

EHB 1469

THE STATE SENATE
Thursday, March 27, 2003

ENGROSSED

House Bill No. 1469

ENGROSSED HOUSE BILL NO. 1469 - By: LERBLANCE and BRADDOCK of the House and SMITH and GUMM of the Senate.

An Act relating to criminal history checks; amending 3A O.S. 2001, Sections 201, as amended by Section 2, Chapter 375, O.S.L. 2002 and 204.2 (3A O.S. Supp. 2002, Section 201), which relate to the Oklahoma Horse Racing Commission; adding requirement for certain criminal history checks; amending 5 O.S. 2001, Section 12, which relates to qualifications and fitness for admission to practice law; establishing criminal history record check; amending 37 O.S. 2001, Section 506.1, which relates to the Alcoholic Beverage Laws Enforcement Commission; establishing criminal history record check; amending 59 O.S. 2001, Section 1305, which relates to licensing of bail bondsman; establishing criminal history record check; amending 59 O.S. 2001, Section 1524, which relates to the Precious Metal and Gem Dealer Licensing Act; requiring criminal history record check; amending 59 O.S. 2001, Section 1750.6, which relates to the Oklahoma Security Guard and Private Investigator Act; adding requirement for certain criminal history record check; amending 59 O.S. 2001, Section 1800.8, which relates to alarm company licenses; requiring criminal history record check; amending 70 O.S. 2001, Section 6-190, as amended by Section 3, Chapter 236, O.S.L. 2002 (70 O.S. Supp. 2002, Section 6-190), which relates to qualifications for teacher employment; clarifying requirement for criminal history record checks; amending 74 O.S. 2001, Section 150.9, which relates to criminal history records; adding definition; and providing an effective date.

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

SECTION 1. AMENDATORY 3A O.S. 2001, Section 201, as amended by Section 2, Chapter 375, O.S.L. 2002 (3A O.S. Supp. 2002, Section 201), is amended to read as follows:

1 Section 201. A. There is hereby created the Oklahoma Horse
2 Racing Commission, which shall consist of seven (7) members
3 appointed by the Governor with the advice and consent of the Senate.
4 One member shall be appointed from each congressional district, and
5 at least one of the remaining members shall be experienced in the
6 horse industry and shall be appointed from the state at large.
7 However, when congressional districts are redrawn each member
8 appointed prior to July 1 of the year in which such modification
9 becomes effective shall complete the current term of office and
10 appointments made after July 1 of the year in which such
11 modification becomes effective shall be based on the redrawn
12 districts. Appointments made after July 1 of the year in which such
13 modification becomes effective shall be from any redrawn districts
14 which are not represented by a board member until such time as each
15 of the modified congressional districts are represented by a board
16 member. No appointments may be made after July 1 of the year in
17 which such modification becomes effective if such appointment would
18 result in more than two members serving from the same modified
19 district.

20 B. To be eligible for appointment to the Commission, a person
21 shall:

22 1. Be a citizen of the United States; and

1 2. Have been a resident of this state for five (5) years
2 immediately preceding the appointment; and

3 3. Not have been convicted of a felony pursuant to the laws of
4 this state, the laws of any other state, or the laws of the United
5 States as established by a national criminal history record check as
6 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

7 C. The initial terms of office of:

8 1. Three members shall expire on June 30, 1985; and

9 2. Two members shall expire on June 30, 1987; and

10 3. Two members shall expire on June 30, 1989.

11 Thereafter, the term of office of a member of the Commission
12 shall be for six (6) years and until a successor is appointed and
13 qualified.

14 D. The Governor may remove any member of the Commission for
15 incompetence, neglect of duty, or malfeasance in office upon first
16 giving the member a copy of the charges and an opportunity to be
17 heard. A vacancy on the Commission shall be filled for the
18 unexpired term by appointment made by the Governor.

