

1 ENGROSSED SENATE
2 BILL NO. 1675

By: Barrington of the Senate
and
Denney of the House

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7 [Oklahoma State Bureau of Investigation - disclosure
8 - Department of Human Services -
9 effective date]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.5, as last amended by Section 17, Chapter 205, O.S.L. 2006 (74 O.S. Supp. 2007, Section 150.5), is amended to read as follows:

Section 150.5 A. 1. Oklahoma State Bureau of Investigation investigations not covered under Section 150.2 of this title shall be initiated at the request of the following persons:

- a. the Governor,
- b. the Attorney General,
- c. the Council on Judicial Complaints upon a vote by a majority of the Council,
- d. the chair of any Legislative Investigating Committee which has been granted subpoena powers by resolution,

1 upon authorization by a vote of the majority of the
2 Committee,

3 e. the Director of the Department of Human Services, or
4 designee, as authorized by Section 7106 of Title 10 of
5 the Oklahoma Statutes, or

6 f. a district court judge as authorized by Section ~~15~~
7 7104.1 of ~~this act~~ Title 10 of the Oklahoma Statutes.

8 2. Requests for investigations shall be submitted in writing
9 and shall contain specific allegations of wrongdoing under the laws
10 of the State of Oklahoma.

11 B. The Governor may initiate special background investigations
12 with the written consent of the person who is the subject of the
13 investigation.

14 C. The chair of any Senate committee which is fulfilling the
15 statutory responsibility for approving nominations made by the
16 Governor may, upon a vote by a majority of the committee and with
17 the written consent of the person who is to be the subject of the
18 investigation, initiate a special background investigation of any
19 nominee for the Oklahoma Horse Racing Commission as established by
20 Section 201 of Title 3A of the Oklahoma Statutes or any nominee for
21 the Board of Trustees of the Oklahoma Lottery Commission as
22 established by Section 704 of Title 3A of the Oklahoma Statutes.
23 The Bureau shall submit a report to the committee within thirty (30)
24 days of the receipt of the request. Any consideration by the

1 committee of a report from the Bureau shall be for the exclusive use
2 of the committee and shall be considered only in executive session.

3 D. 1. All records relating to any investigation being
4 conducted by the Bureau, including any records of laboratory
5 services provided to law enforcement agencies pursuant to paragraph
6 1 of Section 150.2 of this title, shall be confidential and shall
7 not be open to the public or to the Commission except as provided in
8 Section 150.4 of this title; provided, however, officers and agents
9 of the Bureau may disclose, at the discretion of the Director, such
10 investigative information to:

11 a. officers and agents of federal, state, county, or
12 municipal law enforcement agencies and to district
13 attorneys, in the furtherance of criminal
14 investigations within their respective jurisdictions.
15 ~~Officers and agents of the Bureau may also disclose,~~
16 ~~at the discretion of the Director, such investigative~~
17 ~~information to appropriate,~~

18 b. employees of the Department of Human Services in the
19 furtherance of child abuse investigations, and

20 c. appropriate accreditation bodies for the purposes of
21 the Bureau's obtaining or maintaining accreditation.

22 2. Any unauthorized disclosure of any information contained in
23 the confidential files of the Bureau shall be a misdemeanor. The
24 person or entity authorized to initiate investigations in this

1 section, and the Attorney General in the case of investigations
2 initiated by the Insurance Commissioner, shall receive a report of
3 the results of the requested investigation. The person or entity
4 requesting the investigation may give that information only to the
5 appropriate prosecutorial officer or agency having statutory
6 authority in the matter if that action appears proper from the
7 information contained in the report, and shall not reveal or give
8 such information to any other person or agency. Violation hereof
9 shall be deemed willful neglect of duty and shall be grounds for
10 removal from office.

11 E. It shall not be a violation of this section to reveal
12 otherwise confidential information to outside agencies or
13 individuals who are providing interpreter services, questioned
14 document analysis, and other laboratory services that are necessary
15 in the assistance of Bureau investigations. Individuals or agencies
16 receiving the confidential and investigative information or records
17 or results of laboratory services provided to the Bureau by those
18 agencies or individuals, shall be subject to the confidentiality
19 provisions and requirements established in subsection D of this
20 section.

21 F. The State Treasurer shall initiate a complete background
22 investigation of the positions with the written consent of the
23 persons who are the subject of the investigation pursuant to
24 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.

1 The Bureau shall advise the State Treasurer and the Cash Management
2 and Investment Oversight Commission in writing of the results of the
3 investigation.

4 SECTION 2. This act shall become effective November 1, 2008.

5 Passed the Senate the 26th day of February, 2008.

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Presiding Officer of the Senate

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9 Passed the House of Representatives the ____ day of _____,

10 2008.

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Presiding Officer of the House
of Representatives

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