

ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE
BILL NO. 1318

By: Ingmire and Nance of the
House

and

Bass of the Senate

An Act relating to fingerprints; amending 51 O.S. 2001, Section 24A.5, which relates to inspection, copying, and mechanical reproduction of records; modifying certain exception for criminal history records of Oklahoma State Bureau of Investigation; amending 74 O.S. 2001, Section 150.12, as last amended by Section 2, Chapter 556, O.S.L. 2004 (74 O.S. Supp. 2004, Section 150.12), which relates to mandatory reporting of fingerprint and criminal history information; providing for the electronic transmittal of fingerprint images; and providing an effective date.

AMENDMENT NO. 1. Page 4, line 7 1/2, add a new section to
read

"SECTION 2. AMENDATORY 51 O.S. 2001, Section 24A.8, is
amended to read as follows:

Section 24A.8 A. Law enforcement agencies shall make
available for public inspection, if kept, the following records:

1. An arrestee description, including the name, date of birth,
address, race, sex, physical description, and occupation of the
arrestee;

2. Facts concerning the arrest, including the cause of arrest
and the name of the arresting officer;

3. Conviction information, including the name of any person
convicted of a criminal offense;

4. Disposition of all warrants, including orders signed by a
judge of any court commanding a law enforcement officer to arrest a
particular person;

5. A chronological list of incidents, including initial offense report information showing the offense, date, time, general location, officer and a brief summary of what occurred;

6. A crime summary, including a departmental summary of crimes reported and public calls for service by classification or nature and number;

7. Radio logs, including a chronological listing of the calls dispatched; and

8. Jail registers, including jail blotter data or jail booking information recorded on persons at the time of incarceration showing the name of each prisoner with the date and cause of his commitment, the authority committing the prisoner, whether committed for a criminal offense, a description of the prisoner, and the date or manner of his discharge or escape.

B. Except for the records listed in subsection A of this section and those made open by other state or local laws, law enforcement agencies may deny access to law enforcement records except where a court finds that the public interest or the interest of an individual outweighs the reason for denial. It shall be a rebuttable presumption that the public interest or the interest of an individual outweighs the reason for denial after ten (10) years since the last records were entered in a case.

C. Nothing contained in this section imposes any new recordkeeping requirements. Law enforcement records shall be kept for as long as is now or may hereafter be specified by law. Absent a legal requirement for the keeping of a law enforcement record for a specific time period, law enforcement agencies shall maintain their records for so long as needed for administrative purposes.

D. Registration files maintained by the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act shall be made available for public inspection in a manner to be determined by the Department.

E. The Council on Law Enforcement Education and Training (C.L.E.E.T.) shall keep confidential all records it maintains pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and deny release of records relating to any employed or certified full-time officer, reserve officer, retired officer or other person; teacher lesson plans, tests and other teaching materials; and personal communications concerning individual students except under the following circumstances:

1. To verify the current certification status of any peace officer;
2. As may be required to perform the duties imposed by Section 3311 of Title 70 of the Oklahoma Statutes;
3. To provide to any peace officer copies of the records of that peace officer upon submitting a written request;
4. To provide final orders of administrative proceedings where an adverse action was taken against a peace officer; and
5. Pursuant to an order of the district court of the State of Oklahoma."

and renumber subsequent sections

AMENDMENT NO. 2. Page 1, strike the title to read

"[fingerprints - records - criminal history -
Oklahoma State Bureau of Investigation - mandatory
reporting - electronic transmittal -
effective date]"

Passed the Senate the 11th day of April, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2005.

Presiding Officer of the House
of Representatives