19 SECTION 2. AMENDATORY 3A O.S. 2001, Section 204.2, is
20 amended to read as follows:

21 Section 204.2 A. The Oklahoma Horse Racing Commission shall
22 issue occupation licenses to horse owners, trainers, jockeys,
23 agents, apprentices, grooms, exercise persons, veterinarians,

1 valets, blacksmiths, concessionaires, stewards, starters, timers,
2 judges, supervisors of mutuels, guards, and such other personnel
3 designated by the Commission whose work, in whole or in part, is
4 conducted upon racetrack grounds which are owned by an organization
5 licensee. The licenses shall be obtained prior to the time such
6 persons engage in their vocations upon such racetrack grounds at any
7 time during the calendar year for which the organization license has
8 been issued. No person required to be licensed pursuant to the
9 provisions of this section may participate in any capacity in any
10 race meeting without a valid license authorizing such participation.

11 B. Each application for an occupation license shall be on a
12 form prescribed and furnished by the Commission and shall include a
13 search waiver. The license shall be renewed either annually or
14 triennially beginning January 1. The application shall be
15 accompanied by a fee in an amount of not more than One Hundred
16 Dollars (\$100.00) if renewed annually or not more than Three Hundred
17 Dollars (\$300.00) if renewed triennially. Each application shall
18 contain the following information concerning the applicant:

- 19 1. Full name and address; ~~and~~
- 20 2. Age; ~~and~~
- 21 3. Whether the applicant was issued any prior occupation
22 license from this state; ~~and~~

1 4. Whether the applicant was issued any occupation license from
2 another state; ~~and~~

3 5. Whether an occupation license from another state is or has
4 been denied, suspended, or revoked; ~~and~~

5 6. Whether the applicant has been convicted of a felony in this
6 state or any other state as established by a national criminal
7 history record check as defined by Section 150.9 of Title 74 of the
8 Oklahoma Statutes; and

9 7. Such other information as required by the Commission.

10 C. The Commission may refuse an occupation license to any
11 person:

12 1. Who has been convicted of a felony; or

13 2. Who has been convicted of violating any law regarding
14 gambling or controlled dangerous substances of the United States,
15 this state, or any other state; or

16 3. Who is unqualified to perform the duties required of the
17 applicant; or

18 4. Who fails to disclose or states falsely any information
19 required in the application; or

20 5. Who has been found guilty of a violation of any provision of
21 the Oklahoma Horse Racing Act or of the rules and regulations of the
22 Commission; or

1 6. Whose license has been suspended, revoked, or denied for
2 just cause in any other state.

3 D. The Commission may suspend or revoke any occupation license
4 or fine an occupation licensee for:

5 1. Violation of any of the provisions of the Oklahoma Horse
6 Racing Act; or

7 2. Violation of any provision of the rules or regulations of
8 the Commission; or

9 3. Any cause which, if known to the Commission, would have
10 justified the refusal of the Commission to issue the occupation
11 license; or

12 4. Any other just cause as determined by the Commission.

13 E. Except as provided for in this subsection, the license fees
14 received by the Commission pursuant to the provisions of this
15 section shall be deposited to the credit of the General Revenue Fund
16 of the State Treasury. Of the original application fee for an
17 occupation license, the amount of the fingerprinting fee shall be
18 deposited in the OSBI Revolving Fund.

19 F. Notwithstanding any other provision of the Oklahoma Horse
20 Racing Act, Section 200 et seq. of this title, licenses for
21 personnel specified in subsection A of this section whose work is
22 limited to racetrack grounds which are owned by an organization
23 licensee which only conducts non-pari-mutuel race meetings or

1 training races shall be issued pursuant to rules adopted by the
2 Commission in accordance with the American Quarter Horse Association
3 rules.

4 G. The Commission may promulgate rules to facilitate and
5 promote uniform, reciprocal occupation licensing with other
6 jurisdictions.

