

ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE
BILL NO. 1553

By: Carey of the House

and

Gumm of the Senate

An Act relating to records; amending 47 O.S. 2001, Sections 2-110, as last amended by Section 7, Chapter 130, O.S.L. 2004 and 2-111 (47 O.S. Supp. 2004, Section 2-110), * * * * requiring certain records be provided upon payment of fees; providing for adoption of rules for destruction and retention of records; providing exceptions to certain statutory provisions; amending 47 O.S. 2001, Section 6-117, as last amended by Section 42, Chapter 5, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-117), * * * * prohibiting release of driving index; requiring inclusion of certain report in Motor Vehicle Report; amending 51 O.S. 2001, Sections 24A.3, as last amended by Section 1, Chapter 328, O.S.L. 2004, 24A.5, 24A.8, 24A.17 and 24A.18 (51 O.S. Supp. 2004, Section 24A.3), * * * * clarifying fee requirement for computerized format of records; allowing public inspection of certain lists and logs; clarifying meaning of certain phrase; requiring confidentiality of certain records kept by Department of Public Safety; clarifying civil liability provisions; and providing an effective date.

AMENDMENT NO. 1. Page 13, line 31 through page 16, line 22, delete Section 6 and insert a new Section 6 to read

"SECTION 6. 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. A chronological list of incidents pertaining to the arrest, including initial offense report information showing the

offense, date, time, general location, officer, and a brief summary of what occurred; and

4. Radio logs, including a chronological listing of the calls dispatched.

B. Law enforcement agencies shall make available for public inspection, if kept, the following records:

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

~~4.~~ 2. 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.~~ 3. A crime summary, including a departmental an agency 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.~~ 4. 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 of the prisoner.

~~B.~~ C. Except for the records listed in ~~subsection~~ subsections A and B 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.

~~C.~~ D. 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.~~ E. 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.~~ F. 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.

G. The Department of Public Safety shall keep confidential:

1. All records it maintains pursuant to its authority under Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway Patrol Division, the Communications Division, and other divisions of the Department relating to:

- a. training, lesson plans, teaching materials, tests, and test results,
- b. policies, procedures, and operations, any of which are of a tactical nature, and
- c. the following information from radio logs:
 - (1) telephone numbers,
 - (2) addresses other than the location of incidents to which officers are dispatched, and
 - (3) personal information which is contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725; and

2. For the purpose of preventing identity theft and invasion of law enforcement computer systems, except as provided in Title 47 of the Oklahoma Statutes, all driving records."

and renumber subsequent sections

and amend the title to conform

AMENDMENT NO. 2. Page 17, line 2, after the word "both" and before the semicolon on line 3, delete all language and insert the language "but such civil suit shall be limited to records requested and denied prior to filing of the civil suit"

and amend the title to conform

Passed the Senate the 26th 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