

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1092

By: Crain

AS INTRODUCED

An Act relating to the Oklahoma Open Records Act; amending 51 O.S. 2001, Section 24A.8, as amended by Section 6, Chapter 199, O.S.L. 2005 (51 O.S. Supp. 2005, Section 24A.8), which relates to law enforcement records; providing rebuttable presumption in specified cases; prohibiting certain presumptions in specified cases; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.8, as amended by Section 6, Chapter 199, O.S.L. 2005 (51 O.S. Supp. 2005, Section 24A.8), is amended to read as follows:

Section 24A.8 A. Law enforcement agencies shall make available for public inspection, if kept, the following records:

1. An arrestee description, including the name, date of birth, address, race, sex, physical description, and occupation of the arrestee;

2. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer;

3. A chronological list of incidents pertaining to the arrest, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred; and

4. Radio logs, including a chronological listing of the calls dispatched.

B. Law enforcement agencies shall make available for public inspection, if kept, the following records:

1. Conviction information, including the name of any person convicted of a criminal offense;

2. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person;

3. A crime summary, including an agency summary of crimes reported and public calls for service by classification or nature and number; and

4. Jail registers, including jail blotter data or jail booking information recorded on persons at the time of incarceration showing the name of each prisoner with the date and cause of ~~his~~ commitment, the authority committing the prisoner, whether committed for a criminal offense, a description of the prisoner, and the date or manner of discharge or escape of the prisoner.

C. Except for the records listed in subsections A and B of this section and those made open by other state or local laws, law enforcement agencies may deny access to law enforcement records except where a court finds that the public interest or the interest of an individual outweighs the reason for denial. There shall be a rebuttable presumption that the public interest or the interest of an individual outweighs the reason for denying access to law enforcement records after ten (10) years since the last records were entered in the case. No presumption, irrebuttable or rebuttable, that the public interest or the interest of an individual outweighs the reason for denying access to law enforcement records shall exist in any case where records were entered prior to the lapse of a ten-year period.

D. Nothing contained in this section imposes any new recordkeeping requirements. Law enforcement records shall be kept for as long as is now or may hereafter be specified by law. Absent a legal requirement for the keeping of a law enforcement record for

a specific time period, law enforcement agencies shall maintain their records for so long as needed for administrative purposes.

E. Registration files maintained by the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act shall be made available for public inspection in a manner to be determined by the Department.

F. The Council on Law Enforcement Education and Training (C.L.E.E.T.) shall keep confidential all records it maintains pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and deny release of records relating to any employed or certified full-time officer, reserve officer, retired officer or other person; teacher lesson plans, tests and other teaching materials; and personal communications concerning individual students except under the following circumstances:

1. To verify the current certification status of any peace officer;
2. As may be required to perform the duties imposed by Section 3311 of Title 70 of the Oklahoma Statutes;
3. To provide to any peace officer copies of the records of that peace officer upon submitting a written request;
4. To provide final orders of administrative proceedings where an adverse action was taken against a peace officer; and
5. Pursuant to an order of the district court of the State of Oklahoma.

G. The Department of Public Safety shall keep confidential:

1. All records it maintains pursuant to its authority under Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway Patrol Division, the Communications Division, and other divisions of the Department relating to:
  - a. training, lesson plans, teaching materials, tests, and test results,

- b. policies, procedures, and operations, any of which are of a tactical nature, and
- c. the following information from radio logs:
  - (1) telephone numbers,
  - (2) addresses other than the location of incidents to which officers are dispatched, and
  - (3) personal information which is contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725; and

2. For the purpose of preventing identity theft and invasion of law enforcement computer systems, except as provided in Title 47 of the Oklahoma Statutes, all driving records.

SECTION 2. This act shall become effective November 1, 2006.

50-2-2116

CAP

6/13/2015 8:21:23 AM