7 H. Nothing in the Oklahoma Horse Racing Act or rules
8 promulgated pursuant thereto shall prohibit or be construed as
9 prohibiting issuance of any occupational license solely because the
10 applicant is an organizational licensee or racetrack owner or holds
11 an interest in a race track.

12 SECTION 3. AMENDATORY 5 O.S. 2001, Section 12, is
13 amended to read as follows:

14 Section 12. The Supreme Court of the State of Oklahoma shall
15 have exclusive power and authority to pass upon qualifications and
16 fitness of all applicants for admission to practice law in the State
17 of Oklahoma, and the qualifications of such applicants shall be
18 those which are now or may be hereafter prescribed by the statutes
19 of Oklahoma and the rules of the Supreme Court including, but not
20 limited to, requiring a national criminal history record check as
21 defined by Section 150.9 of Title 74 of the Oklahoma Statutes on
22 applicants.

1 SECTION 4. AMENDATORY 37 O.S. 2001, Section 506.1, is
2 amended to read as follows:

3 Section 506.1 A. The Alcoholic Beverage Laws Enforcement
4 Commission, also referred to in the Oklahoma Alcoholic Beverage
5 Control Act as the ABLE Commission, created pursuant to the
6 provisions of Section 1 of Article XXVIII of the Oklahoma
7 Constitution, as the successor to the Oklahoma Alcoholic Beverage
8 Control Board, shall be organized as follows:

9 1. The five (5) members serving on the Oklahoma Alcoholic
10 Beverage Control Board on September 18, 1984, shall serve as the
11 five (5) at-large members of the ABLE Commission until the dates on
12 which their terms of office on the Oklahoma Alcoholic Beverage
13 Control Board would have expired. Thereafter, the term of office of
14 a member appointed at-large to the ABLE Commission shall be five (5)
15 years.

16 2. Within ninety (90) days after September 18, 1984, the two
17 members required by the provisions of Article XXVIII of the Oklahoma
18 Constitution to have law enforcement experience in this state shall
19 be appointed. The terms of office of these members and of
20 successors to these positions shall be five (5) years. Members with
21 law enforcement experience shall meet the qualifications for
22 permanent appointment of police or peace officers provided for in
23 Section 3311 of Title 70 of the Oklahoma Statutes.

1 B. Members of the ABLE Commission shall be citizens of the
2 United States, shall be qualified electors in this state, shall have
3 been residents of this state for at least ten (10) consecutive years
4 immediately preceding the date of their appointment and
5 qualification, and shall be persons of outstanding character,
6 experienced, efficient, and successful in business affairs, and of
7 good reputation in their communities. Said members shall execute
8 the loyalty oath required by law for elected state officials before
9 assuming the duties of their office. No person shall be appointed
10 who has been convicted of or shall have pleaded guilty to a felony,
11 or of any violation of any federal or state law concerning the
12 manufacture or sale of alcoholic beverage or cereal malt beverages
13 prior or subsequent to the passage of the Oklahoma Alcoholic
14 Beverage Control Act, or who has paid a fine or penalty in
15 settlement in any prosecution against him in any violation of such
16 laws, or who shall have forfeited his bond to appear in court to
17 answer charges for any such violation. No appointee shall serve if
18 he or any person related to him in the third degree by consanguinity
19 or affinity is an officer, director, employee, or stockholder in any
20 corporation or partnership which has as its business the
21 manufacture, sale, or distribution of an alcoholic beverage. ABLE
22 Commission members shall not own, mortgage, or lease any retail or
23 wholesale store or warehouse, any establishment selling alcoholic

1 beverages by the individual drink for on-premises consumption, any
2 establishment operated by a caterer who provides alcoholic beverages
3 by the individual drink pursuant to a caterer's license, or any
4 bottle club as provided in the alcoholic beverage control laws of
5 this state. The provisions of the Oklahoma Alcoholic Beverage
6 Control Act shall not prevent any member of the ABLE Commission from
7 purchasing and keeping in his possession, for his own use or use by
8 the members of his family or any guests, any alcoholic beverage
9 which may be purchased or kept by any person by virtue of the
10 provisions of the Oklahoma Alcoholic Beverage Control Act. In order
11 to establish the qualifications of members of the ABLE Commission, a
12 national criminal history record check as defined in Section 150.9
13 of Title 74 of the Oklahoma Statutes shall be required for each
14 member.

