

CS for SB 1909

THE STATE SENATE
Wednesday, March 1, 2006

Committee Substitute for
Senate Bill No. 1909

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1909 - By: CORN of the Senate and TREBILCOCK of the House.

[state government - criminal history records - fees - effective date - emergency]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.9, as amended by Section 11, Chapter 204, O.S.L. 2003 (74 O.S. Supp. 2005, Section 150.9), is amended to read as follows:

Section 150.9 A. The Oklahoma State Bureau of Investigation shall procure, file and maintain criminal history records for each person subject to the mandatory reporting provisions of this act, including photographs, descriptions, fingerprints, measurements and other pertinent information relating to such persons. It shall be the duty of law enforcement officers and agencies, sheriffs, police, courts, judicial officials, district attorneys, and the persons in charge of any state correctional facility or institution to furnish criminal history records to the Bureau as required by Section 150.1 et seq. of this title. The Oklahoma State Bureau of Investigation shall cooperate with and assist the sheriffs, chiefs of police and other law enforcement officers of the state by maintaining a

1 complete criminal history record on each person subject to the
2 mandatory reporting requirements of this act, and shall have on file
3 the fingerprint impressions of all such persons together with other
4 pertinent information as may from time to time be received from the
5 law enforcement officers of this and other states or as may be
6 required by law.

7 B. The Oklahoma Department of Consumer Credit, the Oklahoma
8 State Insurance Commission, the Oklahoma Horse Racing Commission, or
9 any other state agency, board, department or commission or any other
10 person or entity requesting a criminal history record or an analysis
11 of fingerprints for commercial, licensing or other purposes, except
12 law enforcement purposes, shall pay a fee to the Bureau for each
13 criminal history record or fingerprint analysis as follows:

14	Oklahoma criminal history record only	
15	<u>through on-line submissions</u>	\$15.00
16		<u>\$17.00</u> each
17	<u>All other Oklahoma criminal history</u>	
18	<u>record requests</u>	<u>\$20.00</u> each
19	Oklahoma criminal history record	
20	with fingerprint analysis	\$19.00
21		<u>\$25.00</u> each
22	National criminal history record	
23	with fingerprint analysis	\$41.00

2 1. For purposes of this section, "a national criminal history
3 record check" means a check of criminal history records entailing
4 the fingerprinting of the individual and submission of the
5 fingerprints to the United States Federal Bureau of Investigation
6 (FBI) for the purpose of obtaining the national criminal history
7 record of the person from the FBI. A criminal history record check
8 may be obtained only when a check is authorized or required by state
9 or federal law.

10 2. Unless a national criminal history record is specifically
11 requested, a fingerprint analysis shall be limited to only those
12 records available at the Oklahoma State Bureau of Investigation.
13 Following receipt of the appropriate fee, the Bureau shall provide,
14 as soon as possible, the criminal history record requested;
15 provided, however, it shall be the duty and responsibility of the
16 requesting authority to evaluate the criminal history record as such
17 record may apply to a specific purpose or intent. An individual may
18 submit a certified court record showing that a charge was dismissed
19 or a certified copy of a gubernatorial pardon to the Oklahoma State
20 Bureau of Investigation, and upon verification of that record the
21 Bureau records shall reflect the dismissal of that charge.

22 C. The Oklahoma Bureau of Investigation may maintain an
23 identification file, including fingerprint impressions, on any

1 person under eighteen (18) years of age who is arrested or subject
2 to criminal or juvenile delinquency proceedings, provided all such
3 information shall be confidential and shall only be made available
4 to the Bureau and other law enforcement agencies. Whenever a
5 fingerprint impression or other identification information is
6 submitted to the Bureau on a person under eighteen (18) years of
7 age, the Bureau may retain and file such fingerprint and
8 identification information for identification purposes only. The
9 Bureau shall ensure that the information received and maintained for
10 identification purposes on persons under eighteen (18) years of age
11 shall be handled and processed with great care to keep such
12 information confidential from the general public. The Bureau may
13 receive and maintain the fingerprints and other identification
14 information on any person under eighteen (18) years of age believed
15 to be the subject of a runaway, missing, or abduction investigation,
16 for identification purposes at the request of a parent, guardian or
17 legal custodian of the person.

18 D. Any person who knowingly procures, utters, or offers any
19 false, forged or materially altered criminal history record shall be
20 guilty of a felony and upon conviction shall be punished by
21 imprisonment in the ~~State Penitentiary~~ custody of the Department of
22 Corrections for a period not to exceed five (5) years or by a fine

1 not to exceed Five Thousand Dollars (\$5,000.00), or by both such
2 fine and imprisonment.

3 E. The Director of the Oklahoma State Bureau of Investigation,
4 at his or her discretion, may increase the fee for criminal history
5 records or fingerprint analysis. The fee increase shall not exceed
6 a maximum of five percent (5%) every two (2) years.

7 SECTION 2. This act shall become effective July 1, 2006.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO
13 PASS, As Amended and Coauthored.