THE STATE SENATE
Monday, February 28, 2005

Senate Bill No. 11

As Amended

SENATE BILL NO. 11 - By: WILCOXSON of the Senate and TERRILL of the House.

[motor vehicles – computerized finger imaging – effective date – emergency]

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

SB 11

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-110.2, as amended by Section 1, Chapter 219, O.S.L. 2003 (47 O.S. Supp. 2004, Section 6-110.2), is amended to read as follows:

Section 6-110.2 A. The Department of Public Safety shall implement a procedure for computerized finger imaging by means of an inkless finger image scanning device ~~and shall require~~ which will allow every applicant for an original, renewal or replacement driver license or identification card who so desires to submit to finger imaging for the purposes of proof of identity and to ensure the security of the driver license or identification card issued to the applicant.

B. **Any person who has previously involuntarily submitted to a computerized finger imaging shall have the right to request that the Department issue a replacement driver license or identification card without an inkless finger image scanning device. Further, said**

(Bold face denotes Committee Amendments)

person's computerized finger image shall be expunged from any and all records within the control of the Department.

C. No unemancipated minor under eighteen (18) years of age shall be issued a driver license or identification card by the Department unless an authorization form, prescribed and furnished by the Department, authorizing the finger imaging of the minor and signed by the minor's custodial parent or guardian, is in the possession of the Department.

~~C.~~ **D.** No law enforcement agency of the state or federal government other than the Department of Public Safety shall have access to any information collected through the use of computerized finger imaging without first obtaining a court order from a judge of competent jurisdiction. Each application for an order authorizing the access to any information collected through the use of computerized finger imaging shall be made in writing upon oath or affirmation to a judge of competent jurisdiction. Each application shall establish probable cause for belief that a named individual is committing, has committed or is about to commit a particular violation of law.

~~D.~~ **E.** The Commissioner of Public Safety shall adopt rules as may be necessary to carry out the provisions of this section.

SECTION 2. This act shall become effective July 1, 2005.

SECTION 3. 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.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND SECURITY, dated 2-15-05 - DO PASS, As Amended and Coauthored.