15 C. A majority of the members of the ABLE Commission shall
16 constitute a quorum to transact business, but no vacancy shall
17 impair the right of the remaining members to exercise all of the
18 powers of said Commission, and every act of a majority of the
19 members shall be deemed to be the act of the ABLE Commission. The
20 ABLE Commission shall appoint the Director as secretary who shall
21 keep a record of all proceedings and official acts of the Commission
22 and who shall be the custodian of all records and perform such other
23 duties as the ABLE Commission shall prescribe.

1 D. Each member of the ABLE Commission shall receive
2 reimbursement for travel expenses incurred in attending meetings as
3 provided for in the State Travel Reimbursement Act.

4 E. The office of the ABLE Commission shall be in Oklahoma City
5 in office space provided by the Office of Public Affairs. All
6 meetings of the ABLE Commission shall be open to the public and all
7 records of the ABLE Commission shall be public records and open for
8 public inspection. The ABLE Commission shall hold regular meetings
9 at least once a month at its office, and may hold such special
10 meetings as it deems necessary at any time and at any place within
11 the state. The ABLE Commission, for authentication of its records,
12 process, and proceedings, may adopt, keep, and use a common seal, of
13 which seal judicial notice shall be taken in all the courts of the
14 state. Any process, notice, or other paper which the ABLE
15 Commission may be authorized by law to issue shall be deemed
16 sufficient if signed by the secretary of the ABLE Commission and
17 authenticated by such seal. All acts, orders, proceedings, rules,
18 regulations, entries, minutes, and other records of the ABLE
19 Commission, and all reports and documents filed with the ABLE
20 Commission may be proved in any court of this state by copy thereof
21 certified by the secretary of the ABLE Commission with the seal of
22 the ABLE Commission attached. The ABLE Commission shall not adopt
23 or promulgate any rule or regulation inconsistent with the

1 provisions of the Oklahoma Alcoholic Beverage Control Act or any law
2 of this state.

3 F. All unexpended funds, property, records, personnel, and
4 outstanding financial obligations and encumbrances of the Oklahoma
5 Alcoholic Beverage Control Board shall be transferred to the
6 Alcoholic Beverage Laws Enforcement Commission.

7 SECTION 5. AMENDATORY 59 O.S. 2001, Section 1305, is
8 amended to read as follows:

9 Section 1305. A. The application for license to serve as a
10 bail bondsman must affirmatively show that the applicant:

11 1. Is a person who has reached the age of twenty-one (21)
12 years;

13 2. Is of good character and reputation;

14 3. Has not been previously convicted of, or pled guilty or nolo
15 contendere to, any felony, or to a misdemeanor involving moral
16 turpitude or dishonesty;

17 4. Is a citizen of the United States;

18 5. Has been a bona fide resident of the state for at least one
19 (1) year;

20 6. Will actively engage in the bail bond business;

21 7. Has knowledge or experience, or has received instruction in
22 the bail bond business; and

1 8. Has a high school diploma or its equivalent; provided,
2 however, the provisions of this paragraph shall apply only to
3 initial applications for license submitted on or after November 1,
4 1997, and shall not apply to renewal applications for license.

