

**EHB 1227**

**THE STATE SENATE**  
**Monday, April 4, 2005**

**ENGROSSED**

**House Bill No. 1227**

ENGROSSED HOUSE BILL NO. 1227 - By: NANCE of the House and CRAIN of the Senate.

An Act relating to Oklahoma State Bureau of Investigation; amending 74 O.S. 2001, Section 150.5, as amended by Section 1, Chapter 77, O.S.L. 2002 (74 O.S. Supp. 2004, Section 150.5), which relates to requests for investigations; allowing Bureau to reveal confidential information to agencies and individuals under certain circumstances; requiring compliance with confidentiality provisions; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.5, as amended by Section 1, Chapter 77, O.S.L. 2002 (74 O.S. Supp. 2004, Section 150.5), is amended to read as follows:

Section 150.5 A. 1. Oklahoma State Bureau of Investigation investigations not covered under Section 150.2 of this title shall be initiated at the request of the following persons:

- a. the Governor,
- b. the Attorney General,
- c. the Council on Judicial Complaints upon a vote by a majority of the Council, or
- d. the chair of any Legislative Investigating Committee which has been granted subpoena powers by resolution,

1                   upon authorization by a vote of the majority of the  
2                   Committee.

3           2.   Requests for investigations shall be submitted in writing  
4   and shall contain specific allegations of wrongdoing under the laws  
5   of the State of Oklahoma.

6           B.   The Governor may initiate special background investigations  
7   with the written consent of the person who is the subject of the  
8   investigation.

9           C.   The chair of any Senate committee which is fulfilling the  
10   statutory responsibility for approving nominations made by the  
11   Governor may, upon a vote by a majority of the committee and with  
12   the written consent of the person who is to be the subject of the  
13   investigation, initiate a special background investigation of any  
14   nominee for the Oklahoma Horse Racing Commission as established by  
15   ~~Provision No. 1, State Question No. 553, Initiative Petition No. 315~~  
16   ~~(3A O.S. Supp. 1982, Section 201)~~ Section 201 of Title 3A of the  
17   Oklahoma Statutes. The Bureau shall submit a report to the  
18   committee within thirty (30) days of the receipt of the request.  
19   Any consideration by the committee of a report from the Bureau shall  
20   be for the exclusive use of the committee and shall be considered  
21   only in executive session.

22           D.   All records relating to any investigation being conducted by  
23   the Bureau, including any records of laboratory services provided to

1 law enforcement agencies pursuant to paragraph 1 of Section 150.2 of  
2 this title, shall be confidential and shall not be open to the  
3 public or to the Commission except as provided in Section 150.4 of  
4 this title; provided, however, officers and agents of the Bureau may  
5 disclose, at the discretion of the Director, such investigative  
6 information to officers and agents of federal, state, county, or  
7 municipal law enforcement agencies and to district attorneys, in the  
8 furtherance of criminal investigations within their respective  
9 jurisdictions. Officers and agents of the Bureau may also disclose,  
10 at the discretion of the Director, such investigative information to  
11 appropriate accreditation bodies for the purposes of the Bureau's  
12 obtaining or maintaining accreditation. Any unauthorized disclosure  
13 of any information contained in the confidential files of the Bureau  
14 shall be a misdemeanor. The person or entity authorized to initiate  
15 investigations in this section, and the Attorney General in the case  
16 of investigations initiated by the Insurance Commissioner, shall  
17 receive a report of the results of the requested investigation. The  
18 person or entity requesting the investigation may give that  
19 information only to the appropriate prosecutorial officer or agency  
20 having statutory authority in the matter if that action appears  
21 proper from the information contained in the report, and shall not  
22 reveal or give such information to any other person or agency.

1 Violation hereof shall be deemed willful neglect of duty and shall  
2 be grounds for removal from office.

3 E. It shall not be a violation of this section to reveal  
4 otherwise confidential information to outside agencies or  
5 individuals providing necessary services in the assistance of Bureau  
6 investigations or to outside agencies or individuals providing or  
7 assisting with authorized laboratory services of the Bureau pursuant  
8 to contract or agreement. Individuals or agencies receiving the  
9 confidential and investigative information or records or results of  
10 laboratory services provided to the Bureau by those agencies or  
11 individuals, shall be subject to the confidentiality provisions and  
12 requirements established in subsection D of this section. Such  
13 services shall include, but not be limited to, interpreter services,  
14 questioned document analysis, and other laboratory services.

15 F. The State Treasurer shall initiate a complete background  
16 investigation of the positions with the written consent of the  
17 persons who are the subject of the investigation pursuant to  
18 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.  
19 The Bureau shall advise the State Treasurer and the Cash Management  
20 and Investment Oversight Commission in writing of the results of the  
21 investigation.

22 SECTION 2. This act shall become effective November 1, 2005.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-29-05 - DO  
24 PASS.