. The Attorney General shall review the prevalence and disposition of traffic stops and complaints reported pursuant to this section. Not later than July 1, 2002, the Attorney General shall report to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives the results of such review, including any recommendations.

H. The provisions of subsections F and G of this section shall be in effect from the effective date of this act until July 1, 2002.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 378.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

Not later than July 1, 2000, the Attorney General, in consultation with the Commissioner of Public Safety, the Administrative Director of the Courts, the Council on Law Enforcement Education and Training, the Oklahoma Sheriffs and Peace Officer Association, the Oklahoma Association of Police Chiefs and the Oklahoma Fraternal Order of Police, shall develop and promulgate:

1. A form, in both printed and electronic format, to be used by police officers when making a traffic stop to record personal identifying information about the operator of the motor vehicle that is stopped, the location of the stop, the reason for the stop and other information that is required to be recorded pursuant to subsection B of Section 2 of this act; and

2. A form, in both printed and electronic format, to be used to report complaints pursuant to Section 2 of this act by persons who believe they have been subjected to a motor vehicle stop by a police officer solely on the basis of their race, color, ethnicity, age, gender or sexual orientation.

SECTION 4. This act shall become effective July 1, 2000.

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.

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