5 B. The applicant shall apply in writing on forms prepared and
6 supplied by the Insurance Commissioner, and the Commissioner may
7 propound any reasonable interrogatories to an applicant for a
8 license pursuant to Section 1301 et seq. of this title, or on any
9 renewal thereof, relating to qualifications, residence, prospective
10 place of business and any other matters which, in the opinion of the
11 Commissioner, are deemed necessary or expedient in order to protect
12 the public and ascertain the qualifications of the applicant. The
13 Commissioner may also conduct any reasonable inquiry or
14 investigation relative to the determination of the applicant's
15 fitness to be licensed or to continue to be licensed including, but
16 not limited to, requiring a national criminal history record check
17 as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

18 C. An applicant shall furnish to the Commissioner a license fee
19 of Two Hundred Fifty Dollars (\$250.00) with the application, a
20 complete set of the applicant's fingerprints and two recent
21 credential-size full face photographs of the applicant. The
22 applicant's fingerprints shall be certified by an authorized law
23 enforcement officer. The applicant shall provide with the

1 application an investigative fee of One Hundred Dollars (\$100.00)
2 with which the Commissioner will conduct an investigation of the
3 applicant. All fees shall be nonrefundable.

4 D. Failure of the applicant to secure approval of the
5 Commissioner shall not preclude the applicant from reapplying, but a
6 second application shall not be considered by the Commissioner
7 within three (3) months after denial of the last application.

8 SECTION 6. AMENDATORY 59 O.S. 2001, Section 1524, is
9 amended to read as follows:

10 Section 1524. A. An application for a license pursuant to the
11 provisions of the Precious Metal and Gem Dealer Licensing Act shall
12 be under oath and state:

13 1. If the applicant is an individual, the full name and place
14 of residence of the applicant;

15 2. If the applicant is a partnership, the full name and place
16 of residence of each member of the partnership; and

17 3. If the applicant is a corporation, the full name and place
18 of residence of each officer or major stockholder of the
19 corporation.

20 B. The application shall state the location where the business
21 is to be conducted and contain such additional relevant information
22 as the Administrator may require.

1 C. In addition to the application provided for in subsection A
2 of this section, every applicant shall file with the Administrator a
3 bond satisfactory to said Administrator and in the amount of Ten
4 Thousand Dollars (\$10,000.00) for each license sought, with a surety
5 company qualified to do business in this state as surety. The bond
6 shall be furnished to the state for the use of the state and of any
7 person or persons who may have a cause of action against the obligor
8 of the bond pursuant to the provisions of the Precious Metal and Gem
9 Dealer Licensing Act. The bond shall be conditional that the
10 obligor will comply with the provisions of the Precious Metal and
11 Gem Dealer Licensing Act and all rules and regulations made pursuant
12 to the Precious Metal and Gem Dealer Licensing Act, and will pay all
13 amounts of money that may be due to the state or any individual from
14 the obligor during the time such bond is in effect.

15 D. Each applicant shall submit a full set of fingerprints and a
16 photograph with each application for an original license. The
17 fingerprints may be used for a national criminal history record
18 check as defined in Section 150.9 of Title 74 of the Oklahoma
19 Statutes.

20 E. Each licensee shall maintain on file with the Administrator
21 a written appointment of a resident of this state as his agent for
22 service of all judicial or other process or legal notice, unless the

1 licensee has appointed such an agent pursuant to the provisions of
2 another statute of this state.

3 SECTION 7. AMENDATORY 59 O.S. 2001, Section 1750.6, is
4 amended to read as follows:

5 Section 1750.6 A. 1. Application for a license shall be made
6 on forms provided by the Council on Law Enforcement Education and
7 Training and shall be submitted in writing by the applicant under
8 oath. The application shall require the applicant to furnish
9 information reasonably required by the Council to implement the
10 provisions of the Oklahoma Security Guard and Private Investigator
11 Act, Section 1750.1 et seq. of this title, including classifiable
12 fingerprints to enable the search of criminal indices for evidence
13 of a prior criminal record, including, but not limited to, a
14 national criminal history record check as defined by Section 150.9
15 of Title 74 of the Oklahoma Statutes.

