ENGROSSED SENATE
BILL NO. 803

By: Cain of the Senate

and

Glenn of the House

An Act relating to the Oklahoma State Bureau of Investigation; amending 74 O.S. 2001, Section 150.10, which relates to uniform crime reporting system; requiring certain reports; designating certain records comply with the Oklahoma Open Records Act; establishing and limiting access, disclosure and discovery of certain records for certain purposes; construing investigative records and law enforcement records; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.10, is amended to read as follows:

Section 150.10 A. A uniform crime reporting system shall be established by the Oklahoma State Bureau of Investigation. The Director shall have the power and duty, when directed by the Commission, to collect and gather such information from such state agencies as may be prescribed in Section 150.1 et seq. of this title.

B. The Oklahoma State Bureau of Investigation is hereby designated as the agency which shall collect, gather, assemble and collate such information as is prescribed by this section.

C. 1. All state, county, city and town law enforcement agencies shall submit ~~a monthly report~~ reports to the Oklahoma State Bureau of Investigation on forms prescribed by the Bureau~~, which report~~. The reports shall contain the number and nature of offenses committed within their respective jurisdictions, the disposition of such matters, and such other information as the Bureau may require, respecting information relating to the cause and prevention of

crime, recidivism, the rehabilitation of criminals and the proper administration of criminal justice.

2. Any information taken from such information, data, records or reports submitted to the uniform crime reporting system and used to prepare the Uniform Crime Report shall be an open record pursuant to the Oklahoma Open Records Act. Requests for such information shall be submitted to the Bureau.

3. Any request under the Oklahoma Open Records Act for any other information, data, records or reports submitted to the uniform crime reporting system by the Oklahoma State Bureau of Investigation shall be directed to the Bureau pursuant to Section 24A.20 of Title 51 of the Oklahoma Statutes. Such information, data, records or reports shall be considered investigative records of the Bureau and shall be subject to discovery and disclosure only in compliance with Section 150.5 of this title or other applicable statute.

4. Any request under the Oklahoma Open Records Act for any information, data, records or reports submitted by a law enforcement agency other than the Oklahoma State Bureau of Investigation to the uniform crime reporting system shall be directed to the law enforcement agency submitting the information, data, records or reports to the Bureau unit pursuant to Section 24A.20 of Title 51 of the Oklahoma Statutes. Such information, data, records or reports shall be considered law enforcement records and shall be subject to discovery and disclosure only in compliance with Section 24A.8 of Title 51 of the Oklahoma Statutes or other applicable statute.

D. Upon receipt of such information the Director shall have such data collated and formulated and shall compile such statistics as ~~he~~ the Director may deem necessary in order to present a proper classification and analysis of the volume and nature of crime and the administration of criminal justice within this state.

E. Refusal or persistent failure of any law enforcement agency to submit reports required by this section may result in discontinued access to Bureau information and assistance.

SECTION 2. 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 2nd day of March, 2005.

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Presiding Officer of the Senate

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

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Presiding Officer of the House
of Representatives