

1 ENGROSSED SENATE
2 BILL NO. 1413

By: Brogdon of the Senate
and
Duncan of the House

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7 [public safety - finger imaging -
8 emergency]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-110.2, as
12 last amended by Section 15, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
13 2007, Section 6-110.2), is amended to read as follows:

14 Section 6-110.2 A. The Department of Public Safety shall
15 implement a procedure for computerized finger imaging by means of an
16 inkless finger image scanning device ~~and shall require~~ which will
17 allow every applicant for an original, renewal or replacement driver
18 license or identification card who so desires to submit to finger
19 imaging for the purposes of proof of identity and to ensure the
20 security of the driver license or identification card issued to the
21 applicant. Nothing in this section shall be construed to compel any
22 applicant to submit to finger imaging.

23 B. No unemancipated person under eighteen (18) years of age
24 shall ~~be issued a driver license or identification card by the~~

1 ~~Department unless~~ submit to finger imaging unless the legal
2 custodial parent or legal guardian of the person signs an
3 authorization form, prescribed and furnished by the Department,
4 authorizing the finger imaging of the person ~~and signed by the legal~~
5 ~~custodial parent or legal guardian of the person, is in the~~
6 ~~possession of the Department.~~

7 C. Before an applicant may provide a finger image, the
8 applicant shall sign a form, furnished by the Department, which
9 states the following:

10 "I voluntarily submit to finger imaging for the purpose of
11 receiving an original, renewal or replacement driver license or
12 identification card. I understand that the finger image I submit is
13 compatible with international biometric information standards. I
14 understand that these standards make it possible for biometric
15 information to be shared internationally. I understand that
16 biometric technologies can be inaccurate and that I could be at risk
17 of being incorrectly identified by the use of such technologies. I
18 understand that the Department of Public Safety will retain my
19 finger image, and cannot release my finger image to any agency of
20 the state or federal government without a court order."

21 D. No law enforcement agency of the state or federal government
22 other than the Department of Public Safety shall have access to any
23 information collected through the use of computerized finger imaging
24 without first obtaining a court order from a judge of competent

1 jurisdiction. Each application for an order authorizing the access
2 to any information collected through the use of computerized finger
3 imaging shall be made in writing upon oath or affirmation to a judge
4 of competent jurisdiction. Each application shall establish
5 probable cause for belief that a named individual is committing, has
6 committed or is about to commit a particular violation of law. Any
7 computerized finger imaging information which has been shared with
8 any person or entity, public or private, for any purpose other than
9 compliance with a court order pursuant to this subsection shall be
10 retrieved and secured by the Department.

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

13 SECTION 2. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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1 Passed the Senate the 10th day of March, 2008.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2008.

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9 Presiding Officer of the House
10 of Representatives