16 2. Upon request of the Council, the Oklahoma State Bureau of
17 Investigation and other state and local law enforcement agencies
18 shall furnish a copy of any existent criminal history data relating
19 to an applicant, including investigation reports which are otherwise
20 required by law to be deemed confidential, to enable the Council to
21 determine the qualifications and fitness of such applicant for a
22 license.

1 B. 1. The original application and any license renewal shall
2 be accompanied by a nonrefundable fee of Sixty Dollars (\$60.00) for
3 the original application and Twenty-five Dollars (\$25.00) for each
4 renewal of a private investigator or an unarmed security guard,
5 Eighty-five Dollars (\$85.00) for the original application and Fifty
6 Dollars (\$50.00) for each renewal of an armed security guard, Seven
7 Dollars (\$7.00) for a special event, and Two Hundred Dollars
8 (\$200.00) for either the original application or each renewal for a
9 security agency or investigative agency.

10 2. A licensee whose license has been suspended may apply for
11 reinstatement of license after the term of the suspension has
12 passed. Any application for reinstatement following a suspension of
13 licensure shall be accompanied by a nonrefundable fee of Twenty-five
14 Dollars (\$25.00) for the reinstatement of a private investigator or
15 unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement
16 of an armed security guard, and Two Hundred Dollars (\$200.00) for
17 reinstatement of a security or investigative agency.

18 3. A licensee who fails to file a renewal application on or
19 before the expiration of a license shall pay a late fee of Twenty-
20 five Dollars (\$25.00) for an individual license and a late fee of
21 One Hundred Dollars (\$100.00) for an agency license.

22 4. Except as otherwise provided in this subsection, the fees,
23 penalties, and fines shall be deposited in the General Revenue Fund.

1 The prevailing fingerprint processing fee for the original
2 application for a private investigator, an unarmed security guard,
3 or an armed security guard shall be deposited in the OSBI Revolving
4 Fund.

5 C. A Security Guard License, Armed Security Guard License, or
6 Private Investigator License shall be valid for a period of two (2)
7 years and may be renewed for additional two-year terms. A Security
8 Agency License or Investigative Agency License shall be valid for a
9 period of five (5) years and may be renewed for additional five-year
10 terms. A special event license shall be valid only for the duration
11 of the event for which it is expressly issued. Any individual may
12 be issued up to two special event licenses during any calendar year.

13 D. The Council shall devise a system for issuance of licenses
14 for the purpose of evenly distributing the expiration dates of the
15 licenses.

16 E. Pursuant to its rules, the Council may issue a duplicate
17 license to a person licensed pursuant to the provisions of the
18 Oklahoma Security Guard and Private Investigator Act. The Council
19 may assess a fee of Four Dollars (\$4.00) for the issuance of a
20 duplicate license. The fee must accompany the request for a
21 duplicate license.

22 SECTION 8. AMENDATORY 59 O.S. 2001, Section 1800.8, is
23 amended to read as follows:

1 Section 1800.8 A. An application for a company license shall
2 include:

3 1. The address of the principal office of the applicant and the
4 address of each branch office of the applicant located within this
5 state;

6 2. The name per business location under which the applicant
7 intends to do business as a licensee;

8 3. A statement as to the extent and scope of the applicant's
9 alarm industry business and all other businesses in which the
10 applicant is engaged in this state;

11 4. A recent photograph of a type prescribed by the Board of the
12 applicant, if the applicant is a sole proprietor, or of each officer
13 and of each partner or shareholder who owns a twenty-five percent
14 (25%) or greater interest in the applicant, if the applicant is an
15 entity;

16 5. Two classifiable sets of fingerprints of the applicant, if
17 the applicant is a sole proprietor, or of each officer and of each
18 partner or shareholder who owns a twenty-five percent (25%) or
19 greater interest in the applicant, if the applicant is an entity;
20 and

21 6. Such other information, statements or documents as may be
22 required by the Board.

