STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

FLOOR SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2487 By: Nance of the House

and

Barrington of the Senate

FLOOR SUBSTITUTE

[Oklahoma State Bureau of Investigation - motor vehicle theft unit - deoxyribonucleic acid (DNA) laboratory - effective date]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.2, as last amended by Section 15, Chapter 461, O.S.L. 2003 (74 O.S. Supp. 2005, Section 150.2), is amended to read as follows:

Section 150.2 The Oklahoma State Bureau of Investigation shall have the power and duty to:

1. Maintain a nationally accredited scientific laboratory to assist all law enforcement agencies in the discovery and detection of criminal activity;

2. Maintain fingerprint and other identification files including criminal history records, juvenile identification files, and DNA profiles;

3. Establish, coordinate and maintain the automated fingerprinting identification system (AFIS) and the deoxyribonucleic acid (DNA) laboratory;

4. Operate teletype, mobile and fixed radio or other communications systems;

5. Conduct schools and training programs for the agents, peace officers, and technicians of this state charged with the enforcement of law and order and the investigation and detection of crime;

6. Assist the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Chief Medical Examiner, and all law enforcement officers and district attorneys when such assistance is requested, in accordance with the policy determined by the Oklahoma State Bureau of Investigation Commission established in Section 150.3 of this title;

7. Investigate and detect criminal activity when directed to do so by the Governor;

8. Investigate, detect, institute and maintain actions involving vehicle theft pursuant to Section ~~150.7~~ 150.7a of this title or oil, gas or oil field equipment theft pursuant to Sections 152.2 through 152.9 of this title;

9. Investigate any criminal threat made to the physical safety of elected or appointed officials of this state or any political subdivision of the state and forward the results of that investigation to the Department of Public Safety, and provide security to foreign elected or appointed officials while they are in this state on official business;

10. Investigate and detect violations of the Oklahoma Computer Crimes Act; and

11. Investigate and enforce all laws relating to any crime listed as an exception to the definition of "nonviolent offense" as set forth in section 571 of Title 57 of the Oklahoma Statutes that occur on the turnpikes.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 150.7a, is amended to read as follows:

Section 150.7a A. The Director of the Oklahoma State Bureau of Investigation shall ~~establish a vehicle theft unit within the Oklahoma State Bureau of Investigation. The investigators shall~~

~~have the same qualifications as those required for an agent~~, pursuant to Section 150.2 of this title, have the authority to investigate, detect, institute, and maintain actions involving vehicle theft.

B. ~~The vehicle theft unit or any~~ Any commissioned employee of the Oklahoma State Bureau of Investigation may:

1. Conduct investigations of organized motor vehicle or heavy equipment theft rings;

2. Determine sources and outlets for stolen motor vehicles, motor vehicle parts or heavy equipment;

3. Investigate any theft of a motor vehicle, motor vehicle parts or heavy equipment for which the Agency receives notice;

4. Arrest or cause the arrest of any person when reasonable grounds exist to believe that such person has stolen a motor vehicle, motor vehicle parts or heavy equipment;

5. Coordinate the effort of this state to reduce motor vehicle theft with local, state and federal law enforcement agencies; or

6. Develop educational programs on detection and prevention of motor vehicle theft.

SECTION 3. AMENDATORY 74 O.S. 2001, Section 150.27, as last amended by Section 4, Chapter 441, O.S.L. 2005 (74 O.S. Supp. 2005, Section 150.27), is amended to read as follows:

Section 150.27 A. There shall be established within the Oklahoma State Bureau of Investigation (OSBI) a deoxyribonucleic acid (DNA) laboratory for the purpose of determining DNA profiles to be used for evidence in criminal proceedings. The OSBI shall coordinate the use of this laboratory and equipment with federal, state, county, and municipal law enforcement agencies. All county sheriff departments and all police departments for municipalities may participate in this laboratory. The OSBI shall establish standards and guidelines for the deoxyribonucleic acid (DNA)

laboratory and shall comply with any regulations applicable to DNA testing, sampling and laboratory standards.

B. The OSBI may make a DNA profile of any blood or saliva specimen received for any other purpose by the Bureau and place the DNA profile in its DNA population database. The DNA population database shall not be indexed by donor name, and the Bureau shall promulgate rules to protect the privacy of the DNA donors.

C. The OSBI may contract for the services of a Forensic DNA Technical Manager as reasonably necessary to ensure the continued operations of the DNA laboratory. The OSBI shall be exempt from the competitive bidding requirements of the Public Competitive Bidding Act of 1974 for the purpose of soliciting, negotiating, and effectuating such a contract or contracts.

SECTION 4. This act shall become effective November 1, 2006.

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