STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1909 By: Corn

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 2001, Section 150.9, as last amended by Section 3, Chapter 204, O.S.L. 2003 (74 O.S. Supp. 2005, Section 150.9), which relates to criminal history records; increasing certain fees for certain record or fingerprint check; authorizing OSBI to increase certain fees; limiting percentage increase of certain fees within certain period; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.9, as last 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 complete criminal history record on each person subject to the mandatory reporting requirements of this act, and shall have on file the fingerprint impressions of all such persons together with other

pertinent information as may from time to time be received from the law enforcement officers of this and other states or as may be required by law.

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

Oklahoma criminal history record only	~~$15.00~~
	$17.00 each
Oklahoma criminal history record with fingerprint analysis	~~$19.00~~
	$25.00 each
National criminal history record with fingerprint analysis	~~$41.00~~
	$47.00 each

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

2. Unless a national criminal history record is specifically requested, a fingerprint analysis shall be limited to only those records available at the Oklahoma State Bureau of Investigation. Following receipt of the appropriate fee, the Bureau shall provide, as soon as possible, the criminal history record requested; provided, however, it shall be the duty and responsibility of the

requesting authority to evaluate the criminal history record as such record may apply to a specific purpose or intent. An individual may submit a certified court record showing that a charge was dismissed or a certified copy of a gubernatorial pardon to the Oklahoma State Bureau of Investigation, and upon verification of that record the Bureau records shall reflect the dismissal of that charge.

C. The Oklahoma Bureau of Investigation may maintain an identification file, including fingerprint impressions, on any person under eighteen (18) years of age who is arrested or subject to criminal or juvenile delinquency proceedings, provided all such information shall be confidential and shall only be made available to the Bureau and other law enforcement agencies. Whenever a fingerprint impression or other identification information is submitted to the Bureau on a person under eighteen (18) years of age, the Bureau may retain and file such fingerprint and identification information for identification purposes only. The Bureau shall ensure that the information received and maintained for identification purposes on persons under eighteen (18) years of age shall be handled and processed with great care to keep such information confidential from the general public. The Bureau may receive and maintain the fingerprints and other identification information on any person under eighteen (18) years of age believed to be the subject of a runaway, missing, or abduction investigation, for identification purposes at the request of a parent, guardian or legal custodian of the person.

D. Any person who knowingly procures, utters, or offers any false, forged or materially altered criminal history record shall be guilty of a felony and upon conviction shall be punished by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a period not to exceed five (5) years or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

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

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

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.

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