1 B. An applicant for an individual license shall provide such
2 documents, statements or other information as may be required by the
3 State Board of Health, including two classifiable sets of
4 fingerprints of the applicant. The fingerprints may be used for a
5 national criminal history record check as defined by Section 150.9
6 of Title 74 of the Oklahoma Statutes.

7 C. Fees for license and renewal issued pursuant to the Alarm
8 Industry Act shall be adopted by the Board pursuant to Section
9 1-106.1 of Title 63 of the Oklahoma Statutes. Provided, the fees
10 provided for in this subsection shall not exceed Two Hundred Fifty
11 Dollars (\$250.00). An applicant shall pay the license fee at the
12 time he makes application.

13 SECTION 9. AMENDATORY 70 O.S. 2001, Section 6-190, as
14 amended by Section 3, Chapter 236, O.S.L. 2002 (70 O.S. Supp. 2002,
15 Section 6-190), is amended to read as follows:

16 Section 6-190. A. The board of education of each school
17 district shall employ and contract in writing, as required in
18 Section 6-101 of this title, only with persons certified or licensed
19 to teach by the State Board of Education in accordance with the
20 Oklahoma Teacher Preparation Act, except as otherwise provided by
21 law.

22 B. The Board shall issue a license to teach to any person who:

1 1. Has successfully completed the teacher education program
2 required by the State Board of Education prior to July 1, 1997, and
3 the Oklahoma Commission for Teacher Preparation beginning July 1,
4 1997;

5 2. Has graduated from an accredited institution of higher
6 education that has approval or accreditation for teacher education;

7 3. Has met all other requirements as may be established by the
8 Board;

9 4. Has made the necessary application and paid the competency
10 examination fee in an amount and as prescribed by the Commission;

11 5. Has successfully completed the competency examination
12 required in Section 6-187 of this title; and

13 6. Beginning November 1, 2001, has on file with the Board a
14 current Oklahoma criminal history record from the Oklahoma State
15 Bureau of Investigation as well as a national ~~fingerprint-based~~
16 criminal history record check ~~provided by the Federal Bureau of~~
17 ~~Investigation~~ as defined in Section 150.9 of Title 74 of the
18 Oklahoma Statutes. Upon receipt of the Oklahoma criminal history
19 record, the Board may issue a temporary license which shall be
20 effective until receipt of the national fingerprint-based criminal
21 history record. The person applying for a license shall be
22 responsible for the cost of the criminal history records.

1 C. The Board shall issue a certificate to teach to any person
2 who:

3 1. a. holds a license to teach in accordance with the
4 Oklahoma Teacher Preparation Act,

5 b. has served a minimum of one (1) school year as a
6 resident teacher,

7 c. has made the necessary application and paid the
8 certification fee as prescribed by the Board, and

9 d. has been recommended for certification by the
10 residency committee;

11 2. Holds an out-of-state certificate and meets standards set by
12 the Board; or

13 3. Holds certification from the National Board for Professional
14 Teaching Standards.

15 D. If a resident teacher is a graduate of an out-of-state
16 institution of higher education, the recommendation of the residency
17 committee shall be made to the State Board of Education.

18 E. Any person holding a valid certificate, issued prior to
19 January 1, 1997, shall be a certified teacher for purposes of the
20 Oklahoma Teacher Preparation Act, subject to any professional
21 development requirements prescribed by the Oklahoma Teacher
22 Preparation Act or by the State Board of Education.

1 SECTION 10. AMENDATORY 74 O.S. 2001, Section 150.9, is
2 amended to read as follows:

3 Section 150.9 A. The Oklahoma State Bureau of Investigation
4 shall procure, file and maintain criminal history records for each
5 person subject to the mandatory reporting provisions of this act,
6 including photographs, descriptions, fingerprints, measurements and
7 other pertinent information relating to such persons. It shall be
8 the duty of law enforcement officers and agencies, sheriffs, police,
9 courts, judicial officials, district attorneys, and the persons in
10 charge of any state correctional facility or institution to furnish
11 criminal history records to the Bureau as required by Section 150.1
12 et seq. of this title. The Oklahoma State Bureau of Investigation
13 shall cooperate with and assist the sheriffs, chiefs of police and
14 other law enforcement officers of the state by maintaining a
15 complete criminal history record on each person subject to the
16 mandatory reporting requirements of this act, and shall have on file
17 the fingerprint impressions of all such persons together with other
18 pertinent information as may from time to time be received from the
19 law enforcement officers of this and other states or as may be
20 required by law.

21 B. The Oklahoma Department of Consumer Credit, the Oklahoma
22 State Insurance Commission, the Oklahoma Horse Racing Commission, or
23 any other state agency, board, department or commission or any other

1 person or entity requesting a criminal history record or an analysis
2 of fingerprints for commercial, licensing or other purposes, except
3 law enforcement purposes, shall pay a fee to the Bureau for each
4 criminal history record or fingerprint analysis as follows:

| | | |
|---|---------------------------------------|--------------|
| 5 | Oklahoma criminal history record only | \$15.00 each |
| 6 | Oklahoma criminal history record | |
| 7 | with fingerprint analysis | \$19.00 each |
| 8 | National criminal history record | |
| 9 | with fingerprint analysis | \$41.00 each |

10 1. For purposes of this section, "a national criminal history
11 record check" means a check of criminal history records entailing
12 the fingerprinting of the individual and submission of the
13 fingerprints to the United States Federal Bureau of Investigation
14 (FBI) for the purpose of obtaining the national criminal history
15 record of the person from the FBI. A criminal history record check
16 may be obtained only when a check is authorized or required by state
17 or federal law.

18 2. Unless a national criminal history record is specifically
19 requested, a fingerprint analysis shall be limited to only those
20 records available at the Oklahoma State Bureau of Investigation.
21 Following receipt of the appropriate fee, the Bureau shall provide,
22 as soon as possible, the criminal history record requested;
23 provided, however, it shall be the duty and responsibility of the

1 requesting authority to evaluate the criminal history record as such
2 record may apply to a specific purpose or intent. An individual may
3 submit a certified court record showing that a charge was dismissed
4 or a certified copy of a gubernatorial pardon to the Oklahoma State
5 Bureau of Investigation, and upon verification of that record the
6 Bureau records shall reflect the dismissal of that charge.

7 C. The Oklahoma Bureau of Investigation may maintain an
8 identification file, including fingerprint impressions, on any
9 person under eighteen (18) years of age who is arrested or subject
10 to criminal or juvenile delinquency proceedings, provided all such
11 information shall be confidential and shall only be made available
12 to the Bureau and other law enforcement agencies. Whenever a
13 fingerprint impression or other identification information is
14 submitted to the Bureau on a person under eighteen (18) years of
15 age, the Bureau may retain and file such fingerprint and
16 identification information for identification purposes only. The
17 Bureau shall ensure that the information received and maintained for
18 identification purposes on persons under eighteen (18) years of age
19 shall be handled and processed with great care to keep such
20 information confidential from the general public. The Bureau may
21 receive and maintain the fingerprints and other identification
22 information on any person under eighteen (18) years of age believed
23 to be the subject of a runaway, missing, or abduction investigation,

1 for identification purposes at the request of a parent, guardian or
2 legal custodian of the person.

3 D. Any person who knowingly procures, utters, or offers any
4 false, forged or materially altered criminal history record shall be
5 guilty of a felony and upon conviction shall be punished by
6 imprisonment in the State Penitentiary for a period not to exceed
7 five (5) years or by a fine not to exceed Five Thousand Dollars
8 (\$5,000.00), or by both such fine and imprisonment.

9 SECTION 11. This act shall become effective November 1, 2003.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-25-03 - DO
11 PASS, As Coauthored.